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**Safeguarding Adults Board**

**Responding to Hoarding Behaviour Framework**

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**Part 3 – Contact Information, further reading and legislation**

Contents

[1. Introduction 2](#_Toc95750825)

[2. Contacts 2](#_Toc95750826)

[3. Further Reading and Support Options 5](#_Toc95750827)

[4. Legislation 6](#_Toc95750828)

## Introduction

This third part of the Hoarding framework has a range of contact information for both pan-Sussex and national organisations, that can be contacted as part of a multi-agency approach or for advice and guidance when hoarding behaviour is identified. Following on from this are links to further reading and services regarding hoarding behaviour. In the final part is expanded details of the specific legislation referred to in Part 1 that may need to be considered when severe hoarding behaviour and significant risk is identified.

## Contacts

Below are contact details for organisations both across Sussex and nationally that can provide support in relation to hoarding behaviour.

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| **Organisation**  | **Services Provided** | **Contact Details** |
| **Police** | Criminal acts must be immediately reported to the Police and/or emergency treatment should be sought as necessary.Non-emergency concerns can be reported by telephone or online. | **Telephone:** 999**Telephone:** 101[**Contact us | Sussex Police**](https://www.sussex.police.uk/contact/af/contact-us/) |
| **Health** | General health information and advice. If there are specific health concerns contact the local GP surgery to arrange an appointment.For further health information on hoarding please read | **Telephone:** 111[**Find a GP - NHS**](https://www.nhs.uk/service-search/find-a-gp/)[**NHS Choices - Hoarding disorder**](https://www.nhs.uk/mental-health/conditions/hoarding-disorder/) |
| **Adult Social Care** | Local authority Adult Social Care departments undertake a range of statutory duties under the Care Act that include -* Assessments of need (for adults with care and support needs).
* Safeguarding Enquiries (for those with care and support needs where abuse or neglect has occurred)
* Carers Assessments (for those caring for adults with care and support needs).
 | **East Sussex Adult Social Care****Telephone:** 0345 6080191**HSCC@eastsussex.gov.uk****Brighton and Hove Health and Adult Social Care****Telephone:** 01273 29 55 55**AccessPoint@brighton-hove.gov.uk****West Sussex Adult Social Care****Telephone:** 01243 642121**socialcare@westsussex.gov.uk** |
| **Children’s Services** | It is vital all professionals are professionally curious when working with those displaying hoarding behaviour and identify any others who may be at risk and to respond appropriately.‘Think Family’ recognises and promotes the importance of a whole-family approach. It encourages professionals and services to consider the parent, child and whole family circumstances and responsibilities.  | **East Sussex Children and Families****Telephone: 01323 464 222**[**Contacting the Single Point of Advice (SPoA) | East Sussex County Council**](https://new.eastsussex.gov.uk/children-families/professional-resources/spoa)**Brighton and Hove Families, Children and Learning****Telephone:** 01273 290400[**Front Door for Families (brighton-hove.gov.uk)**](https://www.brighton-hove.gov.uk/frontdoorforfamilies)**West Sussex County Council Children’s Social Care****Telephone:** 01403 229900[**Contact - children's social care support - West Sussex County Council**](https://www.westsussex.gov.uk/social-care-and-health/social-care-support/children/contact-us-for-childrens-social-care-support/) |
| **Fire Service** | East Sussex Fire and Rescue Service (ESFRS) undertake free Home Safety Visits (HSV’s) offering the occupier a wide range of advice around home safety, the checking and fitting of smoke alarms and specialist equipment if required.There is also the possibility of follow up visits once client has been discharged from other services to ensure situation has not declined.  | **homefire.safetyvisits@esfrs.org** |
| **Mental Health services** | Sussex Partnership Foundation Trust (SPFT) provide NHS care across Sussex for people with mental health problems and learning disabilities. They provide a range of specialist services, caring for people all of ages from children and young people through to older people, with conditions such as dementia. | Referrals to services are made via GP**Out of Hours** - **Sussex Mental Healthline** (NHS) – For support and information available ***Monday to Friday 5pm – 9am, and 24 hours at weekends and Bank Holidays.*****Telephone:** 0300 5000 101 For services in East Sussex see website: [**www.sussexpartnership.nhs.uk/east-sussex**](http://www.sussexpartnership.nhs.uk/east-sussex)  |
| **Environmental Health** | Environmental Health services within local authorities have certain powers which can be used in hoarding cases. The local authority will always try and work with a householder to identify a solution to a hoarded property, however in cases where the resident is not willing to co-operate the LA can serve notice on the owner or occupier. | **East Sussex County Council Environmental Health**[**Report an environmental health problem | East Sussex County Council**](https://new.eastsussex.gov.uk/environment/report-environmental-health)**Brighton and Hove City Council Environmental Health** **Telephone:** 01273 294 266[**Environmental health (brighton-hove.gov.uk)**](https://www.brighton-hove.gov.uk/topic/environmental-health)**West Sussex County Council Environmental Health**[**Report an environmental problem - West Sussex County Council**](https://www.westsussex.gov.uk/fire-emergencies-and-crime/report-problems-in-your-area/report-an-environmental-problem/) |
| **RSPCA** | The RSPCA can undertake a range of tasks that include –* Visiting properties to undertake an animal welfare check
* Providing education and advice around animal welfare and re-homing.
* Possible removal of animals and legal action if cruelty identified.
 | [**Contact us - RSPCA**](https://www.rspca.org.uk/utilities/contactus) |
| **West Sussex Safe and Habitable Homes (SAHH) Forum**  | A multi-agency forum where professionals working in West Sussex can refer people they are working with where there are self-neglect concerns. The SAHH framework includes guidance and toolkits.  | **housing4health@westsussex.gov.uk** |
| **Hoarding UK** | Information and support for hoarders and agencies, including local support groups. | [**www.hoardinguk.org**](http://www.hoardinguk.org) |
| **Help for Hoarders** | Information support and advice for hoarders and their families, which includes an online support forum. | [**www.helpforhoarders.co.uk**](http://www.helpforhoarders.co.uk) |
| **OCD UK** | OCD UK provides Information and support about obsessive compulsive disorder. | [**OCD-UK (ocduk.org)**](https://www.ocduk.org/hoarding/) |
| **Clouds End CIC** | A social enterprise to help hoarders and housing associations dealing with hoarding. | [**Clouds End CIC**](https://www.cloudsend.org.uk/) |
| **Age UK** | Information and advice for older adults struggling to cope. | **Telephone:** 0800 678 1174[**Age UK**](https://www.ageuk.org.uk/our-impact/policy-research/struggling-to-cope/) |
| **Mind** | Information and advice for adults with mental health problems. | **Telephone:** 0300 678 1174[**Mind, the mental health charity**](https://www.mind.org.uk/information-support/types-of-mental-health-problems/hoarding/about-hoarding/) |

## Further Reading and Support Options

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| --- | --- |
| **Social Care for the Institute for Excellence (SCIE)** | **[Self-neglect: At a glance | SCIE](https://www.scie.org.uk/self-neglect/at-a-glance)**[**SCIE Report 46: Self-neglect and adult safeguarding: findings from research**](https://www.scie.org.uk/publications/reports/report46.asp)[**Safeguarding adults for housing staff | SCIE**](https://www.scie.org.uk/safeguarding/adults/practice/housing) |
| **Community Care** | [**Hoarding and self-neglect - what social workers need to know**](https://www.communitycare.co.uk/2016/08/22/hoarding-self-neglect-social-workers-need-know/) |
| **Mental Health Today** | [**Understanding a hoarder's narrative**](https://www.mentalhealthtoday.co.uk/blog/disorders/understanding-a-hoarders-narrative-a-holistic-response-to-this-misunderstood-condition?utm_source=https%3a%2f%2fnews.pavpub.com%2fpavilionpublishingandmedialz) |
| **Hoarding Disorders UK** | [**Home - Hoarding Disorders UK**](https://hoardingdisordersuk.org/) |
| **The Association of Professional Declutterers and Organisers** | [**APDO**](https://www.apdo.co.uk/?utm_source=apdo-uk.co.uk&utm_medium=redirect&utm_campaign=301) |

## Legislation

This section contains further detailed information in relation to the legal routes outlined in Part 1 (Practitioner Guidance) that may be considered by professionals in responding to hoarding behaviour where there are significant concerns.

**Care Act 2014**

**Section 9:** Where it appears that a person may have care and support needs local authorities have a duty to undertake an assessment. The person should be involved in the assessment, as well as anyone else appropriate nominated by the person, and it should focus on their wellbeing and the outcomes they wish to achieve. If the person is assessed as having eligible needs the local authority must decide whether they have a legal duty to arrange or provide care and support to meet these needs. There is a legal duty if;

* they have care and support needs as a result of a physical or a mental condition
* because of those needs, they cannot achieve two or more of the outcomes specified in the national regulations
* as a result, there is a significant impact on their wellbeing

Under section 10 of the Care Act there is also a duty for local authorities to assess any carers involved.

**Section 42:** The Care Act places a duty on local authorities to make safeguarding enquiries, or cause others to do so, if it believes that an adult (aged 18 or over);

* Has care and support needs (whether or not the local authority is meeting those needs)
* Is experiencing, or at risk of, abuse or neglect
* As a result of their care and support needs is unable to protect himself or herself against the abuse or neglect or the risk of it. Is unable to protect themselves from that abuse or neglect

The scope of the enquiry, who leads it and its nature, and how long it takes, will depend on the particular circumstances. It will usually start with asking the person their views, wishes and outcomes, which will often determine what next steps to take.

The Care Act defines ten different types of abuse and neglect. However, the type most likely to be seen in relation to hoarding behaviour is self-neglect. This is an extreme lack of self-care and can include neglecting to care for one’s personal hygiene, health or surroundings, a failure to seek help or access services (to meet needs) or an inability to avoid harm.

**Mental Capacity Act (2005)**

**Section 1:**

**Principle 1 - A person must be assumed to have capacity unless it is established that they lack capacity.**

Capacity must be considered in relation to a particular decision at a particular time The starting point is always the presumption of capacity, even if this is quickly disproved on assessment.

**Principle 2** - **A person is not to be treated as unable to make a decision unless all practicable steps to help them to do so have been taken without success.**

In order to justify any intervention it needs to be shown that practicable steps have been taken to support the person make a decision. Practicable steps include alternative forms of communication, providing all relevant information in an accessible format and involving anyone else who could support the person to express their views. Even if the person is assessed as lacking capacity they should still be involved as far as possible in making decisions.

**Principle 3 - A person is not to be treated as unable to make a decision merely because they make an unwise decision.**

People have a right to make a decision which may be regarded as unwise or eccentric and this must not be regarded as evidence of a lack of capacity.

**Principle 4** - **An act done, or decision made, under this Act for or on behalf of a person who lacks capacity must be done, or made, in their best interests.**

Anything done for or on behalf of a person who lacks mental capacity must be done in their best interest. This should include encouraging the person to participate in the process, identify all the relevant circumstances (that the person would be likely to consider in making the decision), finding out the person’s views (nay past views they may have expressed), avoid discrimination and consult others.

**Principle 5 - Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be effectively achieved in a way that is less restrictive of the person’s rights and freedom of action.**

Someone making a decision or acting on behalf of a person who lacks capacity must consider whether it is possible to decide or act in a way that would interfere less with the person’s rights and freedoms of action, or whether there is a need to decide or act at all. Any intervention should be weighed up in the particular circumstances of the case.

**Section 2:** This defines a lack of capacity as someone being unable to make a material decision for themselves because of either a temporary or permanent impairment of, or a disturbance in the functioning of, the mind or brain. It also makes it clear that a lack of capacity cannot be established merely by reference to a person’s age, appearance, or any other condition or aspect of a person’s behaviour which might lead others to make unjustified assumptions about capacity. It also states that any decision about capacity must be made on the balance of probabilities.

**Section 3:** This defines that a person is unable to make a capacitated decision for themselves if they are unable to; (a) understand information relevant to the decision, (b) retain that information, (c) use or weigh that information in making a decision, and (d) communicate that decision.

These above two sections establish a two-stage functional test that must be completed when undertaking a formal mental capacity assessment.

**Section 4:** This section focuses on making decisions in the best interests of the person and a checklist of considerations that must be taken into account. This includes the need to ensure that best interest decisions are not based on the person’s age, appearance, condition or behaviour. It should encourage the person’s participation, take into account their past and present wishes and feelings, and consult with anyone else involved in supporting the person.

**Environmental Health**

Environmental Health have a range of powers which can be used in responding to hoarding behaviour and some of these are listed below.

**Public Health Act (1936)**

**Section 79:** Power to require removal of noxious matter when by occupier of premises. The local authority will always try and work with a householder to identify a solution to a hoarded property, however in cases where the resident is not willing to co-operate the local authority can serve notice to an owner or occupier ‘to remove accumulations of noxious matter’. Noxious is not defined, but usually is ‘harmful, unwholesome’. No appeal available. If not complied with in twenty-four hours the LA can do works in default and recover expenses.

**Section 83:** Cleansing of filthy or verminous articles where any premises, tent, van, shed, ship or boat is either; (a) Filthy or unwholesome so as to be prejudicial to health; or (b) Verminous (relating to rats, mice, other pests including other insects, their eggs and larvae. LA serves notice requiring clearance of materials and objects that are filthy, cleansing of surfaces, carpets, etc. within twenty-four hours or more. If not complied with Environmental Health can carry out works in default and charge. No appeal against notice but an appeal can be made against the cost and reasonableness of the works on the notice.

**Section 84:** Cleansing or destruction of filthy or verminous articles. Any article that is so filthy as to need cleansing or destruction to prevent injury to persons in the premises, or is verminous, the local authority can serve notice and remove, cleanse, purify, disinfect or destroy any such article at their expense.

**Prevention of Damages by Pests Act (1949)**

**Section 4:** Power of the local authority to require action to prevent or treat rats and mice. Notice may be served on owner or occupier of land/premises where rats and/or mice are or may be present due to the conditions at the time. The notice may be served on the owner or occupier and provide a reasonable period of time to carry out reasonable works to treat for rats and/or mice, remove materials that may feed or harbour them and carry out structural works.

**Public Health (Control of Disease) Act 1984**

**Section 31:** This sets out powers to deal with any premises where cleansing and disinfection of the premises, or disinfection or destruction of articles within those premises is required to prevent the spread of an infectious disease.

**Environmental Protection Act (1990)**

**Section 79**: This section defines statutory nuisances at premises with a list of matters that amount to statutory nuisances. Specific matters that are identified include issues like smoke, fumes or dust from premises, noise and light and accumulation of waste. There is also a more general category comprising 'any other matter declared by any enactment to be a statutory nuisance'.

**Section 80:** Under section 80 authorised local authority officers have a power to serve notice when a statutory nuisance (as identified in section 79) is identified. The notice requires the person to abate (stop) the nuisance by a certain date and prevent it happening again.

**Town and Country Planning Act (1990)**

**Section 215:** Power to require proper maintenance of land. (1) If it appears to the local planning authority that the amenity of a part of their area, or of an adjoining area, is adversely affected by the condition of land in their area, they may serve on the owner and occupier of the land a notice under this section. (2) The notice shall require such steps for remedying the condition of the land as may be specified in the notice to be taken within such period as may be so specified. (3) Subject to the following provisions of this Chapter, the notice shall take effect at the end of such period as may be specified in the notice. (4) That period shall not be less than 28 days after the service of the notice.

**Housing Act (2005)**

**Part 1** This gives the power to improve the housing conditions of those individuals irrespective of tenure (owner occupied or rented) where significant potential risks to health and safety from any deficiencies identified in dwellings following a Housing, Health and Safety Rating System (HHSRS) assessment. This includes for example excess cold, falls on stairs, falls on the level, pests, electrical and fire hazards.

**Clause 14** covers the right to force entry for essential maintenance of gas and electricity facilities or to disconnect supplies. It provides a right:

* to enter the property at any reasonable time to inspect or carry out repairs, improvements or other work to the property or adjoining property including inspecting for pests and carry out treatment works which may be necessary and for any purpose which ensures that the conditions of the tenancy are being adhered to provided that 24 hours written notice is provided.
* In the event of an emergency the property can be entered by any means.

**Fire Services Act (2004)**

**Section 7.2d:** Fire & Rescue Services have a statutory duty to make arrangements for obtaining information needed for the purpose of extinguishing fires and protecting life and property in their area.

In certain circumstances Fire and Rescue Services can serve a prohibition or restriction notice to an owner or responsible person under the Regulatory Reform (Fire Safety) Order 2005. This does not apply to single private dwellings but can be used where there is an impact on regulated areas such as common areas of a premises.

Under ‘Powers of Entry, Part 6, s44.’ an authorised employee of ESFRS or WSFRS may do anything they reasonably believe to be necessary. Emergency access can be made to prevent a fire or other emergency. Such emergencies will include:- Extinguishing or preventing fire, or protecting life, or property rescuing people, or protecting them from serious harm in a road traffic accident in an emergency preventing or limiting damage to property resulting from action taken.

**Anti-Social Behaviour (2003)**

Anti-social behaviour is defined as persistent conduct which causes or is likely to cause alarm, distress or harassment or an act or situation which is, or has the potential to be, detrimental to the quality of life of a resident or visitor to the area. Questions about whether an application for an Anti-Social Behaviour Order would be appropriate should be made to the designated police officer (it may be appropriate to involve the police in the multi-agency work), the registered social landlord or the local authority.

**Anti-Social Behaviour, Crime and Policing Act (2014)**

**Section 2:** Housing related nuisance. Any direct or indirect interference with housing management functions of a provider or Local Authority, such as preventing gas inspections, will be considered as antisocial behaviour. Injunctions, which compel someone to do or not do specific activities, may be obtained under Section 1 of the Act. They can be used to get the tenant to clear the property or provide access for contractors. To gain an injunction, the landlord must show that, on the balance of probabilities, ‘the person is engaged or threatens to engage in antisocial behaviour, and that it is just and convenient to grant the injunction for the purpose of preventing an engagement in such behaviour’.

**Sections 76-93**: Under Part 4 Chapter 3 Anti-Social Behaviour (ASB) Premises Closures states that a closure order can be issued if the court is satisfied:

* a person has engaged or is likely to engage in disorderly, offensive or criminal behaviour on the premises or
* the use of the premises has resulted or is likely to result in serious nuisance to members of the public or
* there has been or is likely to be disorder near those premises associated with the use of the premises and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.

**Human Rights Act (1998)**

Public authorities must act in accordance with the Convention of Human Rights, which has been enacted directly in the UK by the Human Rights Act 1998 and therefore can be enforced in any proceedings in any court.

**Article 5 –** The Right to Liberty and Security. Everyone has the right to liberty and security of persons.

**Article 8 –** Right to respect for Private and Family Life Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such is permitted by the law, is for a lawful purpose e.g. is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or the protection of the rights and freedoms of others and is proportionate.

**The First Protocol Article 1 – Protection of Property**

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one should be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

**Mental Health Act, 1983**

**Section 2:** Admission for Assessment Under this section someone who is suffering from a mental disorder could be admitted to hospital against their will for a period of up to 28 days if an Approved Mental Health Practitioner (AMHP) and two doctors (one of whom must be section 12 trained) confirm that: (a) the patient is suffering from mental disorder of a nature or degree which warrants detention in hospital for assessment (or assessment followed by medical treatment) for at least a limited period; and (b) He ought to be detained in the interests of his own health or safety or with a view to the protection of others.

**Section 3:** Admission for Treatment. Under this section someone who is suffering from a mental disorder could be admitted to hospital against their will for a period of up to six months if two doctors (one of whom must be section 12 trained) confirm that: (a) the patient is suffering from mental disorder of a nature or degree, which makes it appropriate for him to receive medical treatment in hospital; and (b) It is necessary for his own health or safety or for the protection of others that he receives such treatment and it cannot be provided unless he is detained under this section and (c) Appropriate treatment is available for him.

**Section 7:** Guardianship Orders. A guardianship application may be made in respect of a person on the grounds that (a) the person is suffering from mental disorder, of a nature or degree which warrants their reception into guardianship …. (b) It is necessary in the interests of the welfare of the person or for the protection of other persons. The purpose of guardianship is to enable the person to receive care outside hospital when it cannot be provided without the use of compulsory powers. It provides’ an authoritative framework for working with someone with a minimum of constraint to achieve as independent a life as possible within the community and must be part of their overall care and treatment plan.

**Section 135:** If there is reasonable cause to suspect that a person believed to be suffering from a mental disorder is being ill-treated, neglected or unable to care for themselves (and living alone) an AMHP can apply to a Magistrates Court for a warrant authorising a Police Officer (with a Doctor or the AMHP) to enter a premises, if need be by force, and remove the person to a place of safety for up to 72 hours.

There are strict legal procedures regarding these sections and they would only be applicable in extreme circumstances.