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Roles, tools and powers

Safeguarding Adults Team - Wiltshire Council

Within the Safeguarding Adult Team cases of hording are approached under the same thresholds and legal framework as other safeguarding concerns; specifically the Care Act:

The Safeguarding Adult's Team works under the Care Act 2014. This legislation requires local authorities to fulfil specific duties in relation to safeguarding adults. These duties apply in relation to any person who is aged 18 or over and is at risk of abuse or neglect because of their needs for care and support.

Under the Care Act 2014 we have a duty to make (or cause to be made) whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in an adult's case where:

A local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there) —

(a) has needs for care and support (whether or not the authority is meeting any of those needs),

(b) is experiencing, or is at risk of, abuse or neglect, and

(c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of.

Within the same Act is a duty to promote Wellbeing, and in particular have regard to an adult's views, wishes, feelings and beliefs. The Department of Health Care Act Guidance notes that 'professionals should work with the adult to establish what being safe means to them and how that can be best achieved. Professionals and other staff should not be advocating 'safety' measures that do not take account of individual well-being, as defined in section 1 of the Care Act.

The Safeguarding Adult Team also works under the Mental Capacity Act, which has the following guiding principles:

- a presumption of capacity - every adult has the right to make his or her own decisions and must be assumed to have capacity to do so unless it is proved otherwise
- the right for individuals to be supported to make their own decisions - people must be given all appropriate help before anyone concludes that they cannot make their own decisions
- that individuals must retain the right to make what might be seen as eccentric or unwise decisions
- best interests - anything done for or on behalf of people without capacity must be in their best interests
- least restrictive intervention - anything done for or on behalf of people without capacity should be an option that is less restrictive of their basic - as long as it is still in their best interests.

If individuals or professionals have safeguarding concerns they can report these via 0300 456 011.

Safeguarding concerns can also be discussed with Specialist Senior Practitioners on duty Triage by calling 01380 826509.

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Adult Social Care - Wiltshire Council

The Care Act statutory guidance 2014 formally recognises self-neglect as a category of abuse and neglect – and within that category identifies hoarding.

This enables local authorities to provide a safeguarding response, including the duty to share information for safeguarding purposes; the duty to make enquiries (S42) and the duty to provide advocacy, where a person has no one to advocate on their behalf. These duties apply equally whether a person lacks mental capacity or not.

The change in eligibility criteria, for social services and the focus on wellbeing, create a clear basis for social work intervention with people who hoard/self-neglect. The completion of an Assessment of Care and Support Needs, Risk Assessment and Mental Capacity Assessment (if required) will be utilised to inform enquiry and decide the most appropriate and proportionate route to take.

Public Protection (Environmental Health Powers) - Wiltshire Council

Environmental Health has certain powers which can be used in hoarding cases. Some are mentioned below. The [Chartered Institute of Environmental Health](#) has produced some guidance which lists statutory powers available to address hoarding and by means of a case study and the results of a survey, reviews the incidence and diversity of cases coming to the attention of environmental health authorities in the hope that, eventually, that may lead to better ways to resolve them.

Public Health Act 1936

Section 79: Power to require removal of noxious matter by occupier of premises

The Local Authority (LA) 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 to “remove accumulations of noxious matter”. Noxious not defined, but usually is “harmful, unwholesome”. No appeal available. If not complied with in 24 hours, The LA can do works in default and recover expenses.

Public Health Act 1936

Section 83: Cleansing of filthy or verminous premises

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 insects, their eggs and larvae)

LA serves notice requiring clearance of materials and objects that are filthy, cleansing of surfaces, carpets etc. within 24 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.

Public Health Act 1936

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 LA can serve notice and remove, cleanse, purify, disinfect or destroy any such article at their expense.

Prevention of Damage by Pests Act 1949

Section 4: Power of LA 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.

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Environmental Protection Act 1990

Section 80: Dealing with Statutory Nuisances (SNs)

SNs are defined in section 79 of the Act and include any act or omission at premises that prevents the normal activities and use of another premises, including the following:

Section 79 (1) (a) any premises in such a state as to be prejudicial to health or a nuisance

(c) fumes or gases emitted from [private dwellings] premises so as to be prejudicial to health or a nuisance

(e) any accumulation or deposit which is prejudicial to health or a nuisance

(f) any animal kept in such a place or manner as to be prejudicial to health or a nuisance

The LA serves an Abatement Notice made under section 80 to abate the nuisance if it exists at the time or to prevent its occurrence or recurrence.

For further guidance and information please refer to the Chartered Institute of Environmental Health Officers Professional Practice Note: Hoarding and How to Approach it

<https://www.cieh.org/media/1248/hoarding-and-how-to-approach-it-guidance-for-environmental-health-officers-and-others.pdf>

Public Health - Wiltshire Council

Work on inequalities in health and mental health issues with other partners including Public Protection and the Fire Service, particularly through projects such as Safe and Independent Living (SAIL) the issue of hoarding is regularly mentioned as an issue.

The service employs health trainers who offer six 1 hour sessions of one-one support for vulnerable adults over the age of 18 in Wiltshire. The areas they provide support in are healthy eating, increasing physical activity, reducing or stopping smoking, reducing alcohol intake and emotional wellbeing. Health trainers work with adults who have a range of complex mental health needs and individuals who are socially isolated, they support clients who are hoarding to access relevant support services but will not visit the property personally.

Planning - Wiltshire Council

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.

Animal Welfare Act – Wiltshire Council and Wiltshire Police

The aim of the Act is to improve the welfare of animals, impose greater responsibility on their carers, and provide greater investigation and entry powers for police and local authority staff to deal with offences.

Under section 9 of the Animal Welfare Act 2006, it is the duty of any person responsible for an animal to ensure that its welfare needs are met. These include:

- The need for a suitable environment (how it is housed)
- The need for a suitable diet (what it eats and drinks)
- The need to exhibit normal behaviour patterns
- Any need to be housed with or apart from other animals, and
- The need to be protected from pain, suffering, injury and disease

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South Western Ambulance Service NHS Foundation Trust

SWASFT clinicians make many referrals for patients exhibiting signs of self-neglect including hoarding behaviour. In our analysis of 16/17 referral data self-neglect was the most common theme for adult referrals across the Trust.

Housing Support - Wiltshire Council

Work to support Council tenants who have all manner of mental health issues with quite complex needs and cross overs with addiction issues.

Primary care (General practitioners)

Clinicians working in primary care such as GPs would be likely to encounter patients with hoarding behaviours and their relatives. This would be likely to be in the form of reviewing them for medical issues which may or may not be related to their hoarding behaviours. In the setting of a GP surgery it may be difficult to identify patients with hoarding behaviours.

However GPs undertake home visits and it is possible that GPs would sometimes visit patients who hoard and therefore be in a position to identify hoarding behaviours. District nurses work with patients in their own homes more frequently than GPs, therefore district nurses would be likely to be the better placed than GPs in order to identify hoarding behaviours.

In primary care if clinicians see patients who are living in unsafe housing conditions, they would be likely to raise their concerns with the safe guarding lead in the GP practice. The person who holds this role would be likely to vary between GP practices, but it would be likely to be a nurse. The safeguarding lead would then activate the local safeguarding policy.

With regard to information sharing patients are very frequently happy for professionals to share information about them with others, with their informed consent. From a clinical perspective there are circumstances in which clinicians can breach patient confidentiality against the patients' wishes (when the patient is deemed to have capacity). These include circumstances in which public safety is in danger.

“Disclosing personal information about a patient without consent may be justified in the public interest if failure to do so may expose others to a risk of death or serious harm. This could arise, for example, if a patient may pose a serious risk to others through being unfit for work or if conditions at work are unsafe.”

The above would have to be assessed on a case by case basis, but if it was deemed that the hoarding behaviour was endangering the public, patient confidentiality could reasonably be broken by the doctor.

Dorset & Wiltshire Fire and Rescue Service

Safe & Well Advisors and operational crews raise concerns of hoarding to other partners through the SAIL project (Safe and Independent Living) which involves signposting onto our partners and other agencies. Where necessary, advisors will submit an internal Safeguarding Alert Form to the Safeguarding Co-ordinator who will continue with signposting and record and monitor progress. Where appropriate advisors and crews may also raise the risk with Fire Control in relation to the predetermined attendance system for operational risk. There are no powers of enforcement within the community safety department.

Mental Health Service – NHS and Wiltshire Police

Community based mental health services operate in a similar way to primary care in that mental health practitioners provide a range of support that may be at a team or community base or in a person's home. The expectation in terms of response would be the same as

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detailed for primary care should a mental health practitioner identify someone with hoarding behaviours or living in unsafe housing conditions.

Mental Health Act 1983 Section 135(1)

Provides for a police officer to enter a private premises, if need be by force, to search for and, if though fit, remove a person to a place of safety if certain grounds are met.

The police officer must be accompanied by an Approved Mental Health Professional (AMHP) and a doctor.

NB. Place of Safety is usually the mental health unit, but can be the Emergency Department of a general hospital, or anywhere willing to act as such.

Richmond Fellowship

Richmond Fellowship Wiltshire Community Housing Support currently (2018) has a contract with Wiltshire Council to support clients with a range of tenancy issues that might place their tenancy at risk. This also includes hoarding behaviours, though it should be recognised that the capacity to support individuals in dealing with these issues is limited to between 6 and 8 clients with hoarding behaviours at any given time across the County.

Support can range from advice and support to gain additional help with issues related to hoarding – including referrals to other services - or it can include direct help to physically tackle the hoard and help to dispose of objects and materials through local recycling centres, waste collection services etc.

Improving Access to Psychological Therapies (IAPT) service

Wiltshire IAPT offers a range of support in many locations all over Wiltshire for people who have mild to moderate depression or anxiety. The individual can self-refer by phoning or can book a course online. Professionals can also refer with consent from the individual.

Selwood Housing

Selwood Housing recognises that no two customers are the same, and that people who hoard often have a variety of mental, physical, financial and support needs. It will therefore use a range of alternative approaches to deal with hoarding, including playing a leading role in multi-agency partnerships to ensure that services are provided in a coordinated way. It will also develop appropriate strategies for working with and responding to the needs of customers who compulsively hoard.

The housing association is committed to supporting customers with a hoarding tendency who are willing to engage with support, but at the same time needs to balance this against the significant impact that hoarding can have on the property itself, the needs of the people living there, as well as residents living nearby. Tenancy enforcement may therefore be deemed necessary, and will be taken where the hoarding is causing a hazard or significant harm to themselves or other persons, or the customer continuously fails to engage with support, or access to the property is being refused or is not possible, in particular in relation to the legal obligations to carry out gas safety checks.

Human Rights Act 1998

Public bodies have a positive obligation under the European Convention on Human Rights (ECHR, incorporated into the Human Rights Act 1998 in the UK) to protect the rights of the individual. In cases of self-neglect, articles 5 (right to liberty and security) and 8 (right to private and family life) of the ECHR are of particular importance.

These are not absolute rights, i.e. they can be overridden in certain circumstances.

However, any infringement of these rights must be lawful and proportionate, which means that all interventions undertaken must take these rights into consideration. For example, any removal of a person from their home which does not follow a legal process (e.g. under the Mental Capacity or Mental Health Acts) is unlawful and would be challengeable in the Courts.