

Report for: Homes Policy Development Group

Date of Meeting: 10 September 2024

Subject: **REVIEW OF MID DEVON HOUSING HOARDING POLICY**

Cabinet Member: Cllr Simon Clist Cabinet Member for Housing, Assets and Property and Deputy Leader

Responsible Officer: Simon Newcombe – Head of Housing and Health

Exempt: None

which are Exempt from publication under paragraph 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)

Wards Affected: All

Enclosures: Annex A – Hoarding Policy
Annex B – Hoarding Policy Equality Impact Assessment

Section 1 – Summary and Recommendation(s)

A hoarding disorder is where someone acquires an excessive number of items and stores them in a chaotic manner, usually resulting in unmanageable amounts of clutter. The Care Act 2014 requires local authorities to protect individuals from self-neglect, it also requires housing providers to ensure the health and safety of tenants, their neighbours and staff. There are additional requirements set out on in several statutory consumer standards published by the Regulator of Social Housing (RSH) where addressing where hoarding/tenant wellbeing alongside ensuring safe and well-maintained houses outcome must be met.

This Policy sets out Mid Devon Housing (MDH) methodology in supporting vulnerable adults who hoard and self-neglect using a multi-agency, person centred approach that also addresses health and safety risks.

Recommendation:

That the PDG recommends that Cabinet adopt the updated MDH Hoarding Policy and Equality Impact Assessment contained in Annexes A and B respectively

Section 2 – Report

1 Introduction

- 1.1 In addition to Care Act 2014 responsibilities, the RSH Neighbourhood and Community Standard requires landlords to engage with other relevant parties so that tenants can live in safe and well-maintained neighbourhoods and feel safe in their homes. Furthermore, the RSH Safety and Quality Standard sets out that providing safe and well-maintained homes is a fundamental responsibility of all registered providers.
- 1.2 As part of ensuring the wider safety of tenants in the design and delivery of landlord services, registered providers should have an effective approach to proactively identifying the risks to tenants' safety and eliminating or mitigating those risks.
- 1.3 The RSH requires registered providers to use a co-regulatory approach and they regard councillors as responsible for ensuring that providers' businesses are managed effectively and comply with all regulatory requirements. Consequently, it is important that councillors scrutinise and approve the relevant policy approaches adopted by MDH. More information on co-regulation is set out in section 3.5 below.
- 1.4 Hoarding cases are complex due to the way hoarding impacts on different aspects of an adult's life: their home, their social connections, physical and mental health and environment. Adults who hoard and self-neglect therefore require the support and services of different agencies and council partners over the course of the intervention period.

2 Review of the Hoarding Policy

- 2.1 The Hoarding Policy was last reviewed in 2019 and since that time the Regulatory Framework has changed with increased emphasis on tenancy sustainment and an expectation that registered providers will provide support directly to tenants to help them maintain their tenancy or licence.
- 2.2 The revised policy does not refer to lifestyle choices or lack of education but focuses on the support that can be provided to tenants, including signposting if required.
- 2.3 Neighbourhood Officers will agree action plans with tenants when a report of hoarding or clutter has been reported to them which should be realistic,

proportionate and tailored to individual tenant, taking into account the following factors:

- The tenant's mental or physical condition and their ability to carry out the work;
 - The severity of the condition of the tenant's property;
 - The risk of serious harm or accident as a result of the condition of the property;
 - Resources of support agencies involved with the tenant;
 - Referrals to agencies to support the tenant.
- 2.4 The revised policy defines the process which is to be adopted based on the 'clutter scale'. The 'clutter scale' is key to the hoarding process as it identifies the severity of the hoarding activity. Monitoring and regular visits should take place based on the clutter scale rating to review the progress of the action plan. The action plan should be confirmed in writing to the tenant:
- Clutter Scales 1, 2 or 3 do not normally require intervention from MDH but could be monitored to ensure that the situation does not escalate
 - Clutter Scales 4 and above will receive regular visits which is dependent on the severity of the hoard, the engagement of the tenant and their support network. Neighbourhood Officers will decide the frequency of the visits.
- 2.5 The revised policy provides additional details of multi-agency approaches and solutions. It is recognised that it may be necessary to involve a range of agencies to play a part in trying to reduce hoarding issues and ultimately to improve the quality of life for the tenant and their household.
- 2.6 There will be instances where a tenant will not engage with the process but the policy details that enforcement action should only be considered where it is necessary in the circumstances of the case. Where there is a high risk of fire or other health and safety issues, enforcement action may begin earlier, but we will continue to try and work with the tenant during this period of the time.

3 Consultation and Co-Regulation

- 3.1 Tenants were invited to comment on the draft policy between 22nd July 2024 and 22nd August 2024.
- 3.2 Members of the Homes PDG were invited to comment on the draft policy between 22nd July 2024 & 22nd August 2024.
- 3.3 Partner Agencies such as the Devon and Somerset Fire and Rescue Service and MDDC Public Health and Environmental Health Services Teams were also invited to comment on the draft policy. Confirmation that the MDDC Healthy Homes Grant was not available to Council tenants was added as a result of this consultation.

- 3.4 Despite a limited response to consultation from tenants, it is important that tenants are fully aware of the updated policy. To this end, should the policy be adopted, MDH will proactively signpost the policy on our webpages/Facebook pages and in the next tenant newsletter. Where relevant, particularly in relation to queries, service requests or complaints we will also ensure specific tenants or other stakeholders are also aware of the updated policy as required.
- 3.5 Under housing legislation including the Social Housing (Regulation) Act 2023, the RSH take co-regulatory approach. In the context of a local authority registered provider such as MDH this means:
- councillors are regarded as responsible for ensuring that providers' businesses are managed effectively and that providers comply with all regulatory requirements
 - providers must support tenants to shape and scrutinise service delivery and to hold officers and councillors to account

This is important context in the determination and adoption of new or updated policy and monitoring of policy compliance and performance.

4 Historic Performance

- 4.1 The eviction of tenants who hoard is extremely rare. The last eviction due to hoarding was in 2016. Conversely, the service continues to work with several significant hoarding cases every year where historic and new policy approaches will continue support resolutions and sustained tenancies where safety and tenant wellbeing issues are addressed.

5 Safeguarding and Vulnerable Tenants

- 5.1 The policy sets out to involve the individual in all aspects of decision-making in order to achieve the best outcome to improve their health, wellbeing and environment. A person-centred approach is vital to encourage the individual to engage with services and consent to support or interventions.
- 5.2 An adult who hoards/self-neglects may have a complex range of needs and require support from a number of services. Hoarding impacts several areas of an individual's life; their home, their social connections, physical and mental wellbeing, and their environment. An effective approach to getting the best outcome for the individual is to adopt a multi-agency approach, whereby agencies work together and consult with one another to agree actions in the best interests of the individual.

6 Policy Review

- 6.1 MDH will review this Policy every 5-years and as required to address legislative, regulatory, best practice or operational issues. However, the Head of Housing and Health is given delegated authority to make minor amendments to the Policy as required by legislative changes, formal guidance or local operational considerations.

6.2 Where material or significant amendments are required the policy will receive a full review and will be brought back to the Homes PDG and Cabinet for consideration. Full tenant consultation will also take place.

7 Recommendation

7.1 In accordance with the above, the following recommendation is made:

- That the PDG recommends that Cabinet adopt the updated MDH Hoarding Policy and Equality Impact Assessment contained in Annexes A and B respectively

Financial Implications

Housing management officers are sometimes required to manage cases involving properties that are either cluttered or which are being used to hoard large amounts of possessions, including animals. This can lead to damage to the property. This may also result in rodent or insect infestations, blocked drains and other problems that may also affect neighbouring properties. Rechargeable repairs costs can be inflated if there is damage which can prove at times difficult to recover.

Legal Implications

A multi-agency approach and the sharing of information are fundamental to the successful implementation of this policy. Such information sharing must be undertaken in accordance with the Data Protection Act 2018 and the General Data Protection Regulations.

Risk Assessment

Hoarding may have serious implications which impact upon health and safety and for this reason the risk it poses is regularly reviewed as part of the risk management framework. Failure to provide MDH staff with policies to use in the course of their day to day activities could result in a less consistent and effective service.

Impact on Climate Change

The Policy has no direct impact on climate change.

Equalities Impact Assessment

An Equalities Impact Assessment has been completed for this policy. National research and professional accounts suggest that elderly people are more likely to be experiencing a hoarding disorder due to frailty, social isolation and the nature of the disorder which tends to escalate over time. The policy will meet its obligations under the Equalities Act; it will not discriminate against any particular group and each individual will be treated fairly and without discrimination.

The Equalities Impact Assessment is attached to this report in Annex B.

Relationship to Corporate Plan

Homes are a priority for the Council and in the context this policy this includes supporting the delivery of several key objectives including ensuring our tenants feel safe, secure and happy in our homes.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 29 August 2024

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 29 August 2024

Chief Officer: Simon Newcombe

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 22 August 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 22 August 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Simon Newcombe, Head of Housing and Health

Email: snewcombe@middevon.gov.uk

Telephone: 01884 255255

Background papers:

Current MDH Hoarding Policy: [Hoarding Policy \(middevon.gov.uk\)](https://www.middevon.gov.uk/hoarding-policy)

[Regulator of Social Housing Consumer Standards – Summary Code of Practice](#)