

# Clean Homes

## Introduction

This process recognises the obligation placed upon the City Council to deal with premises which are filthy or verminous. It has been developed as one of the initiatives which aim to prevent homelessness amongst vulnerable people in Newcastle, and initiatives to enable people to stay at home and avoid the need for institutional social or nursing care.

Homelessness may come about for several groups, including:

- people whose home is in such a state that it may present the occupant with a significant health risk, or it is considered that it is causing either a nuisance or annoyance to neighbours, or long-lasting damage to the property

This process may also help to address or prevent other effects of neglect of the hygiene and cleanliness within a person's home or of their own hygiene or cleanliness, including:

- a refusal to enter the home, for example by domiciliary care providers, or contractors carrying out repairs or improvements
- a need for residential or other social or nursing care

## The purpose of this process

The overriding objective of this process is to deal with conditions which are filthy or verminous, whilst minimising the prospect of vulnerable people becoming homeless or needing institutional or other care as a result of neglect of their home.

Staff in Newcastle can currently spend some time negotiating, discussing, and researching ways of arranging a clean-up for a resident whose home is seriously in need of attention. This is often wasteful of time and energy, and can be very dispiriting. The approach we have taken in developing the proposal for this process is that there must be simpler and quicker ways to arrive at a decision about whether any public organisation has a responsibility to arrange or pay for the clean-up, and that clarity of role and better liaison between agencies and departments can be achieved.

The specific aims of this process are to:

- Clarify who has a legal responsibility to organise and/or pay for cleaning and clearing dirty houses
- Reduce time spent debating who has a responsibility for arranging or paying for the work, and reduce conflict between organisations/ departments

- Identify how to share responsibility and join up our efforts to help people change their behaviour, to be more effective, and thereby reduce homelessness or institutionalisation

## What are everyone's responsibilities?

### Mental Capacity Act

With regard to the Clean Homes Protocol all agencies when working with tenants should consider if the client has capacity and therefore could be deemed as making an unwise decision with regard to the condition of their property and the consequences relating to this. If however the tenant is assessed as lacking capacity then all decisions made need to be in the best interest of the tenant.

The Mental Capacity Act 2005, (the Act) provides a statutory framework for people who lack capacity to make decisions for themselves. The Act introduces five main principles and a two stage test of capacity. It sets out who can take decisions, in which situations and how they should go about this. There is a Mental Capacity Code of practice which provides guidance to **anyone** who is working with or caring for adults who make lack capacity to make particular decisions.

Mental Capacity Act 2005 code of practice

[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_085476](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_085476)

The Act 4.38 states that the person who assesses an individual's capacity to make a decision will usually be the person who is directly concerned with the individual at the time the decision needs to be made. This means that different people will be involved in assessing someone's capacity to make different decisions at different times.

- Public Safety and Regulation staff have a duty to investigate when a property has become "filthy and verminous" or which may be causing a statutory nuisance. They have powers of entry and can serve notices on the owner or occupier to require works to be done.
- Landlords have a common law duty to make sure that their tenants are not causing a nuisance to others (to allow "quiet enjoyment"), and will also want to make sure that their properties are kept in good order. Social landlords, and some private landlords, will ask tenants to clean their properties when it is getting to the stage of being a nuisance or annoyance to other residents, or there is concern that the fabric of the property is being damaged. Landlords do not have powers of entry to enforce such requests. Landlords can contact HASBET as they provide a service to the City Council's Private Rented Service, Community Safety Unit and Registered Social Landlords (RSLs).
- The landlord's action escalates to the involvement of Public Safety and Regulation when the tenant fails or refuses to carry out this clean-up.
- Occupants of houses or flats have a responsibility to keep the inside of their properties in good order and not to cause a nuisance to neighbours. People

usually fail to keep their houses clean or free from household refuse because:

- they do not have the physical or mental capacity or the money to do it
- they have no family or friends who are able to do it
- they do not understand why it needs to be done, or
- they do not care enough about their home or their future to do it

- **Other organisations which also have some responsibility are:**

- **Social Services:** to meet social care needs. For adults in Newcastle, this currently means that the person will have had a community care assessment which has identified unmet social care needs and that the consequences of not meeting those needs would constitute a critical or substantial risk. *In exceptional circumstances*, Social Services may consider incurring additional costs in order to discharge their social care responsibilities. Examples might be where the condition of premises would make it unsafe for a care worker to visit to help an individual with his or her personal care needs, or where a service user might need residential care on an interim basis, or not be able to be discharged from hospital.
- **Health Services:** health services have a duty of care to their patients, and this might mean that they could intervene where a patient could not go home from hospital because of the state of their house, or where the condition of the home might lessen the effect of any treatment the patient receives; to engage with other agencies in trying to find the best package of care and support for a person whose house needs a major clean-up
- **Homeless Service:** the homeless service has a responsibility to prevent homelessness for anyone who seeks their help, and, where all other options have been exhausted, to provide temporary accommodation for anyone is homeless and fits into one of the priority groups and is not intentionally homeless.

Other agencies may also have a role from time-to-time within this process.

## **Good practice principles to follow**

**Our main aspirations are that:**

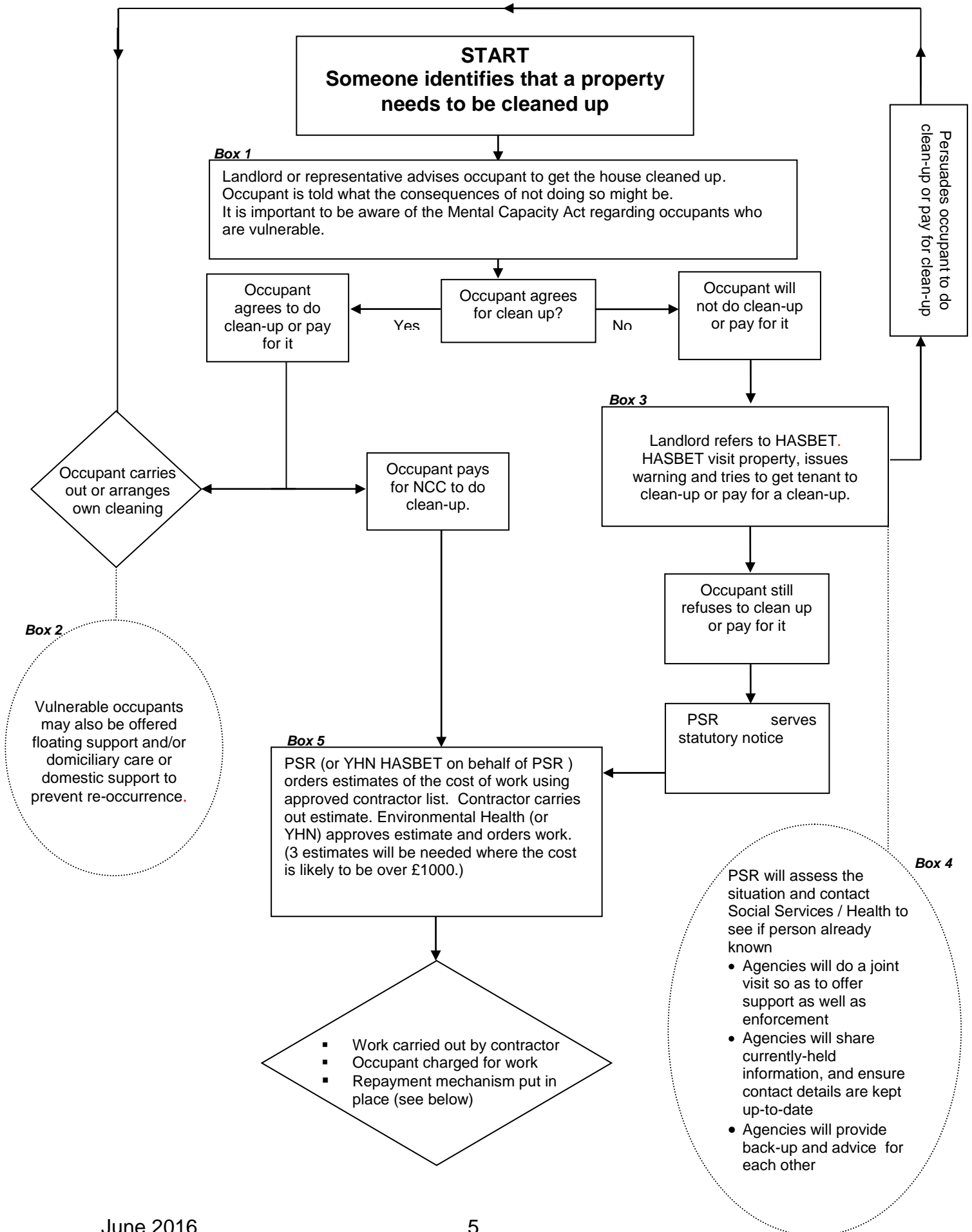
- **Agencies will work together to bring into play a combination of enforcement and support, recognising that sometimes a joint approach can persuade an occupier to take positive action to improve the state of their house**
- **Agencies will take as early action as possible, recognising that the earlier this joint intervention happens, the better it will be for all concerned**

This paper sets out good practice principles which we would ask all agencies to follow:

- Agencies which are concerned about the state of a property are advised to approach the occupier of the property in the first instance, and then the landlord if it is a rented home **(Box 1)**
- Where the council is the landlord, any representative of the council will initiate action once they discover that a house or flat is in a state which might be considered to be filthy or verminous or a cause of risk to someone **(Box 1)**
- Landlords are asked to advise their tenants to clean up their houses **(Box 1)**
- Where tenants do not take note of this advice, tenants will be advised that the next steps are likely to be enforcement of the tenancy agreement but with support if they wish to accept if **(Box 1)**
- If needed, landlords will offer tenants support to help them to plan and organise a clean-up, through floating support workers (the Your Homes Newcastle's Advice and Support Service or the landlord's own floating support service – see FIS website for details of floating support services in Newcastle), and will also look to see whether the tenant needs help from floating support workers or others to make sure that this situation does not recur **(Box 2)**
- If the tenant does not carry out the clean-up or get help to do it, the landlord can contact HASBET in the first instance for help through enforcement **(Box 3)**
- Public Safety and Regulation officers have a duty to act if a premises is “filthy and verminous” Or causing a statutory nuisance.
- Public Safety and Regulation will initially try to work with the owner or occupant to do the clean-up. They may take enforcement action to ensure the work is carried out and can if necessary, carry out the work in default of the owner and recharge the cost to the owner or occupier. **(Box 4)**
- All agencies (including Public Safety and Regulation, whether they have used enforcement procedures or not) will try to get the occupant to accept help to make sure that this situation does not recur **(Box 4 and 5)**
- In the light of the Sustaining Tenancies Guidance, agencies will also work together to resolve the question of what else needs to happen to prevent the loss of a home or to help the person concerned to move to more supported accommodation if it becomes clear that they cannot manage their home independently
- Agencies will identify one key contact point for all enquiries about this process, and information about contacts for each key agency will be part of this Protocol and will be kept up-to-date

**NB** YHN's HASBET has an informal agreement with Public Safety and Regulation which allows them to ask for a joint visit to a tenant whose house needs cleaning up. Public Safety and Regulation may then serve a notice which will enable City Build, or a private contractor, to do the clean-up. The cost of the works will be paid by YHN, who may then pass the charge to the tenant.

# The process



## **Repayment of charge for cleaning up**

Options include:

- YHN asking the tenant to foot the bill for the clean-up, making an arrangement to recover the cost through a weekly payment set up with the Treasurer's department
- Public Safety and Regulation may put a charge on a property occupied by an owner occupier
- Public Safety and Regulation may chase the debt from a private tenant, Housing Association tenant, or owner occupier through their debt recovery process

### **What agencies are agreeing to do:**

**Public Safety and Regulation:**

- Visit all properties which may be causing a statutory nuisance or are filthy and verminous
- Assess the situation and identify which other agencies could be involved with the person already and which could be engaged to help resolve the problem
- Contact other agencies so that they can check if they are already engaged with the person, what duty they owe (if any) towards them, and how they can support the action being taken by Public Safety and Regulation
- Inform the referrer about the state of the property and what action is to be taken
- Warn the occupant and the owner if this is a different person, about the action that may be taken if they do not clean the property or organise a clean-up
- Serve a notice if this is required
- Advise the owner / occupier about the charge that may be passed to them
- Advise the occupant that they may be able to get help from the Advice and Support Service if they need it and wish to get help to carry out a clean-up or to gain the skills to prevent the situation recurring
- Consider if work in default should be carried out.

**Health and Social Services will:**

- Make referrals to YHN where they are concerned about the state of a property which is managed by YHN
- In all other cases, make a referral directly to Public Safety and Regulation
- Remain engaged where there is already an involvement with the householder, or become involved where there is a statutory duty
- In some instances this may lead to a visit to the person, arranging a package of care, and discussing what will happen if the person cannot remain in their property as they are unable to manage their home independently

**The landlord will:**

- Speak to the tenant and try to persuade them to take action to remedy the problem
- HASBET to support the Tenancy and Estate Management teams by offering specialist advice and progressing all cases where legal action is required to resolve the anti-social behaviour

- Refer the matter to Public Safety and Regulation
- Engage support services
- Arrange the clean-up if the tenant agrees to pay for the service without enforcement action being taken
- Arrange for the tenant to repay the cost of the clean-up

**NB** There is no legal requirement for landlords to do this, but we would encourage all landlords to become fully involved at all stages where such problems are identified.

For YHN tenants this process is to be considered in conjunction with the Hoarding Protocol, where appropriate, which details the timescales involved in working with a tenant.

**YHN Advice and Support Service or other floating support providers will:**

- Visit the occupier and assess their needs for help with carrying out cleaning, and in other household management tasks in their home
- Work with other agencies to identify appropriate support which will help the person to gain the skills to remain in their home comfortably and without causing a nuisance to others

**Active Inclusion Service (Housing Advice Centre) will:**

- Work with other agencies to bring in appropriate support
- Identify other accommodation options if it is likely that the person cannot remain in their home

**Private Rented Service will:**

- Work with private landlords, to ensure that they understand their responsibilities and powers, and to ensure that they know who to contact in cases such as these

The Police, Fire Brigade, and Ambulance Service may also from time to time have a role here. We would ask that they involve the Environmental Health team as soon as they notice that someone is living in a property which may pose a risk to someone.

## Reviewing and monitoring, and reporting any problems

Where there are problems which need to be resolved, agencies are asked to make contact with the person named in the list below

### Contact details for all agencies

<b>Agency</b>	<b>Name of key contact</b>	<b>Phone details</b>	<b>e-mail</b>
<b>Public Safety and Regulation</b>	Paula Davies	211 6114	Paula.Davies@newcastle.gov.uk
<b>HASBET</b>	Nick Dodgeon	278 8740	nick.dodgeon@yhn.org.uk
<b>Active Inclusion Service</b>	Neil Munslow	211 6351	neil.munslow@newcastle.gov.uk
<b>Your Homes Newcastle</b>	Trevor Healy	278 8455	trevor.healy@yhn.org.uk
<b>YHN's Advice and Support Team</b>	Suzanne Halliwell	278 8621	suzanne.halliwell@yhn.org.uk
<b>Private Rented Service</b>	Gwen Smith	273 6103	Gwen.smith@newcastle.gov.uk