

Newcastle Clean Homes Protocol

A process for managing the clean-up of homes of vulnerable people in Newcastle

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 staying in hospital whose home is considered too unhealthy for them to return to
- 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 a clearer procurement route (to save to time, effort and money)
- 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?

- **Environmental Health staff have a duty to investigate when they are asked to look at a home which may be “filthy and verminous” or which may be causing a statutory nuisance. They have powers of entry to enforce notices served on the occupier.** They are usually asked to visit the property when either the landlord has tried to get the tenant to clean up, or a neighbour or another agency is concerned about state of health of the occupant, or the smells coming from the property.
- **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.
- The landlord's action escalates to the involvement of Environmental Health 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
- **Homelessness 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 who is homeless and fits into one of the priority groups and is not intentionally homeless; it might, for example, take action in the cases mentioned in this paper where there would otherwise be a cost for providing temporary accommodation

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

There will probably be a need to revisit this description of roles once the impact of the Mental Capacity Act is known.

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***

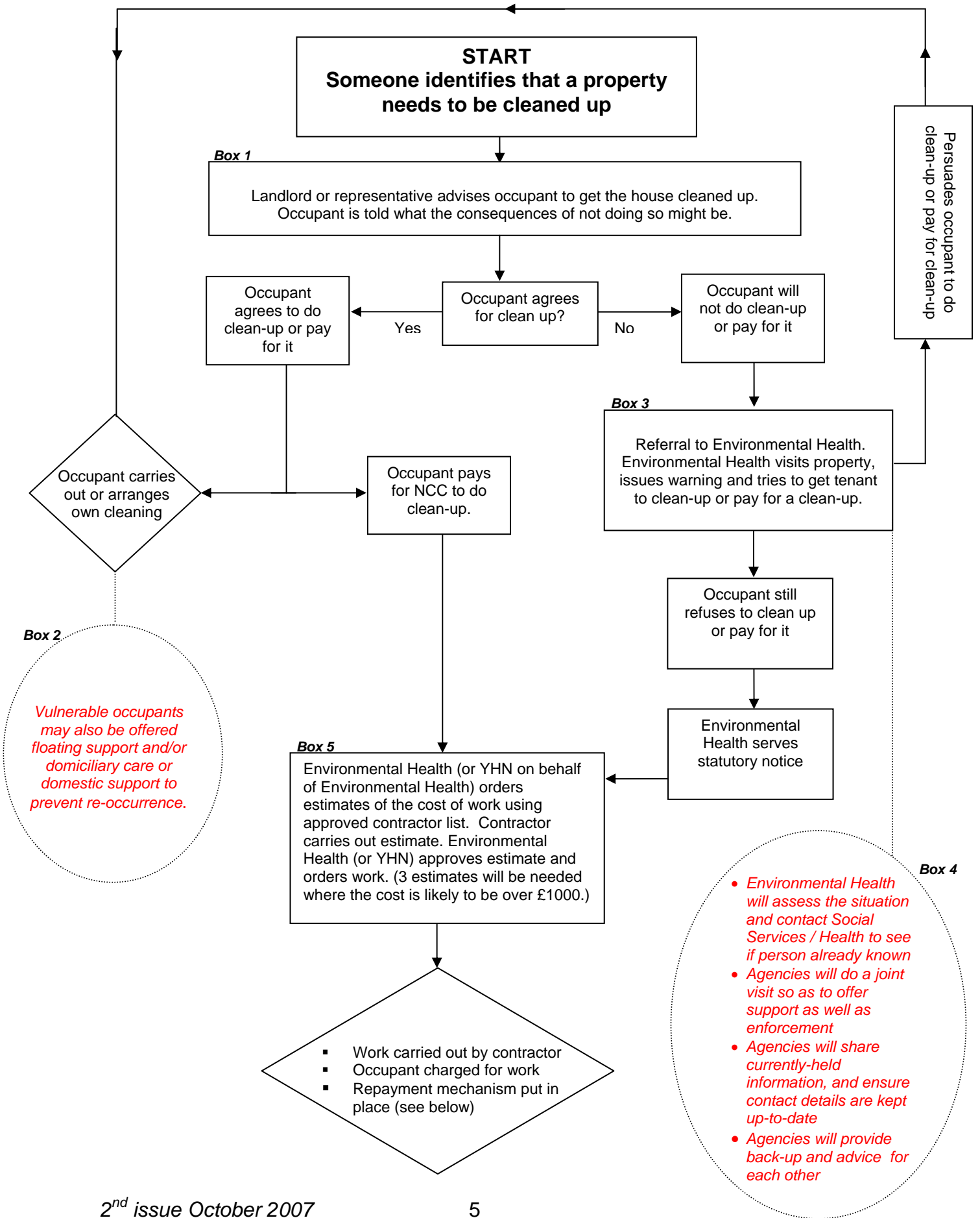
This paper sets out good practice principles which we would ask all agencies to follow:

- ❖ 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 Supporting People website (<http://www.newcastle.gov.uk/supportingpeople>) 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 will contact Environmental Health for help through enforcement **(Box 3)**
- ❖ Environmental Health officers have a duty to act as soon as they know of a problem that might involve “filthy or verminous” premises.
- ❖ Once Environmental Health are involved, they will try to persuade the occupant to do the clean-up, or will use their legal powers to enforce a clean-up, and to recharge the cost to the occupant **(Box 3)**
- ❖ All agencies (including Environmental Health, 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 3 and 4)**
- ❖ In the light of the Preventing Evictions and Repeat Homelessness Protocol, 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
- ❖ There will be a standing list of potential contractors prepared to carry out a clean-up
- ❖ 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 has an informal agreement with Environmental Health which allows them to ask for a joint visit to a tenant whose house needs cleaning up. Environmental Health may then serve a notice which will enable Neighbourhood Services, 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
- Environmental Health may put a charge on a property occupied by an owner occupier
- Environmental Health 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:

Environmental Health will:

- Visit all properties where asked to take enforcement action for premises that may be 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 Environmental Health
- Inform the referrer about the state of the property and what action is to be taken
- Warn the occupant 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 occupant 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
- Organise 3 estimates of the cost through the standing list, and to order the clean-up once a price is agreed
- Check that any repairs promised or required have been carried out, once the clean-up has been done

Health and Social Services will:

- Make referrals to YHN where they are concerned about the state of a property which is owned by YHN
- In all other cases, make a referral directly to Environmental Health
- 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
- Bring any outstanding repairs in private rented properties to the attention of Environmental Health officers

The landlord will:

- Speak to the tenant and try to persuade them to take action to remedy the problem
- Refer the matter to Environmental Health
- 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.

- Landlords will also let properties which are free from Category 1 hazards

Neighbourhood Services will:

- Develop a standing list of contractors prepared to carry out a clean-up and to tender where necessary
- Seek tenders where needed
- Order the clean-up
- Carry out a post-clean-up inspection, and inform Environmental Health if any repairs promised or required have not been carried out

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

- Visit the occupier and assess their needs for help with carrying out cleaning in and 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
- Bring any outstanding repairs in private rented properties to the attention of Environmental Health officers

Strategic Housing Services will:

Homeless service:

- 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 Project will:

- Work with private landlords, make sure they understand their responsibilities and powers, and that they know who to contact in cases like 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.

Independent advice

Tenants can get independent advice if their landlords are not carrying out repairs as required, or if Environmental Health has not taken action about outstanding repairs. Independent advice can be obtained from any of the following agencies, as well as from a number of solicitors:

Newcastle Law Centre, 1st Floor, 1 Charlotte Square, Newcastle Upon Tyne, NE1 4XF. Tel: 0191 261 7016 (phone advice), 230 4777

The Rights Project, 292 Wingrove Avenue, Fenham, Newcastle Upon Tyne, NE4 9AA. Tel: 0191 273 1838

Citizens Advice Bureau, Cowgate, Moorside Court, Moorhead, Cowgate, Newcastle Upon Tyne, NE5 3AP. Tel: 0191 286 8862

Citizens Advice Bureau, Cruddas Park, Unit 12, Shopping Centre, Cruddas Park, Newcastle upon Tyne, NE4 7RW. Tel: 0870 126 4015

Citizens Advice Bureau, City Centre St Cuthberts Chambers, 35 Nelson Street, Newcastle upon Tyne, NE1 5AN. Tel: 0191 232 1602

Shelter North East Housing Aid Centre, 1-2 Blackfriars Court, Dispensary Lane, Newcastle upon Tyne, NE1 4XB. Tel: 0844 515 1601

Shelter North East Multi-Lingual Project 250 Philip Street, Fenham, Newcastle-upon-Tyne, Tyne and Wear, NE4 5BH. Tel: 0191 273 1315

The Council's Tenancy Relations Service may also offer advice and help:
Tenancy Relations Service, Housing Advice Centre, 112 Pilgrim Street, Newcastle upon Tyne, NE1 6SQ. Tel: 0191 232 5400

Lists of solicitors who deal with housing issues can also be found through the Community Legal Services website: <http://www.clsdirect.org.uk>

Reviewing and monitoring, and reporting any problems

This process will be monitored by the small working group which has developed this document. The group will meet to review progress in April 2008.

Where there are problems which need to be resolved, agencies are asked to make contact with the person named in the list below. **We would particularly ask agencies to let someone know if the process is not working.**

Contact details for all agencies

Agency	Key contact person	Phone details	e-mail
Environmental Health	Keith Smith	211 6148	Keith.smith@newcastle.gov.uk
Social Services	David Forster	277 2555	David.forster@newcastle.gov.uk
Strategic Housing Service(Homeless service)	Neil Munslow	211 5856	Neil.munslow@newcastle.gov.uk
PCT	Gill Shapero or Rachel Burn	219 4641	Gill.shapero@newcastle-pct.nhs.uk or Rachel.burn@newcastle-pct.nhs.uk
Neighbourhood Services	David Hall	278 3282	David.cw.hall@newcastle.gov.uk
Your Homes Newcastle	Trevor Healy	278 8455	trevor.healy@yhn.org.uk
YHN's Advice and Support Team	Michael Murray	278 8621	michael.murray@yhn.org.uk
Contact point for other social landlords	Neil Munslow	211 5856	Neil.munslow@newcastle.gov
Private Rented Project - contact point for private landlords	Claire McMullen	273 6103	claire.mcmullen@newcastle.gov