

Protection of Property Guidance and Procedure

LONDON BOROUGH OF CAMDEN

Supporting People
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1. Introduction

1.1. Purpose

The objective of this guidance is to set out the principles and procedures for the protection of property in order to comply with the legal duty of Section 47, The Care Act 2014.

This guidance is for all Supporting People staff in the London Borough of Camden (LBC) including Service Managers, Team Managers, Social Workers and outreach and housing workers.

This guidance must be used only after it has been confirmed by the practitioner and manager that there are no family or friends who can take responsibility for the person's property.

1.2. Scope

This guidance and procedure applies to all people who have been assessed by Supporting People as eligible for care and support.

The local authority has a duty for 'the protection of moveable property' where:

- a person has been admitted to hospital or a care home,
- and where there appears to be a danger of loss or damage to their moveable property
- and where no other suitable arrangements can be made.

This guidance and procedure enables workers to understand what practical steps are required of them to fulfil this duty.

London Borough of Camden (LBC) may make an administrative charge for activities undertaken to protect property.

1.3. Movable Property

The Care Act does not define the term 'moveable property'.

The consensus is the term includes:

- Personal contents of a house (or other dwelling), including furniture, personal clothing, cash, jewellery and valuables
- Domestic and any other animals owned by the person

- Cars (which have to be taxed and insured if kept on the public highway) and other forms of transport such as bicycles, motorbikes and motorhomes.
- Consideration must be given to whether there are any perishable items identified within a property such as fresh, short dated food or other food items, these must be disposed of.

The local authority's duty to protect moveable property applies during the lifetime of a person, therefore section 47 does not apply to a person whose death has occurred before action has commenced.

1.4. Local authority responsibilities

The responsibilities for carrying out the duty involved in Section 47 of the Care Act 2014 lie with the allocated practitioner or duty worker if the person is unallocated.

This duty in practice requires the worker to;

- act in the best interest of the person balanced with the best interest of the local authority and others involved
- make an inventory of all portable items of value and safely stored while the person is in hospital
- make an inventory of the non-portable items believed to be of value in the person's home. Photos of the property should be taken as a record. Further to this practitioners can seek an estimated valuation.
- ensures the security of the property and any out buildings and /or mailboxes
- arranges for utility service providers to be notified of the situation if appropriate.

If the property is rented, the allocated worker or duty worker must ensure the landlord is aware of the situation whilst making sure that confidential information about the person is not shared.

In some case it may be necessary to gain forced entry to the premises. In such cases proper consideration will be needed in advance to ensure that any necessary repairs are undertaken and the property is left secure. This includes mail boxes and out buildings where applicable.

This power does not extend to the sale of property contents.

1.5. Consent and Capacity

The power of protecting movable property may only be exercised when the person has given their permission or a best interest decision has been made.

If the person has capacity, the worker must explain the process and ask the person to sign a consent form (See Appendix 1 for consent form).

Where the person lacks capacity, consent must be obtained from a person authorised to act on their behalf as:

- A Lasting Power of Attorney for property and affairs
- A Court Appointed Deputy for property and affairs

1.6. Best Interest Decisions

If no one is authorised to provide consent, a Best Interest decision will need to be taken and recorded in accordance with the principles of the Mental Capacity Act 2005. LBC must be satisfied that exercising the power would be in the person's best interests. The Best Interest meeting/consultation process must include the views of people who have knowledge of the person, their home and its contents (including insurance of the property being protected). Where no one is identified, an application to the Court of Protection can be made for a one off decision.

Following the Best Interest meeting the practitioner will provide written authorisation to the council officer or practitioner entering the property so if requested it can be produced.

There may be occasions where the council may need to protect the property of a person in an emergency and in this instance a forced entry into the property may need to be arranged.

When a person is detained under Mental Health Act 1983 or hospitalised due to mental illness or hospitalised as an emergency admission, as far as practicable every effort must be made to solicit their instructions before gaining entry and making arrangements for the protection of their property.

A local authority may recover from the adult concerned any reasonable expenses it incurs under section 47.

2. Pets and other animals

2.1 Animal Welfare Act 2006

Section 9 of the Animal Welfare Act 2006 places a duty of care on people to ensure they take reasonable steps in all circumstances to meet the welfare needs of animals.

Workers must ensure an animal's five welfare needs are met:

- need for a suitable environment
- need for a suitable diet
- need to be able to exhibit normal behavior patterns
- need to be housed with, or apart, from other animals
- need to be protected from pain, suffering, injury and disease.¹

For people admitted to a residential, nursing home or hospital as an emergency admission, the responsibility for arranging care of any pets or animals lies with the allocated worker or the Access and Response duty team if the person is not allocated.

When a person is admitted to hospital under Mental Health Act it is the responsibility of the Approved Mental Health Professional (AMHP) to arrange for care of the person's pets or other animals.

Attached to this duty is a power allowing a right of access to do this as well as allowing for the recovery of expenses from the person concerned.

If the person is deemed to have capacity then the worker will follow the person's wishes to ensure the safety of their pets and other animals.

Where a person does not have the capacity in this respect, the local authority must act in the person's best interest to protect the pets or animals. Where a person has previously expressed their wishes about the care of their pets or other animals this must be used to guide the actions of LBC workers in future instances when they lack the capacity to give a view.

2.2 Funding for the care of pets and other animals

It is the expectation that the person will be liable for the cost of any care or treatment required for their pets or other animals which may have to be organised while the person is in hospital.

Social network Workers must have already established if there are family, neighbours or friends who can provide care for the pet or other animals. All other avenues need to be exhausted before paid for arrangements are entered into for the care of pets or other animals

Veterinary costs In the event that pets or other animals placed in care funded by

¹ Undated, RSPCA, Animal Welfare Act 2006

<https://www.rspca.org.uk/whatwedo/endcruelty/changingthelaw/whatwechanged/animalwelfareact>

LBC require veterinary attention, financial responsibility for meeting the cost remains with the pet owner. However, in exceptional circumstances the Council may agree to pay for a short period whilst a full assessment of the person's need for care and support is undertaken. Supporting People will seek to recover these costs from the person at an appropriate time.

Funding authorisation Where a funding request needs authorisation, the worker must update the assessment and support plan and include the arrangements for pet care. The worker will provide these updated documents to their Team Manager who must support the funding request. The information will need to be presented at the Quality Assurance Panel (QAP). Following QAP, the Service Manager will add the decision to case notes and include any further action required.

Police involvement If a person has been admitted to hospital following police intervention the police may accept responsibility for any animals for 4 weeks. Workers must check if this option is available prior to requesting funding authorisation.

Future ability to care for a pet An appraisal of the person's future ability to care for a pet must be completed at an appropriate time with the person.

3.1 Step by step procedure

This is a procedural guide which sets out the stages of how to protect a person property.

These steps need to be followed in the order set out as below-;

Step 1 Possible need to protect the property of an adult in need of care and support is identified.

Complete the consent to proceed form (appendix 1)

It must be explained to the person in signing the form they are agreeing to meet costs that may arise from protecting their property. Please refer to the Adult Social Care contributions guidance for detail on how charges are made.

- The Practitioner to undertake a conversation with the person and establish whether they have a relative, neighbour or friend who is able to take responsibility for the property and / or pets.
- If a friend, neighbour or family member is identified, details to be noted on MOSAIC case notes. This must be with the consent of the person which may have been obtained in advance. If consent for this agreement has not already been established it will need to be completed at this point.
- If relatives, neighbours or friends are unknown /cannot take responsibility for the property, an attempt must be made to obtain a signed consent to proceed form.
- The signed consent form must be scanned and uploaded to Documents

section in MOSAIC.

- If the person is unable to consent due to lack of capacity. The Social Worker must complete a Mental Capacity Assessment and record on MOSIAC. A Best Interests meeting may need to be convened if the person lacks capacity.

Step 2 Complete the protection of property form (appendix 2)

This is LBC authorisation to enter a property for the purpose of protection. This form must be signed by the authorising Social Worker or Team Manager and uploaded on Documents in Mosaic.

Step 3 Complete the risk assessment form (appendix 3)

- Any staff involved in the protection of property must consider their personal safety. This includes any previous Safeguarding Concerns relating to the property, such as police attendance. Regular visitors to the property must be considered, such as GP, formal carers, family members and friends. This information must be collated and a risk assessment completed. Lone working procedures ([Link here](#)) should be followed.
- Advice must be sought from a Team Manager before the visit if there are concerns about entering the building, such as if the property requires cleaning or fumigation.

Step 4 Collect the keys for the property from the person

- Keys can be collected from the person. It is important to establish that there are no other key holders. Any measures taken for protection will not be secure if other parties have access to the property.
- If keys cannot be located, it may be necessary to ask the police to gain access. Police non-emergency contact number 101.
- If the property has a key safe the number must be confirmed for access.
- After the visit is completed the keys must be labelled and deposited in the office safe or, if appropriate, into the safe keeping of the hospital staff. In these circumstances a handover receipt must be obtained.

Step 5 Arrange to visit the property

- The purpose of visiting the property is to carry out an assessment to determine what steps need to be taken to minimise the risk of theft or damage to the property. The visit must be carried out as soon as possible.
- It is essential for two members of staff to visit the property together to collate the inventory and take photographs of items believed to be of value and a practitioner to oversee/decide on any immediate actions to secure/protect the property. This will provide support/cover to avoid any charges of misappropriation of monies or goods, and will ensure the personal safety of

staff. Both employees must have identification documents on them when visiting. They must remain together within the property at all times for their safety and accountability purposes. See Appendix 8 for items to consider taking to the property.

Step 6 – Visiting the property

- Assess what is needed to minimise the risk of theft, damage or loss to the property. This will vary depending on how long the person is likely to be away from the property.
- The following may also be considered appropriate in some circumstances:
 - Removal of portable valuables from the property i.e. keys, money, bank cards. These items must be noted on the property inventory (Appendix 4) and taken to the residence in which the person has been placed (hospital or residential/nursing care). All items must be secured in an envelope, marked with the person's name on the outside, signed across the seal on the envelope by both officers who attended the property. In these circumstances a handover receipt must be obtained.
 - A protection of property inventory sheet (Appendix 4) must be used to record large items, such as furniture and any other items that may be of particular value. Staff may take photographs of the individual items of property where it is felt that this is needed. (For example known expensive items, antique furniture and paintings)
 - Any photographs taken must be printed out and stored safely electronically. They must be given to the person after they are no longer required.
 - All notes and coins must be counted and verified on site and entered onto the inventory sheet. Any monies must be taken to the office safe for a decision to be made regarding safe keeping. This will complete the safe custody obligation.
 - The person must be asked whether they would like an amount of cash to keep, in case of need in hospital or care accommodation. Any monies handed to the person must be recorded on a signed Handover Receipt (Appendix 5)
 - Inform police in writing that the property is being left uninhabited and the reasons why
 - If the property is rented, inform the landlord of the situation
 - Dispose of perishable items – check fridge, cupboards and empty the contents of the freezer if appropriate and empty kitchen bin
 - Cancel deliveries of milk, papers. Involve friends/neighbours to confirm suppliers but be aware of confidentiality as the premises will be empty
 - Make alternative arrangements for the care of any pets/ animals
 - Notify main service suppliers that the premises are uninhabited - gas, electricity, water, telephone. Take and note readings but do not disconnect at this point. If over winter, the system may need to be

drained to avoid burst pipes and flooding. All relevant circumstances will need to be considered before taking action. You may need to consult a relevant professional for advice and to carry out the procedure

- If required, arrange to have premises fumigated by the Environmental Health Department of the local district council
- If a deep clean is required then permission must be sought from the adult concerned. An Environmental Health Warrant will need to be gained where there is resistance and a deep clean is seen as necessary. At least 3 quotes will need to be obtained. Clarify the person's ability to pay or if LBC is responsible.

Step 7 – Securing the Property

Ensure the property is left in a secure and safe condition, by checking:

- are the front/back door locks in working order?
- do the windows close and if so are they all fastened shut?
- is it obvious to people passing the property that it is empty? Can anything be done about this?
- can the out buildings / mailbox be secured?

Step 8 – Expenses

- Ensure that all expenses incurred through the protection of property are recovered from the person wherever possible.
- All receipts to be retained ready for the preparation of a debtor's account to recover the expenses.
- Consult Business support processes for guidance about setting up an invoice to the person or their representative for any additional costs incurred by Supporting People in protecting the property.
- The following information will be required in order for an invoice to be raised:
 - name of person (debtor)
 - present address
 - details of expenses and dates
 - budget code and detail for reimbursement.

Step 9 – Make regular visits to the premises

- Regular visits must be made to the property to ensure it is secure and to collect mail.
- If it is felt the building is vulnerable to break-in, inform police and take action as necessary, e.g. boarding up premises/arranging for front garden to be cleared.
- If the weather is particularly cold consideration must be given to whether the heating needs to be left on low or whether, if it anticipated the property will be empty for a prolonged period, water tanks and pipes need to be drained. As soon as appropriate, and at the latest after a period of one month, the Team Manager and involved worker must review the situation. The review must consider the implications for longer term decisions that need to be

made. Where pets have been accommodated consideration must be given to whether the immediate placement made is the most appropriate in terms of need and cost. The longer term storage of property must also be considered.

- The inventory must be checked at least once a year, and signed and dated that it has been checked. Where a relative/neighbour has assumed responsibility for the property it must be checked that suitable arrangements have been made /are being made.
- In all circumstances LBC has the discretionary power to reclaim reasonable expenses incurred in carrying out its duties.
- A written record must be added to Mosaic case notes detailing the general state of the property, any concerns and what actions have been taken to minimise any risks.

Step 10 - When the person returns to their property

- When the person is ready to return to the property, ensure a Handover Receipt, Appendix 5 is obtained and put on the person's file on Mosaic, whilst ensuring arrangements are made to make the property habitable again.
- Keep the person fully aware of the situation and any action taken. Always fully document any action taken onto Mosaic. You must always be in a position to give clear and accurate information as to the whereabouts of a person's property.

3.2 Utilities

Arrangements for utility services to the property such as gas, electric and water may need to be changed and contact made with the appropriate utility company. Meter readings must be taken where appropriate. Consideration must be given to whether the water pipes need to be drained in the case of extreme cold weather to prevent flood damage to the property. Staff may need to consult an appropriate professional i.e. someone in housing for advice and/or to carry out the procedure. If this incurs a cost, the person will be liable for this cost in full.

References

RSPCA (Undated), Animal Welfare Act 2006

<https://www.rspca.org.uk/whatwedo/endcruelty/changingthelaw/whatwechanged/animalwelfareact>

United Kingdom Government, (2014), Legislation.gov.uk, Section 47 Care Act 2014
<http://www.legislation.gov.uk/ukpga/2014/23/section/47>

APPENDIX 1 - Consent to proceed with protection of property

Consent to proceed with protection of property form	
Name	Address
<p>I hereby give consent for London Borough of Camden to take reasonable and appropriate steps to safeguard my property pursuant to its duties and powers under Section 47 of the Care Act 2014</p> <p>I understand that London Borough of Camden will arrange for my pet(s) (if any) to be cared for by reasonable means, such as placing in kennels / cattery or passing to friends / neighbours with my prior agreement.</p> <p>I understand that I will be liable and kept informed regarding reasonable costs incurred by London Borough of Camden in taking the above action on my behalf.</p>	
Signed	Dated

Countersigned by designated allocated Social Worker:

Signed

Print Name

Dated

APPENDIX 2 – Protection of property proforma

To be completed by Social Worker

Name of person whose property is to be protected	Home address
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DOB:

Current Address:

AIS number

Relatives / friends contact details:

Name	Address
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Telephone no:

Reason for request for protection of property:

Authorisation:	
Allocated Social Worker Name:	Signed:
Work base	Dated:

APPENDIX 3 – Risk assessment form

Hazard identified	Who might be harmed?	Severity of harm	Likelihood of harm occurring with present controls	Risk level	Preventative measures	Further action

APPENDIX 5 – Authority for care of animals

Care Act 2014 Section 47

I, _____ being authorised by London Borough of
Camden to act on it's behalf for the purpose of Section 47 of the Care
Act 2014, hereby request _____

to care for the domestic animals belonging to

now a patient at _____

normally residing at (usual home address) _____

The council hereby undertake to pay the cost of accommodating and
feeding such animals and the cost of veterinary treatment which may at
any time be necessary for the period _____ to _____ only.

Any further period of accommodation will be the responsibility of the owner.

Signed:

Address:

Telephone:

Dated:

APPENDIX 6 – Protection of property – Handover receipt

Name of service user:

Home address:

I acknowledge that I (print name) _____

Am now taking responsibility for the protection of property belonging to

(print service user's name) _____

Signed:

Counter signed by Allocated Social Care Worker:

Dated:

OR:

I acknowledge that I have received the following items:

(detail items and their condition)

From (print name of Allocated Social Care Worker) _____

In similar condition to that when it / they was / were taken to safe keeping by Adult and Community Services

Signed:

Print name:

Counter signed by Allocated Social Care Worker:

Dated

APPENDIX 7 – Protection of property register

Date	Name of service user	Address of protected property	Consent form attached	Copy of Inventory attached	Copy of handover receipt	Dates of follow up visits	Names of SUPPORTING PEOPLE

Appendix 8 List of items for the property visit

Staff may need to take the following items with them to the property:

- disposable gloves & apron, sanitising hand gel
- suitable clothing and footwear
- a torch in case there is no electricity or there are outbuildings to secure
- waste bags for the disposal of rubbish
- envelopes
- a digital camera (where one is available) to obtain photographic evidence of valuable property.

END OF DOCUMENT