

Adults' Health and Care Department Procedure:		01/19 v2
Protection of Property		
Date:	June 2019	
Effective Date:	September 2020	
Summary:	The purpose of this document is to: <ul style="list-style-type: none"> • clarify the circumstances when staff must take action to protect an individual's movable property • clarify the appropriate action necessary to protect movable property • clarifies the process for making an administrative charge 	
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Sponsor:	Care Governance Board	
Authority to Vary:	Departmental Management Team Care Governance Board	
Procedures cancelled or amended:	Protection of Property 02/15	
Version Control:		
Amendment:		Date:
Covid -19 Bernice Scott-Field, Ed Walton, Kat Buttriss and Karen Alexander		June 2020
YOU SHOULD ENSURE THAT:-		
<ul style="list-style-type: none"> ▪ You read, understand and, where appropriate, act on this information ▪ All people in your workplace who need to know see this procedure ▪ This document is properly filed in a place to which all staff members in your workplace have access 		

Protection of Property Policy

Purpose:

The purpose of this document is to:

- clarify the circumstances when staff must take action to protect an individual's movable property
- clarify the appropriate action necessary to protect movable property
- clarifies the process for making an administrative charge

Scope:

- Operational Teams
- Client Affairs Teams

References

[Section 47 of the Care Act 2014](#)

Authority to Vary

Care Governance Board

Departmental Management Team

Stakeholder Consultation

Client Affairs Service

Care Governance Working Group

AHC COVID-19 Bronze Group

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Introduction, Background and Exceptions:

The Duty to Protect Property

In certain circumstances, 'the protection of movable property' is a local authority duty. This is described in [Section 47 of the Care Act 2014](#).

The duty applies when:

- a person is admitted to hospital, or a care home, **and**
- there appears to be a danger of loss, or damage to, any movable property, **and**
- no other suitable arrangement to protect property is in place.

In the context of this duty, the council may at all reasonable times and on reasonable notice:

- enter any premises which the person was living in immediately before admission to hospital or other provided accommodation to deal with the adult's movable property to prevent or mitigate loss of or damage to the property.

The local authority may only use this power when the adult concerned has given their permission.

Where the adult lacks capacity:

- a person authorised under the [Mental Capacity Act](#) may make the decision on behalf of the adult concerned.

If there is no one authorised to do this, the local authority must show that exercising the power would be in the person's best interests.

A local authority may recover from the adult concerned any reasonable expenses it incurs under this section. It is also the expectation that the person will be liable for the cost of any care or treatment required for the pets or other animals which may have to be organised while the person is detained in hospital. Therefore, it should have been established already if there are family, neighbours or friends who can provide care for the pet or other animals. All other avenues should be exhausted before paid for arrangements are entered into for the care of pets or other animals

The duty to protect movable property applies during the lifetime of a person.

This means that this duty does not apply to a person whose death has occurred before action has commenced.

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

Principles and Definitions:

Most Care Act specific language is defined in [CQC's glossary](#)

The term 'movable property' is not defined in the Care Act.

It is generally understood to include such items as:

The personal contents of a house (or other dwelling), including:

- any animals owned by the person
- furniture
- personal clothing
- cash
- jewellery
- valuables – including documents such as: deeds, will, address book, Lasting or Enduring Power of Attorney
- cars, bicycles, motorbikes, or motorhomes kept on the public highway that need tax.

Roles, Responsibilities and Expectations:

The responsibility to carry out this duty rests with:

- the allocated social worker
- duty team if the person's case is unallocated

This duty in practice requires that the allocated social worker or duty team worker:

- acts in the best interest of the person at all times
- takes photographic evidence
- makes sure all portable items of value are safe
- makes an inventory of the non-portable items believed to be of value in the person's home
- ensures the security of the property and any out buildings and /or mailboxes
- notify utility service providers of the situation if appropriate.

Policy Statement:

"AHC Department will protect an individual's movable property in line with legal duties.

If there is no clear contingency plan in place, the Department must act to meet this duty.

The responsibility to act rests with the:

- Allocated social worker, or,
- Duty officer (if the individual is not already known to the department).

The Department will reclaim the costs necessary to protect property"

Guidance:

Step One – Establish if the Duty Applies:

If the person is already known to services there may be a [contingency plan](#) to protect property in place.

If there is:

- Establish if the relevant people are aware of the need to act and record this as a case note. There may also be specific people the individual would not wish to be involved, it may be useful to refer to permission to share details at this stage.

If there is no contingency plan in place:

- Discuss with the person if there is anyone available to take responsibility for the protection of property.

If there is someone available to protect property:

- Record these details on the person's case file and send that person the form to sign as an undertaking (Appendix three)

If it is not possible to identify someone to take responsibility for the property:

- **The duty applies, and the local authority must act to protect property**

Step Two – Consent to Proceed

The individual must give consent for the local authority to proceed. This includes acknowledgement that the local authority will issue a charge. Where the person is able to consent: Attach the completed, signed, [Consent to Proceed form - Appendix One](#) to the person's case file.

There may be situations where the person is unable to consent due to lack of capacity.

In these cases:

- **The local authority duty to protect the property remains**
- In line with the principles of the Mental Capacity Act 2005, action to protect property should proceed in the person's best interests
- the social worker / case worker must evidence the capacity decision in the person's records.
- [The Client Affairs Service](#) can offer guidance where they have received a referral and support to protect that persons property.
- For Pet/Animal care during Covid-19 refer straight to RSPCA main HQ for local redirection 03001234 999 <https://www.rspca.org.uk/-/rspca-provides-emergency-service-during-coronavirus-lockdown>

Useful links:

[HCC Paying for Care guidance for detail on how charges are made](#)
[Mental Capacity Act and Best Interests Assessment guidance](#)

Step Three: Assess for Access

If requested when accessing the property the completed, signed, [Consent to Proceed form - Appendix One](#) and formal Hampshire County Council identification serve as authorisation to proceed.

Before making any attempt to access the property, undertake a risk assessment in relation to accessing the property. Any staff involved in the protection of property must have regard for their personal safety. Advice should be sought from a manager before the visit if there are concerns about entering the building.

In most cases, it will be necessary to collect keys to the property from the individual. It is important to establish if:

- There are any other key holders - any measures taken for protection will not be secure if other parties have access to the property.
- The property has a key safe, as the number is necessary for access.
- It is not possible to locate the keys. In which case it may be necessary to ask the police to gain access. Police non-emergency contact number 101.
- After the visit, label the keys and store in the office safe and record in persons records accordingly. In cases where it is necessary to deposit the keys with hospital staff, it is also necessary to secure a [handover receipt – appendix 3](#)

Step Four – Visit the property

The purpose of the visit is to assess what action is necessary to protect property. The visit should take place as soon as possible. Where you have made an active referral to them, [The Client Affairs Service](#) can offer guidance and support to protect property. Ensure camera/work phone/device battery fully charged, take photos at the door ensuring date and time stamped and take them consistently as you move through the property, take photos of each item, each secured window, outhouse, shed, door and then finally of the secured door as you are leaving the property. Staff will need to take the following items with them to the property:

- disposable gloves, mask & 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
- a digital camera, smartphone or other mobile device to make photographic evidence of valuable property
- envelopes

To minimise the risk to staff of allegations of misappropriation of monies or goods, **either use of two members of staff or constant use of photographic evidence must be present** when:

- initially accessing the property and each subsequent room
- making an [inventory – see appendix 2](#)
- Either counting and verifying monies when 2 persons present or photographing immediately and removal back to the office for verifying with colleague and securing in an envelope.

The actions required to protect property will vary depending on how long the person is likely to be away from the property. The below list highlights 4 key action areas to protect property:

A) Removal and record keeping for portable valuables from the property i.e. keys, money, bank cards, documents:

- Establish an inventory sheet
- Secure valuables in an envelope
- Mark the envelope with the person's name
- Sign across the seal on the envelope - officers who attended/verified the property must sign.
- Count all notes and coins on site/back in office, verify, and enter the amount onto the [inventory sheet – appendix 2](#)
- Take any monies to the office safe for safe keeping recording in the persons file accordingly.
- **This will complete the safe custody obligation**

The individual may need access to cash in hospital or care accommodation. Record any monies handed to the individual on a signed [Handover Receipt appendix 3](#)

B) Disposal of perishable items:

- check fridge, cupboards, freezer contents (and defrost/then turn off)
- empty bins

C) Notify Utilities, Services and Authorities:

- Notify main service suppliers that the premises is empty. This may include: gas, electricity, water, telecommunication services. [The Ofgem website](#) has information on suppliers at specific addresses.
- Take and note readings but do not disconnect at this point.
- If over winter, it may be necessary to involve professional services to drain the heating system in order to avoid burst pipes and flooding
- Inform police in writing that the property is being left uninhabited and why
- For rented or leased properties: inform the landlord of the situation
- Cancel any regular deliveries of milk, papers.

- Make alternative arrangements for the [care of any pets/ animals](#) – [appendix 4](#) can be used to clarify the authority to act in this way.
- Ensure cars or vehicles are parked in line with tax and licence guidelines

D) Intensive cleaning, fumigation or drainage:

- If necessary, consult a relevant professional for advice, or to carry out specific services.
- If the property requires a deep clean, permission should be sought from the individual, with several quotes obtained.
- Contact the Environmental Health Department of the district council to arrange fumigation.

Step Five – Secure the Property

Leave the property in a secure and safe condition, by checking:

- are the front/back door locks in working order (take photo as enter/leave)?
- do the windows close and if so are they all fastened shut (Photo)?
- is it obvious to people passing the property that it is empty? Are there ways to prevent this?
- is it possible to secure the out buildings / mail box?
- don't forget to upload photographic evidence into P's ESCR file.

Step Six – Recover Expenses

- All expenses incurred through the protection of property are chargeable
- Keep all receipts ready for the preparation of a debtor's account to recover the expenses.
- To raise an invoice you will need the following information:
 - name of person (debtor)
 - present address
 - details of expenses and dates
 - budget code and sub-detail for reimbursement.
- [IBC guidance](#) has further detail relating to raising invoices

Step Seven – Visits to the premises:

- Make periodic visits to the property to ensure it is secure (take Photo) and to collect mail.
- If the building is vulnerable to break-in, inform police and take action as necessary. This may include boarding up premises or arranging for the clearance of a front garden.
- In particularly cold weather, consider whether the heating needs to be on.
- The Team Manager and case worker should review the situation after a period of no more than one month.

The review should consider the need for longer term arrangements:

Protection of Property

- If the property will be empty for a prolonged period, further water tanks and pipes may need draining.
- Placements for pets should achieve a balance between need and cost.
- Check the inventory at least once a year.
- Consider the longer term storage of property at risk of damage.
- Consider referrals to the [Client Affairs Service](#).
- Hampshire County Council will reclaim the expenses incurred in carrying out its duties.

Step Eight - Return to the property:

- Before the individual returns, make arrangements to make the property habitable again.
- Keep the person informed of the situation and any action taken. Always document any action taken and the location of any of the individual's property
- When the person is ready to return to the property, complete a final handover receipt. This serves as evidence that the duty no longer applies.

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 Hampshire County Council 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 Hampshire County Council 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 Hampshire County Council 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: Inventory sheet

The property in this inventory belongs to:

Name:

Date:

Address:

Inventory undertaken by: (must be two named staff or photographic evidence for each item)

And:

Room	Detail	Quantity	Taken from site	Where stored	Comments

Tips for completing the inventory:

- Descriptions should be thorough but not over the top
 - For example – if there is a book case / shelving say “assorted books (or DVD’s etc)”. Unless the items are believed to be of high value there is no need to list things like books or CD’s etc individually
- Describe only what you are sure of, for example “Gold coloured ring, wedding band style” rather than “18 carat gold ring”
- Furniture should be described so “2 seater leather sofa” rather than “Chesterfield sofa”
- Make sure to record important documents – e.g. wills, LPA, property insurance certificates, the person’s address book etc
- Take photographs of items believed to be of value, where AHC are holding onto the keys of the property
- Photographs, when taken should be taken (where possible) against a plain background.
- Inventories and photographs should be uploaded to AIS as an Electronic Social Care Record.

APPENDIX 3 – 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 into safe keeping by Adult and Community Services as evidenced by Photos stored in ESCR.

Signed:

Print name:

Counter signed by Allocated Social Care Worker:

Dated:

APPENDIX 4 – Authority for care of animals

Care Act 2014 Section 47

I, _____ being authorised by Hampshire County Council 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:

FAQ's

Q1. Should expenses relating to securing people's property be chargeable to customers when they are detained under the Mental Health Act involuntarily?

- A1. where we use force (135 warrant) and we cause any damage to access to assess, then yes HCC/police liable to make good – so property can be left secure.
- If property already damaged prior to assessment and will incur cost so property can be left secured, then this should normally be passed onto P unless there are good reasons not to.
- Pets – ideally P should identify options for care and pay any costs, unless there are exceptional circumstances.
- HCC will always need to secure, but we do need to be clear with P that the financial responsibility for payment will be passed back to P

Q2. Can we use Body worn camera's?

A2. This has been explored and ruled out currently due to proportionality of expense for the anticipated annual usage, the GDPR implications for video use in peoples homes, accidental capture of photo's, neighbours, very personal information and then storage of the footage requiring dedicated encrypted software not yet available within HCC IT services.

Q3. I have arrived at the property and my camera/phone/laptop battery is flat – how can I proceed?

A3. You cannot, go home, charge the battery and return when fully charged, do not proceed without photographic evidence.

Q4. What if consent is refused?

A4. If a person has capacity and does not provide consent for you to protect any of their moveable property or belongings, or enter any part of their property then you must not do so.

Sometimes a person may refuse consent for you to enter parts (or all) of their home if possible it can be helpful to talk this through with them. They may have been finding it difficult to maintain their environment and are embarrassed or worried you may make a judgement about their long term needs based on this. In such cases it can be helpful to provide reassurance that the entry to their property is solely to protect property and that any assessment of needs will not be carried out at the same time. Partial or refusal of consent may need to be escalated to a manager for discussion/decision.

If you have reason to doubt their capacity, you must undertake an assessment of their capacity to refuse, if the outcome is then fluctuating capacity, you must re-assess when they are at the best and also consult with any family or friends whom they identify to help them and you make the right decision regarding protecting their property.