

**North Somerset Council  
Adult Social Services and Housing Solutions**

Policy on discharging the Prevention and/or Relief duty  
to the applicant for deliberate and unreasonable refusal  
to co-operate (sections 193B and 193C)

**October 2023**



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## 1. Document information

<b>Title</b>	Policy on discharging the Prevention and/or Relief duty to the applicant for deliberate and unreasonable refusal to co-operate (sections 193B and 193C)
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## 2. Purpose

From 3rd April 2018, applicants approaching the LA as a homeless person (or as a person threatened with homelessness within 56 days) are subject to a statutory duty to prevent or relieve their homelessness, if they are eligible for assistance pursuant to Part VII of the Housing Act 1996 (as amended).

As part of that duty the LA will work collaboratively with the applicant to produce a Personalised Housing Plan (PHP). The PHP will contain the reasonable steps that both the LA and the applicant should take in order to prevent or relieve the applicant's homelessness.

Chapter 14 of the Homelessness Code of Guidance 2018 outlines the circumstances under which the LA can bring the prevention or relief duty to an end. One of these circumstances is 'deliberate and unreasonable refusal to co-operate'.

S193B of the HA96 deals with cases when the LA wishes to end their duty for this reason. S193B requires a notice to be served by the LA in these circumstances, explaining why the LA are giving the notice, what steps now need to be taken and the effect of non-compliance. S193B also states that the notice cannot be served unless a warning has been issued and sufficient time has passed to enable the applicant to comply with the steps required. In deciding whether it is appropriate to serve a S193B notice the LA must have regard to the particular circumstances and needs of the applicant. It will not be appropriate to seek to discharge the prevention or relief duty in all cases where an applicant appears not to be co-operating. Each case will be assessed on its own merits and a blanket policy must not be applied. In particular, the LA must consider an individual's vulnerability and whether the applicant has any unmet support needs.

Regulation 2 of the Homelessness (Review Procedure etc) Regulations 2018 requires the LA to publish its procedure in connection with S193B notices. This document constitutes that procedure.

This procedure is required to comply with Regulation 3 of the above regulations.

Regulation 3 states that the decision to serve the notice must be approved by an officer of the LA who is on the same level or more senior as the officer recommending service of the notice. This is to ensure that notices are only served where there is very good reason to withdraw the support offered under the prevention and relief duties.

## 3. Definitions

LA Local Authority

PHP Personalised Housing Plan

HRA Homelessness Reduction Act 2017  
HA96 Housing Act 1996 (as amended)  
HPO Homeless Prevention Officer  
PHPO Principal Homeless Prevention Officer  
CoG Homelessness Code of Guidance 2018

## 4. Procedure

### 4.1. Issuing a warning

1. When a prevention or relief duty is accepted and a PHP is created, the HPO is required to keep the progress against the plan under constant review. If the applicant disagrees that the steps they are required to take are reasonable in their circumstances, the HPO should review the PHP at that stage and adjust it if appropriate. However, if no agreement is reached and the HPO is satisfied that the steps are reasonable, the HPO should record the reasons for disagreement on the PHP and as a file note on Jigsaw.
2. The HPO should review the progress against actions on the PHP at least monthly. If no satisfactory progress against the steps has been achieved when the PHP is reviewed, the HPO should discuss this with the applicant to ascertain whether there is a legitimate reason for the lack of progress. If appropriate, the PHP should be renegotiated, adjusted and reasons recorded on the case.
3. If there are any support agencies engaged with the applicant, the HPO should contact them and encourage them to impress upon the applicant the importance of co-operating with the steps in their PHP.
4. If there continues to be a lack of progress raised at a PHP review and further attempts to contact the applicant suggest that he/she does not intend to co-operate with the PHP, the HPO should consider whether a formal warning is appropriate. In deciding on the appropriate course of action the HPO should be mindful of the CoG sections 14.49 to 14.53. These sections define 'deliberate and unreasonable non-cooperation' and provide guidance on considering each individual's needs.
5. If service of a formal warning notification is deemed appropriate and to be issued by the HPO, the relevant template letter should be issued. The HPO should edit the template with the actions listed in the PHP and the reasons why the HPO is satisfied that the applicant has deliberately and unreasonably failed to co-operate. The HPO should insert details of the actions that must now be taken and the timescales for doing so.

6. The warning notification should make it clear to the applicant what the implications are to them of continued non-cooperation (i.e. the ending of the duty to either prevent or relieve their homelessness). If the non-cooperation is at prevention stage the applicant may later become homeless, in which case a relief duty will be owed and the applicant will then be required to cooperate with relief steps in any event (unless they withdraw their application). If non-cooperation is at the relief stage and the applicant is not in priority need (or is homeless intentionally), there will be no further duty when the relief duty is ended. If the applicant is in priority need and is unintentionally homeless, and a final offer has been made to the applicant in the relief period, no full housing duty will arise. Alternatively, the LA need only secure that accommodation is available for an unintentionally homeless and priority need household, until a final offer of accommodation is made (or the duty comes to an end for another reason).
7. There is no set warning period but adequate opportunity should be given to a commitment to co-operate taking into account the households individual needs, the applicant should be informed of the timescales for actions within the warning notification.
8. If the applicant does not carry out the required actions and the HPO remains satisfied that there is no good reason for the failure to co-operate, the procedure for serving formal notice begins.

## **4.2. Serving formal notice**

1. The decision to serve the Notice must be made by an officer who works for the LA, and authorised by a senior officer who also works for the LA but who was not involved in the decision. If the PHPO has been involved in the decision making or is not available, the authorisation should be issued by the Homeless Prevention Team Manager.
2. On expiry of the warning period, the HPO should send a request for authorisation to serve a S193B Notice to the PHPO. The request should include the applicants name and case reference number and a copy of the request saved to Jigsaw.
3. The PHPO should carefully review the case.
4. If the PHPO agrees with the request, they should record the authorisation on Jigsaw and e-mail their authorisation to the relevant HPO who will then issue the Notice using the template, editing it as necessary.
5. The HPO can serve the Notice on the applicant in person, by email, or via post. If there is no address or contact details for the applicant the letter should

be held on file.

6. The HPO can choose not to cease prevention or relief efforts if the applicant immediately takes steps to rectify the situation or there are extenuating circumstances that are clearly documented on file and a successful resolution is likely. Otherwise, the case should be closed on Jigsaw. – see 14.36 CoG

#### **4.3. What must be considered before formally ending the prevention or relief duty**

1. Under the [Homelessness code of guidance for local authorities](#) North Somerset Councils Housing Solutions should be satisfied of the following before ending the prevention or relief duty under sections 193B and 193C:
  - the steps recorded in the applicant's personalised housing plan are reasonable in the context of the applicant's particular circumstances and needs;
  - the applicant understands what is required of them in order to fulfil the reasonable steps, and is therefore in a position to make a deliberate refusal;
  - the applicant is not refusing to co-operate as a result of a mental illness or other health need, for which they are not being provided with support, or because of a difficulty in communicating;
  - the applicant's refusal to co-operate with any step was deliberate and unreasonable in the context of their particular circumstances and needs. For example, if they prioritised attending a Jobcentre or medical appointment, or fulfilling a caring responsibility, above viewing a property, this is unlikely to constitute a deliberate and unreasonable refusal to cooperate. However, if the applicant persistently failed to attend property viewings or appointments without good reason; or they actively refused to engage with activity required to help them secure accommodation, then this might be considered deliberate and unreasonable refusal to cooperate.

#### **4.4. If authorisation is not given to serve formal Notice**

1. If the PHPO does not agree that the applicant has deliberately or unreasonably failed to co-operate, they should state their reasons and record these on Jigsaw. The case will then remain open for further prevention or relief activity.

### **5. Re-applications**

An applicant can make a repeat application to the LA if there is a change in circumstances that is not trivial. However, past non-cooperation which has resulted in the applicant's homelessness could be taken into account in a subsequent homelessness assessment (when intentionality is considered). If a fresh application is opened, the prevention and/or relief duty should be met before a decision of

intentionality should be made (assuming neither duty can be ended for any other reason).

## 6. Complaints

If you are unhappy about any action or decision taken by Adult Social Services and Housing Solutions, you should initially talk to the person you normally deal with. If you are unable to resolve your complaint in this way, you can contact:

Complaints Manager,  
Adult Social Services and Housing,  
Town Hall,  
Walliscote Grove Road,  
Weston super Mare,  
BS23 1UJ  
Telephone: 01275 882171  
Email: [complaints.manager@n-somerset.gov.uk](mailto:complaints.manager@n-somerset.gov.uk)

## 7. Accessible information

Council documents can be made available in large print, audio, easy read and other formats. Documents on our website can also be emailed to you as plain text files. Help is also available for people who require council information in languages other than English. Please email [gavin.hutchison@n-somerset.gov.uk](mailto:gavin.hutchison@n-somerset.gov.uk) or ring 01934 888 888.