

Policy Fact Sheet: Non-Cooperation

(Updated following amendments in the Commons)

What does Clause 7 do?

Clause 7 sets out the actions a local housing authority may take if an applicant who is homeless or threatened with homelessness deliberately and unreasonably refuses to take any steps set out in the personalised plan. They also set out the procedure and duties which apply if an applicant who is homeless refuses, at the relief stage, a suitable final accommodation offer in the private rented sector or an allocation of social housing (a part 6 offer).

What does the non-cooperation part of this measure do?

The Homelessness Reduction Bill introduces a new duty on local housing authorities (LHAs) to “assess all eligible applicants’ cases and agree a plan”¹ (in Clause 3). The LHA will be expected to look at the circumstances that caused the homelessness or threatened homelessness of the person who has applied for help. The LHA would also need to consider their housing needs and those of people they live with, or might reasonably be expected to live with, and the support they would need to be able to have and retain suitable accommodation.

Following assessment, the LHA must work with the person to agree the required steps to be taken by both parties to ensure the person has, and is able to retain, suitable accommodation. These steps should be tailored to the applicant’s needs and should be reasonable and achievable for the particular applicant.

The assessment and the agreed actions will be recorded in the agreed plan, which must be notified to the applicant.

Clause 7 sets out the actions an LHA may take if an applicant deliberately and unreasonably refuses to cooperate with the key steps in their personalised plan.

The bar is set at ‘unreasonably refusing to co-operate’ so that it does not penalise those who have difficulty co-operating, for example because of poor mental health or complex needs. There are a number of other safeguards, including a warning letter so that the household is aware that the LHA intends to take further action if the applicant continues to deliberately and unreasonably fail to cooperate.

What does this measure do with respect to the refusal of suitable offers of accommodation?

The Homelessness Reduction Bill introduces measures which would enable the relief duty to be brought to an end if, having been made a suitable offer in the private or social rented sectors and notified of the consequences of

¹ See separate factsheet “Policy Fact Sheet: Assessments and Plans” for further detail of this measure.

refusal, a household unreasonably refuses the offer. Importantly, households in priority need would not be eligible for the main homelessness (rehousing) duty in these circumstances.

Clause 7 makes clear that a final accommodation offer in the private rented sector must be an assured shorthold tenancy of at least 6 months. Households will be able to request a review of the suitability of this final offer of accommodation. If they are owed the interim accommodation duty at the time when they refuse the final offer, interim accommodation will continue until they are notified of the outcome of the review.

What is the measure hoping to achieve and why is the Government supporting this?

This measure is designed to encourage those who are homeless or at risk of becoming homeless to take responsibility for working proactively with their LHA to resolve the problem as soon as possible.

The Government does not wish to create challenges for vulnerable people who may have difficulty in participating in the homeless prevention activities of their LHA. We believe that this measure is a fair approach. The aim is that plans will be agreed and will contain actions that the person applying for help can reasonably be expected to achieve.

Why is legislation needed?

We expect that establishing clear and fair consequences for non-cooperation and the refusal of suitable offers of accommodation will encourage people to take increasing responsibility for their housing needs, and as a result gain more choice and control over their options.

How do we see non-cooperation working in practice?

If a person deliberately and unreasonably refuses to co-operate with required steps set out in the plan, the LHA may issue an appropriate warning to explain the consequences of continued non-cooperation. If they continue to deliberately and unreasonably fail to co-operate then the LHA may issue a notice which brings to an end the duties to help to secure accommodation under section 189B(2) (to take reasonable steps to help secure suitable accommodation for those who are homeless and eligible) and section 195(2) (duty to take reasonable steps to help the applicant prevent homelessness).

Those eligible for assistance, not intentionally homeless and in priority need will not be entitled to progress to the main homelessness duty. However, in order to protect families with children and other priority need households, and to avoid cost shunting to children's services authorities where children are involved, they will still be entitled to receive an offer of suitable accommodation. As a minimum this will be an assured shorthold tenancy of at least 6 months.

Key questions and answers

What is meant by ‘deliberately and unreasonably refusing to co-operate’?

Statutory guidance will set out the Government’s view of what it means to ‘deliberately and unreasonably refuse to co-operate’. The Bill will also give the Secretary of State a power to issue a statutory code of practice which will be used if it becomes apparent that appropriate standards are not being met.

How will you definitely know whether an offer of accommodation is ‘suitable’?

Regulations and statutory guidance² set out the Government’s view of what ‘suitable’ means. This will still apply. The Bill will also give the Secretary of State a power to issue a statutory code of practice which will be used if it becomes apparent that appropriate standards are not being met.

Will households who have duties to them ended under the prevention and relief stages be able to progress to the main homelessness duty?

Applicants whose prevention and relief support ends under clause 7 will not be eligible for the duty under section 193 (the main housing duty). This clause also allows the Secretary of State to make regulations as to the procedure to be followed by the local housing authority in connection with notices under section 193B (notices in cases of an applicant’s deliberate and unreasonable refusal to cooperate).

What safeguards are in place to prevent local housing authorities from ending duties too soon?

- The personalised plans will aim to agree a number of required steps, between the person applying for help and the LHA, which are most relevant to securing and keeping accommodation
- If a person deliberately and unreasonably refuses to cooperate the LHA may only give notice to a person to end the prevention or relief duties if they have first warned them that they are minded to do so.
- Following a written warning, the LHA must give a notice in writing to the person if they consider s/he has deliberately and unreasonably failed to co-operate. This notice must explain the reasons for giving the notice and its effect, and inform the individual of their right to request a review of the decision to issue a notice³.
- The Secretary of State may make regulations to set out the procedures to be followed by LHA in connection with notices.

² <https://www.gov.uk/government/publications/homelessness-code-of-guidance-for-councils-july-2006>

³ See separate factsheet “Policy Fact Sheet: Reviews” for further detail of this measure.