

Non-Cooperation Procedure

1. Purpose of this procedure

- 1.1 This procedure concerns the issuing of notices to homeless applicants under section 193B(2) of the Housing Act 1996 (“the 1996 Act”).
- 1.2 A notice under section 193B(2) (“discharge notice”) may be given if the Council is satisfied that a homeless applicant has deliberately and unreasonably refused to take a mandatory step in their housing plan (subject to certain statutory requirements being met).
- 1.4 The purpose of the discharge notice is to end either:
 - (a) the prevention duty, or
 - (b) the relief duty.
- 1.5 This procedure is not intended to replicate the relevant legislation or statutory guidance. Rather it sets out the procedural steps that members of staff must follow when issuing notices under section 193B(2) of the 1996 Act or taking steps in preparation for issuing such a notice.
- 1.6 This procedure must be read together with the policies and procedures governing the administration of homeless applications.

2. Policy statement

- 2.1 When seeking to prevent or relieve homelessness the emphasis should be on taking reasonable steps to help the applicant to keep or obtain suitable accommodation and helping applicants to take whatever action is required.
- 2.2 Staff should make reasonable efforts to obtain applicants’ cooperation. A positive, collaborative and sympathetic approach that is responsive to the individual’s needs should be adopted. Reasonable efforts should be taken to engage with applicants and encourage cooperation.
- 2.3 The non-cooperation sanction should only be applied where it is clear that the applicant has deliberately and unreasonably failed to cooperate with the Council in connection with a mandatory step in their housing plan. The sanction should only be applied where appropriate and it is proportionate in the particular circumstances of the case.

3. Terminology

Please refer to the Glossary which explains the terms used in this procedure.

4. Warning notice

- 4.1 A warning notice, under section 193B(5) of the 1996 Act, may be given to the applicant if:
 - (a) The Council considers that the applicant has deliberately and unreasonably refused to take any step –