



Hinckley & Bosworth Borough Council

Hinckley and Bosworth Borough Council

Prevention Policy

June 2025

INTRODUCTION, OBJECTIVES AND SCOPE

1. Introduction

- 1.1 Hinckley and Bosworth Borough Council has a legal responsibility to prevent homelessness and to take reasonable steps to help relieve homelessness for all eligible individuals. This duty applies to everyone, not just those considered to be in priority need, as set out in the Homelessness Reduction Act 2017, which came into effect on 3 April 2018.
- 1.2 Under the Homelessness Act 2002, all local authorities must maintain a homelessness strategy, which must be reviewed and updated at least every five years. This strategy outlines how the Council plans to prevent homelessness and ensure that suitable accommodation and support are available for people who are homeless or at risk of becoming homeless.
- 1.3 The Council must take reasonable steps to help any eligible person who is at risk of homelessness, regardless of their priority need status, whether they are considered intentionally homeless, or whether they have a local connection to the area. This is known as the **Prevention Duty**, which lasts for 56 days unless it ends earlier—for example, if suitable accommodation is secured or the person becomes homeless.
- 1.4 If someone is already homeless when they approach the Council, or becomes homeless during the prevention stage, the Council must then take steps to help them find new accommodation. This is known as the **Relief Duty**, which also lasts for 56 days unless ended earlier. If the Council believes the applicant may be eligible and in priority need, it must provide temporary accommodation under Section 188 of the Housing Act 1996.

1.5 This policy outlines the council's approach to the following:

- How the Council works to prevent homelessness
- When the prevention duty applies
- The methods used to prevent or relieve homelessness

2. Objectives of this Policy

2.1 This policy supports the Council's Homelessness and Rough Sleeper Strategy and aims to:

- Ensure legal compliance when accepting a homelessness duty
- Address homelessness or the risk of homelessness as early as possible
- Reduce the time households spend in temporary accommodation
- Lower the Council's annual expenditure on temporary accommodation
- Improve access to private rented housing for those owed a homelessness duty
- Promote early intervention for individuals at risk of homelessness
- Provide a range of tools and support to help prevent homelessness

3. Scope of this Policy

3.1 This policy applies to all individuals and households to whom Hinckley and Bosworth Borough Council has accepted a prevention, relief, or main homelessness duty.

4. Definition of homelessness

4.1 A person or household is considered legally homeless if they do not have a home in the UK or anywhere else in the world that is both available and reasonable for them to live in.

4.2 Examples of homelessness include, but are not limited to:

- Sleeping rough (street homelessness)
- Temporarily staying with friends or family (sofa surfing)
- Being illegally evicted
- Living in accommodation that is unaffordable
- Living in housing that is unfit or severely overcrowded
- Experiencing domestic abuse or threats of abuse
- Being asked to leave by parents or guardians
- Friends or family no longer able or willing to accommodate
- Leaving care, prison, or the armed forces without accommodation
- Receiving a valid notice to quit from a landlord

4.3 All local authorities must provide free advice and information to anyone in their area about:

Preventing homelessness

- Finding a home
- Understanding their rights if they are homeless
- Accessing local support services

- 4.3 Anyone aged 16 or over who believes they are homeless or at risk of homelessness can apply for help from any local authority. If the applicant is aged 16 or 17, they may also be referred to Children's Social Services for additional support.
- 4.4 A household that normally lives in the UK and has the legal right to remain without restrictions is generally eligible for assistance.

5. The Prevention duty

- 5.1 The Local Authority owes an applicant and their household the prevention duty if it is satisfied that they are threatened with homelessness and eligible for assistance.
- 5.2 A person is considered threatened with homelessness if it is likely that they will become homeless within 56 days, or if they have been given a valid section 21 notice in respect of their only accommodation which is due to expire within 56 days.
- 5.3 The prevention duty requires an authority to take reasonable steps to help the applicant to secure that accommodation does not cease to be available to them.
- 5.4 Where the local authority owes an applicant the prevention duty, it also under a duty to assess their housing needs and produce a personalised housing plan (PHP). The assessment and plan should inform all relevant action taken under the prevention duty.
- 5.5 As part of the PHP the applicant may be required to take reasonable steps to find accommodation or prevent themselves becoming homeless from the accommodation that they are applying from.
- 5.6 The local authority might find the applicant has failed to cooperate with the PHP if they do not take a reasonable step set out in the plan. This can allow the local authority to end the prevention duty early.
- 5.7 The local authority cannot refer an applicant to another local authority under the prevention duty. The local authority that the applicant applies to must under the prevention duty take steps to prevent homelessness, regardless of whether they have a local connection.
- 5.8 The Homelessness code of Guidance states that 'Help to secure' does not mean that the authority has a duty to directly source and provide accommodation for the applicant but involves the authority working with applicants to agree (where possible) reasonable steps that the applicant and the housing authority can take to identify and secure suitable accommodation.
- 5.9 The code of guidance further states that in providing 'help to secure', the housing authority is able to provide support and advice to households who are taking some responsibility for securing their own accommodation. This approach is intended to increase choice and control for applicants and allow the housing authority to help to resolve particular problems rather than direct resources at securing accommodation for households regardless of what assistance they need.
- 5.10 The Code of Guidance suggests an authority should first focus on steps which might assist the applicant and their household to stay in their current home. Where this is not possible,

then the focus should be on trying to secure other accommodation so that the person does not cease to have accommodation available to them.

5.11 The prevention duty can be brought to an end by:

- Suitable accommodation being available for at least six months
- The applicant refusing an offer of suitable accommodation
- The applicant becomes homeless
- The applicant becomes homeless intentionally
- The applicant ceases to be eligible
- The applicant withdraws their application

5.12 Accommodation secured must be available and suitable for occupation by the applicant and any other person who normally resides with them as a member of their family, or any other person who might reasonably be expected to reside with them.

6. The Relief duty

6.1 A local authority owes an applicant and their household a relief duty where the authority is satisfied that the applicant is homeless and eligible.

6.2 The local authority must take reasonable steps to help the applicant secure accommodation that will be available to them for at least six months.

6.3 The assessment and PHP should inform all action taken under the relief duty.

6.4 A new PHP must be issued under the relief duty.

6.5 The authority can discharge the duty by securing accommodation for the person and their household, but they are not required to provide accommodation directly. There must be a reasonable prospect of the accommodation being available for at least six months.

6.6 The local authority must secure emergency interim accommodation under S188 if it has reason to believe that the applicant is homeless, eligible and is in priority need.

6.7 Where there is reason to believe the person might be in priority need, the authority must provide interim accommodation for the duration of the relief duty, unless inquiries evidence at a later date that the applicant does not have a qualifying priority need.

6.8 The local authority is able to refer the person to another local authority at the relief stage if they are homeless and eligible for assistance, but do not have a local connection to the area where they applied. The relief duty is not owed by the referring authority if that authority:

- is satisfied that the person is eligible and homeless
- believes that conditions for a local connection referral are met
- notifies the applicant that it has notified or intends to notify another local authority of its opinion that the conditions for a referral are met

6.9 The duty to provide interim accommodation is not conditional on the person having a local connection to the local authority, where they apply. If the local authority is making a referral on local connection grounds and it is believed the applicant is in priority need, then it must provide emergency accommodation until the person is notified of the decision as to whether the conditions for the referral are met.

6.10 The relief duty can be brought to an end by;

- Suitable accommodation being available for at least six months
- The applicant refusing an offer of suitable accommodation and there was a prospect of it being available for 6 months
- The applicant becomes intentionally homeless from any accommodation made available under the relief duty
- The applicant is no longer eligible for assistance
- The applicant has withdrawn their application
- The applicant refuses a final accommodation offer or a final Part 6 offer of social housing

A final accommodation offer is an offer of a six-month assured shorthold tenancy.

7. The Main duty

7.1 A local authority will owe an applicant the main housing duty when the duty to relieve homelessness has ended, and they are satisfied the applicant is:

- homeless and eligible for assistance
- in priority need
- not intentionally homeless

7.2 The duty is owed by the authority to which the application was made unless the authority makes a local connection referral.

7.3 The main housing duty is a duty to provide temporary accommodation until such time as the duty is ended, either by an offer of settled accommodation or for another specified reason.

The main housing duty can be brought to an end by:

- The applicant ceases to be eligible for assistance
- The applicant becomes homeless intentionally from accommodation provided to them under the main duty
- The applicant voluntarily ceases to occupy the accommodation provided
- The applicant accepts an offer of a fully assured tenancy from a private landlord, including a housing association
- The applicant accepted a private rented sector offer of an offer under the local authorities' part 6 allocation scheme
- The applicant refuses certain accommodation

8. Housing Options Team

The Housing Options Team are focused on building skills, confidence and empowering people so that they can manage themselves and their accommodation as much as possible. This might mean making short term plans with people whereas others will benefit from focused longer-term work, and the appropriate referrals for this support will be made with the applicant's permission.

Applicants accessing the service will be required to complete a homelessness application and provide relevant documentation to evidence the risk of homelessness or actual homelessness, along with a form of identification for each member of the household.

They will then be assigned for a full housing assessment with a Housing Options Officer and will be asked at that point to provide a wider range of documentation, to not only show the risk of homelessness, but also any other factors associated with that person or household. This will include, but not limited to, household income, bank statements and medical information.

When applicants have an assessment with the Housing Options Team, the outcome they wish to have is not to not just have advice, but to be provided with a home or a resolution to their current housing situation. However, it is important to be able to manage these expectations and to be clear about the broader outcomes from receiving advice, an understanding of the housing market along with the rights, responsibilities and actions associated with resolving a problem.

The Housing Options Officer will assist the applicant to understand the range of potential options available to them based on their personal circumstances. Following this assessment each applicant will be issued with a personal housing plan which offers tailored advice based on their particular situation.

The Housing Options Team will provide:

- A person centred, holistic and tailored advice service
- Privacy and confidentiality
- A genuine and accurate attempt to address the situation
- A plan of how the issue may be able to be resolved
- Referrals to partner agencies and follow-up action (if required)

9. Personalised Housing Plans

Housing authorities are under a duty to carry out an assessment in all cases where an eligible applicant is homeless or threatened with homelessness.

This assessment will identify what has caused the homelessness or threat of homelessness, the housing needs of the applicant and any support they need in order to be able to secure and retain accommodation.

Following this assessment, the housing authority will work with the applicant to develop a personalised housing plan which will include actions (or 'reasonable steps') to be taken by the authority and the applicant themselves to try and prevent or relieve homelessness. Actions for third parties who are supporting the applicant may also be included.

The Housing Options Team will help people to understand the full range of options available to them by offering them tailored advice which will then be included into their personal

housing plan. The personal housing plan is based on their personal circumstances and will include appropriate advice and assistance on a realistic assessment of their particular needs. Other care and support needs that are identified as part of the full housing assessment will also be included in this document.

The personal housing plan will then be reviewed with the applicant during the course of the prevention and relief duty, approximately every 2 weeks.

The applicant is under a duty to ensure that they notify the housing authority of any changes in their circumstances at the point that they occur and should not wait until a review of the personal housing plan.

10. Prevention measures

10.1 Mediation

The Housing Options team can offer mediation in order to resolve a risk of homelessness or actual homelessness, where the reason you are being asked to leave accommodation is due to a relationship breakdown.

Housing Options Officers will receive mediation training to ensure any mediation is as effective as possible, to try and prevent or relieve homelessness.

Mediation can be used between, but is not limited to, applicants and their family members, friends, partners and landlords.

Mediation may include the agreement of a contract between parties around any payment of rent arrears, or to address behaviour concerns.

10.2 Rent top up scheme (Priority need cases only)

The Council recognises that good quality, affordable private rented housing can be vital in preventing homelessness. Unfortunately, local housing allowances are not currently in line with market rent prices and therefore can make accessing the private sector unaffordable for a lot of applicants, increasing the time it may take to resolve their situation.

Therefore, the Council will assist households, with an active homelessness duty, with rent tops ups towards accommodation that is otherwise suitable for their needs and available for their occupation.

Financial assessments will first of all be completed to assess how much the applicant themselves is able to contribute towards the monthly rental amount.

The council can also produce evidence that can be supplied to any landlord or estate agent to evidence the support in place, should an agreement be made to issue the applicant with a secure tenancy agreement.

The Housing Options Officer should always be consulted, before any tenancy agreement is signed, to ensure appropriate checks are carried out on any potential property. Failure to do so will result in the Council being unable to assist with rent top ups.

The amount of support with rent top up that will be provided will depend on a case-by-case basis, depending on the household make up. The maximum amount of financial support that will be provided will be recorded and detailed in the personal housing plan.

10.3 Financial assistance for deposit and rent in advance – private sector (Priority need cases only)

The council can also assist with up to one month's rent in advance and help to pay any deposit required on a suitable and affordable tenancy in the private sector, where there is an active homelessness duty accepted.

The Housing Options Officer should always be consulted, before any tenancy agreement is signed, to ensure appropriate checks are carried out on any potential property. Failure to do so will result in the Council being unable to financial assist with obtaining a tenancy.

In line with the Renters Right Act 2025 this payment will be made to the landlord In between the period of the tenancy agreement being signed, and the commencement date.

This financial assistance is offered in the form of an interest free loan, where a loan agreement will be signed. The Housing Options Officer will carry out an income and expenditure assessment before the assistance is granted, to ensure that the property is affordable to the applicants need. This assessment will also determine the amount per month that the loan needs to be paid back at and will be included in the loan agreement.

Applicants who have previously received this assistance and have not stuck to the terms of repayment of the loan agreement may be exempt from receiving this assistance again.

Failure to stick to the terms of repayment can also impact your ability to be included onto the Housing Register and may result in court action being taken by the Council, in order to recoup the debt owed.

10.4 Discretionary Housing Payments

Where a property becomes unaffordable to an applicant during the course of a tenancy, an application for Discretionary Housing Payments (DHP) will be required to be made.

Applications for DHP are managed by the Housing Benefit Team, and the Housing Options Officer will offer support (if required) to the applicant to complete an application. They will also liaise with the Housing Benefit Team regarding this claim.

10.5 Cashless bond scheme

The Council operates a cashless bond scheme. This scheme uses a written and legally binding agreement between the Council, the tenant and a landlord to replace any upfront cash deposit that is normally required by landlords to cover the cost of any damage to their property or any rent owed when a tenant moves out up to the value of £500.

10.6 Partnership working and signposting advise

The Council recognises that homelessness prevention activity is important and can make a difference across many factors in relation to health, education, child protection, community safety, employability and community engagement.

The Council is committed to ensuring knowledge is embedded across the whole organisation, along with effective activity with other organisations and services working in tandem.

The Council has established close links with other organisations and agencies to prevent homelessness. Examples of this are through establishing joint working groups, and links with housing providers to maximise the supply of properties allocated through our housing register.

The Housing Options Officers will also be able to offer signposting and referrals to services for support with:

- Advice and assistance with personal budgeting and dealing with debts, including maximising your income
- Support with employment
- Care and support needs
- Drug and alcohol support
- Rough sleeping support
- Advice or assistance in helping individuals to move

10.7 Domestic Abuse Services

There are circumstances in which it is not always possible to prevent homelessness.

There are occasions where it may be possible for safety measures and additional security to be put in place at the property, to make the accommodation safe and secure and reasonable to remain. However, this method will be discussed with the applicant to ensure suitability.

Hinckley and Bosworth Borough Council are committed to tackling both the cause and effect of domestic abuse, and to identify ways in which to prevent domestic abuse, and where this is not possible, to protect its victims.

We aim to protect and support those who experience, or are affected, by domestic abuse and to support and develop a range of services for those who have experienced domestic abuse. The Housing Options Team has a specialist domestic abuse housing options officer within the team who specialises in all high-risk approaches from men or women fleeing any form of domestic abuse.

The officer will work closely with all domestic abuse support agencies, GP's and the Police and also support people whilst they obtain legal advice or court orders to secure their right to remain within the family home .

The Council will make every effort to prevent homelessness for people suffering domestic abuse, and when the person has made a decision to move home, we will seek to make offers of settled housing as quickly as reasonably possible.

Sanctuary Schemes are a multi-agency initiative that aim to enable households at risk of domestic abuse to remain in their own homes and reduce repeat victimisation through the provision of enhanced secure measures and support. The Council offers this initiative to those people under any tenancy tenure or risk level and will work closely with other social housing providers to ensure support for their own tenants.

Hinckley and Bosworth Borough Council is part of the Multi Agency Risk Assessment Conference (MARAC). MARAC is a national approach where information is shared amongst agencies on the highest risk domestic abuse cases. By bringing all agencies together at a MARAC and ensuring that whenever possible the voice of the victim is represented, a co-ordinated safety plan can be drawn up to support the victim.

10.8 Housing Register

Homelessness and a housing crisis can be avoided when people can easily apply for, and obtain, social housing.

There does however have to be an understanding of waiting times and the lack of social housing and depending on the size of property and area there may be significant demand for each property which becomes available.

The Council operates a Housing Register in line with our Allocations Policy, a copy of this is available on the Council's website www.hinckley-bosworth.gov.uk.

The Housing Register is a single online application form for anyone aged 18 years or over, though support can be given by the Housing Options Team to anyone who is unable to access the online application.

The Council operates a priority allocation system based on an assessment of housing need, and properties are allocated through a shortlisting process. The homelessness duty will dictate the level of priority awarded to an applicant if they are eligible for inclusion onto the Housing Register.

The acceptance of a homelessness duty does not entitle someone to an allocation of Social Housing, or inclusion onto the Register.

We encourage current social housing tenants to resolve their housing need through mutual exchanges managed via the Homeswapper website. This website can be accessed by visiting www.homeswapper.co.uk.

Alternatively existing social housing tenants can apply for a transfer where their home no longer meets their needs, for example: if they wish to downsize to a smaller property.

10.9 House Share & Lodging

Lodging in someone else's home is recognised as being a positive and affordable housing option for some people, and friends sharing a private rented property can be a good way of securing affordable housing.

Both situations are particularly positive for people under the age of 35 who struggle to find affordable accommodation due to the reduction in the local housing allowance that they are able to receive.

For home owners and tenants, taking in a lodger can help to maximise income and reduce housing related outgoings for them. The Council will, in certain circumstances and after making thorough investigations into the suitability, accept house shares as a resolution to preventing homelessness.

10.10 Adaptions

The Council can help with arranging adaptations in order to enable a person to remain or return to their home.

The Housing Options Team will work closely with the any Occupational Therapist to establish whether alterations and adaptations can be installed to assist an applicant in preventing avoidable homelessness and also allowing people to remain in their current home.

11. Private sector notices

Tenants are legally able to occupy a property to which they hold a tenancy until such a time that a Possession Order is obtained to bring that tenancy to an end and the Council will support this right, should the applicant choose to exercise this right.

Where a person has applied for homelessness assistance because they are being evicted from their current accommodation, the Housing Options Team will make every effort to negotiate with the landlord to try and prevent the eviction taking place.

If the landlord has the right to end the tenancy, and has followed the correct procedure, the Housing Options Team will advise the tenant of this. We will also advise them of their rights in relation to the homeless legislation and that we intend to contact the landlord to determine if there are any options to negotiate the continuation of the tenancy.

As an example, if there are rent arrears, would the reduction of the arrears and the provision of support to ensure ongoing regular payments, mean that the landlord would consider allowing the tenant to remain.

If the landlord has the right to end the tenancy but has not followed the correct procedure, the Housing Options Team will advise the tenant of their rights to remain in the property until such time as the correct procedure has been followed.

We will also contact the landlord to advise them of their responsibilities and advise them to seek their own legal advice. Tenants can occupy a property to which they hold a tenancy until such time as an eviction order is obtained to bring that arrangement to an end.

The Housing Options Team will, where they are satisfied that the landlord does intend to seek possession of the property back, work with applicants under a prevention duty, prior to being threatened with homelessness within 56 days.

11. Hospital Discharges

A Leicestershire wide Hospital Discharge Protocol has been developed and is in place for the involvement of all relevant agencies in pre-discharge assessments and the formulation of after-care plans.

The overall purpose of the Protocol is to:

- Reduce delayed transfers of care in Leicestershire hospitals and to reduce the length of stay for patients where accommodation is a barrier to discharge
- Reduce the number of unplanned referrals to Leicestershire Local Housing Authorities for patients recently discharged from hospital
- Reduce the health inequalities among homeless patients.

Pre-discharge discussions are vital, particularly where individuals may be reluctant to reveal any housing difficulties for fear these could delay their discharge. Where accommodation is already available, checks by the health professionals and will be undertaken to make sure that it is still suitable (for example for a person who has become physically disabled) or that support services are in place.

The Housing Options team will comply with the protocol and in all instances, should be notified of a potential homelessness situation at the earliest possible point, preferably upon admission to hospital, so that early intervention work can start straightaway.

12. Prison Leavers

Many prisoners do not have secure accommodation available on their release making it less easy for them to integrate successfully into the community increasing the risk of both homelessness and re-offending.

A Leicestershire Prison Release and ex offender Housing Protocol is in place. This protocol is an agreement between The Probation Service and Leicestershire District and Borough Councils.

The intention of the protocol is to reduce the number of Leicestershire adults on Probation who leave custody without suitable accommodation to move into, and especially to reduce the number of adults on Probation obliged to sleep rough or to move into accommodation which is unsafe for themselves or others.

13. Rough Sleepers

The Council currently has a contract with The Bridge In partnership with Leicestershire District and Borough Councils for the provision of Rough Sleeper Intervention and Support Services.

The purpose of this contract is:

- To provide intensive support to people who are sleeping rough in order to find accommodation in the Hinckley and Bosworth Council area if this is their home area or locating back to their home area if it is outside of our District.
- To support and engage the people with the local community and employment opportunities
- Support rough sleepers to access benefits and medical services along with any other services that they need
- If appropriate, to attend any appointments with them and provide support around these.
- To be a positive influence and support for the person.
- To continue to work with the person for a period sufficient enough to settle them into their new homes and ensure all services/utilities/furniture, etc. are in place.

14. Armed Forces

Armed Forces personnel can be vulnerable to homelessness at the point of discharge from the Services but also at later points in their housing as a consequence of poor health or disability. When leaving accommodation the Ministry of Defence (MOD), will issue a Certificate of Cessation of Entitlement to Occupy.

In the case of all service personnel approaching their date of discharge from the Services, a certificate will be issued 93 days prior to discharge.

Where official documentation is provided, the Housing Options Team will ensure that service personnel receive timely and comprehensive advice of the housing options available to them when they leave the Armed Forces.

15. Reviews and appeals

Housing authorities must provide written notifications to applicants when they reach certain decisions about their case and the reasons behind any decisions that are against the applicant's interests. Applicants can ask the housing authority to review most aspects of their decisions, and, if still dissatisfied, can appeal to the county court on a point of law. Housing authorities have the power to accommodate applicants pending a review or appeal to the county court. When an applicant who is being provided with interim accommodation requests a review of the suitability of accommodation offered to end the relief duty, the authority has a duty to continue to accommodate them pending a review.

16. Equalities statement

The Council recognises that it delivers its homelessness services to communities within which there is a wide social diversity and is committed to providing equal opportunities and valuing diversity.

Through the management of its homelessness service, the Council will treat all customers fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status.

Discrimination on the grounds of race, nationality, ethnic origin, religion or belief, gender, marital status, sexuality, disability and age is not acceptable.

The Council will tackle inequality, treat people with dignity and respect and continue to work to improve services for all service users. The legal framework for the Council's approach is provided by the Equality Act 2010 and specifically by the Public Sector Equality Duty, under which a public authority must work consciously to eliminate discrimination, harassment, victimization and to advance equality of opportunity and foster good relations between people with differing characteristics.

To enable customers to have clear information and equal access to our Housing Options service information will be made available in a range of appropriate languages and formats, when requested.

17. Measuring Quality and Performance

The Council is committed to ensuring that its homelessness prevention activities are delivered to a high standard, providing high levels of customer satisfaction and value for money. We monitor all homelessness prevention practices through an effective record keeping system. Government indicators to measure performance will be published on the website <https://www.gov.uk/government/statistical-data-sets/live-tables-on-homelessness> and reviewed on a regular basis.

18. Complaints

If for any reason an applicant is not satisfied with the service that has been provided, they can make a complaint in accordance with the Council's Complaints Policy. This can be viewed via the link below https://www.hinckley-bosworth.gov.uk/info/200025/compliments_and_complaints/268/how_to_make_a_complaint_or_compliment/2.

19. Review of Policy

The Policy will be monitored and reviewed on an annual basis or more frequently as changes in legislation or regulation dictate. Changes will be made to the document under the authority delegated to the Directorate of Housing or Head of Housing in consultation with the Portfolio Holder responsible for Housing.