

Chapter 4: The duty to refer cases in England to housing authorities

4.1 Under section 213B the public authorities specified in regulations are required to notify a housing authority of service users they consider may be homeless or threatened with homelessness (i.e. it is likely they will become homeless within 56 days). Before making a referral a public authority must:

- a. have consent to the referral from the individual;
- b. allow the individual to identify the housing authority in England which they would like the notification to be made to; and,
- c. have consent from the individual that their contact details can be supplied so the housing authority can contact them regarding the referral.

4.2 The duty to refer only applies to public authorities in England and individuals can only be referred to housing authorities in England.

4.3 The public authorities which are subject to the duty to refer are specified in The Homelessness (Review Procedure etc.) Regulations 2018. The public services included in the duty are as follows:

- a. prisons; b. youth offender institutions;
- c. secure training centres;
- d. secure colleges;
- e. youth offending teams;
- f. probation services (including community rehabilitation companies);
- g. Jobcentre Plus;
- h. social service authorities;
- i. emergency departments;
- j. urgent treatment centres; and,
- k. hospitals in their function of providing inpatient care.

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The Secretary of State for Defence is also subject to the duty to refer in relation to members of the regular forces. The regular forces are the Royal Navy, the Royal Marines, the regular army and the Royal Air Force.

4.4 The most appropriate approach to discharging the duty will vary between public authorities and it is their responsibility to decide how to do so. The expected response following a disclosure from a service user that they are homeless or at risk of homelessness is for the public authority to refer the case (with consent) to a housing authority identified by the service user. Public authorities are not expected to conduct housing needs assessments as part of the section 213B duty to refer.

The procedure for referrals 4.5 The procedure for referrals should be decided by service partners in each local area. The housing authority should incorporate the duty to refer into their wider homelessness strategy and joint working arrangements and establish local arrangements with agencies in regard to referrals. These arrangements should focus on identifying people at risk of homelessness as early as possible to maximise the opportunities to prevent homelessness.

4.6 Housing authorities are responsible for setting up local procedures for managing referrals, and should ensure that all referral information is stored securely so that it can be linked to case files for use in data returns and be included in an applicant's assessment and/or personalised housing plan as appropriate.

4.7 It is recommended that housing authorities set up a single point of contact which public authorities can use for submitting referrals. This should be shared with all relevant local agencies and be clearly accessible on the housing authority website for referrals made by public authorities in different districts.

4.8 Local procedures should be tailored to each public authority. For example, arrangements with prisons should ensure that the referral is made well in advance of the release date and that, with the individual's consent, appropriate information is supplied with the referral. When designing procedures, it may be helpful to include consideration of information to be given to people being referred to help inform their decision on which housing authority they wish to be referred to. This might include information on how local connection arrangements might affect a person who is homeless and wishes to be referred to a district where they have no local connection.

4.9 Housing authorities should include information about how they will respond where the referral indicates that an individual is at risk of sleeping rough, or is already sleeping rough in their procedures for responding to referrals.

4.10 Some public authorities that are subject to the duty to refer will be required to provide accommodation for certain individuals as part of their own legal duties, for example as an element of care or supervision. Examples include social services authorities with a duty to accommodate a lone 16 or 17 year old under the Children Act 1989 or a vulnerable adult under the Care Act 2014.

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authorities will wish to agree arrangements with relevant authorities to ensure that when they receive referrals from these authorities appropriate alternative joint working approaches are in place and the primary responsibility to provide accommodation which would prevent or address homelessness lies with the other service.

4.11 Authorities are encouraged to establish arrangements with partners that go beyond referral procedures, aiming to maximize the impact of shared efforts on positive outcomes for service users who may have multiple needs. Such arrangements can advance the objectives of partner agencies and deliver efficiencies for the public purse.

4.12 Referring authorities should be mindful that for certain individuals, rather than making a referral, it may be more appropriate to assist them to approach a housing authority directly for assistance. This might apply, for example for clients with particular support needs.

What constitutes a referral 4.13 Under section 213B the referral to a housing authority must include the individual's name and contact details and the agreed reason for referral (e.g. that the individual is homeless or at risk of homelessness).

4.14 Housing authorities may want to develop standard referral mechanisms or forms. For example, it may be helpful for public authorities to expand on the minimum legal requirement in section 213B(3) for information to be captured in a referral (that is, of the public authority's opinion that the service user is or may be homeless or threatened with homelessness and their contact details), although housing authorities should be mindful of the service context of each referring agency when considering this.

4.15 Further referral information may include:

- a. whether an individual is already homeless, and if not when they are likely to become homeless;
- b. whether the individual is at risk of rough sleeping on the date the referral is made and if so whether this is imminent;
- c. risk assessment information, considering risks to the individual and to others; and,
- d. key medical information where relevant.

Consent 4.16 Housing authorities are advised to request that referring agencies confirm that the referee has given their consent to the referral as part of referral procedures.

Multiple / repeat referrals

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4.17 When establishing local arrangements, housing authorities should consider the issues of multiple and repeat referrals and agree protocols with service partners to mitigate these.

4.18 There may be circumstances in which an individual's application has been closed by the housing authority and a new referral is received shortly after. The housing authority should respond to the referral and make contact with the individual to evaluate if there has been any change in relevant facts since the last application, which would warrant inquiries being made into any new application for assistance under Part 7.

Action upon the receipt of a referral 4.19 A referral made by a public authority to the housing authority under section 213B will not in itself constitute an application for assistance under Part 7, but housing authorities should always respond to any referral received. The housing authority may wish to contact the individual via a phone-call, email or letter using the contact details provided in the referral. If a response is not received from the direct contact with the individual, the authority should provide information on accessing advice and assistance including the housing authority's website, opening hours, address and 24-hour contact details via a phone-call, email or letter.

4.20 If the housing authority's subsequent contact with the individual following receipt of the referral reveals details that provide the housing authority with reason to believe that they might be homeless or threatened with homelessness and the individual indicates they would like assistance it will trigger an application for assistance under Part 7.