

## **Duty to Refer - Frequently Asked Questions**

### **1. How much information do I need to provide when I am referring someone?**

Referrals to local housing authorities must include the service user's name, contact details and the agreed reason for the service user being referred to the local housing authority (i.e. the public authority considers that the service user is either homeless or threatened with homelessness) (see section 213B of the Housing Act 1996). Local housing authorities may create their own referral forms which ask for more information, however, only the details mentioned here are legally required to make a legitimate referral.

### **2. What will happen when I refer someone to Harrogate Borough Council?**

When Harrogate Borough Council receives your referral, we will make contact with the service user being referred using the contact details provided. When you send your referral, Harrogate Borough Council will provide you with a referral receipt, which will be in the form of an automatic email reply. You are advised to contact the local housing authority if you do not receive this.

It is good practice for local housing authorities to go beyond referral procedures and work with other public authorities to prepare a comprehensive assessment of need for the service user. Local housing authorities and public authorities are encouraged to put arrangements in place to support these joint efforts, and to be open to working together to achieve the best possible solutions for their service users.

### **3. What duties do local housing authorities have to assist people who they accept as homeless or threatened with homelessness?**

The Homelessness Reduction Act 2017 places duties on local housing authorities to take reasonable steps to prevent and relieve an eligible applicant's homelessness. Once the local housing authority has agreed that the applicant is eligible for assistance (based on their immigration status) and that they are homeless or threatened with homelessness, they will work with the applicant to develop a personalised housing plan.

The plan will identify the reasonable steps that the service user and the local housing authority will take to ensure the applicant has and is able to retain or obtain suitable accommodation. In the case of those service users who have been referred, either by the prison service or probation providers, then the local housing authority should ensure that they engage with the named contact (either Prison Offender Manager or Probation Officer), to ensure that the personalised housing plan supports the service users plan to support their resettlement and rehabilitation.

If the applicant is homeless during the 56-day Relief Stage and the local housing authority have reason to believe that they have a priority need (because, for example, they have dependent children, are pregnant or have health needs), the local housing authority must provide them with temporary accommodation. Some single people may also have a priority need, for example, if they are vulnerable as a result of old age or disability.

**4. I am aware that a member of staff in another public authority has previously referred someone to the housing authority. Do I need to refer them as well?**

Some service users, who are threatened with homelessness or are homeless, such as prisoners, may come into contact with a range of different public authorities. While it is clearly desirable to minimise duplication, the priority should be to ensure that service users are being referred so they can receive the right support at an early stage from local housing authorities.

Additionally, it should be noted that a client's housing circumstances might have changed from the last time they were referred, which may require different support from a local housing authority. Therefore, the public authority must – with the individual's consent - make a referral to the local housing authority.

The Homelessness code of guidance advises local housing authorities to agree arrangements with public authorities to consider the issues around multiple and repeat referrals. This may include providing information on systems to enable public authorities to check whether someone has been referred or is receiving support from the local housing authority.

**5. I would like to do a joint referral with a colleague. Is this possible, or do we need to complete separate referrals?**

It is possible to complete a joint referral; you can refer with a colleague from another public authority as long as you both have the consent of the service user.

**6. I work in a public authority which the duty to refer doesn't apply to. However, I fear that someone is threatened with homelessness or is currently homeless. What should I do?**

If the public authority you work for is not subject to the duty to refer, you may still refer the service user to the local housing authority, and, once they have made an application, the service user will be entitled to the same assistance as they would be if your public authority were subject to the duty to refer. It is still important to have the service user's consent before referring them to the local housing authority and share the minimum details required to make a worthwhile referral.

**7. I am concerned that my service user will not respond to contact from the local housing authority following referral, and may be best advised to attend the housing options service themselves for help. Can I offer this advice?**

Any service user who needs advice or help about homelessness can contact Harrogate Borough Councils Housing Options Team by telephone on (01423) 500600 x51605.

The team operates a drop in service and are available at: **Harrogate Borough Council, Civic Centre, St Luke's Avenue, Harrogate, HG1 2AE**

Monday – Thursday 08:30-12:00 and 14:00 -16:30, Friday 08:30 – 12:00 and 14:00 - 15:30

Appointments can be made on request between 12:00 and 14:00 daily.

The duty to refer is an additional route intended to encourage earlier identification of need, and to enable public authorities to work better together to meet those needs.

If a service user needs more support to help them access services, public authorities should work together to provide this. Where there is concern that a referral might fail without additional support then this should be identified through the referral information, and/or through further contact with Harrogate Borough Council to arrange an appointment for assessment with a Housing Options Officer.

A public authority with the duty to refer should not simply advise a service user to make a direct application for assistance themselves, as an alternative to making a referral.

If the service user is not eligible for assistance under the Homelessness Reduction Act, they will still be able to receive free information and advice from the local housing authority.

#### **8. My public authority also has responsibilities to help accommodate service users. Do I still need to make a referral to a local housing authority?**

Public authorities that have arrangements in place to secure accommodation for service users would not need to make a referral if they are satisfied that the person is not threatened with homelessness.

In the case of 16-17 year olds, duties may be owed by children's services and/or by housing authorities depending on the circumstances. Specific guidance on how the duty to refer applies to 16-17 year olds who are homeless or threatened with homelessness is included within joint DfE/MHCLG guidance ( Prevention of homelessness and provisions of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation).

#### **9. What should I do if I think my referral has not been acted upon?**

When you have sent your referral, a local housing authority should provide you with a receipt of referral, which may be in the form of an automatic email reply. You are advised to contact the local housing authority if you do not receive this. If you do not think your referral has been acted upon you are advised to get in touch with the local housing authority.

#### **10. Do I have to use the local housing authorities' referral form?**

A specified public authority may make a referral to a local housing authority in any manner they wish as long as they include the minimum information required by law. However, where a local housing authority has established arrangements for referral it is advisable to make use of these wherever possible.

#### **11. The local housing authority referral form requires information I don't have. Can I still make a referral?**

Our preference is that you use the form provided, however as long as you have the service user's name, contact details and the agreed reason for referral (e.g. the individual is homeless or at risk of homelessness) then you can still make a referral. **Please note:** You will always need the service user's consent.

**12. My service user will not consent to a referral but I'm really concerned about their welfare, what should I do?**

Referrals without consent may be made in order to safeguard children or vulnerable adults, in accordance with local safeguarding procedures.