

# **South Yorkshire**

## **Duty to Refer Procedure:**

**Referring service users that maybe homeless or threatened with homelessness to;**

**Barnsley, Doncaster, Rotherham or Sheffield**

October 2018

## **I. Introduction**

The Homelessness Reduction Act 2017 significantly reformed England's homelessness legislation by placing duties on local housing authorities to intervene at earlier stages to prevent homelessness in their areas, and to provide homelessness services to all those who are eligible. Additionally, the Act introduced a duty on specified public authorities to refer service users who they think may be homeless or threatened with homelessness to local authority homelessness/housing options teams.

Under section 213B of the Homelessness Reduction Act 2018, specified public authorities 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).

This document is as a result of the sub regional task and finish group to oversee the implementation of the Duty to Refer with the overall purpose to develop a consistent approach across the region.

The Duty to Refer will help to ensure that services are working together effectively to prevent homelessness by ensuring that peoples' housing needs are considered when they come into contact with public authorities. It is also anticipated that it will encourage local housing authorities and other public authorities to build strong partnerships which enable them to work together to intervene earlier to prevent homelessness thro Requirements of the Duty to Refer.

## **II. Who are the public bodies?**

The specified public authorities subject to the Duty to Refer are:

- Prisons;
- Young offender institutions;
- Secure training centres;
- Secure colleges;
- Youth offending teams;
- Probation services (including community rehabilitation companies);
- Jobcentre Plus;
- Social service authorities;
- Emergency departments;

- Urgent treatment centres;
- Hospitals in their function of providing inpatient care;
- Secretary of State for defence in relation to members of the regular armed forces.

The Duty to Refer only applies to the specified public authorities in England and individuals can only be referred to a local housing authority in England

Other public bodies maybe added or removed at a later date in the future due to any amendments of the Homelessness Reduction Act. Other public bodies that do not have a legal duty are still encouraged to make a voluntary referral.

### **III. What do the regulations and code say?**

#### **The regulations state that:**

- Public authorities set out in the schedule will have a duty to refer people in England they consider may be homeless or threatened with becoming homeless within 56 days to housing authorities
- Public authorities are required to ask the customer, and need consent (written or orally) for the referral and the sharing of their contact details
- The individual should identify which Local Housing Authority they would like to be referred to (in England)
- A referral should include, at a minimum, the individual's contact details, consent, and agreed reason for the referral (i.e. homeless or threatened with homelessness)
- The referral in of itself does not constitute an application for assistance under Part 7 of the Housing Act 1996

#### **What the Statutory Code of Guidance states:**

- The duty should be incorporated into wider joint working arrangements and the local homelessness strategy
- Local referral procedures should focus on identifying people at risk as early as possible
- Housing authorities are responsible for setting up local procedures for managing referrals. They should be tailored to each public authority (who have ultimate responsibility for discharging their duty)
- Housing authorities should set up a single point of contact for submitting referrals
- Housing authorities should include information on how they will respond to referrals

- Referring authorities should be mindful that for certain individuals, it may be more appropriate to assist them to approach a housing authority directly, rather than refer
- Local areas should consider issues of multiple and repeat referrals and agree protocols with service partners to mitigate these
- 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. This can advance the objectives of partner agencies and deliver efficiencies for the public purse

#### **IV. Identifying when a referral might be required**

Referrals should be made when the public authority or organisation consider someone may be 'homeless' or 'threatened with becoming homeless'.

The legal definitions of these terms are as follows:

**“Homeless”** A person is homeless if they have no accommodation in the UK or elsewhere which is available for their occupation and which that person has a legal right to occupy. A person is also homeless if they have accommodation but cannot secure entry to it, or the accommodation is a moveable structure, vehicle or vessel designed or adapted for human habitation and there is nowhere it can lawfully be placed in order to provide accommodation. A person who has accommodation is to be treated as homeless where it would not be reasonable for them to continue to occupy that accommodation.

If a service user is sleeping rough and therefore actually homeless. A service users maybe homeless but not roofless (this is sometimes described as a 'sofa surfer'). This can be identified by using 'care of' addresses or frequently change their address.

**“Threatened with homelessness”** A person is 'threatened with homelessness' if they are likely to become homeless within 56 days. Under section 175(5), a person is also threatened with homelessness if a valid notice under section 21 of the Housing Act 1988 has been issued in respect of the only accommodation available for their occupation, and the notice will expire within 56 days.

The following factors could indicate that a service user may be threatened with homelessness and should be asked about their housing circumstances:

- problems with debt, particularly rent or mortgage arrears;
- problems with a landlord, being threatened with eviction or served notice to leave;

- being a victim of domestic abuse, or other forms of violence, threats or intimidation;
- approaching discharge from hospital, armed forces or release from custody, with no accommodation available to them;
- having previously been in care, the armed forces or in prison

## **V. Choosing which local authority to refer to**

Duty to refer allows service users to choose which local housing authority they are referred to. However, when discussing the referral and offering guidance to the service user, it is important to be aware that *local housing authorities owe more duties towards homeless applicants who have a local connection with their area*. A service user is likely to have a local connection to an area if they are a resident, work there or have a close family connection.

In addition to the usual rules about local connection, care leavers have special provision. This provides that where the service user is a care leaver aged 18-21, in addition to any local connection they may have elsewhere, they will have a local connection with the local authority that looked after them, and with an area where they have been placed in accommodation for at least two years.

## **VI. How to make a referral**

### **Obtaining Consent**

A referral cannot be made without the service users consent. It is advisable to obtain the service users signature to confirm that they have consented to a referral being made. Public authorities are advised to record on the service user's records if a referral has been made, and if consent to a referral is refused.

### **Referrals to Sheffield City Council**

#### ***Mechanisms***

- Weblink

Sheffield City Council is using a web link for the specified Public Authorities to use for referrals. The link can be found by searching for *duty to refer* on the council website. This may not have gone live by 1st October 2018, in which case please see below.

- Email

Referrals can also be made using the email addresses below. Please see the referral form for use in appendix 1.

[dutytorefer@sheffield.gov.uk](mailto:dutytorefer@sheffield.gov.uk)

This is **not** a secure email address. If you send the referral form to this email address, you must password-protect the attachment, and send a subsequent email with the password.

[dutytorefer@sheffield.gcsx.gov.uk](mailto:dutytorefer@sheffield.gcsx.gov.uk)

This is a secure email address. However, the contents of the email will only be secure if the referral is sent from a secure email address, too.

### ***Once a referral has been made***

The Housing Advice and Options team at Sheffield City Council will receive the referral. An officer will then attempt to make contact as quickly as possible, using the preferred method detailed on the referral, within 10 working days. This could include arranging an appointment to make contact at a later date. Officers will make a number of attempts to make contact.

It is important to note that a referral does not constitute a Homeless application under Part 7 of the Housing Act (1996), the need for this will be determined following making contact with the service user.

Sheffield City Council's Housing Advice and Options team will confirm whether or not they have reason to believe the service user may be homeless or threatened with homelessness (i.e. if a homeless application is required). If an application is made, they will make enquiries to establish whether they owe the applicant any legal duty under Part 7 of the 1996 Act. This may include a duty to provide suitable interim accommodation. After these inquiries, if Housing Advice and Options decide the applicant is eligible for assistance (based on their immigration status) and homeless or threatened with homelessness, they will owe the applicant the relief duty (homeless) or prevention duty (threatened with homelessness).

If Housing Advice and Options have made contact with the service user and do not have reason to believe they are homeless or threatened with homelessness, they will provide the service user with appropriate advice and information for their circumstances.

**The consent given at the time of the referral is only for the referral itself; feedback will only be given to the referrers where consent from the service user is given, and where the referrer would like this to be provided.**

**Please note:** This procedure and process does not replace or affect any safeguarding concerns and referrals. Please report safeguarding concerns in the usual way.

## **Referrals to Barnsley, Rotherham and Doncaster**

### **Mechanism - ALERT Portal**

Barnsley, Rotherham and Doncaster are using The ALERT online portal as the default mechanism to make referrals under this procedure. It can be accessed here <https://live.housingjigsaw.co.uk/alert/duty-to-refer> or via the relevant housing authority webpage.

ALERT is a free online tool that is designed to specifically meet the new duty to refer guidelines and also supports voluntary referrals. It is accessible to anyone with internet access via an internet browser.

On the first use of ALERT, referrers will need to register themselves and set up log-in credentials. They will then be able to sign in and make referrals, as well as view their dashboard. It is advised that teams set up a single account and use the same credentials (e.g team mailbox) rather than doing it as individuals. This will avoid issues if staff are away from work or leave the organisation. It will also make the dashboard functionally more relevant as you will be able to monitor the referrals you have made as a team.

For more guidance on how to submit referrals and use the ALERT portal, please refer to the guidance accessible on the relevant housing authority's webpage.

Please Note: ALERT is available to all housing authorities and partner agencies in England. Therefore, you may be able to also use it to refer applicants to housing authorities outside of South Yorkshire. You would need to refer to the relevant local procedures to confirm their local arrangements, by visiting the Local Authority website.

### **Information & Security**

There are four steps on the ALERT portal to refer an applicant:

- Referring agency details (entered only at registration)
- Applicant basic information
- Applicant support information
- Declaration and submission

There are a number of mandatory and non-mandatory questions when submitting a referral. It may be difficult to provide all the information requested but complete as much information as possible. It is particularly important to capture the applicant's preferred method of contact (or who should be contacted on their behalf). This will maximise the chance of the housing authority being able to make contact and also help build an initial understanding of their circumstances and needs.

The ALERT portal is compliant with the General Data Protection Regulation and customer consent is recorded against the referral form in the 'declaration and submission' section. Referrers may wish to keep evidence of given/ refused consent (if written) for their own records. Any notification emails received from ALERT will always require users to log-in to the secure portal to view or action.

Once the referral has been submitted, the refer will receive an email with the unique referral code, the service user can also receive a confirmation email with the unique referral code if they provided an email address at the referral stage. If not, this should be given to the applicant for their reference. It is the referrer's responsibility to inform the applicant when they can expect to be contacted and what will happen next.

### **Once a referral has been made**

The housing advice/ options team at the housing authority will receive a notification email from ALERT with the referral. An officer will then attempt to make contact as quickly as possible, using the preferred method detailed on the referral, within 10 working days. This could include arranging an appointment to make contact at a later date. Officers are likely to make multiple attempts at contact but this is dependent on local circumstances.

If the officer can contact the individual, they will change the status of the referral to 'accepted' 'rejected' or duplicate. Referrers will be able to see this on their ALERT dashboard.

It is important to note that a referral does not constitute a Homeless application under Part 7 of the Housing Act (1996), the need for this will be determined following making contact with the service user.

The housing authority will confirm if they have reason to believe they may be homeless or threatened with homelessness (i.e. if a homeless application is required). If an application is made, they will make inquiries to establish whether they owe the applicant any legal duty under Part 7 of the 1996 Act. This may include a duty to provide suitable interim accommodation. After these inquiries, if the authority decides the applicant is eligible for assistance (based on their immigration status) and homeless or threatened with homelessness, they will owe the applicant the relief duty (homeless) or prevention duty (threatened with homelessness).



If the housing authority has made contact with the applicant and does not have reason to believe they are homeless or threatened with homelessness, they will provide the applicant with appropriate advice and information for their circumstances.

**The consent given at the time of the referral is only for the referral itself, feedback will be given to the referrers where consent from the service user is given.**

**Please note:** This procedure and process does not replace or affect any safeguarding concerns and referrals. Please report safeguarding concerns in the usual way.