



Policy Fact Sheet: Duty to refer specified public authorities

Introduction

The Homelessness (Review Procedure etc.) Regulations 2018 have been made under the *Homelessness Reduction Act 2017* (HRA) and will be brought into force at the same time as the Act on 3rd April 2018. Regulation 10 specifies that public authorities set out in the schedule to the regulations will have a duty to refer people in England they consider may be homeless or threatened with becoming homeless within 56 days to local housing authorities (LHAs).

What is the duty to refer?

The HRA introduces a new duty to refer requiring specified public authorities in England to notify LHAs of service users they think may be homeless or threatened with becoming homeless in 56 days. The public authority must have consent from the individual before referring them and the individual should identify which LHA they would like to be referred to, as they would if approaching a housing authority directly.

Which public authorities have the duty to refer?

The following services will be required to refer service users they consider may be homeless or at risk from October 2018:

- Prisons (public and private);
- Youth offender institutions;
- Secure training centres;
- Secure colleges;
- Youth offending teams;
- Probation services (community rehabilitation companies and national probation service);
- Jobcentre Plus;
- Accident and emergency services provided in a hospital;
- Urgent treatment centres¹;
- Hospitals in their capacity of providing in-patient treatment²; and
- Social service authorities.

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.

¹ Urgent treatment centres include services locally designated as such, and all other providers of community and primary urgent care, including services locally designated as urgent care centres, minor injury units, minor injury services and walk in centres.

² Inpatient care means persons who are receiving medical or other treatment as inpatients (admitted patients) in a hospital.



What are the specified public authorities required to do under the duty?

If a public authority considers that a service user may be homeless or threatened with becoming homeless within 56 days, or if a service user positively discloses this information, the public authority will be required to ask the customer if they would like to be referred to a LHA of their choice on the grounds that they are homeless or at risk.

If the individual consented to a referral, the public authority will be required to make the referral, notifying the identified LHA of the reason for the referral and how the individual may be contacted.

What does the duty seek to achieve?

There are varied and sometimes complex reasons behind a person's homelessness, and we know that many people come into contact with a range of public services before reaching a homelessness crisis or approaching a LHA for advice. The duty to refer is intended to help people get access to homelessness services as soon as possible so their homelessness can be prevented or relieved in a timely manner.

Key questions and answers

What constitutes a referral?

A referral should include, at a minimum, the individual's contact details, consent, and the agreed reason for the referral (i.e. that they are homeless or threatened with homelessness).

The Homelessness Code of Guidance encourages LHAs to establish simple procedures such as a single point of contact for referrals. LHAs and service partners will work together to design the referral process in each local area, and may determine that in certain circumstances it will be beneficial for the referral information to build on the basic requirements.

When will the duty to refer come into force?

The duty to refer will commence after the other provisions in the HRA, on 1st October 2018. This will allow time for local authorities' new service offer to be well established and for local protocols to be developed with referring agencies.

Does a referral trigger an application?

Applicants must still make an application in the usual way following a referral. However, we have set our expectation in the Homelessness Code of Guidance that local authorities should always respond to referrals by making contact with the individual.



Can other public authorities be added and removed from the list in the future?

The public authorities interacting with those who are homeless or at risk of homelessness may change or new public authorities may be established. We will be able to update the schedule of specified public authorities to add or replace a new public authority or description when appropriate.