

The Homelessness Reduction Act 2017

A housing association Commitment to Refer – Q&A

Please note: a full guidance document on the Commitment to Refer will be published in September 2018, in time for the commencement of the Commitment to Refer on October 1 2018. This is in line with the implementation of the statutory duty for public bodies.

Background

The [Homelessness Reduction Act 2017](#) (the Act) came into force on 3 April 2018. It places new legal duties on English local authorities and public bodies named within the Homelessness (Review Procedure etc.) Regulations 2018, but no new duties on housing associations.

The Act focuses on prevention and, in a significant change, anyone who is homeless or at risk of homelessness will be able to access meaningful help, regardless of their priority need status. It also encourages local collaboration and a multi-agency approach to enable people to access the right support for them.

Key measures in the Act include:

- an extension of the period ‘threatened with homelessness’ from 28 to 56 days
- a new Duty to Prevent homelessness for all eligible applicants threatened with homelessness, regardless of priority need
- a new Duty to Relieve homelessness for all eligible homeless applicants, regardless of priority need
- a new ‘Duty to Refer’, coming in October 2018, where [named public authorities](#) will need to notify a local authority if they come into contact with someone they think may be homeless or at risk of becoming homeless.

[£72.7m has been allocated](#) over 2017-2020 to local authorities to carry out these new duties. The Act will be reviewed in 2020.

A Commitment to Refer

Housing associations are not named as [public bodies within the Regulations](#) which are bound by the Duty to Refer. However, as so many of the National Housing Federation’s members are keen to support the implementation of the Act, we have worked with the Ministry of Housing, Communities and Local Government (MHCLG) to develop a housing association offer on the Duty to Refer. We have called this the **Commitment to Refer**.

What is the Commitment to Refer?

It is a commitment that a housing association will act as though it is bound by the Duty to Refer – i.e. to refer an individual or household to a local authority if you consider that they are, or may be homeless or threatened with homelessness. The referrer doesn’t have to be sure that they are homeless or threatened with homelessness – this will be determined by the local authority.

Who should be referred?

The expectation is that housing associations will refer any of their own tenants or those residing with them who are at risk of becoming homeless. Housing associations are also encouraged to refer people they come into contact with through any of the other services they offer.

When should a household/individual be referred?

The statutory duty outlines that people should be referred if they are already homeless, or within 56 days of becoming homeless. However, as has been outlined by some local authorities, early referrals are more likely to lead to positive interventions, and are therefore welcome. We will provide more guidance on this in September.

How do I make a referral?

The Act encourages local collaboration, and it is recommended that you make contact with your local authorities to ensure you are familiar with local referral processes and identify opportunities for further collaboration. However, all referrals will follow the same basic steps:

1. Obtain consent from the individual/household to make the referral, and they understand that the local authority will contact them as a result of the referral being made. You cannot make a referral without consent, and should be mindful of your GDPR responsibilities at this point (see below). Consent does not have to be written but you may wish to obtain written consent for your own records.
2. Ask which local authority the individual/household would like to be referred to. They can be referred to any local authority in England.¹ If they have no preference, you may make an informed decision on which local authority to refer to.
3. You should then be able to find a referral form on that local authority's website, which will ask for the individual/household name(s), contact details, and the agreed reason for referral. If you cannot find a referral form online, you can also make the referral via telephone.
4. The local authority will then contact the individual/household and work with them to identify next steps. This will vary from advice to the development of a Personalised Housing Plan (PHP).² You may be contacted at this point to assist with the steps outlined in the PHP. The referral doesn't automatically mean the service user will receive an assessment or housing plan – whether they are eligible is determined by the local authority at the initial interview.

How does GDPR affect this?

As you must obtain consent from the individual, this makes the process GDPR compliant. However, we recognise that GDPR is complex so we will review this and provide more detail in the guidance published in September.

What data should housing associations collect?

¹ You may also refer to Scotland or Wales but local authorities there are under no obligation to accept the referral.

² For more detail, see page 4, [http://s3-eu-west-](http://s3-eu-west-1.amazonaws.com/pub.housing.org.uk/Homelessness_Reduction_Act_briefing_23_03_18.pdf)

[1.amazonaws.com/pub.housing.org.uk/Homelessness_Reduction_Act_briefing_23_03_18.pdf](http://s3-eu-west-1.amazonaws.com/pub.housing.org.uk/Homelessness_Reduction_Act_briefing_23_03_18.pdf)

Your organisation may wish to monitor the number of referrals and subsequent outcomes in order to influence how local referral processes may be improved in the future.

The Federation will also offer opportunities to gather feedback from participating housing associations.

Safeguarding

There may be referral cases where there could also be safeguarding implications. As well as making a referral you may decide that a separate safeguarding notification is necessary. You should not assume that in making a referral under the commitment, this also means any safeguarding concerns you might have are being picked up.

What else can housing associations do to support the Act more widely?

Development of homelessness strategies

The Act requires local authorities to develop homelessness strategies based on a review of all forms of homelessness in their district and outlining how local partners will work together. Housing associations are well placed to contribute to this strategy and if your local authority hasn't contacted you about this, do get in touch.

The combined authorities in areas you are working may also be developing wider prevention strategies and you may wish to get in contact with them as well.

Development of Personalised Housing Plans

Each local authority is developing its own approach to Personalised Housing Plans. Advice and insight from local housing associations can help inform the plans that are likely to be used by some of your tenants or service users at some point.

Enhanced partnerships and collaboration

The Act provides new opportunities to build impactful local relationships and could enhance collaborative working between housing associations and local authorities. It encourages partnership across agencies and is also a chance to take a strategic multi-agency approach to tackling homelessness in an area.

For an example of how a housing association is supporting the Act, see Nacro's [operational offer to local authorities](#).

What are the next steps?

If you would like to sign up to the Commitment to Refer, please email homelessness@housing.org.uk with the following details:

Name:
Organisation
Job title:
Email:

The statutory duty will commence on 1 October 2018, but you may wish to contact your local authorities before that date to find out more about how the referral process will work in your area(s).

We will be publishing more detailed guidance on the Commitment to Refer in September 2018. If you have suggestions for additional detail that you would like in that guidance, please email homelessness@housing.org.uk

If you have further questions, please contact homelessness@housing.org.uk