

# Duty to refer: an opportunity to cooperate to tackle homelessness

Advice for local housing authorities



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# Foreword

In life, every one of us needs good health, a stable home, a job, and a support network of friends and family; they are fundamental to being fulfilled, happy and productive.

The rise in homelessness is a very visual demonstration of the challenges that society and the economy is facing in helping everyone to achieve those fundamentals.

Homelessness is at the acute end of a broad spectrum of housing need, which, at the other end, includes families and individuals experiencing challenges that are causing housing stress for the first time.

People's lives are complex: many households face many barriers. Success by one agency might be undone by an absence of support from another, and so missing an opportunity to prevent someone's journey towards the streets.

Prevention of homelessness is therefore everything, it is everyone's business, and it requires collective and coherent action.

The Homelessness Reduction Act has a welcome focus on prevention, and the 'duty to refer' in particular begins to acknowledge the role that other local services – such as health, employment and justice – will have to play.

However, to succeed in reducing homelessness, it is critical that other services use the duty to refer as a commitment to cooperate, fully playing their role in helping to achieve the best outcomes for people.

In this report we hope councils and their partners will find useful advice for best meeting the duty to refer responsibilities, along with examples of what genuine cooperation looks like from within England and Wales.

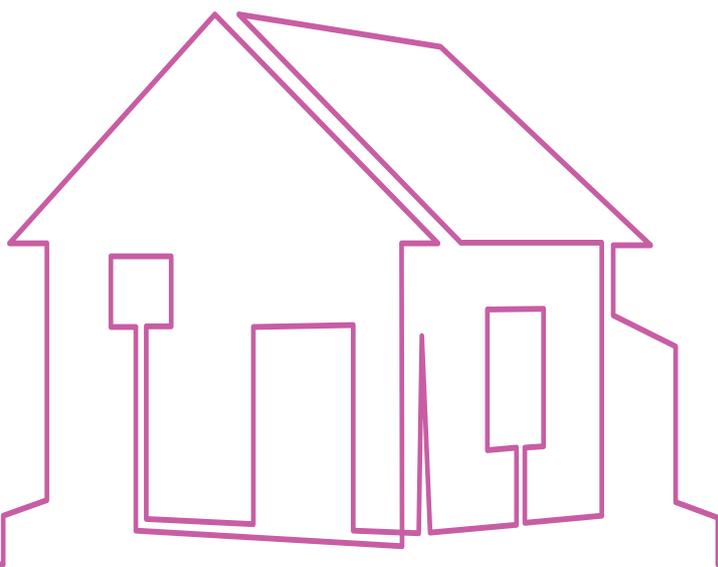
There are also lessons for policymakers: for instance it is critical that the review of the Homelessness Reduction Act considers how amending the duty to refer into a 'duty to cooperate' will best achieve the outcomes we all want to see.

We will continue to share and promote learning and experiences, and we look forward to working with the Government, councils and our housing partners on our shared ambition to build homes, reduce homelessness and create prosperous places.

**Councillor Martin Tett**

Chairman

LGA Environment, Economy, Housing  
and Transport Board



# Executive summary

**This advice has been published to demonstrate convincing reasons for why the duty to refer should be practised as an ‘opportunity to cooperate’ to prevent and relieve homelessness.**

## Duty to refer

A duty to refer commenced for specified public authorities from 1 October 2018.

The Housing Act 1996 Part 7 (as amended), section 213B, requires that a referral to a local housing authority must include:

- the individual’s name
- contact details
- the agreed reason for the referral (that the individual is homeless or threatened with homelessness).

Local housing authorities may want to expand on the minimum legal requirement and develop a standard referral form to capture more detail, such as:

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

Local housing authorities are advised to request that public authorities confirm that the person being referred has given their consent to the referral as part of referral procedures.

Public authorities are responsible for the development of a referral process. Joint working arrangements between public authorities and local housing authorities will need to focus on the earliest possible identification of people at risk of homelessness.

The referral process could include information to help people decide which local housing authority they may wish to be referred to.

Public authorities are not expected to conduct a housing needs assessment as part of the duty to refer. However, for certain persons with particular support needs, it may be more appropriate for the public authority to assist them to approach a housing authority directly.

Local housing authorities should inform public authorities how they will respond to a referral, and include information about how they will react where the referral indicates that an individual is at risk of sleeping rough, or is already sleeping rough.

Local housing authorities are responsible for developing local procedures to manage referrals. Local housing authorities should set up an easily accessible point of contact to receive referrals. All referral information should be stored and linked to case files, housing plans and data returns.

A procedure may also consider how to manage multiple and repeat referrals. When an application has been closed and a new referral

is received, a local housing authority should respond to the referral by contacting a person 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.

If, following receipt of a referral, local housing authority contact with a person provides a reason to believe the individual might be homeless or threatened with homelessness, it will trigger an application for assistance under Part 7.

The 'Homelessness code of guidance' confirms that a referral made by a public authority to a local housing authority will not in itself constitute an application for assistance under Part 7, but local housing authorities should always respond to any referral received. A local housing authority may wish to contact a person 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 a person, a local housing authority should provide them with 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.

Other public bodies, voluntary organisations and other persons and organisations are encouraged to operate within the spirit of the duty to refer. Housing associations are encouraged to make a 'commitment to refer'.

## Opportunities to cooperate

The first draft version of the Homelessness Reduction Bill featured a 'duty to cooperate' similar to the duty in force in Wales. References to a duty to cooperate were removed from the subsequent draft of the Homelessness

Reduction Bill. Instead, a new clause, placing a duty on public authorities in England to refer cases, was introduced. Subsequently, an amendment was proposed to place a duty on public authorities to cooperate with a local housing authority when a referral was made. This was rejected due to concerns that it would be too onerous to administer.

A requirement for cooperation between local housing authorities and public authorities, along with other bodies, does still strongly feature in English homelessness legislation. Local housing authorities are entitled to request assistance to discharge homelessness duties from:

- local authorities
- social services authorities (both adult and children's services)
- housing associations.

The Housing Act 1996, Part 7, section 213 requires that the above listed organisations cooperate with local housing authorities in the administration of public law homelessness functions. Section 213A specifies further cooperation necessary in certain cases involving children.

The Homelessness Act 2002 obliges social services authorities (both adult and children's services) to cooperate with the formulation of a local homelessness strategy, and allows specific actions for social services authorities, plus any other public authority, voluntary organisation or other agency, to be included in a homelessness strategy.

The regulatory framework for social housing instructs housing associations to cooperate with local housing authorities in the undertaking of homelessness duties.

There are many examples of local housing authorities working collaboratively with public authorities and other agencies, including:

- social services authorities
- children's services
- Jobcentre Plus offices
- NHS trusts.

A duty to cooperate has been in force since 2015 for Welsh local housing authorities, social services authorities and housing associations.

Since the legislation came into force, there has been an increase in cooperative working with specific public authorities, but overall the majority of local housing authorities reported no change in partnership work with external partners. Improved partnership working across local authority departments, with housing associations and with voluntary organisations was reported.

Case study learning from Wales can help English local housing authorities to further advance opportunities to cooperate to tackle homelessness.

Cooperation between local housing authorities, public authorities, housing associations, voluntary organisations and other agencies is crucial to tackling homelessness.

Key to successful cooperation to tackle homelessness are:

- homelessness forums
- homelessness champions
- homelessness training
- homelessness strategies.

# Introduction

**The Local Government Association (LGA) takes positive action to give its members the tools to tackle homelessness. This advice has been published to demonstrate convincing reasons for why the duty to refer should be practised as an ‘opportunity to cooperate’ to prevent and relieve homelessness.**

This report offers impartial and transparent advice to aid local housing authorities in the administration of public law homelessness functions. The advice has been formulated using authoritative evidence from sources such as:

- statute
- orders
- Hansard
- statutory guidance
- regulations
- statistical guidance
- public policy
- legal textbooks
- academic research.

Case studies sourced from local housing authorities, alongside consultation with local authorities plus public authorities, voluntary organisations and other bodies, has significantly informed the contents of this advice.

Homelessness is not simply about a lack of housing, although this is a crucial factor. It is important to recognise that poverty and issues associated with employment and income are also principal causes of homelessness. Although local housing authorities have the primary responsibility to tackle homelessness, they cannot do this alone. Through collaboration with public authorities, housing associations, voluntary organisations and other persons and organisations, better outcomes can be achieved for people who are at risk of homelessness.

This advice features reliable examples of practice, with practical templates for local housing authorities to be inspired by and adopt. It is hoped that this advice will help to facilitate work with public authorities that will be beholden to the duty to refer, along with other agencies that freely choose to commit to making a referral.

# Duty to refer – administering the law

## Legislative context

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The primary homelessness legislation in England, contained within Part 7 of the Housing Act 1996, places a statutory duty on local housing authorities to prevent homelessness and assist people presenting to a local housing authority as threatened with homelessness or actually homeless. The Homelessness Act 2002 amended the 1996 Act to require that every local housing authority have a homelessness strategy. Further changes were made to the 1996 Act by the Homelessness Reduction Act 2017, effective from April 2018, placing expanded duties on local housing authorities to intervene at earlier stages to prevent homelessness (irrespective of a person's local connection), along with introducing a new duty to relieve homelessness, regardless of whether a person has a priority need for accommodation or is intentionally homeless.

A revised 'Homelessness code of guidance'<sup>1</sup>, incorporating all the changes made by the 2017 Act, was published in February 2018 and revised in June 2018.

The information in this advice focuses solely on the new duty to refer<sup>2</sup> placed on public bodies in England to refer an individual's case (with consent) to a housing authority they identify.

The duty to refer commenced from 3 April 2018, however public authorities were not obliged to make referrals until 1 October 2018 onwards.

A referral can only be made with a person's consent, to both the referral itself and the disclosure of their contact details to a local housing authority.

If consent is given, a public authority will be required to make the referral, notifying the identified local housing authority of the reason for the referral and how the individual may be contacted.

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1 'Homelessness code of guidance for local authorities', Ministry of Housing, Communities and Local Government, UK Government, 2018

2 Homelessness Reduction Act 2017, Clause 10: 'Duty of public authority to refer cases to local housing authority'

## Who does the duty to refer apply to?

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Anyone who is, or might be, homeless or threatened with homelessness should be consulted about whether they will agree to a referral being made to a local housing authority of their choice<sup>3</sup>.

When making a referral, there is no need to have evidence that the person is or will be homeless, as a credible possibility of this being true is enough of a reason for a referral to be made. There is no requirement when making a referral to have assessed a person's circumstances against the legal meaning of homelessness or threatened homelessness. The opinion of an individual or body making a referral that someone could be homeless, or is possibly threatened with homelessness, is enough of a reason for a referral to be made.

The following persons and public authorities<sup>4</sup> have a duty to make a referral:

- a governor of a prison
- a director of a contracted-out prison
- a governor of a youth offender institution
- a governor of a secure training centre
- a director of a contracted-out secure training centre



<sup>3</sup> The duty to refer only applies to public authorities in England and individuals can only be referred to housing authorities in England

<sup>4</sup> Homelessness (Review Procedures etc) Regulations 2018, Schedule: specified public authorities

- a principal of a secure college
- a youth offending team
- a provider of probation services (National Probation Service or a community rehabilitation company)
- an officer employed at a Jobcentre Plus office (Department for Work and Pensions)
- a social services authority (adult social services, including 'no recourse' teams)
- a person who performs social services functions relating to children and childcare (children's social care)
- NHS trusts and NHS foundation trusts:
  - emergency departments
  - urgent treatment centres
  - hospitals, in their function of providing inpatient care (acute general and mental health wards)
- the Secretary of State for Defence in relation to members of the Royal Navy, the Royal Marines, the regular Army and the Royal Air Force (Ministry of Defence Joint Service Housing Advice Office, Ministry of Defence unit resettlement officer).

It is anticipated that on occasions another person, employed by the above referenced public authorities, will make a referral on behalf the above prescribed persons. For example, a prison governor might delegate their authority to make a referral to a prison officer. Local housing authorities might wish to seek clarification from certain public authorities as to which persons will be responsible for making referrals.

When administering the duty to refer, public authorities should have regard to advice and procedures published by the following UK government ministerial departments:

- Department for Health and Social Care
- Department for Work and Pensions
- Ministry of Defence
- Ministry of Justice.

The Ministry of Housing, Communities and Local Government has also published advice for public authorities that have a duty to refer cases of homelessness. Some public authorities have opted to adopt the example referral form included with the advice. <https://www.gov.uk/government/publications/homelessness-duty-to-refer/a-guide-to-the-duty-to-refer>

Despite general medical practitioners, schools and police services being cited as organisations that would be subject to the duty to refer,<sup>5</sup> they are not included in the legislative schedule.

Other public authorities, voluntary organisations, persons or organisations are not obliged to make a referral in cases of apparent or actual homelessness that they might be aware of.

<sup>5</sup> Homelessness Reduction Bill Committee Stage debate 4th sitting: House of Commons 14 December 2016

Nevertheless, many organisations already make referrals in cases of homelessness. Therefore, local housing authorities might wish to encourage all agencies and persons not subject to the duty to refer to operate within its parameters. This would allow for consistency when administering referrals. Therefore, local housing authorities might wish to promote the duty to refer to the following agencies (this list is not meant to be exhaustive):

- police, fire, ambulance and other emergency services
- community-based mental health services
- child and adolescent mental health services
- sexual health services
- community health visitors
- community midwives
- general practice doctors/surgeries
- substance misuse treatment services
- children's early help services
- children's centres
- the Troubled Families programme
- youth services
- schools
- further education colleges
- universities
- housing benefit administrators
- welfare assistance services
- advice agencies
- local authority landlords
- private landlords
- supported housing providers
- Housing First providers
- refuge providers
- National Asylum Support Service accommodation providers
- armed forces veteran support services
- environmental health services
- community safety partnerships and anti-social behaviour teams
- other local authority services
- street homelessness services
- floating support providers
- other service providers
- lesbian, gay, bisexual and transgender support agencies
- faith organisations.

Some professional membership bodies have elected to publish advice to aid efficient and effective practice of the duty to refer, such as the Royal College of Midwives.

Housing associations are encouraged by the National Housing Federation, the membership organisation for housing associations in England, to sign up to a voluntary commitment to refer cases of homelessness.

Housing associations already make a vital contribution to tackling homelessness. Signing up to the commitment to refer will help social landlords to further prevent and relieve homelessness. Local housing authorities might wish to make a record of housing associations which own stock in their area and have signed up to the commitment to refer. Local authority landlord services could also be encouraged to make a commitment to refer.

Housing associations wishing to make a commitment to refer should consult guidance published by the National Housing Federation, which can be found at: <https://www.housing.org.uk/topics/welfare-reform/homelessness/commitment-to-refer/>

It is important to note that local housing authorities do not have a duty to refer cases of homelessness. Nevertheless, administrators of local housing authority homelessness functions do have a responsibility to receive referrals and act on them as necessary.

The Ministry of Housing, Communities and Local Government has published statutory guidance and advice for local housing authorities on the duty to refer:

Homelessness code of guidance for local authorities, chapter 4, 'The duty to refer in England to housing authorities': <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-4-the-duty-to-refer-cases-in-england-to-housing-authorities>

Policy fact sheet, 'Duty to refer specified authorities': [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/682995/Final\\_Duty\\_to\\_refer\\_policy\\_factsheet.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/682995/Final_Duty_to_refer_policy_factsheet.pdf)

## Learning point

**Neighbouring local housing authorities, for example from across a county, are encouraged to adopt common arrangements across the sub-region for administering the duty to refer, as this will make it easier for public authorities and other referral agencies to make referrals. Joint referral forms and shared referral procedures are actively encouraged.**

## What should be included in a referral?

The duty to refer is triggered if a public authority considers, or is made aware, that a person may be homeless or threatened with becoming homeless.

Local housing authorities might wish to confirm with public authorities, and other referral agencies, how much information needs to be included in the referral. All referrals must include the following information:

- facts that can help to identify the person, for example:
  - title
  - forename and surname
  - age and/or date of birth
  - gender
  - ethnicity
- contact details, for example:
  - current postal address, and/or a correspondence address
  - phone number (landline and/or mobile)
  - email address
  - any other relevant contact information

- reason for referral, for example as the person is:
  - homeless – for example sleeping rough in place not designed for habitation, ‘sofa surfing’, squatting, sleeping on public transport or escaping domestic abuse
  - threatened with homelessness – for example due to leave prison, care, the armed forces or hospital, at risk of eviction from a landlord or lender, asked to leave by parents, relatives or friends, or given notice to leave accommodation provided by the National Asylum Support Service.
- whether the person (or anyone else who might live with them) is pregnant
- whether any children are both dependent and reside with the person
- any vulnerabilities the person (or anyone else who might live with them) might have, such as mental illness, learning disability, physical disability or sensory disability
- whether the person (or anyone else who might live with them) has previously been in care of a social services authority, prison, the armed forces or is escaping domestic abuse

## Learning point

**Local housing authorities could encourage public authorities and other referral agencies to confirm a person’s preference for how they wish to be addressed, what their preferred method of contact is and the best time to contact them.**

Local housing authorities might wish to ask public authorities, and other referral agencies, to provide additional information about a person at the point of referral. This might include:

- whether the person wants help to apply for accommodation
- whether the person wants help to obtain accommodation
- details of any other people who might live with the person being referred
- causes of homelessness
- housing needs
- support needs
- immigration status

- whether the person is employed in the area
- whether the person has family in the area
- how long the person has lived in the area.

Local housing authorities must make it clear that it is at the discretion of the individual concerned, and/or a public authority and other referral agencies, to provide any additional information.

It should be clearly emphasised that not providing any/all additional information requested will not adversely affect how a referral is administered by a local housing authority.

## When should a referral be made?

Public authorities, and other referral agencies, should make a referral as soon as they become aware that a person is, or might be, homeless or threatened with homelessness. Local housing authorities should have arrangements in place to receive a referral seven days a week, 24-hours a day. It is important to emphasise that a referral can be sent when there is a possibility of homelessness, as there is no requirement for any certainty of this fact.

To ensure prompt and timely receipt of referrals to local housing authorities, public authorities and other referral agencies could be encouraged to ask questions about a person's housing circumstances at an initial stage of their involvement with a service provider.

Some examples of when a referral could be first considered are provided below:

- for adult or child offenders:<sup>6</sup>
  - prior to sentencing, or as soon as possible after commencing a sentence at a prison, youth offender institution, secure college or training centre
  - being supervised in the community, as soon as possible after a youth offender team or a probation service open or inherit a case
- for people making a claim for welfare benefits, as soon as possible after their claim has been made and/or assessed<sup>7</sup>
- for adults who are vulnerable due to their age and/or mental or physical impairment or disability, when action is first taken to prevent social care needs arising and/or as soon as possible after a person applies for assistance under the Care Act 2014<sup>8</sup>
- for children in the care of a local authority, up to two years prior to the anticipated date of leaving care<sup>9</sup>
- for armed forces personnel, when they first consider the discharge process, up to two years prior to discharge.<sup>10</sup>

Local housing authorities can make such information available to public authorities and other referral agencies, as part of the duty to provide advice free of charge to anyone in their district<sup>11</sup>.

## Learning point

**Training for public authorities and other referral agencies, to aid preparation and execution of the duty to refer, could be facilitated by local housing authorities. Training can help to ensure timely and relevant referrals are made. Training can also help to manage expectations of public authorities, and other referring agencies, as to what will happen following a referral being received by a local housing authority.**

Local housing authorities could encourage public authorities, and other referral agencies, to make a referral when a person might be experiencing any of the following circumstances (this list is not intended to be exhaustive):

- sleeping rough in a place not intended for habitation ('street homeless')
- staying with parents, family, friends or other persons, but with no permission to remain there ('hidden homeless')
- served a valid possession notice by a landlord or mortgage lender (whether or not this will expire in 56 days)
- cannot enter their property due to a civil emergency or illegal eviction

<sup>6</sup> 'National pathway for homelessness services to children, young people and adults in the secure estate', Welsh Government 2015

<sup>7</sup> 'Job coach guidance', Jobcentre Plus, Department for Work and Pensions, UK Government, 2018

<sup>8</sup> 'Care and support statutory guidance', Department of Health and Social Care, UK Government, 2018

<sup>9</sup> 'Preventing homelessness and promoting independence: a positive pathway to adulthood', Welsh Government, 2016

<sup>10</sup> 'National housing pathway for ex-service personnel', Welsh Government, 2017

<sup>11</sup> Housing Act 1996 (as amended), Part 7, Section 179 'Duty of local housing authorities to provide advisory services'

- cannot find an approved place to site their boat or caravan
- accommodation is not accessible for all the people who usually are expected to live together
- unable to afford to pay for their accommodation
- poor condition of their accommodation
- overcrowded accommodation
- experiencing violence or threats of violence.

## Where should a referral be made to?

Public authorities must make a referral to a local housing authority of a person's choosing.

### Learning point

**If a person is uncertain as to the name of the local housing authority to which they want their referral sent, public authorities and other referral agencies can clarify this by typing a valid postcode into a search facility provided on the UK Government's website at the following link: <https://www.gov.uk/homelessness-help-from-council>**

The search result will generate the website for the relevant local housing authority area. Local housing authorities are encouraged to place a 'duty to refer' button on the homepage of their website, to help make it easier to make a referral. It is important to note that referrals can only be made to English local housing authorities.

If a person is unsure as to which local housing authority they wish their referral to be sent to, public authorities and other referral agencies could help them consider the most suitable option. Local housing authorities can offer information on how best to go about this, as part of the duty to provide advisory services<sup>12</sup>.

The type of information about how to determine a person's housing needs, and therefore which location might be best for a referral to be made to, could cover the following factors:

- location of accommodation needed – the means of transport available to a person (such as public transport or car), along with the places a person needs to go to in order to:
  - receive health and/or social care
  - participate in education
  - provide care to parents, other relatives or friends
  - be supervised in the community
  - undertake employment
  - maintain their claim for welfare benefits
- type of accommodation needed – the physical arrangements a person requires to live, for example do they require:
  - level access
  - accommodation arranged on one floor
  - adaptations to use the bathroom and/or kitchen
  - aid to use the stairs
- bedrooms needed – the ages and genders of people who live with the person, to determine the number of bedrooms required

<sup>12</sup> Housing Act 1996 (as amended), Part 7, Section 179

- cost that can be afforded – what a person can afford to pay, including what they might be entitled to claim for help with housing costs, against the typical housing costs payable for any given area
- tenure that is most suitable – whether a person’s housing needs can be met by the general housing market or if they require affordable housing to rent, buy, or for shared ownership.

If there is no clarity or preference about which district a person should be referred to, it would be reasonable for them to instruct a public authority (or other referral agency) to make a referral to the nearest local housing authority to which the referring public authority (or agency) is located.

The question of whether a person has a local connection should never arise at the stage of a referral being made by a public authority or other referral agency.

Local housing authorities should never reject a referral due a person having no local connection to their area. A person has a right to be referred to any English local housing authority. Equally, a person has right to obtain housing advice from any UK local housing authority, regardless as to whether they are homeless (or eligible) or have a local connection. Furthermore, a person has a right to make an application for assistance to apply for, or obtain, accommodation to any UK local housing authority.

English local housing authorities can only consider the matter of a local connection after the follow steps have been completed<sup>13</sup>:

1. An application for assistance to apply for and/or obtain accommodation has been made and inquiries into a case of homelessness or threatened homelessness have commenced.
2. A determination has been made that a person is eligible for assistance.
3. A suitable offer of interim accommodation has been made because it is apparent, or there is evidence, that a person has a priority for accommodation.
4. An assessment of the causes of a person’s homelessness has been carried out and a personalised plan has been formulated to satisfy their housing and support needs.
5. A ‘relief duty’ has been accepted as being owed to a person.

The matter of a local connection cannot be regarded at all in cases of threatened homelessness.

More generally, there is no duty to make inquiries about whether an applicant has a local connection – unlike, for example, the issues of eligibility, priority need or intentionality. It is at the discretion of a local housing authority as to whether they refer a case to another local housing authority<sup>14</sup>. Therefore, local housing authorities should only exercise this power when they have cause to do so (for example there is a belief an applicant might not have a local connection).

<sup>13</sup> Housing Act 1996 (as amended), Part 7, Sections 183 – 189B

<sup>14</sup> Housing Act 1996 (as amended), Part 7, Sections 198 – 201A

Because the use of the power is discretionary, there should not be systematic use of the power in every case, but rather proportional use in cases where there might be some uncertainty about a person's local connection. Even when a person has no connection to a district, a local authority is under no obligation to make a local connection referral, and is entitled to fulfil duties rather than making a referral. Use of local connection powers should be exercised consistently whenever they are used.

There is no evidence to suggest that public authorities will concentrate on making referrals to any one local authority, or to a small handful. Employees of public authorities are unlikely to have either the time to determine a person's local connection, as defined in homelessness legislation, or the time to gain an understanding of these rules. Some public authorities have expressed a preference for a single national point to make referrals to. Due to the nature of local government, this is not possible. However, a list of local authorities, plus email addresses for each, is expected to be supplied by the Ministry of Housing, Communities and Local Government to some national public authorities.

## With what method should a referral be made?

Local housing authorities will need to agree with public authorities, and other referral agencies, the practicalities of how to receive a referral.

The Ministry of Housing, Communities and Local Government has published an example referral form which local housing authorities might wish to encourage public authorities, and other referral agencies, to adopt. Another example referral form is provided as an appendix to this

advice. However, it is important to note that a specific format or method for making referrals cannot be insisted on by a local housing authority. Provided the legally prescribed minimum information is submitted, a referral can be made by any reasonable method.

Other agencies not subject to the duty to refer cannot be required to make a referral using any specific format. Just as a person seeking to make an application for assistance can do so by any reasonable means, so can housing associations, voluntary organisations and other persons and organisations. An array of referral methods will help with making the act of referring a case of homelessness much easier. StreetLink<sup>15</sup>, the national rough sleeping reporting service, allows referrals of people believed to be street homeless to be made via a number of methods.

Local housing authorities should have a number of channels to receive referrals.

Ways to make a referral should be widely publicised. These could include:

- **In person:** an employee of a public authority or other referral agencies, regardless of whether the person who is homeless or risk of homelessness is accompanying them, could present at the homelessness section of a local housing authority.
- **By post or fax:** handwritten or printed referrals using forms adopted by public authorities and other referral agencies, or promoted by a local housing authority, are more than acceptable.
- **On the phone:** phone referrals could be administered by a duty officer during and outside of normal office hours. Alternatively, a

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15 [https://www.streetlink.org.uk/StreetLink\\_HomePage](https://www.streetlink.org.uk/StreetLink_HomePage)

voice-automated response system could be deployed to collect and record the necessary referral information, for this to be picked up and acted on by a duty officer at a subsequent time.

- **By email:** most local housing authorities already have generic email addresses to receive general enquiries about homelessness and housing advice matters. This can be used for receiving email referrals made by public authorities and other referral agencies.
- **Website:** many local authorities already host a contact form on their websites to receive general enquiries about homelessness and housing advice matters. This form can be adapted to be tailored specifically to the requirements of the duty to refer.
- **Online app:** some providers of specialist homelessness IT software are offering an online electronic application that can be used to receive referrals from public authorities and other referral agencies. This option could be used alongside the others described above, but not instead of them.

If local housing authorities elect to prefer one method of receiving referrals beyond others, it is advisable to follow the advice of the Ministry of Housing, Communities and Local Government (MHCLG) by adopting a standard email address, using the format: [dutytorefer@anywherecouncil.gov.uk](mailto:dutytorefer@anywherecouncil.gov.uk)

Further information can be found in the guidance for public authorities published by the MHCLG.

## Learning point

**Local authorities could consider having a button on the homepage of their website to help public authorities and other referral agencies to more easily make a referral. When clicking on the button, public authorities and other referral agencies would be taken to a page that explains all of the methods by which a referral can be made, with addresses and phone numbers clearly shown, along with a link to an email address. Below this can be a contact form in which referral information can be submitted.**

Many public authorities have chosen to adopt their own in-house referral forms, which local housing authorities should be content to accept. For example, the Ministry of Justice has introduced a standard form, based on an example published by the Ministry of Housing, Communities and Local Government, to be used by all its agencies and bodies, which will be sent to a secure local housing authority email address.

The Department for Work and Pensions has designed a standardised email-based referral process, based on the approach trialled under the Newcastle City Council homelessness prevention trailblazer. This process is being introduced in all job centres in England from October 2018. NHS trusts are still required to send information by fax for many purposes. It is therefore likely that many hospitals will prefer to make a referral of a case of homelessness by fax.

No matter what method is used by a public authority or other referral agencies to make a referral, once a referral is received by a local housing authority, proof of receipt could be sent

to the public authority which made the referral. A precedent for such action was established by Lord Laming in the report of the Victoria Climbié Inquiry<sup>16</sup>. A receipt can help to clarify the length of time a person can expect to wait before a local housing authority acts on a referral. Typically, this could align with any corporate commitments to respond to customer enquiries. For people who are already homeless, or are at imminent risk of homelessness, contact should be made as soon as possible upon receipt of a referral. Any subsequent feedback from a local housing authority to a public authority, on the outcomes achieved following the referral, will have to be subject to separate and specific permission from the person who was referred.

If, following receipt of a referral, a local housing authority requires further relevant information about a person being referred, then public authorities (and other referral agencies) can be expected to cooperate with all reasonable requests. Nevertheless, a person would have to consent for any additional information to be shared.

It is not expected that public authorities, or other referral agencies, will charge a fee to a person for a referral to be made, nor to a local housing authority for providing any additional information requested.

## How should a referral be handled?

Local housing authorities should have procedures and systems in place to ensure that all referrals, no matter how they are made, converge to a single point for employees to triage the information received. Action taken as a result of a referral will vary. Some common potential outcomes are shown overleaf.

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**16** 'The Victoria Climbié Inquiry: report of an inquiry by Lord Laming', UK Government, 2003

Referral outcome	Scenario
<p><b>Provision of advisory services<sup>1</sup></b></p>	<p>All new referrals, including applications that have recently been closed, could necessitate a local housing authority providing information and advice on:</p> <ul style="list-style-type: none"> <li>▪ preventing homelessness</li> <li>▪ finding accommodation when homeless</li> <li>▪ rights when homeless or threatened with homelessness and duties of local housing authorities</li> <li>▪ help available for persons who are homeless or may become homeless</li> <li>▪ how to access help.</li> </ul> <p>Specific information should be available to persons who are:</p> <ul style="list-style-type: none"> <li>▪ released from prison</li> <li>▪ leaving care</li> <li>▪ former members of the regular armed forces</li> <li>▪ victims of domestic abuse</li> <li>▪ leaving hospital</li> <li>▪ suffering from mental illness or impairment</li> <li>▪ at particular risk of homelessness.</li> </ul> <p>Assistance available from voluntary organisations should also be promoted.</p>
<p><b>Inquiries into case<sup>2</sup></b></p>	<p>In addition to the provision of advisory services, if information provided in the referral gives a local housing authority a reason to believe that the person being referred might be homeless or threatened with homelessness, this could necessitate a local housing authority commencing inquiries as to what duty, if any, is owed.</p>
<p><b>Offer of temporary accommodation<sup>3</sup></b></p>	<p>In addition to the provision of advisory services, if information provided in the referral gives a local housing authority a reason to believe that the person being referred might be homeless, be eligible for assistance and have a priority need for accommodation, this could necessitate a local housing authority making an offer of suitable accommodation until inquiries have been concluded.</p>

1 Housing Act 1996 (as amended), Part 7, Section 179

2 Housing Act 1996 (as amended), Part 7, Sections 183-184

3 Housing Act 1996 (as amended), Part 7, Sections 188-189

If multiple referrals from different public authorities or other referral agencies, or repeat referrals, are received for one person, then no further action might be necessary.

Local housing authorities could work with relevant public authorities, and other referral agencies, to review the content of existing advice information provided to the persons specified above. Any revisions required to such information could be done in consultation with people who are homeless or have experienced homelessness.

Statutory guidance published by the Ministry of Housing, Communities and Local Government advises that receipt of a referral is not tantamount to an application for homelessness assistance being made. The guidance states that only once a local housing authority has been able to make contact with a person is an application for homelessness assistance triggered. However, two legal textbooks<sup>17, 18</sup>, both published after enactment of the Homelessness Reduction Act 2017, argue that the receipt of a referral is enough to qualify as an application for homelessness assistance being made. Local housing authorities might wish to seek to their own counsel for interpretation of this point of law. This guide does not seek to promote one opinion above another.

It is understandable that local housing authorities might wish to gain a definitive opinion about which advice should be followed. It is an option for local housing authorities to ignore the opinion of the legal professionals and rely solely on the advice given in the 'Homelessness code of guidance'. However, it is in the best

interests of local authorities to be aware that another opinion exists about whether a referral triggers an application, so they can assemble a defence against any legal challenge that might be made against the council. In due course, there could be a case law ruling that provides a definitive position on this matter. In the meantime, both views have been reported so that local authorities have all the facts available, in order for them to determine how best to administer homelessness functions.

A person who is referred and cannot subsequently be contacted by a local housing authority could be sent advice and information care of the public authority which made the referral, or to their current or last known address, as appropriate.

Referral information, along with any subsequent correspondence connected to a referral (whether this is sent to a public authority or other referral agency making a referral or to a person being referred) should be kept as part of any case file opened about a person. A person will have the right to request a copy of any case file notes connected to the referral duty. Local housing authorities should consult their own data controller about how referral information should be retained and for how long, to ensure compliance with data protection legislation. Further advice might be sought from the Office of the Information Commissioner.

Information provided on a referral can be transferred to any housing plans formulated by a local housing authority. This encompasses all basic information that is legally required as part of any referral made, but extends to any additional information voluntarily shared by a

**17** Arden QC, A., Bates, J., Vanhegan, T. (2018) 'Homelessness and allocations eleventh edition', London, Legal Action Group

**18** HHJ Luba QC., Davies L., Johnston, C., Buchanan, T. (2018) 'Housing allocation and homelessness law and practice fifth edition', London, Lexis Nexis

public authority or other referral agency (with agreement from the person being referred). Information provided on a referral about a person's housing needs, household members, immigration status, vulnerabilities and so on can be useful when carrying out an assessment and formulating a personalised plan. Therefore, it is beneficial to encourage public authorities and other referral agencies to provide additional information when making a referral.

The Ministry of Housing, Communities and Local Government intends to collect data from local housing authorities on referrals. Local housing authorities will need to record referrals made to input into the Homelessness Case Level Information Collection (H-CLIC) monitoring system, introduced from April 2018. Guidance<sup>19</sup> published by the Government explains that local housing authorities will be required, in cases where the person is eligible for assistance, to record referrals made by:

- a public authority that has a duty to refer
- a public authority, voluntary organisation or other person or organisation that is not subject to the duty to refer.

## Learning point

**Local housing authorities could consider sharing data published on referrals with local public authorities and others. Dissemination of such information to referral agencies can provide a useful context to the outcomes arising from the referrals being made. For the same reason, local housing authorities might also seek data from public authorities, and other referral agencies, that might be collected about referrals of homelessness cases.**

Local housing authorities might also wish to record and monitor a wider range of information about referrals. The H-CLIC monitoring system ensures collection of data about the quantity of referrals; however, further collection and evaluation of additional information will help to better inform future strategy and practice. Other measures that local housing authorities can consider monitoring include:

- a breakdown of agencies that made referrals
- demographic information of persons that have been referred
- referrals of persons who are not eligible for assistance
- information on cohorts that are statistically more likely to experience homelessness, such as whether LGBT'
- duplicate referrals received
- referrals that do and do not include additional information
- outcomes of referrals.

<sup>19</sup> Ministry of Housing, Communities and Local Government, (2018) 'The Homelessness Case Level Information Collection (H-CLIC) for the monitoring of the Homelessness Reduction Act 2017 – guidance for the completion and return of H-CLIC data', London, UK Government

## Why should a referral be made?

Many people come into contact with a range of public services before reaching a homelessness crisis. The duty to refer is intended to help people access homelessness services as soon as possible, so that their homelessness can be prevented or relieved.

The Communities and Local Government Commons Select Committee acknowledged in a 2016 report that homelessness rarely results from a housing crisis alone, and that underlying issues with employment, health and justice are often critical factors<sup>20</sup>.

The general intention of the Homelessness Reduction Bill was to drive through a culture change in local authorities and other public bodies, to stimulate and encourage local flexibility, innovation and expertise<sup>21</sup>.

The changes introduced by the Homelessness Reduction Act are similar to those introduced in Wales under the Housing (Wales) Act 2014. The Communities and Local Government Committee inquiry into homelessness, launched in 2015, made clear reference to the Welsh Government's approach in its report on homelessness<sup>22</sup>.

A recent impact evaluation of the Housing (Wales) Act 2014 concluded: "The overwhelming consensus is that the new statutory homelessness framework in Wales has had an array of positive impacts. It has helped to shift the culture of local housing authorities towards a more preventative, person-centred and

outcome-focused approach, which has meant a much-improved service response to tackling homelessness."<sup>23</sup>

The duty to refer provides an impetus to develop effective referral arrangements and accommodation pathways that involve all relevant agencies to provide appropriate jointly-planned help and support to prevent homelessness<sup>24</sup>. Accommodation pathways could cover all forms of homelessness, such as street, hidden, single and statutory homelessness, and could be mapped out for people who are:

- leaving prison
- leaving care
- leaving hospital
- leaving the armed forces
- escaping domestic abuse
- vulnerable adults
- more likely to become homeless (for example people at risk of financial or sexual exploitation, aged under 25 years, female, of a black or other minority ethnic origin, pregnant women or people who have dependent children living with them).

<sup>20</sup> House of Commons Communities and Local Government Committee, 'Homelessness, third report of session 2016-17', 18 August 2016

<sup>21</sup> House of Commons Communities and Local Government Committee, 'The draft Homelessness Reduction Bill, fifth report of session 2016-17', 14 October 2014

<sup>22</sup> House of Commons Communities and Local Government Committee, 'Homelessness, third report of session 2016-17', 18 August 2016

<sup>23</sup> 'Post-implementation evaluation of Part 2 of the Housing Act (Wales) 2014: final report', 19 July 2018

<sup>24</sup> Paragraph 23.3 'Homelessness code of guidance for local authorities', February 2018

## Learning point

**Local housing authorities could establish joint working arrangements with public authorities which have parallel legal duties to a person who has been referred, in order to foster a joined-up approach to securing accommodation and providing support. For example, social services authorities might have a duty to accommodate homeless children aged 16 or 17 years old under the Children Act 1989, or a homeless vulnerable adult under the Care Act 2014. Local housing authorities can seek to discharge any duty owed to persons in such circumstances in a collaborative fashion.**

The duty to refer could be incorporated into local housing authority homelessness strategies. Local housing authorities could establish effective partnership and working arrangements with public authorities and other referral agencies to facilitate appropriate referrals. These arrangements could focus on identifying people at risk of homelessness as early as possible to maximise the opportunities to prevent homelessness.

## Key lessons

Specified public authorities have a duty to make a referral to a local housing authority, subject to the person concerned giving permission for them to do so. Local authorities can encourage other agencies to make a referral in accordance with the principles of the duty to refer.

Information about a person's name, contact details and circumstances should be provided when a referral is made. Local housing authorities can request additional information about a person from public authorities; however, it is discretionary as to whether this is provided.

Local housing authorities can provide advice about which area a referral is best made to.

Local housing authorities should be able to receive referrals 24 hours a day, seven days a week.

Local housing authorities should have a number of methods available to receive referrals.

Following receipt of a referral, local housing authorities might provide advice, commence inquiries as to what duty (if any) is owed, and whether an interim accommodation duty might be owed.

Local housing authorities can map out accommodation pathways for people who might experience any potential form of homelessness.

# Opportunities to cooperate to tackle homelessness – good practice

## Legislative context

### Clause 17 – cooperation between authorities and others

Cooperation between local housing authorities and others was a key element of the first draft version of the Homelessness Reduction Bill<sup>25</sup>, presented to Parliament for the second reading of what would subsequently become the Homelessness Reduction Act 2017.

A duty to refer was not featured in this version of the Homelessness Reduction Bill. Originally, the Bill proposed a clause 17, titled ‘Co-operation between authorities and others’.

This ‘duty to cooperate’ would have been similar to the duty in force in Wales. Various bodies would have been beholden to this duty, including social services authorities, housing associations, NHS boards, groups and trusts, the National Probation Service and community rehabilitation companies, police services, police and crime commissioners and Jobcentre Plus. While many of these organisations have since been given a duty to refer, some have not been required to make a referral in cases of homelessness.

An inquiry held by the Communities and Local Government Committee reinforced the reasons

why a duty to cooperate was included<sup>26</sup>.

Committee members received accounts that many local housing authorities, public authorities and bodies, voluntary organisations and other persons and bodies operated in isolation from one another. People leaving prison and coordination of mental health support were cited as examples as to why a duty to cooperate was included in the first draft of the Homelessness Reduction Bill.

Following the Government’s announcement of its support for the Homelessness Reduction Bill<sup>27</sup>, references to a duty to cooperate were removed from the Bill’s second draft<sup>28</sup>, which was presented at the Committee Stage of the Bill’s progress through Parliament. Instead a new clause, placing a duty on public authorities in England to refer cases, was introduced. During the Committee Stage, an amendment was proposed to place a duty on public authorities to cooperate with a local housing authority when a referral was made<sup>29</sup>. It was argued that a referral should be the starting point of joint working between local housing authorities and public authorities. This new proposal was made to ensure that the duty to refer better reflected the findings made previously by the Communities and Local Government Committee,

<sup>25</sup> Homelessness Reduction Bill, 26 August 2016

<sup>26</sup> House of Commons Communities and Local Government Committee, ‘The draft Homelessness Reduction Bill fifth report of session 2016-17’, 14 October 2016

<sup>27</sup> ‘Government response to the Communities and Local Government Select Committee reports: Homelessness and Homelessness Reduction Bill’, Secretary of State for Communities and Local Government, March 2017

<sup>28</sup> Homelessness Reduction Bill, 21 October 2016

<sup>29</sup> House of Commons Homelessness Reduction Bill Committee, ‘Stage debate fourth sitting’, 14 December 2016

that cooperation between all authorities was essential to ending homelessness. The proposed amendment was rejected due to concerns that it would be too onerous to administer<sup>30</sup>.

Nevertheless, it was agreed that guidance would be published emphasising the importance of cooperation and joint working to tackle homelessness. Such advice has appeared in the most recent version of the 'Homelessness code of guidance', published by the Ministry of Housing, Communities and Local Government, as well as in various other documents listed in the previous section of this publication, which have been produced by various government ministries to coincide with the commencement of the duty to refer.

## Cooperation in law and practice

A requirement for cooperation between local housing authorities, public authorities and other bodies does still strongly feature in English homelessness legislation.

Local housing authorities are entitled to request assistance<sup>31</sup> to discharge homelessness duties from the following organisations located in England, Scotland and Wales:

- local authorities
- social services authorities (both adult and children's services)
- housing associations (private registered providers of social housing (England), registered social landlords (Wales), housing action trusts, registered housing associations (Scotland))

The table below outlines the key requirements:

Statute	Body applicable to
<b>Housing Act 1996</b> (as amended), Part 7, section 213 'Cooperation between relevant housing authorities and bodies'	Social services authorities (both adult and children's social care services) Housing associations
<b>Housing Act 1996</b> (as amended), Part 7, section 213A 'Cooperation in certain cases involving children'	Social services authorities (children's social care services only)
<b>Homelessness Act 2002, section 1</b> 'Duty of a local housing authority in England to formulate a homelessness strategy'	Social services authorities (both adult and children's social care services)
<b>Homelessness Act 2002, section 3</b> 'Homelessness strategies'	Social services authorities (both adult and children's social care services) Any public authority Voluntary organisation or other person

<sup>30</sup> House of Commons Homelessness Reduction Bill Committee, 'Stage debate fifth sitting', 11 January 2017

<sup>31</sup> Housing Act 1996 (as amended), Part 7, section 213 'Cooperation between relevant housing authorities and bodies'

## Learning point

**Cooperation between two or more local housing authorities often takes place on a countywide basis, whereby regular forums are held for employees to share good practice and develop joint policies or protocols. A common procurement framework for temporary accommodation is currently being explored by some local housing authorities. Cooperation between local housing authorities and county councils can take place in regard to the commissioning of supported housing services. Cooperation between local housing authorities and combined authorities is taking place to develop and deliver strategies for ending rough sleeping and piloting the 'Housing First' approach.**

### **Cooperation with social services authorities (adult and children's social care services)**

Cooperation between local housing authorities and social services authorities that provide adult services commonly takes place when there are safeguarding concerns about a vulnerable adult, or when a person needs to leave an acute in-patient mental health service. The introduction of the Care Act 2014 created a duty to prevent social care needs of adults from arising. Social services authorities' new focus on stopping care needs from escalating fits neatly with local housing authorities' extended duties arising from the Homelessness Reduction Act 2017 to prevent homelessness.

Local housing authorities are expected to cooperate with social services authorities in the administration of the social care duties. This can

involve helping to secure a suitable supply of accommodation to meet the needs of adults with social care needs.

Specific cooperation is required in certain cases involving children<sup>32</sup>. When a local housing authority has determined that a person who lives with dependent children is intentionally homeless, they are obliged to seek the consent of the person and, if secured, to make referral to a children's service. Local housing authorities are required to provide the key facts of the case and an outline of the decision made about what duty is owed. Sensibly, local housing authorities and children's social care services are encouraged to ensure smooth transition between the two bodies. This includes assurances that accommodation will continue to be available for as long as it is required.

Cooperation between local housing authorities and children's social care services, in respect of duties owed under the Children Act 1989 to children aged 16 and 17 who are homeless, is the subject of specific guidance published jointly by the Ministry of Housing, Communities and Local Government and the Department for Education. Local housing authorities and children's social care services are expected to support families to stay together wherever possible.

The duties of children's services towards children aged 16 and 17 who seek help because of homelessness, or being threatened with homelessness, should smoothly intersect with those duties placed on local housing authorities. In practice, this should mean colocation of children's social care employees and those administering homelessness duties.

<sup>32</sup> Housing Act 1996 (as amended), Part 7, section 213A 'Co-operation in certain cases involving children'

Likewise, the provision of suitable accommodation for children aged 16 and 17 should be undertaken collaboratively. Beyond this there is an expectation that local housing authorities and children's services work jointly to prevent and resolve homelessness among children aged 16 and 17. Guidance on this is available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/712467/Provision\\_of\\_accommodation\\_for\\_16\\_and\\_17\\_year\\_olds\\_who\\_may\\_be\\_homeless.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/712467/Provision_of_accommodation_for_16_and_17_year_olds_who_may_be_homeless.pdf)

Social services authorities responsible for adult and/or children's services are obliged to assist local housing authorities within their district with the formulation and delivery of local homelessness strategies<sup>33</sup>. This might involve providing qualitative or quantitative evidence about: (i) the number of people with social care needs who had experienced homelessness or a threat of homelessness, (ii) the actions taken with people with social care needs to prevent them from becoming homeless, and to obtain accommodation and provide support to them, and (iii) the money, people and other materials available to carry out the aforementioned actions.

Social services authorities must have regard to the broad aims and specific content of local homelessness strategies when administering their social care duties. This means that the design and delivery of social care services to adults and children should actively contribute to the actions contained in local homelessness strategies to prevent homelessness, secure accommodation and provide support to people who are homeless or have experienced homelessness. Logically, adult and children's social care services might wish to be core members of any local homelessness strategy forums that exist.

Local housing authorities have a duty to cooperate with adult and children's social care services to fulfil accommodation duties arising under the Care Act 2014, the Children Act 1989 and the Mental Health Act 1983. This might involve local housing authorities ensuring the housing needs of adults and children with social care needs are accounted for in local strategic plans for satisfying housing supply. Additionally, this could involve local housing authorities procuring accommodation on behalf of social service authorities, or alternatively joint-commissioning arrangements might be made for the supply and management or development of accommodation.

### **Cooperation with housing associations**

Regulations published by the Regulator of Social Housing require housing associations to assist local housing authorities with homelessness duties<sup>34</sup>. However, the regulations do not specify what help housing associations should provide. Nevertheless, housing associations do provide help to local housing authorities in a number of ways, such as:

- collaborating on homelessness prevention activities, such as preventing evictions
- making better use of existing homes, such as reducing under-occupation and overcrowding
- providing properties for use as temporary accommodation
- contributing to the development and delivery of local homelessness strategies
- adopting common housing registers and/or joint housing allocation policies.

<sup>33</sup> Homelessness Act 2002, section 1 and section 3

<sup>34</sup> Regulator of Social Housing, 'Tenancy Standard', 2015

Additionally, many housing associations hold contracts with local housing authorities to provide housing advice and supported housing services for people who might be at risk of homelessness, are homeless or have previously experienced homelessness. Some housing associations also hold contracts to administer public law homelessness functions on behalf of local authorities. All of this work is carried out outside of the regulatory requirement to assist local housing authorities with homelessness duties.

### **Cooperation with other agencies**

Other public bodies, beyond those already mentioned in this section, have no legal obligation to cooperate with local housing authorities' administration of homelessness functions. Nor do voluntary organisations or other persons and bodies. Nevertheless, local housing authorities are allowed to provide funding and other resources to voluntary organisations for the purpose of tackling homelessness. Typically, this can be in the form of grants whereby not-for-profit organisations provide advisory services to prevent homelessness, provide accommodation to relieve homelessness or provide support to avert repeat occurrences of homelessness.

Local homelessness strategies are the primary vehicle by which cooperation is expected to take place.

Local housing authorities are expected to consult with any public authority, voluntary organisation or other person or organisation about any proposed homelessness strategy prior to it being published. Furthermore, local housing authorities are expected to secure permission from any public authority or voluntary organisation for the inclusion of actions in local homelessness strategies for such bodies to achieve.

## **Learning point**

**Effective cooperation between local housing authorities, social services authorities, housing associations, other public authorities, voluntary organisations and other persons can be assured by adopting robust governance arrangements to oversee the delivery of a local homelessness strategy. This can be backed up by joint working protocols that explain the parameters of cooperative initiatives and thereby help to deal with any conflict that might arise, while also fostering meaningful cooperation. Joint training can be put in place to allow all organisations to share their knowledge and skills, as this helps people to make best use of employee experiences and enhances multi-agency team working.**

## Case studies

There are many examples of local housing authorities successfully cooperating with neighbouring councils, other public authorities, voluntary organisations and other persons and bodies to tackle homelessness. Below are seven examples that any local housing authority can adopt alongside the introduction of the duty to refer.

### **Adult social care, children's services and other agencies cooperating with the London Borough of Croydon**

The 'People's Gateway' service was established in April 2015. It aims to provide an innovative, holistic, multidisciplinary and preventative response to households heading towards crisis, rather than acting in an ad-hoc or piecemeal manner as is often the case in local authority interventions.

Initially, the gateway service brought together housing needs assessment, emergency accommodation, welfare rights, financial support, and employment and training services. The approach sought to provide an integrated 'end-to-end' journey through council services for households at risk of homelessness or impacted by the welfare reforms. Customers are considered holistically, and a joined-up financial, training/work and housing action plan is co-produced with the customer, who takes responsibility, supported by a multi-disciplinary team.

One of the innovations from the gateway service is that it is designed around the customer journey, building on data showing customer demand and use of services. Establishing a single front door, via a wide-ranging initial assessment of the customer's situation and needs, breaks down traditional barriers between services, both statutory and voluntary. Critically, support is linked to the resident owning and taking actions to support their future position, with the aim of providing a single sustainable solution for families and individuals.

This model was expanded to broaden the gateway to a range of customer journeys within adult social care, supported housing and children's services. The inclusion of mainstream

services within the gateway model marked a significant development of the approach. By providing a single point of contact for vulnerable adults and families requiring multiple interventions, the service was able to strengthen prevention and early intervention across the customer journey, increase independence, divert demand and reduce statutory need.

The People's Gateway concept originated in response to the welfare reforms introduced in 2013, affecting 16,000 local households. Croydon Council needed to find a way to prevent financial crisis and reliance on statutory services, and the subsequent negative impacts on health and wellbeing. Existing support services operated in separation from one another, but alone they could not prevent crisis.

The key first step in developing the service was the use of data sets to analyse customer demand. This focused on identifying crossover of customers (over 50,000 households) across 10 different services and multiple touch points. It found two-thirds of customers appeared across two or more services and 15 per cent across four or more service areas. Further segmentation of customers by total cost and debt to the council was undertaken. Mapping of customer journeys linked to temporary accommodation and social care helped to identify how service delivery and processes could be redesigned within a new multidisciplinary approach.

A unique outcome-focussed approach has been developed; intervention is proactive and designed around the customer. Plans go beyond the presenting issues to assist customers to identify and achieve long-lasting solutions. For example, where a household faces eviction from a private landlord, traditional approaches focus on homelessness assessment, temporary

accommodation and housing application. The new approach considers more, including finances; it links to other areas in social care, provides support to get into employment and negotiates to retain existing accommodation.

Multi-agency working is at the heart of the service. Involvement of frontline staff and partner organisations is critical in identifying intervention and prevention opportunities. Meetings with key services covering housing, support, NEETS, adult and children's services, Jobcentre Plus, welfare rights and benefits have broken down barriers, enabling the development of referral processes and effective collaborative working.

Service users have been engaged in the delivery of the service through outreach and advice services. This has presented opportunities for officers to engage with customers about the services they have received. There have also been one-off service design engagements with customer groups, such as parents of children with disabilities, on how income maximisation and debt advice could be delivered.

In phase two of the gateway initiative, the approach has been further developed to identify and respond to wider vulnerabilities. Think Family panels have been set up to review the most expensive families in terms of combined cost to the council across a range of services – adult social care, children's social care (including children with disabilities and special educational needs), housing and welfare and council debt. The aim is to identify opportunities for both immediate action and longer-term systemic change and service redesign to reduce costs and improve outcomes for these families.

The approach has been instrumental in developing a wider culture of service transformation and innovation within the authority.

Services such as employment support and income maximisation, which have been provided separately across a wide range of council service areas, are being transferred into the gateway service. It is planned to extend the service into public health, GP and community services.

This provides a more holistic, personalised service for families, vulnerable adults and care leavers to improve financial and housing stability.

Since October 2015, over 7,000 households have been engaged, creating over £2.5 million savings to the council. It is anticipated that over 14,000 households will be engaged during 2018.

1,700 residents at risk of crisis have been supported to become financially stable, 347 fewer households were placed in temporary accommodation and 587 residents were helped into employment.

Debt to the council has been reduced, and over £11 million has been claimed in additional welfare entitlements.

In phase two, further savings of over £1.6 million will be achieved, with a further £1 million identified from the review of the most expensive families.

The outcomes achieved evidence the effectiveness of the gateway approach. Many authorities are facing similar pressures of homelessness, rising social care budgets and reduced funding, and can benefit by replicating key elements of the approach: (i) reviewing data to analyse customers' use of services, (ii) mapping end-to-end journeys and identifying opportunities for multi-disciplinary interventions, (iii) breaking down service barriers to ensure the right help in the right place at the right time, (iv) maximising the effectiveness of partnership working with statutory and voluntary partners,

and (v) generating cost savings through improved financial resilience and independence.

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## NHS trust hospital in-patient services cooperating with the North London Housing Partnership

Barnet Homes had identified a gap in provision for the discharge intervention team (DIT) at the Dennis Scott Unit (DSU), an acute mental health facility at Edgware Community Hospital in the London borough of Barnet. Barnet Homes felt that although they had a working protocol agreed with the DSU, the protocol was ineffective in some areas. The role of the early homelessness prevention service (EHPS), therefore, was to identify how the relationship with the DIT could be developed to promote earlier intervention and the prevention of homelessness for those being discharged from the acute wards and locally commissioned recovery house.

The first task was to assess the existing relationship between Barnet Homes and the discharge intervention team to identify what was working and what areas needed further development. This found that the existing protocol caused friction between the two services, as the DIT made a referral to Barnet Homes when a homeless person was ready for discharge. This presented a risk of delayed discharge and also prevented Barnet Homes from making adequate preparations to support safe discharge. This also found that homelessness risk (rather than actual homelessness/rough sleeping) was not identified, and therefore opportunities for early intervention were overlooked.

The role of the EHPS in this project was to develop and enhance the existing service provision, rather than to create or replace it. Therefore, a meeting was arranged with the senior discharge intervention practitioner of the DIT and representatives from Barnet Homes, including the partnership manager and medical

assessment officer. Agreement was reached on (i) screening of urgent identifiable housing need 48 hours following admission, (ii) a holistic assessment, known as the formulation meeting, held at 72 hours following admission to screen for subtler housing difficulties, (iii) the EHPS navigator officer to act as the link worker between Barnet Homes and DIT, and (iv) a monthly hospital discharge panel meeting to discuss complex cases, arising issues and apply learning and best practice.

To ensure this process was streamlined, the EHPS navigator receives and triages all referrals from the DIT and arranges assessment at the earliest opportunity. Where opportunities to engage in homelessness prevention activity have arisen, these cases have been caseworked by the EHPS navigator – including welfare eligibility assessments, resolution of Universal Credit/housing benefit problems and landlord negotiations. Most relief stage cases have moved from an acute ward on to the recovery house, where ongoing work can take place to source and secure a suitable offer of accommodation without the need for the provision of temporary accommodation.

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## Jobcentre Plus cooperating with the North London Housing Partnership

The purpose of this project was to upskill Jobcentre Plus work coaches in identifying claimants who may be at risk of homelessness, provide housing advice surgeries by co-location of homelessness prevention navigators in Jobcentre Plus offices, and establish a referral mechanism between Jobcentre Plus and the early homelessness prevention service. When the project began in September 2017, it was anticipated that Jobcentre Plus would be a public body which would have a duty to refer under the Homelessness Reduction Act 2017; however, these regulations had not yet been set.

Preliminary conversations had taken place between the North London Housing Partnership's homelessness coordinator and the Jobcentre Plus business relationship managers for Westminster and Camden, ahead of implementation of the early homelessness prevention service (EHPS). In September 2017, the EHPS coordinator met with the borough relationship manager and two further senior partnership managers from the Department for Work and Pensions North London district and London and Home Counties group offices.

All parties were keen to develop the service, particularly on consideration of the roll-out of Universal Credit across the sub-region.

At the local authority director level, there were some reservations about the project, based on concerns about the potential demand for the service and the drawing in to local authority services of those who might not have otherwise sought such assistance. In light of this, a decision was taken to pilot the service in one Jobcentre Plus before offering to roll out across the network of North London Jobcentre Plus offices.

Early conversations identified that work coaches regularly come in to contact with claimants in housing difficulties. Work coaches were unsure of local authority responses to those threatened with homelessness and did not have the skills or knowledge to give adequate advice in this area. Similarly, housing and homelessness staff lacked sufficient knowledge of welfare benefits, and specifically of Universal Credit.

The North London Housing Partnership therefore developed a homelessness prevention briefing session with input from Shelter, responsible for part of Westminster City Council's housing options service, and partner borough housing options leads. The session is designed to last between two and three hours and includes (i) an overview of what duties are owed to homeless people – pre- and post-housing risk assessment, (ii) access to local housing options services, (iii) an exercise to identify homelessness risk indicators, (iv) making referrals and (v) realistic outcomes.

The Department for Work and Pensions also offered a training session on legacy benefits and Universal Credit, which was attended by the EHPS and local authority housing options staff. Both were successful exercises in that they improved awareness and knowledge whilst developing a consistent message across the different services.

In December 2017, four homelessness prevention briefings were delivered to Marylebone Jobcentre Plus work coaches. Work coaches had had their diaries booked out for the events to ensure their attendance.

Jobcentre Plus operates multiple advice sessions provided by external agencies and has a system of 'opportunities' with details and information of services available for them to utilise. The opportunities system also includes a

diary for work coaches to populate for any in-house provision.

A health and safety checklist was required by the Department for Work and Pensions to sign-off co-location of the EHPS officer. A weekly homelessness prevention advice surgery was arranged where the EHPS officer has up to five advice appointments scheduled per session and the Jobcentre Plus work coaches are able to book the officer's diary. Clients are invited along to these advice sessions and appointments are scheduled by the work coach.

Initially, there had been some consideration to arranging appointments by referral only; however, this method proved unpopular with staff due to concerns of data sharing and security. Local authority secure accounts operate using a web-based '.GCSX' platform, and though these do interact with DWP '.GSI' accounts, the system requires separate login and risks sporadic monitoring.

A navigator officer provides a weekly homelessness prevention surgery by co-location in Jobcentre Plus offices. Being on site has allowed the team to develop strong relationships with Jobcentre Plus staff, answer their queries and discuss potential cases ahead of referral. In some circumstances, Jobcentre Plus work coaches and the EHPS conduct joint appointments with clients to develop claimant commitments and personal housing plans together. Jobcentre Plus staff are also supportive of providing documents, such as benefit award letters, and applying easements of conditionality to Jobseeker's Allowance/Universal Credit claims.

As a result of EHPS staffing issues, the service was launched at Kentish Town Jobcentre Plus in Camden. The navigator reported early signs of promise, a varied case load and meaningful homelessness prevention work. The training

proved successful in supporting work coaches to identify relevant case types – initial referrals were made for families affected by the total benefit cap and who were encountering financial difficulties, including accrued rent arrears. Understandably, single people have been identified who are at an imminent risk of, or already, rough sleeping, who are owed a relief duty under the Homelessness Reduction Act 2017.

The EHPS also found that the diary system limited demand and allowed the work coaches and navigator officer some control. This meant that on quick review the team was able to roll-out to Westminster, Barnet and Enfield – seven Jobcentre Plus officers in total. This was all arranged through the borough relationship manager for each Jobcentre Plus office.

Although resource intensive, delivery of training has proved beneficial in ensuring appropriate referrals are made and client expectations are managed.

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## Children's services cooperating with Walsall Metropolitan Borough Council

Walsall has a comprehensive range of services for children and young adults aged 16 to 24 who are homeless or threatened with homelessness. A 'good' rating was awarded by Ofsted in 2017 for the council's response to children aged 16 and 17, and children leaving the care of the children's social services authority, who are at risk of homelessness.

In Walsall, one in four applications for homelessness assistance are made by young people aged 16 to 24. Parents, other family and friends unwilling or unable to accommodate is the main reason why people become homeless in Walsall. Since 2012/13, youth homelessness has increased by 47 per cent.

Walsall Council's departments responsible for children's services and homelessness services are highly collaborative. A joint working protocol underpins the work that staff from across the local authority and voluntary organisations carry out.

Early prevention of homelessness activities include bespoke housing advice and reasonable preference for an allocation of social rented housing.

Pre-crisis prevention of homelessness activities include help to remain in existing accommodation, assistance to obtain alternative accommodation, and shared inquiries into what duty is owed to 16 and 17-year-olds, along with joint discharge of any duty owed.

Activities for preventing the re-occurrence of homelessness include commissioning of supported housing, supported lodgings and a night-stop scheme.

Walsall Council provides support to families not in the social care system to resolve problems that need more than one agency to respond. The work of this service is carried out using an asset-based needs assessment tool, which fosters outcome-focused action plans. This work is aligned to Walsall Council's multi-agency safeguarding hub plus the independent domestic violence advice service, which Walsall Council commissioned Black Country Women's Aid to provide. All of this provision is operating on a locality-based model across the local authority area. This is backed up by a dedicated service for those people who are on the edge of going into the care of the local authority, to work with young people and their families.

Walsall Council care leavers are provided with a detailed guide explaining their housing options. Care leavers are helped to obtain accommodation from social and private landlords. Care leavers are afforded a reasonable preference in the local housing allocations scheme.

Walsall Council has a dedicated team to provide housing advice for young people aged between 16 and 29. This work involves preventing homelessness by helping people to remain in existing accommodation (for example by negotiation with parents or landlord) or obtaining alternative accommodation (such as with family/friends or supported housing).

St Basil's provides accommodation and support for young people with complex needs, which features: (i) intensive support for young homeless people who are not in education, employment or training, (ii) training on life skills and independent living, and (iii) a private rental scheme and landlord service.

Walsall Housing Group provides a shared tenancies scheme where young people, including care leavers, can share a flat.

YMCA Black Country provides a supported lodgings and emergency night-stop scheme for young people aged between 16 and 24.

Walsall Council carries out a joint assessment with all 16 and 17-year-olds who are homeless, or threatened with homelessness, to determine what duties are owed from either the Children Act 1989 or the Housing Act 1996. Suitable temporary accommodation is made available (bed and breakfast accommodation is never used for homeless children in this age group). The right to choose between being a looked-after child or being supported as a child in need is explained comprehensively and concisely. The scope of support and accommodation associated with each option is set out in the form of a leaflet aimed at young people, so they can make an informed choice.

Walsall Council has a specific team for anyone aged between 18 and 24 to get advice on preventing homelessness, securing accommodation when homeless, rights when homeless, help available when homeless and how to access it. Young people who are homeless are offered temporary accommodation when it is apparent they are vulnerable, unless they choose to make their own arrangements. A 'crash-pad' is available for when a young person needs accommodation in an emergency. An assessment of their housing needs is carried out, which is followed up with advice and assistance to help find accommodation, and includes personalised information on housing options in the local area.

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## Local housing authorities, other public authorities and other agencies cooperating with the West Midlands Combined Authority

The West Midlands Combined Authority has no devolved responsibility for homelessness, which remains a matter for national government and local councils. Nevertheless, the elected mayor for the West Midlands has established a homelessness taskforce to coordinate efforts across the city region to tackle homelessness. This was prompted by the fact the rough sleeping has more than tripled across the West Midlands Combined Authority area, with 55 people bedded down on the street on any given night in 2017.

The homelessness taskforce, chaired by Jean Templeton from local voluntary sector organisation St Basil's, has adopted the following seven principles:

- tackle all forms of homelessness, not just rough sleeping
- influence the mayor's priorities across other policy areas (for example housing, mental health, transport)
- support existing work rather than replace it
- have honest discussion about difficult topics (such as welfare reform)
- harness skills and expertise from across the region and different sectors
- focus on where the mayor and West Midlands Combined Authority can have maximum impact, and
- make decisions based on hard evidence and data.

The homelessness taskforce is led by a steering group, with task groups working on specific priorities. The membership of the taskforce includes representatives from all seven local authorities that are members of the West Midlands Combined Authority plus other public authorities, housing associations, voluntary organisations and other organisations.

Task groups have been established, each having clear roles with different needs for skills and expertise, on the themes of rough sleeping, children and families, young people and older single people.

A research and analysis hub, named the West Midlands Regional Radar, has been established to compile, analyse and share information on homelessness trends and practice-based insights to inform local, regional and national policy and service responses.

St Basil's positive pathway model, initially developed to better tackle youth homelessness, is now being used as a framework to 'design out' homelessness for people of all ages.

The West Midlands Combined Authority commissioned KPMG to analyse the direct costs of administering homelessness functions and forecast what this might be in the future.

The rough sleeping task group has adopted a three-pronged approach to help people who are experiencing street homelessness: (i) engage with them to ensure their needs are understood, (ii) educate them on their housing options and support available, and (iii) use enforcement when needed to tackle any illegal activity they might be participating in. This approach is being backed up with a Housing First pilot (funded by the Government) plus a diverted giving scheme, 'Change into Action', which is supported by Colmore Business Improvement District.

A partnership West Midlands-based housing association has agreed to commit to a voluntary duty to refer, alongside other measures to support the work of the West Midlands Combined Authority.

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## Public authorities and other referral agencies cooperating with Cheshire East Council

Cheshire East Council started planning for the commencement of the Homelessness Reduction Act 2017 as soon as Royal Assent had been given.

One crucial element of the various preparations made for enactment was to educate key stakeholders about the general scope of the new legislation, and specifically to inform partners about the duty to refer.

Employees from local public authorities and voluntary organisations were invited to attend a one-day workshop. The workshop provided attendees with knowledge of the legal definition of homelessness and threatened homeless, and it used academic research findings and government statistics to explain the causes of homelessness. Learners also gained an understanding of: (i) the range of activities carried out locally to prevent homelessness, (ii) the practicalities of finding accommodation for someone who is homeless, (iii) the rights of people who are homeless or threatened with homelessness to gain assistance from the local housing authority, and (iv) the help that is available from other public authorities and voluntary organisations.

Contact information of local homelessness services was shared with the attendees. Additionally, a summary of homelessness law in plain English was provided, as was an example template for public authorities and voluntary organisation employees to carry out a housing needs assessment.

A total of eight sessions were delivered over the course of a year, which were attended by employees from the following public

authorities that will have a duty to refer cases of homelessness: Cheshire East youth offending service, the National Probation Service, Cheshire Merseyside Community Rehabilitation Company, Jobcentre Plus, Cheshire East adult social care services, Cheshire East children's services and East Cheshire NHS Trust. Employees from other public authorities that will not have a duty to refer also attended, including Cheshire Police and Cheshire East Community Safety Partnership, along with employees of local housing associations and voluntary organisations.

The workshops were provided free-of-charge to the agencies sending their employees, however a small penalty fee was incurred for non-attendance. All workshops were fully attended, with demand for attendance exceeding the spaces available. As a result, additional workshops were arranged.

Immediate feedback from people who attended the workshops was overwhelmingly positive, for both the content of the training and the training materials. Subsequent feedback, taken six months after people had attended the workshops, was also positive. Attendees said that the training had been useful on an ongoing basis in their daily roles. People also said that the training had improved their relationship with Cheshire East Council's homelessness service. Furthermore, attendees stated that the training had enabled them to get an outcome for a person at risk of homelessness that they might not have been able to get without the training.

Employees of Cheshire East Council responsible for administering homelessness functions have reported that, since the training took place, more detailed and realistic referrals are made for housing advice and homelessness assistance. Furthermore, referring agencies make more concerted efforts to coordinate their own efforts

to support a person with those made by the homelessness service.

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## Public authorities and other agencies cooperating with Warrington Borough Council

Warrington Borough Council, along with other local stakeholders, identified that a growing number of people were facing multiple exclusion from all accommodation options. People facing this situation had acute and enduring support needs and a long history of being homeless, with many spending time in prison and/or living in supported housing and hostels.

As a result, a multi-agency panel was formed to resolve cases where it was hardest to house people.

The panel holds monthly meetings, at which information is shared on people with acute housing needs who are at risk of homelessness between representatives from housing, adult social care, children's services, public health commissioners, housing support commissioners, the police service, probation service, housing associations, support providers and the community drugs service. After sharing all relevant information about a person, the representatives discuss options for obtaining suitable accommodation and support. This evidence is usually used to secure an offer of social housing.

The primary focus of the panel is to obtain suitable accommodation and support for people at risk of homelessness. The panel also make links with other forums that are responsible for safeguarding adults and/or children. At the heart of the panel is the working assumption that no single agency or individual can see the complete picture of the life of a person at risk of homelessness, but all may have insights that are crucial to prevent them from becoming

homeless. The person does not attend the meeting but is normally represented by one of the representative agencies of the panel, who speaks on their behalf.

The panel is part of a multi-agency strategy to end homelessness in partnership with other agencies and, therefore, may help key partners to meet their targets on housing and homelessness. It will also help stakeholders work by giving up-to-date information from other agencies about a person's situation.

Any agency can refer a person's case to the panel. Housing, social care and health professionals commonly make referrals.

Warrington Borough Council provides and funds an independent chairperson and an administrator for the panel. All other agency representatives attend the panel as part of their normal day-to-day work.

Since all cases that come to the panel feature people with acute housing needs, coordinated action planning is an important way of reducing the risk of homelessness. As every case is different, the agency representatives present at the panel will discuss each case and allocate appropriate actions accordingly. Actions usually fall within the normal day-to-day remit of the agency representatives.

A person is usually informed of a decision to refer their case to the panel. Agencies usually work in partnership with the person where possible, in order to obtain the most up-to-date information directly from them. It is relatively unusual, but in cases where the person does not want to be referred, professionals assess whether it is proportionate and defensible to share information, depending on the level of housing needs and risk of homelessness which the person is exposed to.

The focus of the panel is to implement a housing solution plan for adults at risk of homelessness. However, where children live in the household, the relevant agencies that are charged with safeguarding children are informed of the situation. For example, children's services may undertake a separate assessment of a child involved in a panel case to determine whether or not they require additional support or safeguarding measures. Vulnerable, previously 'hidden' children who are living in unsatisfactory housing might be identified through the panel process.

The panel normally achieves more successful outcomes in cases where there is risk of homelessness than would have achieved working separately with limited information. Analysis shows that an intervention which lasts six months or more will usually successfully prevent homelessness.

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Beyond the case studies shown in this advice, there are numerous other local authorities which can demonstrate excellent examples of cooperating with public authorities and other referral agencies. These include:

- **Bristol City Council** – cooperation with children's social care and the 'no recourse' team on joint assessments of need and duties, and common accommodation pathways.
- **London Borough of Croydon** – cooperation with the adult secure estate, probation service, emergency department and acute general and mental health wards to provide outreach housing advice and homelessness assistance.
- **London Borough of Camden** – cooperation with Jobcentre Plus, adult social care, children's social care, emergency departments and acute general and mental health wards to provide outreach housing advice and homelessness assistance and common accommodation pathways.
- **Devon local housing authorities** – cooperation with the adult secure estate to agree referral arrangements.
- **East London Housing Partnership** – cooperation between local housing authorities and public authorities to prepare for the duty to refer, including adoption of common referral arrangements.
- **Essex local housing authorities** – cooperation of adult social care, children's social care and housing associations to prepare for the duty to refer, including agreeing a common referral form.
- **Greater Manchester Combined Authority** – cooperation with housing associations to make a commitment to refer. Cooperation with public authorities to prepare for the duty to

refer, including a toolkit of materials, training workshops and the creation of a network of homeless champions.

- **Kent local housing authorities** – cooperation with Jobcentre Plus, adult social care, children’s social care and other public authorities to prepare for the duty to refer, including provision of training and shared IT arrangements.
- **Newcastle City Council** – cooperation with Jobcentre Plus to agree a referral form, plus provision of outreach housing advice and homelessness assistance.

## Welsh duty to cooperate

A duty to cooperate’ was introduced in Wales by the Housing (Wales) Act 2014, which came into force in April 2015.

Cooperation between local housing authorities and their partners is a core theme of the Housing (Wales) Act 2014. The Act strengthens the duty to cooperate on specified public bodies.

While the duty to cooperate is different from the duty to refer, and the range of organisations subject to the duties differs, much can be learned from the experience in Wales and the partnership models developed in response to the Welsh legislation. The statutory framework is predicated upon highly developed collaboration between local housing authorities and their partners, in order to achieve objectives on early intervention and assistance to find the best available solution as quickly as possible. This partnership approach requires mutual collaboration, within a local strategic framework led by local housing authorities.

### **Housing (Wales) Act 2014, section 95, ‘Cooperation’**

**(1) A council of a county or county borough in Wales must make arrangements to promote cooperation between the officers of the authority who exercise its social services functions and those who exercise its functions as the local housing authority, with a view to achieving the following objectives in its area:**

- (a) the prevention of homelessness
- (b) that suitable accommodation is or will be available for people who are or may become homeless
- (c) that satisfactory support is available for people who are or may become homeless, and
- (d) the effective discharge of its functions under this part.

**(2) If a local housing authority requests the cooperation of a person mentioned in subsection (5) in the exercise of its functions under this part, the person must comply with the request unless the person considers that doing so would:**

- (a) be incompatible with the person's own duties, or
- (b) otherwise have an adverse effect on the exercise of the person's functions.

**(3) If a local housing authority requests that a person mentioned in subsection (5) provides it with information it requires for the purpose of the exercise of any of its functions under this part, the person must comply with the request unless the person considers that doing so would:**

- (a) be incompatible with the person's own duties, or
- (b) otherwise have an adverse effect on the exercise of the person's functions.

**(4) A person who decides not to comply with a request under subsection (2) or (3) must give the local housing authority which made the request written reasons for the decision.**

**(5) The persons (whether in Wales or England) are:**

- (a) a local housing authority
- (b) a social services authority
- (c) a registered social landlord
- (d) a new town corporation
- (e) a private registered provider of social housing
- (f) a housing action trust.

**(6) The Welsh ministers may amend subsection (5) by order to omit or add a person, or a description of a person.**

The duty to cooperate covers both strategic and operational functions. The presumption is placed clearly on the relevant service to cooperate unless it can demonstrate that the proposed action would be incompatible with its duties. Their reasons would have to be given in writing, and it would not be sufficient to say that there were other priorities that had to take precedence. This means that the default position will be that the partner organisation will cooperate to meet a request for assistance. Local housing authorities and partners are expected to have established mechanisms for ensuring collaboration and addressing any areas of difficulty before the need for the legislation is to be invoked.

The Housing Act (Wales) 2014 places a duty on housing associations to cooperate with a local housing authority in exercising their homelessness duties. They are essential partners and have a vital role to play in preventing and alleviating homelessness and supporting local housing authorities in the delivery of their strategic housing functions. The Welsh Government's code of guidance states that it is important that local housing authorities have comprehensive agreements in place with each housing association partner covering the range of its expectations, and that it is essential that local housing authorities and housing associations work exhaustively and systematically to enhance their collaboration to meet the Welsh homelessness duties.

The Welsh Government commissioned an evaluation to understand how Part 2 of the Housing Act (Wales) 2014 has been implemented by organisations involved in supporting people at risk of homelessness. There were two waves of surveys conducted with local authorities in 2016 and 2017. The findings in relation to cooperation between agencies and partnership working are detailed below.

## Post-implementation evaluation of Part 2 of the Housing Act (Wales) 2014: final report<sup>35</sup>

There has been a small decrease since the first-wave survey in the number of local housing authorities that agree that the Housing (Wales) Act 2014 has resulted in a stronger emphasis on cooperation between various local authority services and multi-agency working.

Sixteen local housing authorities report a substantial or slight increase in partnership working with tenancy support service providers, and half of local housing authorities report a substantial or slight increase in partnership working with children's social care services. A substantial minority of authorities also reported increases in partnership working with environmental health and adult social care services.

Those respondents reporting such increases in partnership working within their local authorities mostly attributed this to new staff posts, co-location of services and joint meetings, among other initiatives. The main reason offered for reduced partnership working within local authorities was the focus of social services authorities (both adult and children's social care functions) on the Social Services and Well-being (Wales) Act 2014.

The local housing authority survey showed that there was a slight increase from 18 to 20 local housing authorities stating that the homelessness agenda informs the commissioning of Supporting People services. The main way in which respondents reported this taking place is through joint forums held to inform decisions (16 local housing authorities), while joint commissioning of services takes place in

14 local housing authorities. The slightly closer relationship with Supporting People services could also be seen in the introduction of gateway/referral processes for these services in a minority of local housing authorities since the first-wave survey.

Overall, the majority of local housing authorities reported no change in partnership work with external partners. However, increases in working with the private rented sector were reported by half of local housing authorities. Increases were also seen in around a third of local housing authorities in terms of work with hospitals, prisons/youth detention centres and housing associations. Six respondents referred to increased work with other local housing authorities.

There is evidence that the ethos of partnership working has been embraced strategically by local authorities and of increased and improved partnership working across local authorities, between local authority departments, with housing associations and with voluntary organisations.

Local housing authority respondents and service providers across sectors were clear that the Housing (Wales) Act 2014 provides a framework for partnership working, and that this is positive. Half of local housing authorities indicate that partnership working with social services authorities has increased. There are also examples where conflicting priorities and agendas (and sometimes individual behaviour) impede successful partnership working. Local housing authorities and voluntary organisations indicate that more support is needed from social services authorities.

<sup>35</sup> Ahmed, A., Wilding, M., Gibbons, A., Jones, K., Rogers, M., Madoc-Jones, I. (2018), 'Post-implementation evaluation of the homelessness legislation (Part 2 of the Housing Act (Wales) 2014) final report', Wales, Welsh Government

Concerns were raised by service providers about partnership working with health and mental health services. This was felt to be an area where significant improvements could be made. Where successful partnerships operate, this was seen to be contingent on individual (operational) relationships rather than strategic partnerships.

There was evidence of good partnership working with housing associations, but also areas where this could be improved. Where partnership working was less successful, it appears that competing or conflicting agendas could also be an issue. Local housing authorities' focus is on prevention and avoiding eviction, while housing associations also have to take into account wider sustainable community/ neighbourhood concerns.

Partnership working between voluntary organisations was generally seen as operating successfully; but again, often individual relationships facilitated this. Generally, the person-centred ethos of the Housing (Wales) Act 2014 was seen to have aligned the focus of local housing authorities and voluntary organisations.

Below is a range of examples of effective collaboration between local housing authorities and public authorities, voluntary organisations and other bodies, which demonstrate effective and innovative approaches of cooperating to tackle homelessness.

### **Cooperation between local housing authorities – North Wales**

The regional reviewing officer position was established in 2015 by the North Wales heads of housing as a proactive and positive response to the introduction of the Housing (Wales) Act 2014.

The homelessness legislation within the Act increased the number of 'decision making points' where an applicant can request a legal review of the decision on their homelessness application made by their local housing authority. Therefore, the North Wales heads of housing agreed it was sensible to implement a structured approach through which the challenges against decisions could be effectively managed and, more importantly, ensure there was a consistent approach to the interpretation and the implementation of homelessness legislation across North Wales local authorities.

In addition to their primary role of managing the legal reviews, the regional reviewing officer provides additional support to North Wales local authorities. This includes:

- undertaking reviews of homelessness case files, ensuring legislation is being applied correctly and quality standards are attained, and providing appropriate guidance where professional development is needed
- providing training to local authorities on the homelessness legislation
- mitigating the potential for legal challenges

by providing guidance on sensitive cases pre-decision identifying and disseminating examples of best practice models, a summary of relevant case law and so on, across the North Wales local authorities.

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## Cooperation with prison and probation services – Gwynedd County Council

Gwynedd Council housing solutions service has a dedicated prison resettlement worker based within the team. Following the implementation of the Housing (Wales) Act 2014, the Welsh Government developed a national pathway for homeless services to children, young people and adults in the secure estate, often referred to as the ‘Prisoner Pathway’. The pathway aims to help individuals avoid homelessness on release from custody. It was introduced with the aim of providing prisoners facing homelessness with support from 56 days before their release. The pathway also clarifies the roles and responsibilities of all the agencies and organisations involved in the process, resulting in a more coordinated approach and better support for people leaving custody.

Release from prison is the second biggest cause of homelessness across Gwynedd. In order to address this and ensure the Prisoner Pathway works effectively at a local level, the council made the decision to fund a prison resettlement officer.

The resettlement officer works with prisoners prior to release to undertake the Section 62 assessment (in order to determine what duty is owed) and develop a personal housing plan with the prisoner. The officer works with prisoners 12 weeks prior to release and seeks to find settled housing solutions prior to release. Individuals in custody will be advised if the council has an interim duty to accommodate them – this ensures that the customer has realistic expectations as to the range of options available to them and can begin to plan, with the support of the resettlement officer, prior to release.

Alongside working to find settled housing solutions prior to release the resettlement

officer will work with prisoners who are recalled to ensure that, where possible, existing accommodation can be retained and housing benefit put in place to prevent arrears accruing.

The resettlement officer is in the process of having 'key training' which will enable her to have increased access to the prison, and will reduce the need to rely on prison staff to arrange access.

This post has been very successful in achieving settled housing solutions for individuals, often with a troubled housing history and complex support needs, prior to release. The officer has been able to successfully develop strong relationships with clients based on trust and honesty. The officer has also established very positive working relationships with prisons and probation.

### **Case example**

Mr W was homeless on release from prison and was returned to the area of Gwynedd, where he did not want to be. Within 14 days of his release, he was recalled to prison. Mr W had stated clearly on numerous occasions to his offender manager and the prison resettlement worker that he did not want to return to Gwynedd as it would not be good for him, and that he would re-offend and be back inside. Following his recall, whilst in prison, Mr W contacted the resettlement worker of his own accord and asked for support to be accommodated in a different area, where he felt he would be able to have a fresh start and find work. The resettlement worker worked out-of-county and managed to find accommodation in the area of his choice. Mr W was really grateful for the support that he received, and was then able to source work for himself prior to his release. He was due to start work the following

day after his release. Since his release, he has been working full-time and remains in the accommodation secured for him on release – he is currently in the process of looking for permanent accommodation in his new area.

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## Cooperation with housing associations – Conwy Housing Solutions

The Conwy Housing Solutions Partnership is a shared service delivery model which brings together staff, services and skills from the council for homeless prevention functions, along with Cartrefi Conwy colleagues (a stock transfer housing association) who deliver a range of housing options activities.

This shared delivery model offers a one-stop-shop for customers in housing need and has a town centre location, with a dedicated reception and interview rooms. The service is comprised of the following elements:

- **homefinder** – offering housing options advice and helping customers to access sustainable housing (including managing the housing register)
- **lettings and property management** – working with landlords and tenants within the private rented sector in Conwy
- **supporting and empowering tenants** to help them live comfortably in their own home
- **homeless prevention** – providing a wide range of help and support to people at risk of losing their home.

The number of services based within Conwy Housing Solutions has increased, enabling greater access to other services that support the prevention of homelessness. Citizens Advice, Welfare Rights and Shelter Cymru all now offer drop-in facilities on a regular basis.

A project board was established in 2013 to oversee the development of the new shared service, and ongoing oversight and governance arrangements sit with a joint management

board. In establishing this shared service, both organisations sought to achieve the following outcomes:

- homelessness is prevented from occurring in the first place
- services are accessible to all and allow customers to seek information, advice and support easily and to get appropriate help in a crisis
- comprehensive and person-centred housing options advice is provided and allows customers to make planned and informed decisions about where they live
- appropriate temporary accommodation is available when required, and allows customers to prepare for settled and sustainable housing
- sustainable solutions to housing need are provided that make homelessness an isolated occurrence and not a way of life.

The identified benefits of the shared service are:

- improved access to housing options information, advice and support for the citizens of Conwy
- greater access to the private rented sector for the citizens of Conwy
- increased value for money in the procurement of temporary accommodation
- increased coordination and better use of resources across the two organisations
- training and development opportunities for staff of both organisations
- reduction in risk to the council as a result of an increase in homelessness due to welfare reform and the recession.

The partnership has been cited nationally as an innovative service which seeks to utilise the strengths of both of its core partner agencies to achieve better outcomes for its customers. In 2017, Conwy Housing Solutions was shortlisted for the CIPFA Public Finance Innovation Awards. The service was commended for its approach to partnership working.

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## Cooperation with local authority landlord services – prevention pilot, Flintshire County Council

In response to an increase in rent arrears for council tenants, Flintshire’s housing solutions, supporting people and estate management services have worked together to develop an early response for any council housing tenant who falls into rent arrears.

The aim of the project is to:

- maximise the rent income to the council
- reduce the level of arrears and the number of households falling into arrears
- reduce the number of households referred to housing solutions at risk of homelessness as a result of non-payment of rent.

The objectives of the project are to:

- develop and pilot a delivery model through a multi-team approach
- target activity at those tenants in the early stages of arrears
- develop a range of interventions which have the most impact in terms of sustaining tenancies- evaluate the project after six and 12 months to establish which elements of the project can inform wider team approaches.

The aim of this service is to provide early intervention and prevent rent arrears from building up. The hub is made up of two housing solutions support officers and two income officers. The team focuses on addressing rent arrears whilst they are at a low level, before they become unmanageable.

Tenants who miss one month's rent payment trigger an intervention from the team, who will contact them, including undertaking home visits, to understand the reason why the arrears have begun to accumulate. The team will work proactively with the tenant and put any necessary support or measures in place to help them manage their money and maximise their incomes, and at the same time ensure that tenants understand their rent responsibilities and ensure rent payments or arrangements are made.

This early engagement helps the team to identify the tenants who can't pay from those that won't pay. Court action will follow for tenants who won't pay.

Whilst the hub is very much in its early days, the team has been successful in addressing low-level rent arrears by having different kinds of conversations with tenants at a much earlier stage.

The results of the pilot over an initial two-week period has shown significant improvements in collections, with almost £8,000 being recovered in just 55 hours of work. As a cost benefit exercise, the pilot shows a 9:1 return on investment.

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## Cooperation with mental health services – Denbighshire County Council

Denbighshire County Council was granted a Welsh Government grant in October 2017 to pilot a mental health project to support up to two people for a minimum period of six months, in order to address the issue of delayed discharge from the psychiatric unit and to provide a psychologically informed environment for recovery.

The project consists of a two-bedroom first-floor flat, fully furnished and psychologically informed. Floating support, housing management and mental health support is provided to the residents.

The project is for citizens that are resident in Denbighshire, homeless or at risk of homelessness following discharge from a psychiatric unit, and who have a priority need under homeless legislation.

It is expected that within six months the citizens will be able to move on to more permanent housing or take on a tenancy with the landlord to stay in the property.

The project aims are:

- to reduce the use of B&B accommodation for citizens being discharged from hospital
- to prevent re-admission into psychiatric units
- to provide a safe, psychologically informed environment for recovery
- to support citizens in their move on to permanent housing.

Following the success of the first project flat, the council has decided to extend the project and lease a further one-bedroom flat for the same purpose.

The service is currently supporting two people in the project flats who would otherwise have been homeless upon discharge from a psychiatric unit.

The project is part of Denbighshire's homeless prevention team's aim to end homelessness.

For more information contact

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## Cooperation with mental health services – Wrexham County Borough Council

The 'North Wales homeless health needs audit' identified a high prevalence of mental health issues for people that were homeless (91 per cent), and the majority of them did not feel that their mental health needs were being met by services. In response to this, alongside an increasing number of housing options clients who were struggling to get access to appropriate mental health services, Wrexham Council created a post for a mental health outreach worker to be based within the housing options team.

The outreach worker is employed by Hafal, a charity for people with serious mental illness and their carers. Hafal's recovery programme is based on modern principles of self-management and empowerment, offering clients a methodical way of achieving recovery by focusing on improving all areas of their life.

The outreach worker is based within the housing options team, but all clinical supervision is undertaken by Hafal. The outreach worker works with clients identified by the team and identifies what support is needed and what services are involved with those individuals. This has ranged from GPs, welfare benefits services, links with the community mental health team drug and alcohol services and so on. Many of the clients that the team works with lack some insight into their own mental health and do not recognise that they are ill or the importance of treatment and compliance.

The outreach worker has ensured a more holistic assessment of client's needs, the ability to undertake enhanced risk assessments to ensure any accommodation placement is suitable, and

the ability to quickly refer clients into mental health services.

### Case example

Mr B presented to housing options as homeless following some ongoing significant traumatic life events. Following this Mr B was referred to the outreach worker and has since been able to establish trust and continuity of support. This trust has led to the disclosure of some historic events which had not been addressed. Following this, Mr B has been placed into temporary accommodation. The outreach worker has provided support in relation to accessing benefits, PIP, registering with a dentist, opening a bank account, and referral made to mental health services through the single point of access. The next step will be long-term support from outreach agencies to sustain Mr B in his own accommodation.

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## Cooperation with NHS in-patient services – Conwy County Borough Council

‘Health and housing 2025’ is a collaborative movement with a shared purpose of ending avoidable health inequalities in North Wales. Its membership includes representatives from Betsi Cadwalader University Health Board (BCUHB), public health, housing associations, local authorities and North Wales Fire and Rescue Service. The 2025 partners have identified five priority work areas that can contribute to tackling health inequalities, and one of these is around hospital discharge.

This has resulted in the creation of a ‘step down’ team. This is a new pathway to improving patient flow within Ysbyty Glan Clwyd and the community hospitals serviced by the acute site. Following increasing numbers of patients accessing the health service and an unprecedented amount of those patients being unable to be safely discharged to appropriate accommodation, BCUHB approached Conwy Housing Solutions to introduce a specialist housing officer who would be embedded within the step down team.

The housing solutions officer works alongside discharge liaison nurses, occupational therapists, district nurses and physiotherapists and is directly managed by the matron of the step down team. The role of the housing officer is to identify patients in housing crisis which is likely to delay their discharge from the site. Early intervention to establish the nature of the housing crisis and to determine the barriers to discharge were the main focus of work.

Significant amount of time was spent ‘walking the wards’ and attending ward rounds. This was vital to promote the role of the housing officer,

and also for the housing officer to familiarise themselves with the hospital layout, jargon and ways of working unique to that environment.

The housing officer worked closely with ward managers to develop trust and understanding of each other's roles and to ensure that the highest standard of service could be offered. The housing officer developed a simple referral system within the busy emergency department which ensured that patients could be highlighted during admission, with minimal disruption to the difficult task of nursing. This system was developed over time and has proved successful in being able to work with a patient through their journey and ensure that appropriate services are considered for the patient's needs.

Feedback has been positive. An emergency department (ED) doctor said: "I was treating a patient in ED who was homeless. He was medically well but I was going to admit him into the hospital as I was worried about discharging him back to the street. The housing officer took the time to talk to the patient and discuss his housing options. I felt much more confident that services were there to support him, so I proceeded to discharge him, which meant another patient who was not medically well could receive the care and attention they needed."

A patient said: "I'd had extensive surgery and was very low when I spoke with the housing officer on the ward. The circumstances leading up to my stay in hospital meant that I couldn't go back to my partner's house, and things with my family were really messed up. Speaking with the officer really helped, they were really clear about my options and were patient with all the questions I asked. Up until then I felt that everyone was making decisions for me, but they told me everything I needed to know and then let me make my own. In the end I was able to

go back to my family, but knowing that there were other options really helped me make that choice."

The estimated savings by having this post in place is in the region of £163,200 within the first six-month period.

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## Cooperation with children's social care services – Denbighshire County Council

Denbighshire's supporting people and housing solutions teams, in partnership with children's services, the youth offending team and providers, have developed a 'young person's positive pathway'. This provides a flexible framework for the council and its partners to provide a planned approach to homelessness prevention and housing options for young people. The pathway provides public commissioners and providers of services with a framework to work together in planning and delivering services for young people, underpinned by safe, decent and affordable housing, promoting positive outcomes, training, education and health.

The pathway focuses on successful outcomes for young people – many of whom have multiple and complex needs across a range of areas of their lives. It aims to organise services around the young people's journeys, informed by young people's direct experience.

The principles and rationale underpinning the work are:

- information and advice for young people and families
- early targeted help
- prevention hub with a gateway to commissioned services
- commissioned accommodation with flexible support
- a range of housing options to ensure that young people have suitable homes they can afford, are in work and have support if they need it.

Joint housing needs assessments are undertaken for any young person between the ages of 16 and 25 presenting to the local authority as homeless or at risk of becoming homeless. Prevention, mediation services and other housing options will be at the heart of the assessment.

The service provides improved joined-up outcomes for young people.

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## Conclusions

From the case studies provided above, it is apparent that successful cooperative working occurs when the following factors are in place (there is no hierarchy to the list):

- **Homelessness forums** – providing opportunities for public authorities and other referral agencies to share information, educate each other on emerging and good practice and, most importantly, consider how cooperative initiatives might be developed and supported. This help to grow cooperative working to tackle homelessness.
- **Homelessness champions** – having someone in all public authorities and other referral agencies who can champion the issue of homelessness within their organisation allows others to gain insight to local activities going on to tackle homelessness. This helps to build confidence about cooperative working to tackle homelessness.
- **Homelessness training** – improving knowledge of homelessness law and good practice among employees of public authorities, and other referral agencies, fosters enthusiasm for cooperative working to tackle homelessness.
- **Homelessness strategy** – adopting common goals to end homelessness and agreeing joint actions to carry out activities to prevent and relieve homelessness, along with sharing resources and galvanising cooperative working to tackle homelessness.

Cooperation between local authorities, voluntary organisations and others is crucial to tackling homelessness. Experience of formulating and delivering homelessness policy in Wales<sup>36</sup> showed the following factors to be crucial for success:

- networking and relationship management
- use of authoritative evidence
- commitment to change
- co-production of solutions
- essential expertise and trust-based relationships.

The Homelessness Act 2002 provides the strongest platform for cooperation between local housing authorities, public authorities and other agencies to tackle homelessness. The enactment of the Homelessness Reduction Act 2017 previously, and now the commencement of the duty to refer, provides an ideal opportunity for local housing authorities to collaborate with partners to assess the levels and patterns of homelessness – and to identify the gaps in knowledge and services. The evidence from this review can then be set out in a strategy whereby local housing authorities, public authorities, housing associations, voluntary organisations and others can create opportunities to cooperate to tackle homelessness.

<sup>36</sup> Andrew Connell (2017), 'The development and implementation of Part 2 of the Housing (Wales) Act 2014: lessons for policy and practice', Wales, Public Policy Institute for Wales

# Appendices

## Appendix one – duty to refer legislation

### Extract from Housing Act 1996 (as amended), Part 7

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#### **213B ‘Duty of public authority to refer cases in England to local housing authority’**

(1) This section applies if a specified public authority considers that a person in England in relation to whom the authority exercises functions is or may be homeless or threatened with homelessness.

(2) The specified public authority must ask the person to agree to the authority notifying a local housing authority in England of:

(a) the opinion mentioned in subsection (1), and

(b) how the person may be contacted by the local housing authority.

(3) If the person:

(a) agrees to the specified public authority making the notification, and

(b) identifies a local housing authority in England to which the person would like the notification to be made, the specified public authority must notify that local housing authority of the matters mentioned in subsection (2)(a) and (b).

(4) In this section ‘specified public authority’ means a public authority specified, or of a description specified, in regulations made by the Secretary of State.

(5) In subsection (4) ‘public authority’ means a person (other than a local housing authority) who has functions of a public nature.

### Extracts from Homelessness (Review Procedures etc) Regulations 2018

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#### **PART 4 Duty to refer**

##### **Specified public authorities**

10. The public authorities set out in the schedule are specified for the purposes of section 213B (‘Duty of public authority to refer cases in England to local housing authority’).

#### **SCHEDULE**

##### **Specified public authorities**

1. The governor of a prison within the meaning given in section 53(1) of the Prison Act 1952.

2. The director of a contracted out prison within the meaning given in section 84(4) of the Criminal Justice Act 1991.

3. The governor of a young offender institution provided under section 43(1)(a) of the Prison Act 1952.

4. The governor of a secure training centre provided under section 43(1)(b) of the Prison Act 1952.
5. The director of a contracted out secure training centre within the meaning given in section 15 of the Criminal Justice and Public Order Act 1994.
6. The principal of a secure college provided under section 43(1)(c) of the Prison Act 1952.
7. A youth offending team established under section 39(1) of the Crime and Disorder Act 1998.
8. A provider of probation services.
9. An officer, designated by the Secretary of State for Work and Pensions for the purposes of section 213B, employed by the Secretary of State at an office known as a Jobcentre Plus office.
10. A social services authority.
11. A person who performs a function of a local authority pursuant to a direction under section 497A(4) or (4A) of the Education Act 1996 (which confers power on the Secretary of State to secure the proper performance of local authority education functions, and is applied to social services functions relating to children by section 50 of the Children Act 2004 and to functions relating to childcare by section 15 of the Childcare Act 2006).
12. (1) An NHS trust and an NHS foundation trust, but only in connection with the provision of the following NHS health services:
  - (a) emergency department and urgent treatment centres
  - (b) in-patient treatment.(2) For the purposes of paragraph (1):

'emergency department and urgent treatment centres' includes:

  - (a) accident and emergency services provided in a hospital
  - (b) services known as urgent treatment centres
  - (c) any other providers of community and primary urgent care services.

'NHS foundation trust' has the meaning given in section 30 of the National Health Service Act 2006

'NHS health services' means any kind of health services provided as part of the health service continued under, and for the purposes of, section 1(1) of the National Health Service Act 2006

'NHS trust' means an NHS trust established under section 25 of the National Health Service Act 2006.
13. The Secretary of State for Defence, but only in relation to members of the regular armed forces.

## Appendix two – duty to refer checklist

No.	Task	Tick when accomplished
<b>Educating local housing authority employees</b>		
1	A copy of this advice has been provided to all local housing authority employees administering homelessness functions.	
2	Copies of chapter four concerning the duty to refer of the 'Homelessness code of guidance', plus the fact sheet regarding the duty to refer, both produced by the Ministry of Housing, Communities and Local Government, has been provided to all local housing authority employees administering homelessness functions.	
3	Local housing authority employees administering homelessness functions have been provided training on the duty to refer.	
<b>Preparing to work with referral agencies</b>		
4	There is a record of which public authorities in a local authority district have a duty to refer, including names of key employees that might make a referral.	
5	Copies of guidance published for public authorities has also been obtained for local housing authority employees to be able to reference.	
6	Public authorities in the district are able to confirm receipt of the guidance on the duty to refer formulated for their benefit, which has been published by the Ministry of Housing, Communities and Local Government.	
7	Other public bodies, voluntary organisations, other persons and organisations have been contacted to encourage them to voluntarily adhere to the duty to refer.	
8	Copies of good practice guides about the duty to refer published by other agencies have been obtained for local housing authority employees to be able to reference.	
9	There is a record of which housing associations in the district have signed-up to the National Housing Federation's commitment to refer.	
10	A copy of the National Housing Federation's guidance on the commitment to refer has been obtained for local housing authority employees to be able to reference.	
11	Public authorities, other public bodies, voluntary organisations, other persons and organisations and housing associations have been provided with training on the duty to refer.	
<b>Referral information and forms</b>		
12	Public authorities and other referral agencies understand what information must be included when a referral is made.	
13	Public authorities and other referral agencies understand what additional discretionary information about a person might be requested when a referral is made.	
14	An example of a completed referral form, along with completion guidance notes, has been shared with public authorities and other referral agencies, so they understand how to make a referral.	
<b>Timely referrals</b>		
15	Public authorities and other referral agencies are aware that referral can be made seven days a week, 24 hours a day.	
16	Public authorities and other referral agencies are provided with information and training housing options, to aid them with making relevant inquiries about a person's housing circumstances upon first accessing their services.	
17	Printed and electronic housing advice information published by the local housing authority is made available to public authorities and other referral agencies.	
<b>Choosing where to send referrals</b>		

18	Public authorities and other referral agencies are provided with a directory of local housing authorities located within the surrounding county district, clarifying which cities and towns are served by each local housing authority.	
19	Local housing authority employees administering homelessness functions understand that the matter of whether a person has a local connection cannot be considered when a referral is received.	
20	Public authorities and other referral agencies are provided with information and training on housing needs, to aid them when advising a person how best to choose where they wish a referral to be made to.	
<b>Receiving referrals</b>		
21	There are a range of methods which a referral can be received, including: <ol style="list-style-type: none"> <li>1. in person</li> <li>2. by post</li> <li>3. by fax</li> <li>4. by phone</li> <li>5. by email</li> <li>6. by website contact form</li> <li>7. by online application.</li> </ol>	
22	A button has been included on the homepage of the local housing authority website to aid public authorities and other referral agencies to make a referral.	
23	The local housing authority has created a <b>dutytorefer@anywheremouncil.gsx.gov.uk</b> email address.	
24	The range of methods by which a referral can be made has been publicised to public authorities and other referral agencies.	
25	There is a procedure explaining all the tasks local housing employees have to undertake following receipt of a referral.	
25	Arrangements have been made to provide proof of receipt when a referral is received from public authorities and other referral agencies.	
26	Local housing authority employees are clear about the timescales for responding to referrals, and these are communicated to public authorities and other referral agencies.	
27	A triage system has been created to ensure all referrals are assessed.	
28	Processes are in place to ensure suitable handover of a referral in order to ensure suitable action is taken following receipt of referrals, including when a person cannot be contacted.	
29	Processes are in place to ensure information received from a referral is suitably transferred on a case file.	
30	Processes are in place to ensure referral information is referenced when personal plans are formulated.	
31	Processes are in place to ensure all relevant data from referrals are collated for the Homelessness Case Level Information Collection (H-CLIC) monitoring system, plus additional local measurement regimes.	
<b>Strategic working</b>		
32	A joint working protocol is established with public authorities and other referral agencies to foster cooperation following receipt of a referral.	
33	Accommodation pathways are mapped out for people who are referred.	
34	Suitable actions concerning the duty to refer should be included in the local homelessness strategy.	

## Appendix three – duty to refer frequently asked questions

### **Are all public authorities subject to the duty to refer?**

**No.** Only those specified in the schedule found in the Homelessness (Review Procedures etc.) Regulations 2018. The Ministry of Housing, Communities and Local Government intends to published guidance for public authorities; this follows guidance already published for local authorities, which can be found at: <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-4-the-duty-to-refer-cases-in-england-to-housing-authorities>

### **Can other public authorities, voluntary organisations and other persons and bodies adhere to the principles of the duty to refer?**

**Yes.** All stakeholders should be actively encouraged to make a referral for anyone who might be homelessness or threatened with homelessness.

### **Are housing associations subject to the duty to refer?**

**No.** However, the National Housing Federation is actively encouraging housing associations to sign up to a 'commitment to refer'. Further details can be found at: <https://www.housing.org.uk/topics/welfare-reform/homelessness/commitment-to-refer/>

### **Can additional information be requested from public authorities and other referral agencies, beyond what is legally required?**

**Yes.** Local housing authorities must make it clear that any additional information is provided at the discretion of the referring party and the person being referred. Furthermore, assurances should be given that where further information is not supplied, this will not adversely affect the handling of a referral.

### **Can referrals be made at any time of the day or week?**

**Yes.** Local housing authorities must have arrangements in place to be able to receive referrals 24 hours a day, seven days a week.

### **Can a referral be declined or be declared ineligible if the person has no local connection?**

**No.** A person has the right to be referred to any local housing authority. The question of whether a person has a local connection must not be considered at the point a referral is made, received or acted on.

### **Is possible to insist that public authorities and other referral agencies use a specified referral method?**

**No.** Public authorities and other referral agencies are entitled to make a referral using any suitable method. Therefore, local housing authorities should have arrangements in place to receive referral via a wide range of channels. Some public authorities will only make a referral by sending a referral to a secure email address, due their own internal IT security protocols. Therefore it will be crucial to establish an email account, such as [dutytorefer@anywherecouncil.gsx.gov.uk](mailto:dutytorefer@anywherecouncil.gsx.gov.uk), as suggested by the Ministry of Housing, Communities and Local Government.

### **Does a referral constitute an application for homelessness assistance?**

Statutory guidance published by the Ministry of Housing, Communities and Local Government states

that a referral does not trigger an application for homelessness assistance. However, legal textbooks suggest that a referral can only ever mean an application for homelessness assistance has been made. Local housing authorities should rely on the advice contained in the 'Homelessness code of guidance' when administering their homelessness functions. Local housing authorities might wish to seek their own legal advice about this matter.

### **Does a referral have to be acted on immediately?**

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**Maybe.** There is nothing explicit in law that prescribes how quickly a referral must be responded to. Nevertheless, a referral that provides information about a person who is already homeless should be acted on as soon as possible, ideally on the day the referral has been received. Ideally, all referrals should be responded to in line with corporate targets for handling customer enquiries.

### **Is there anything specific that has to be done upon receipt of referral?**

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**Yes.** Local housing authorities should provide information and advice on housing options and rights relating to homelessness. Upon receipt of a referral, when it is apparent there is a reason to believe a person is homeless or threatened with homelessness, local housing authorities should commence inquiries to determine what duty, if any, is owed. Following receipt of a referral, when it is apparent that there is a reason to believe a person is eligible for assistance and has a priority need for accommodation, an offer of suitable interim accommodation should be made.

### **Following a referral, does feedback have to be provided to public authorities and other referral agencies?**

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**Yes.** Proof of receipt of a referral should always be provided to any public authority or other referral agency that makes a referral. Any further feedback, such as the outcomes of the referral or action taken by the local housing authority as a result of a referral, can be shared at the discretion of a local housing authority, subject to consent from the person who was referred.

### **Do referrals have to be monitored and measured?**

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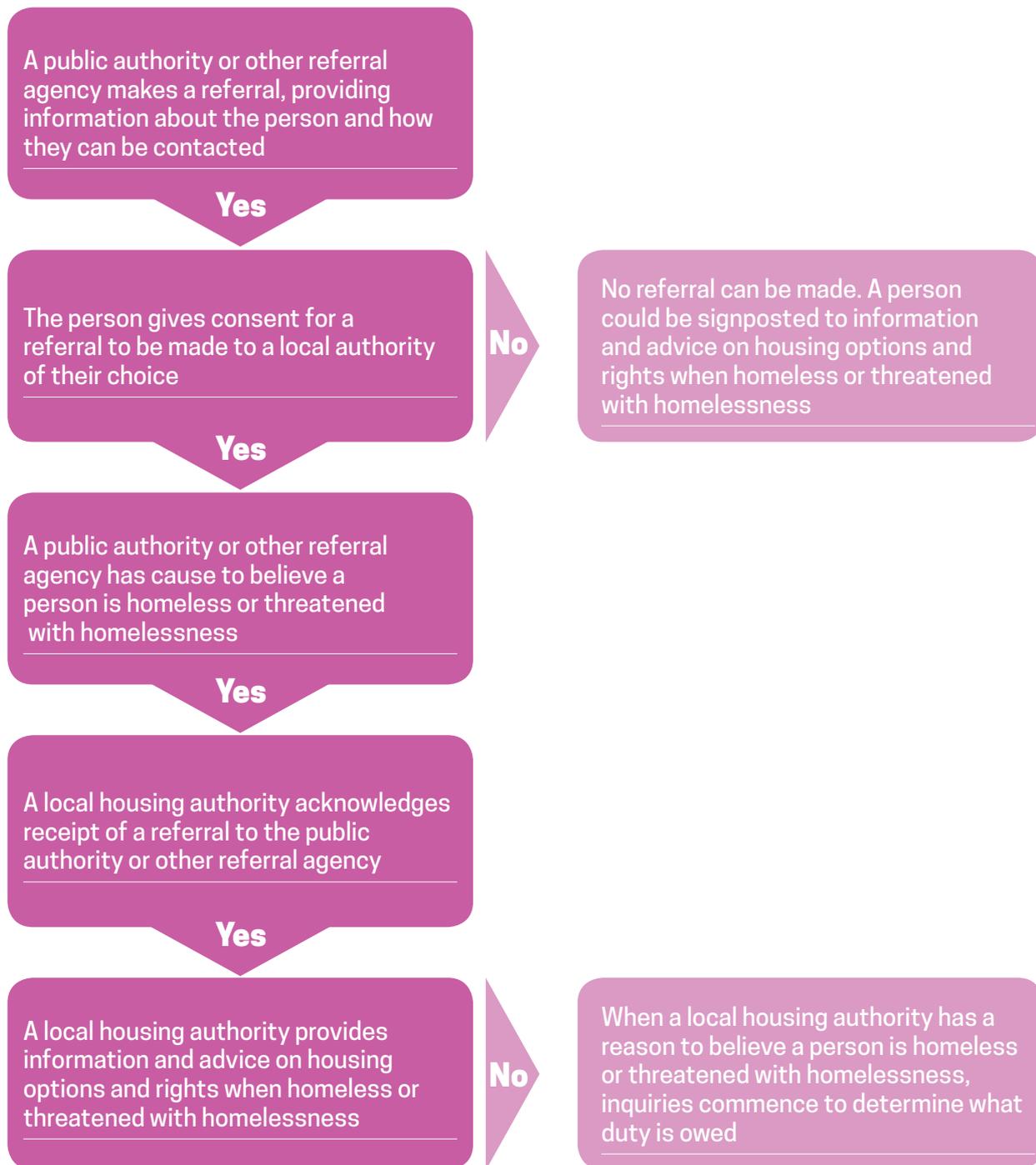
**Yes.** The Homelessness Case Level Information Collection (H-CLIC) monitoring system requires local housing authorities to input data on the number of referrals made by public authorities and other referral agencies. Additionally, local housing authorities might wish to monitor a wider range of factors associated with referrals, to inform the quality and effectiveness of referral activity.

### **Should the duty to refer feature in local homelessness strategies?**

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**Yes.** Actions to ensure suitable referral arrangements and accommodation pathways are in place should be included in local homelessness strategies.

## Appendix four – duty to refer process chart



## Appendix five – example duty to refer form for use by public authorities and other referral agencies

### Section 1 – personal and contact information – this section must be fully completed

<b>Forename and surname</b>		Date of birth	
<b>Current address (if applicable, or contact address)</b>			
<b>Postcode</b>		NI number	
<b>Mobile number</b>		Email	
<b>Alternative contact person</b>			
<b>Ethnic origin</b>			
<b>Nationality</b>			
<b>Dates resident at above address (if applicable)</b>		All contact telephone numbers (tick if safe to contact)	Home: Mobile: Work:
<b>Homelessness status</b>	Threatened with homelessness (e.g. notice of eviction served, has been asked to leave current accommodation)		
	Homeless (e.g. rough sleeping, of no fixed abode)		
<b>Partner's name (if applicable)</b>			
<b>Other household member's name(s) (if applicable)</b>	Date(s) of birth	Ethnic origin	


Section 2 – Causes of homelessness – this section can be completed at the discretion of the referring agency, subject to consent from the person being referred.

<b>Current tenure (please tick)</b>	<input type="checkbox"/>	Homeowner	<input type="checkbox"/>	Social housing
	<input type="checkbox"/>	Living with family/friends	<input type="checkbox"/>	Private rented
	<input type="checkbox"/>			
<b>Date person has to leave property, or became homeless</b>				

<b>Reason for requesting housing assistance</b>	Street homelessness (sleeping rough)
	Hidden homelessness (sofa surfing, squatting)
	Wants help to apply for accommodation
	Wants help to obtain accommodation
	Wants help to remain in existing accommodation
	Facing repossession or eviction by landlord or mortgage lender
	Unable to live in home due to medical or social care needs
	Unaffordable housing
	Unfit housing
	Overcrowded housing
	Domestic abuse
	Unable to access home due to emergency or illegal eviction
	Unable to site or moor home
Other (please specify)	
<b>Any other relevant information</b>	

**Section 3 – housing needs – this section can be completed at the discretion of the referring agency, subject to consent from the person being referred.**

Number of bed spaces/bedrooms required
Usual method of transport
<b>What places do you need to get to from your home</b> (e.g. school, work, healthcare)?

<b>Any specific property needs</b> (e.g. level access, no stairs, adapted kitchen/bathroom)
<b>What can you afford to pay for housing costs?</b>

<b>If a person is already homeless, what help would they like?</b> (please tick as many as apply)			
Obtain accommodation in a hostel/refuge or house of multiple occupation (HMO)		Obtain private rented sector accommodation	
Obtain supported housing or supported lodgings		Obtain accommodation with family or friends	
Obtain social rented accommodation		Obtain low-cost home ownership scheme or low-cost housing market solution	

<b>If a person is threatened with homelessness, what help would they like?</b> (please tick as many as apply)			
Mediation to remain in existing accommodation		Conciliation with family/friends to remain in existing accommodation	
Financial assistance to remain in existing accommodation		Debt advice to remain in existing accommodation	
Resolve housing benefit problems to remain in existing accommodation		Resolve rent or service charge arrears to remain in existing accommodation	
Sanctuary scheme measures to remain in existing accommodation		Negotiation or legal advocacy to remain in existing accommodation	
Floating support to remain in existing accommodation		Mortgage arrears interventions or mortgage rescue to remain in existing accommodation	
Obtain alternative accommodation in a hostel/refuge or HMO		Obtain alternative private rented sector accommodation	
Obtain alternative supported housing or supported lodgings		Obtain alternative accommodation with family or friends	

Obtain alternative social rented accommodation		Obtain alternative low-cost home ownership scheme or low-cost housing market solution	
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**Section 4 – support needs – this section can be completed at the discretion of the referring agency, subject to consent from the person being referred.**

<b>Which of the following applies to the person being referred?</b> (please tick all that apply)			
Aged 16 or 17		Leaving care of children’s services	
Aged 18-20 and was in local authority care aged 16/17		Aged 18-20 and at risk of sexual or financial exploitation	
Leaving young offender institution or prison		Discharge from hospital	
Discharge from armed forces		Domestic abuse	
Pregnancy		Parenting	
Old age		Mental ill health	
Learning disability		Physical and/or sensory disability	
Chronic illness		Other (please specify)	

<b>Support requirements</b> (please tick all that apply)			
Physical health		Emotional and mental health	
Drug and alcohol misuse		Self-care and living skills	
Motivation and taking responsibility		Social networks and relationships	
Offending		Meaningful use of time	
Managing tenancy and accommodation		Managing money and personnel administration	
Other (please specify)			

<b>Current support</b> – does the person have contact with any of the following?			
Home carer		District nurse	
Psychologist/psychiatrist		Support worker	
Health visitor		Community psychiatric nurse (CPN)	
Social worker		Occupational therapist	
Youth offending team/probation		Other (please specify)	

**Section 5 – referring agency details and consent confirmation – this section must be fully completed**

<b>Name of referral agency</b>	
<b>Name of person making the referral</b>	
Position of person making the referral	
Date referral made	
Signature of person making the referral	

I [insert name of person being referred] consent to:

This referral being made

Yes		No	
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Additional information being provided on causes of homelessness, housing needs and support needs

Yes		No	
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<b>Signature of person being referred</b>	
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## Appendix six – example duty to refer training materials

Training public authorities who have a duty to refer, and other referral agencies that choose to make a referral, will help to improve the quality and timeliness of referrals.

A series of one-day workshops should cover the following content:

- background to the duty to refer (the Homelessness Reduction Act 2017)
- meaning of homelessness (including the legal definition and common forms of homelessness)
- preventing homelessness (for example early prevention, pre-crisis prevention and prevention of reoccurring homelessness)
- securing accommodation when homeless (housing options and choices)
- rights of people who are homeless or threatened with homelessness (applying for housing assistance, assessment and personal plan, temporary accommodation, prevention and relief duty)
- help available from when someone is homeless or threatened with homelessness (such as accommodation and support services provided by a local housing authority, public authorities and bodies, voluntary organisations and other persons and organisations)
- how to access that help ( contact details and opening times)
- referring cases of homelessness (local arrangements for making a referral).

The materials below have been provided alongside this guidance to assist local authorities in delivering Duty to Refer training:

- a template training flyer which local authorities can use to advertise training on the Duty to Refer to public authorities and other referral agencies. It can be used in conjunction with the below materials
- a presentation which local authorities can use when delivering training on the Duty to Refer to public authorities and other referral agencies. The presentation covers the Duty itself, as well as providing an introduction to homelessness context and law.
- a handout which local authorities can use when delivering training on the Duty to Refer to public authorities and other referral agencies. It can be used in conjunction with the Presentation slides
- a lesson plan for use by local housing authorities to deliver training to employees of public authorities and other referral agencies. It can be used in conjunction with the presentation slides and handout.

All available at [www.local.gov.uk/duty-to-refer](http://www.local.gov.uk/duty-to-refer)

## Appendix seven – duty to refer learning points

The key learning points from the first section of this guidance have been collected together below for easy reference.

**Neighbouring local housing authorities, for example from across a county, are encouraged to adopt common arrangements across the sub-region for administering the duty to refer, as this will make it easier for public authorities and other referral agencies to make referrals. Joint referral forms and shared referral procedures are actively encouraged.**

**Local housing authorities could encourage public authorities and other referral agencies to confirm a person's preference for how they wish to be addressed, what their preferred method of contact is and the best time to contact them.**

**Training for public authorities and other referral agencies, to aid preparation and execution of the duty to refer, could be facilitated by local housing authorities. Training can help to ensure that timely and relevant referrals are made. Training can also help to manage expectations of public authorities, and other referring agencies, as to what will happen following a referral being received by a local housing authority.**

**If a person is uncertain as to the name of the local housing authority to which they want their referral sent, public authorities and other referral agencies can clarify this by typing a valid postcode into a search facility provided on the Government's website at the following link: <https://www.gov.uk/homelessness-help-from-council>**

**Local authorities could consider having a button on the homepage of their website to help public authorities and other referral agencies to make a referral more easily. When clicking on the button, public authorities and other referral agencies would be taken to a page that explains all of the methods by which a referral can be made, with addresses and phone numbers clearly shown, along with a link to an email box. Below this can be a contact form in which referral information can be submitted.**

**Local housing authorities could consider sharing data published on referrals with local public authorities and others. Dissemination of such information to referral agencies can provide a useful context to the outcomes arising from the referrals being made. For the same reason, local housing authorities might also seek data from public authorities, and other referral agencies, that is collected about referrals of homelessness cases.**

Local housing authorities could establish joint working arrangements with public authorities which have parallel legal duties to a person who has been referred, to foster a joined-up approach to securing accommodation and providing support. For example, social services authorities might have a duty to accommodate homeless children aged 16 or 17 under the Children Act 1989, or a homeless vulnerable adult under the Care Act 2014. Local housing authorities can seek to discharge any duty owed to persons in such circumstances in a collaborative fashion.

Cooperation between two or more local housing authorities often takes place on a countywide basis, whereby regular forums are held for employees to share good practice and develop joint policies or protocols. A common procurement framework for temporary accommodation is currently being explored by some local housing authorities. Cooperation between local housing authorities and county councils can take place in regard to the commissioning of supported housing services. Cooperation between local housing authorities and combined authorities is taking place to develop and deliver strategies for ending rough sleeping and piloting the 'Housing First' approach.

Effective cooperation between local housing authorities, social services authorities, housing associations, other public authorities, voluntary organisations and other persons can be assured by adopting robust governance arrangements to oversee the delivery of a local homelessness strategy. This can be backed up by joint working protocols that explain the parameters of cooperative initiatives, and thereby help to deal with any conflict that might arise, while also fostering meaningful cooperation. Joint training can be put in place to allow all organisations to share their knowledge and skills, as this helps people to make best use of employee experiences and enhances multi-agency team working.





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