

HOMELESSNESS PREVENTION AND ADVICE SERVICE

DTR made simple

Homelessness: Duty to Refer (DTR)



INTRODUCTION

The Homelessness Reduction Act 2017 significantly reformed England's homelessness legislation by placing duties on local housing authorities to intervene at earlier stages to prevent homelessness in their areas, and to provide homelessness services to all those who are eligible.

Additionally, the Act introduced a duty on specified public authorities to refer service users who they think may be homeless or threatened with homelessness to local authority homelessness/housing options teams (see paragraph 7 of the Homelessness code of guidance). This duty became effective from 1st October 2018 and applies to the list of public authorities set out within this guide.

The duty to refer will help to ensure that services are working together effectively to prevent homelessness by ensuring that peoples' housing needs are considered when they come into contact with public authorities. It is also anticipated that it will encourage local housing authorities and other public authorities to build strong partnerships which enable them to work together to intervene earlier to prevent homelessness through, increasingly integrated services.

REQUIREMENTS OF THE DUTY TO REFER

The duty requires the specified public authorities to identify and refer a service user who is homeless or may be threatened with homelessness, to a local housing authority of the service user's choice.

The service user must consent to the referral being made. The consent can be made in writing or given orally (see the [section below](#)), although the person referring should follow the agreed processes set out in their agency's internal guidance, if applicable.

The duty to refer homelessness cases to housing authorities – from 1st October 2018:

Under section 213B the public authorities as specified in the regulations are required to notify a housing authority of service users they consider may be homeless or threatened with homelessness (i.e. it is likely they will become homeless within 56 days).

OBTAINING CONSENT

Before making a referral a public authority must:

- a) Have consent to make the referral from the individual;
- b) Allow the individual to identify the housing authority in England which they would like the notification to be made to; and,
- c) Have consent from the individual that their contact details can be supplied so the housing authority can contact them regarding the referral.

PUBLIC AUTHORITIES WITH DUTY TO REFER

The specified public authorities subject to the 'duty to refer' (in England only) are:

- Prisons
- Young offender institutions
- Secure training centres
- Secure colleges
- Youth offending teams
- Probation
- Services (including community rehabilitation companies)
- Jobcentre's in England
- Social service authorities (both adult and children's)
- Emergency departments
- Urgent treatment centres
- Hospitals in their function of providing inpatient care
- Secretary of State for defence in relation to members of the regular armed forces

A person is considered homeless if:

- They do not have any accommodation which is available for them which they have a legal right to occupy; or,
- It is not reasonable for the person to occupy their current accommodation, for example, because they would be at risk of domestic abuse

Someone is defined as being threatened with homelessness where they are likely to become homeless within 56 days, or have been served with a valid notice under [section 21 of the Housing Act 1988](#) by their landlord, which expires within 56 days.

IDENTIFYING WHEN A REFERRAL MIGHT BE REQUIRED

Identifying that a family, couple or individual is threatened with homelessness is less straight forward. The following are factors that would indicate that a service user may be threatened with homelessness and should be asked about their housing circumstances:

- Problems with debt, particularly rent or mortgage arrears
- Problems with a landlord, being threatened with eviction or served notice to leave
- Being a victim of domestic abuse, or other forms of violence, threats or intimidation
- Approaching discharge from hospital, armed forces or release from custody, with no accommodation available to them
- Having previously been in care, the armed forces or in prison

CHOOSING WHICH LOCAL AUTHORITY TO REFER TO

The duty allows service users to choose which local housing authority they are referred to. However, when discussing the referral and offering guidance to the service user, it is important to be aware that local housing authorities owe more duties towards homeless applicants who have a **local connection** with their area.

If a person asks to be referred to an area they do not have a local connection to, the local housing authority might subsequently refer them on to another local housing authority to which they do have a local connection.

In general, a service user is likely to have a local connection to an area if they live or have lived there, work there or have a close family connection. However, a service user should not be referred to an area where they would be at risk of violence.

LOCAL AUTHORITY DUTY TO REFER EMAIL ADDRESSES

The mechanism for making referral to a local authority under ‘Duty To Refer’ is as follows;
dutytorefer@<<LOCALAUTHORITYNAME>>.gov.uk

Newham Councils duty to refer email address –
DutyToRefer@Newham.gov.uk

In order to ensure referrals are processed in a timely manner the following information needs be provided;

CORE INFORMATION REQUIRED
Name of the local authority that the service user is being referred to
Confirmation Oral / Written Consent to share information obtained
ABOUT THE REFERRING PROFESSIONAL
Public authority referring (e.g. prison, hospital, etc.)
Role of person referring (e.g. social worker)
Name of referrer
Address of referrer
Email address of referrer
Phone number of referrer
Name and contact details of any other person who could be contacted for further information, if not the referrer (e.g. a support provider)
INFORMATION AND CONTACT DETAILS FOR THE SERVICE USER BEING REFERRED
Full Name
Household composition (e.g. single person, couple, family with X children/X adults)
Current address (if applicable)
Home telephone number
Mobile number / Email address
Gender / Date of birth
Is an interpreter required?
Main reason for the referral? I believe they are homeless / threatened with homelessness
Please explain your answer (e.g. “they are facing eviction from their home”)
Details of current accommodation?
If threatened with homelessness, on what date are they likely to become homeless?
If leaving prison or hospital, or is leaving the armed forces, with no accommodation available, please state when the release/ discharge will take place.
Are there any additional needs/risks to be aware of?
Please provide information on any physical or mental health needs, and any treatment that they are receiving
Additional information. In particular, are there any known risks to staff visiting the service user at home or any other issues that we need to be aware of prior to initial contact?