

Policy Fact Sheet: Duty of public authority to refer cases to local housing authority

What is the Duty of public authority to refer cases to local housing authority?

Commonly shortened to *Duty to Refer*, this part of the Bill (in Clause 10):

- Requires public authorities in England specified in regulations to notify a local housing authority (LHA) of service users they think may be homeless or at risk of becoming homeless.
- Requires the public authority to have consent from the individual before referring them, and allows the individual to choose which LHA they are referred to.

What is the measure hoping to achieve and why is the Government supporting this?

This measure will help to extend the good practice that already exists in local areas across England and ensure that services are working together to prevent homelessness. It will also help to raise awareness that there are many, varied and sometimes complex reasons behind a person's homelessness. We want to ensure that a person's housing situation is considered when they come into contact with wider public services, and this measure will help to achieve this. It should also encourage all of those involved to build strong relationships based on local need and circumstances in order to produce the best outcomes possible.

Why is legislation needed?

Public services should already be working with LHA teams to identify households who are at risk of homelessness, or who are currently homeless, as part of their normal daily work. This part of the Bill will ensure that this good practice becomes a legal duty.

How do we see this working in practice?

Service partners should decide how this will work in each local area as they are best placed to decide what shape the working relationship should take. However, one example might be that local housing authorities establish protocols with other services. These protocols could take the form of release agreements, whereby institutions such as hospitals and prisons notify local housing authorities in advance of a service user's release if that user is homeless or threatened by homelessness.

Key questions and answers

Who is under an obligation to refer people to housing teams?

- Specified English public authorities that are exercising functions in relation to a person will have the duty to refer a service user if they think may be homeless or at risk of becoming homeless. The public authorities who will be subject to this duty will be set out in regulations.

What process will the referral take?

- This is for service partners to decide in each local area as they are best placed to decide what shape the working relationship should take.

How does it work across borders and between devolved and non-devolved departments and services?

- Due to the devolved status of housing, the duty to refer is only applicable to English public authorities.

What if someone doesn't want their local housing team to be contacted?

- Consent must be sought from the member of the public by the service before they can make contact and carry out their duty.

What if the service user doesn't follow up on the referral by contacting the local housing team?

- LHAs have the option, provided the person has consented to it, to proactively contact the member of the public if they want to.