



Homeless Reduction Act- Duty to Refer

Quick Facts

Homeless Reduction Act –Duty to refer

What is this Duty?

The new Homeless Reduction Act 2017 came into effect in April 2018. The Act significantly reformed homeless legislation by placing a duty on local housing authorities to intervene at an early stage to prevent homelessness in their area.

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 Housing Option Teams. This duty is effective from the 1st October 2018.

The duty to refer will help to ensure that local services work together effectively to prevent homelessness by ensuring that peoples' housing needs are considered when they come into contact with public bodies. It provides an opportunity to further strengthen existing partnerships between Wirral Council and other public bodies by providing integrated services focused towards early intervention and homeless prevention.

Which public bodies are subject to the duty to refer?

Internal Council Services:

- Social Services (Adult and Childrens services)
- Youth offending teams

External Services:

- prisons
- youth offender institutions
- secure training centres and colleges
- probation services
- jobcentre plus
- hospitals (accident and emergency services, urgent treatment centres, and hospitals in their capacity of providing in-patient treatment)
- Ministry of Defence (regular force members)

Other public services, who are not subject to the duty to refer, such as voluntary organisations or first response services will also be encouraged to refer service users if they consider someone to be homeless or threatened with homelessness.

How do you know if someone is homeless or threatened with homelessness?

A person is considered homeless if:

- they do not have any accommodation which is available for them, or 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.

You will usually know if a service user is sleeping rough and therefore actually homeless. You can contact Wirral Council using the duty to refer 'single point of access' or the national StreetLink website at www.streetlink.org.uk to report concerns about anyone seen sleeping rough.

You may also become aware of service users who are homeless but not roofless (sometimes described as 'sofa surfers') if they provide 'care of' addresses or frequently change their address.

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
- Friends or family are no longer willing to accommodate them
- 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

Before making a referral

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

Information needed:

You will need to determine the following information with your service user:

- Aged 16 years or over
- Are homeless or at risk of homelessness within 56 days.
- Have consented to the referral

- how the service user is to be contacted
- Identified which English local housing authority they would like to be referred to. (Please note housing authorities will consider a service user's 'local connection' to their area to determine what, if any, legal duties are owed to them.)

Some public bodies, such as social services, have legal duties of their own to provide accommodation to certain vulnerable groups and referrals should be made appropriately.

Making a referral to Wirral Council

What information do you need to provide?

The single point of access web-link (see below) will provide a referral form, which will ask you to provide information including:

- Service user name, address and contact details
- Ethnic origin
- Date of Birth
- National Insurance number
- Details of members of their household
- Reason for homelessness and any known support needs

The Housing Options Team, which is part of Wirral Council, is the single point of contact for Wirral.

From the 1st October 2018, you can make referrals to Wirral Council's Housing Options Team via a short, web-based referral form accessed at www.wirral.gov.uk/duty

Alternatively, you can encourage or support service users to self-refer using the existing referral routes, which include completing an online referral form available at www.wirral.gov.uk/housingsupport or, by using the self-service terminals at any Wirral Council One Stop Shop. Wirral Council continues to offer an extended service, via the One Stop Shops, for vulnerable clients who may require additional support to access services.

Once submitted, the referrer will receive an automated message to confirm their unique reference number and where appropriate a copy of the referral will be sent to the service user for confirmation.

Please note that you are not making a homeless application by completing a referral form.

Following a referral, the Housing Options Team will contact service users by telephone (where possible) to complete an assessment, and determine what, if any, legal duties are owed to them.