

# Commitment to Refer

## Guidance for housing associations

May 2022

### Summary

The Commitment to Refer is a voluntary commitment that a housing association will refer an individual or household to a local housing authority if they are homeless or threatened with homelessness, thereby supporting the aims of the Homelessness Reduction Act.

This guidance is designed to give housing associations the tools to implement the Commitment to Refer. It is made up of seven sections:

1. [The Homelessness Reduction Act](#)
2. [What you can do to support the Homeless Reduction Act](#)
3. [The Commitment to Refer](#)
4. [How the Commitment to Refer works](#)
5. [Tools to assist with referrals](#)
6. [Data protection: UK GDPR and DPA 2018](#)
7. [Consent](#)
8. [Enhancing the Commitment to Refer](#)

Please note, earlier versions of this document were previously published on our website. This updated document provides more detail and responds to member queries so we recommend this version be used. **If you have additional questions, comments or suggestions, please [get in touch with our team](#).**

## The Homelessness Reduction Act

The [Homelessness Reduction Act 2017](#) came into force on 3 April 2018. It placed new legal duties on English local authorities and some public bodies. As they are not public bodies, housing associations are not bound by any duties in the Act.

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

Key measures in the Act include:

- An extension of the period ‘threatened with homelessness’ from 28 to 56 days.
- A new Duty to take steps to **prevent** homelessness for all eligible applicants threatened with homelessness, regardless of priority need.
- A new Duty to take steps to **relieve** homelessness for all eligible homeless applicants, regardless of priority need.
- A new Duty to Refer, that began on 1 October 2018, where [named public authorities](#) need to notify a local housing authority if they come into contact with someone they think may be homeless or at risk of becoming homeless.

In its 2020 [review of the outcomes of the Homelessness Reduction Act](#), the government concluded that joint working between local authorities and other stakeholders is imperative to tackling homelessness and that it would continue to encourage this

Local authority budgets are limited, so all partners need to do as much as possible to prevent and relieve homelessness. Many housing associations will already have excellent [tenancy sustainment](#) programmes so the Act gives the impetus to review these to ensure that prevention measures are just as strong as referrals.

## 2. What you can do to support the Homelessness Reduction Act

### 2.1. Work together with your local authority and other partners

[Joint working](#) between housing associations, local authorities and other stakeholders such as homelessness charities or health providers is a sure-fire way of improving homelessness prevention locally. See [section eight](#) for more details.

## 2.2. Sign up to the Commitment to Refer



If your organisation has not yet signed up to the Commitment to Refer, it's not too late to do so. Just email your name, job title and organisation to

[homelessness@housing.org.uk](mailto:homelessness@housing.org.uk).

Once you've signed up, we'll email you with a copy of the Commitment to Refer logo so you can display your commitment and some other tools to show that you have signed up.

If you're unable to sign up, or need more time to make a decision, [please let us know](#) as it will help inform our ongoing work.

In addition to signing up to the Commitment to Refer, you may also wish to consider signing up to the [Homes for Cathy](#) commitments.

## 2.3. Encourage other organisations to sign up to the Commitment to Refer

Every housing association that signs up receives graphics that we encourage you to use on social media to raise awareness of the Commitment to Refer. Please tweet and share on social media to encourage other housing associations to sign up.

## 2.4. Share your success

In October 2019, the NHF surveyed its members who had signed up to the Commitment to Refer on how they felt it was going. Almost two thirds (65%) of the housing associations who had signed up to the Commitment to Refer have had a positive experience of implementing it (26% neutral, 9% negative).

Where experiences have been positive:

- The Commitment to Refer has resulted in better working practices around homelessness.
- It has improved relationships and collaborative working with local authorities.
- It sends the right message around homelessness and is a good way to demonstrate an organisations' commitment to preventing homelessness.

“GMHP, working with other providers and local housing authorities, have agreed a voluntary duty to refer to support a reduction in homelessness across Greater Manchester. It will provide housing providers and partner agencies to refer people who are at risk of homelessness to local housing options teams, and an improved homeless support offer across the region.”  
Jon Lord, former Chair of Greater Manchester Housing Providers

- It has led to the production of new procedures or guidance documents to advise staff on how best to support clients facing homelessness.
- It has encouraged intervening at earlier stages when appears that a client may be at risk of homelessness (e.g. making a referral at the eviction warning stage instead of eviction day).

**46% of respondents said the Commitment to Refer had prevented specific cases of homelessness.**

It would be helpful if you could share with other housing associations and partners that the Commitment to Refer has been a useful and positive tool for most and positions housing associations as key actors in the fight against homelessness.

It would also be great if you could send case study examples of your own experience of implementing the Commitment to Refer so that these may inform and inspire others. Please send your case studies to [homelessness@housing.org.uk](mailto:homelessness@housing.org.uk).

## **2.5. Development of homelessness strategies**

The Act requires local housing authorities to develop homelessness strategies based on a review of all forms of homelessness in their district and outlining how local partners will work together. Housing associations are well placed to contribute to this strategy and, if your local housing authority hasn't contacted you about this, do get in touch with them. More information on cooperation between housing associations and local authorities on homelessness strategies can be found in the December 2019 LGA publication [Making Homelessness Strategies Happen](#).

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

## **2.6. Development of personalised housing plans**

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

# **3. The Commitment to Refer**

## **3.1. What is the Commitment to Refer?**

Housing associations are not bound by the Duty to Refer. However, as so many NHF members are keen to support the implementation of the Act, we worked with the Department for Levelling Up, Housing and Communities (DLUHC) to develop a

housing association offer on the Duty to Refer. We have called this the Commitment to Refer.

The Commitment to Refer is a voluntary commitment that a housing association will refer an individual or household to a local housing authority if they are homeless or threatened with homelessness, thereby supporting the aims of the Homelessness Reduction Act.

In the review of the outcomes of the Homelessness Reduction Act, the government clarified that the legal Duty to Refer cannot apply to social landlords, but pledged to work with the NHF to promote the Commitment to Refer.

We have been asking housing associations to sign up to the Commitment to Refer and make a positive, public statement that shows the sector is serious about ending homelessness.

For those that have signed up, this guidance is designed to give you the tools to implement the Commitment to Refer.

However, there are also more opportunities for housing associations to go beyond the commitment and consider homelessness prevention more broadly, which we have detailed in [section eight](#).

### 3.2. Why is the Commitment to Refer significant?

Housing homeless and vulnerable people has always been a key part of what the housing association sector does. So has support provision. The history of housing associations highlights that many were founded with a clear aim of helping to tackle rising homelessness. Today, [housing associations play an important role in ending homelessness](#), whether they are specialist organisations or general needs providers.

Housing associations already cooperate with local authorities, including assistance with local housing authorities' homelessness duties, as outlined in the [Tenancy Standard](#).

*“Homelessness is one of the biggest issues we face in society today and as a partner of local housing authorities across the West Midlands it is important to us that we are able to make a real difference.*

*We have a great opportunity through the Commitment to Refer to challenge the notion that homelessness is just a local housing authority issue and demonstrate our commitment to tackling this huge problem together.”*

Kevin Rodgers, Chief Executive, Citizen

By supporting the Homelessness Reduction Act, the sector can show leadership in local collaboration and in supporting those at risk of homelessness.

We understand many housing associations already refer tenants who are at risk of losing their tenancy, and therefore the Commitment to Refer is a way to formalise this process, and ensure a safe transition for people facing homelessness. The NHF wants to support every housing association to sign up to the Commitment to Refer. You can find out more about how to sign up in [section two](#).

### **3.3. Commitment to Refer for short-term housing providers**

The Commitment to Refer raises additional questions in short-term services such as homeless hostels. For example, some of your tenants may stay in your homes for a period of time that is shorter than the 56 days outlined by the Act. Furthermore, many of your clients will already be in touch with the local housing authority and wider public services. If a homeless application has already been accepted, a referral will not be required.

However, the Commitment to Refer can still be used in the instance where the move from a short-term service is unplanned. This would work in the same way as described below.

## **4. How the Commitment to Refer works**

### **4.1. Who should be referred?**

Housing associations are most likely to refer their own tenants or other people residing in the property who are at risk of becoming homeless. It would also be helpful for housing associations to refer people they come into contact with through any of the other services they offer.

There are various reasons why an individual or household may be facing homelessness. Reasons for considering a referral could include (this list is not exhaustive):

- Relationship/family breakdown leading to someone having to leave the family home.
- Hidden homelessness such as sofa surfing or other informal living arrangements (including illegal occupancy).
- Unforeseen circumstances such as the death of the tenant, where there is no right to succeed to the tenancy for a family member.
- Leaving temporary or move-on accommodation.
- The tenant is facing court proceedings for eviction.

In each of these circumstances, the individual/household may be referred under the Commitment to Refer.

While each housing association will have its own process for identifying tenants who need support, it is worth bearing in mind the role that domestic abuse and mental health can have in arrears and anti-social behaviour. The [Domestic Abuse Housing Alliance](#) has excellent resources, and you can sign up to their [Make a Stand pledge](#). The Money and Mental Health Policy Institute also has [advice on mental health and rent arrears](#).

#### **4.2. When should a household/Individual be referred?**

The [Duty to Refer](#) outlines that people should be referred if they are already homeless, or within 56 days of becoming homeless. Housing associations may find it helpful to use this as a guideline.

However, as has been outlined by local housing authorities, early referrals are more likely to lead to positive interventions, and are therefore welcome. Most local housing authorities will welcome referrals from housing associations when someone is at risk of eviction, but would much prefer such notification to given be at the point when eviction becomes a serious possibility.

You are free to make a judgement on the best time to refer on a case-by-case basis, and may wish to consider how this fits in with the [Pre-Action Protocol for Possession Claims by Social Landlords](#).

#### **4.3. The procedure for referrals**

This section outlines the procedure for the Duty to Refer, as designed for the public authorities who are bound by it, with one change as it applies to housing associations. The Commitment to Refer broadly follows the same steps to ensure that local housing authorities can easily process both statutory and voluntary referrals but housing associations might use a different legal basis for data processing from the one used under the Duty to Refer (see also [section six](#)).

The Act encourages local collaboration. We recommend that you make contact with your local housing authorities to ensure you are familiar with local referral processes and to identify opportunities for further collaboration.

Referrals made should include the individual's name, contact details and reason for the referral. DLUHC have published an [example referral form](#), which your local

housing authorities may or may not adopt. While local housing authorities may develop different forms or systems, all referrals will follow the same basic steps:

If you are using consent as the lawful basis for data protection (see [section six](#) and [section seven](#)):<sup>1</sup>

1. **Obtain consent** from the individual/household to make the referral (i.e. agreement from the person to make the referral). They must understand that the local housing authority will contact them as a result of the referral being made.
2. **Ask which local housing authority the individual/household would like to be referred to.** They can be referred to any local housing authority in England, regardless of local connection. If they have no preference, you may make an informed decision on which local housing authority to refer to.
3. **Make the referral.** Local housing authorities should have a number of channels to receive referrals including online, email, phone, post, or in person. Local housing authorities have been asked to provide a standard email address that duty to refer referrals or queries can be sent to ([dutytorefer@insertlocalauthorityname.gov.uk](mailto:dutytorefer@insertlocalauthorityname.gov.uk)). Any channel by which you make the referral will ask for the individual/household name(s), contact details, and the agreed reason for referral.
4. If the referral is accepted, **the local housing authority will then contact the individual/household** and work with them to identify next steps.

If you are using legitimate interests as the lawful basis for data protection (see [section six](#) and [section seven](#)) you should:

1. Inform the person that you think they are at risk of being homeless and as the organisation has signed up to the NHF Commitment to Refer you will be referring them to the local housing authority.
2. Make an informed decision on **which local housing authority to refer to.**
3. **Make the referral.** The individual still has to be informed of their data protection rights and if they object there would only be limited circumstances where you could continue to make the referral. Local housing authorities should have a number of channels to receive referrals including online, email, phone, post, or in person. Local housing authorities have been asked to provide a standard email address that duty to refer referrals or queries can be

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<sup>1</sup> N.B. The ICO has recommended that housing associations seriously consider not using consent as their lawful basis for referrals as the lawful basis of consent **isn't appropriate** where there is an imbalance of power between the individual and the organisation.



sent to e.g. dutytorefer@insertlocalauthorityname.gov.uk. Any channel by which you make the referral will ask for the individual/household name(s), contact details, and the agreed reason for referral.

4. If the referral is accepted, **the local housing authority will then contact the individual/household** and work with them to identify next steps.

If you plan to use legitimate interests as the legal basis for data processing, discuss this with your Data Protection Officer (DPO) or other lead for data protection matters. Your DPO may ask you to complete a Data Protection Impact Assessment and / or a Legitimate Interests Assessment.

A local housing authority cannot insist on a specific format or method for making referral. Provided the legally prescribed minimum information is submitted, a referral can be made by any reasonable method.

#### 4.4. What happens after a referral is made?

After you submit a referral, you should receive proof of receipt from the local housing authority. This should also clarify the length of time a person can expect to wait for the housing authority to act on the referral. If you have not heard anything, you are welcome to contact the local housing authority.

The local housing authority will decide whether or not to accept the referral. Anyone who is eligible and found to be homeless or threatened with homelessness must be supported under the Prevention Duty or Relief Duty,<sup>2</sup> and the local housing authority will contact the individual/household to conduct an assessment of their case to establish which duty is owed to them. You may be contacted at this point to assist with additional information.

After the assessment, the local housing authority may work with the individual/household to develop a Personalised Housing Plan, which is designed to prevent their homelessness. You may be contacted at this point to assist with the steps outlined in the Personalised Housing Plan.

If the household/individual is not found to be threatened with homelessness, or is ineligible (because of immigration status), they should still receive advice from the

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<sup>2</sup> The Act contains a new duty to prevent homelessness for all eligible applicants threatened with homelessness, regardless of priority need, as well as a new duty to relieve homelessness for all eligible applicants who are already homeless.

local housing authority. You are then able to continue with your procedures for the individual's circumstances.

It is up to the local housing authority to decide whether they inform the referring partner of actions taken or advice given. We understand that this would be very useful information for housing associations whose residents may be threatened with homelessness, and therefore recommend you work with your local housing authorities to develop local referral processes that work for all partners.

#### **4.5. What are Personalised Housing Plans?**

A Personalised Housing Plan will set out the steps an individual and the local housing authority should take for the individual to remain in or find suitable accommodation.

Examples of these steps include, but are not limited to:

- Mediation/conciliation.
- Accessing Discretionary Housing Payments.
- Providing support to access private rented accommodation.
- Helping people sleeping rough or at risk of sleeping rough secure an immediate place to stay.

Personalised Housing Plans should be realistic, taking into account local housing markets and the availability of relevant support services, as well as the applicant's individual needs and wishes. The plan must set out clearly which steps are mandatory and which are recommended.

Local housing authorities may take certain actions if an applicant deliberately and unreasonably refuses to cooperate with the key steps in their Personalised Housing Plan, but must take any difficulties the individual may have in cooperating into account.<sup>3</sup>

## **5. Tools to assist with referrals**

There are a number of resources available to help you learn more about the Duty to Refer and referrals:

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<sup>3</sup> See section 11 of the [Homelessness Code of Guidance](#).

- [Guidance for local housing authorities](#), published by the Local Government Association in October 2018.
- [Guidance for public authorities](#), published by DLUHC.
- You can also email your local housing authority at `dutytorefer@[insertlocalauthorityname].gov.uk`
- [ALERT](#) – a widely-used free tool for submitting and managing referrals. As a partner agency, housing associations can request ALERT. When beginning a referral, ALERT will tell you if the relevant local authority is participating. If not, you will have to use the local authority’s website to find out the process for referring in that area.

## 6. Data protection: UK GDPR and DPA 2018

### 6.1. Data processing

“Data processing” [means](#) taking any action with someone’s **personal data**. Data processing includes collecting data on someone, making changes to it, e.g. updating someone’s address or record, and sharing it or passing it on to others. In the case of the Commitment to Refer, this would apply to gathering information (personal data) about a tenant and sharing it with the local authority post-referral. A referral (sharing data) is also a type of data processing. Consent to a referral taking place is a different concept and it is explored in [section seven](#) below.

### 6.2. Lawful bases for data processing

Choosing a lawful basis for data processing is an important concept. To get the lawful basis for data processing right, organisations should seek to understand precisely what they are doing, and why, and to record that for accountability purposes. The Information Commissioner’s Office (ICO) recommends that organisations use the [lawful basis interactive guidance tool](#) on their website to identify the most appropriate lawful basis for their circumstances. The ICO also have extensive [guidance](#) on lawful bases for data processing. Please also refer to the [Guide to the UK General Data Protection Regulation \(UK GDPR\)](#).

Your organisation's own data protection practices will ultimately be your best guide on how you conduct your work and this guidance is not intended to supersede that.

Please refer to your own organisation's rules if you are unsure. Your Data Protection Officer (DPO) or other lead for data protection matters will be your first port of call.

### 6.3. Consent v legitimate interests

Because of the use of the word "consent" in the Duty to Refer guidance, many housing associations have used the same concept for data processing. We have explored below that this actually means agreement to a referral being made rather than consent to data being collected or processed, but the two concepts have been conflated.

This section talks about legal bases for data processing in relation to referrals, i.e. collecting and sharing the information that will be contained in the referral itself ([personal data](#)). The two main legal bases under discussion are consent and legitimate interests.

For consent to be valid as a lawful basis for processing personal data under data protection law, it has to be freely given and fully informed - and the individual must be able to withdraw it at any point. The ICO have produced [guidance on the lawful basis of consent](#) (aimed at individuals) that suggests that the concept of consent to data processing is problematic when there is an imbalance of power between the data subject and the data controller.

Given that the lawful basis of consent is problematic where there is an imbalance of power between the individual and the organisation, housing associations can explore other lawful bases for processing data that goes with referrals.

"Legitimate interests" is one lawful basis for data processing that some members have identified as being of potential use for referrals, as sharing the information to make the referral is clearly linked to their goals, e.g. to improve social justice and play their part in reducing homelessness. If an individual does not want to access the support of a local authority to prevent their becoming homeless, they can still refuse that support, so the referral is not imposing an outcome on them. Bromford explored this in greater detail in their [blog](#).

If you plan to use legitimate interests as the legal basis for data processing, work through the tests set out in the ICO guidance and discuss the matter with your Data Protection Officer (DPO) or other lead for data protection matters. Your DPO may ask you to complete a Data Protection Impact Assessment and / or a Legitimate Interests Assessment.

Your organisation's own data protection practices will ultimately be your best guide on how you conduct your work and this guidance is not intended to supersede that. Please refer to your own organisation's rules if you are unsure. Your Data Protection Officer (DPO) or other lead for data protection matters will be your first port of call.

#### 6.4. Share your experience

If your organisation is implementing these – or other - approaches, we would like to hear from you, to learn about successes and challenges so that we can provide more guidance on this in the future. Let us know at [homelessness@housing.org.uk](mailto:homelessness@housing.org.uk).

## 7. Consent

### 7.1. Consent to referral

The government Duty to Refer guidance requires consent to be given for the referral to the local authority: to the referral itself and to the disclosure of their contact details to a local housing authority.

The Duty to Refer [guidance](#) states that referrals cannot be made without the individual's consent (this is a requirement of section 10 - 213B.3.a of the Homelessness Reduction Act). Although the guidance refers to "consent", the legislation requires the "person to agree". This agreement is not the same as consent that may be required under the Data Protection Act 2018 for processing personal data. In short, consenting to a referral means agreeing (yes/no) to being referred to the local authority. It doesn't come with UK GDPR/DPA 2018 implications. Whether someone has said yes/no to a referral is not [personal data](#).

The DLUHC requirement that an individual consents to a referral does not mean 'consent' in the data protection sense, but in the more commonly understood meaning of consent that something is to happen – i.e. **that the referral takes place**. Whilst there is overlap and consent to data protection and agreement to the referral might happen or be done simultaneously, the two consents are not the same.

If, following receipt of a referral, a local housing authority requires further relevant information about a person being referred, then referral agencies can be expected to cooperate with all reasonable requests for information. Nevertheless, a person may have to consent for any additional information to be shared, depending on the approach to personal data processing being taken under the Data Protection Act 2018.

The Commitment to Refer is modelled on the Duty to Refer and requires individuals' consent (i.e. agreement) to be referred to the local authority (not in the sense of protecting their personal data but as an agreement that something will happen). This has caused some barriers for our members who have found that it is often difficult to obtain agreement from residents when (for example) they are experiencing a period of crisis or where the offer to refer them to the local authority comes from the same body (their landlord) who has potentially served them a notice of seeking possession.

Our members are keen to support their tenants and do not want to leave it to chance as to whether their tenants get assistance from the local authority or not. The Commitment to Refer in effect becomes a commitment to refer those who give their agreement only. It is not data protection law that impedes the referral, since a different lawful basis may be used to process the data, but the fact remains that the lack of consent (agreement) to the referral would prevent it.

We have made DLUHC aware of this. We also suggest ways to encourage tenant engagement below.

Where you have obtained agreement that the referral can happen but there is concern that a referral might fail without additional support, this could be identified through the referral information, and/or through further contact with the local housing authority to arrange an appointment for assessment.

## **7.2. Non-consent and non-engagement**

If the tenant has not consented to you making a referral, either through refusal or through non-engagement, the referral cannot normally take place. In this case, a housing association would continue with its usual processes. The person could be signposted to information and advice on housing options and their rights when homeless or threatened with homelessness (see [guidance from the LGA](#)). They could also be given the contact details of the local authority so that they have the tools they need if they choose to seek assistance themselves.

You may wish to record that you attempted to make a referral in order to demonstrate that you have pursued every possible option for supporting the individual/household to remain in their home.

Some responses to our member survey attributed non-engagement to client vulnerability or suggested that the point where a tenant is at risk of homelessness is

when they are least likely to want to engage with housing association staff, and this can make securing formal agreement problematic. During the coronavirus pandemic, we drew up a [briefing](#) on how housing associations had been updating their approaches to tenancy sustainment and income collection, which showed how person-centred, trauma informed approaches improved tenant engagement with housing officers. [Research](#) by the NHF, Placeshapers and whg also shows that a personalised approach to income collection encourages tenant engagement. This personalised approach could be an opportunity for landlords to explain to tenants their intentions in making a referral to the local authority, i.e. to provide support, and may encourage agreement to a referral.

We have heard from a number of organisations who are thinking about ways to maximise the possibility of consent being given. Some are considering developing a system whereby consent (agreement to a future referral) is obtained at the beginning of a tenancy, alongside the general tenancy agreement. Although the DLUHC guidance does not state that the consent for a referral should meet the same standards for consent as required by the Data Protection Act 2018, organisations may wish to use the same high standards relating to consent required by the Data Protection Act 2018 when obtaining the agreement for the referral. This would mean consent is freely given and fully informed and the individual must be able to withdraw it at any point. You should think about this carefully if this is the approach you wish to take. If this approach is used, it would be useful to explain carefully to tenants what a referral to the local authority would be for and how it would work.

This system is likely to be implemented through a separate form, which would ask if the tenant agrees to a referral being made in the unlikely event that they may be facing homelessness. The agreement should specify that giving consent has no effect on the tenancy as a whole, and would have to be renewed at the start of each new tenancy (i.e. when moving from a starter tenancy to a general tenancy). The tenant should be made aware of what giving consent means and that this will only be used in relation to the Commitment to Refer.

However, the ICO has recommended that housing associations seriously consider not using consent (agreement) as their lawful basis for referrals as the lawful basis of consent [isn't appropriate](#) where there is an imbalance of power between the individual and the organisation.

### **7.3. Consent to referral vs consent to data processing**

The DLUHC requirement that an individual consents to a referral does not mean ‘consent’ in the data protection sense, but in the more commonly meaning of consent that something is to happen – i.e. that the referral takes place. At the same time, there has to be a lawful basis for the data processing that happens during the referral and any other personal data processing (i.e. collecting personal details). However, whilst there is overlap and data protection consent and referral agreement might happen or be done simultaneously, the two consents are not the same.

## 7.4 Safeguarding

There may be referral cases where there could also be safeguarding implications. Safeguarding is the collective responsibility and process to protect the health, wellbeing and human rights of people at risk, enabling them to live safely, free from harm, abuse and neglect. See also the [Think Local, Act Personal's Care and Support Jargon Buster](#) definition.

You should not assume that in making a referral under the Commitment to Refer that any safeguarding concerns you might have will be picked up. You may decide that a separate safeguarding referral is also necessary. You can report a safeguarding concern to the social care arm of your local authority. Please familiarise yourself with the contact details / referral forms for each local authority.

The DLUHC Duty to Refer Guidance is clear that “referrals without consent may be made in order to safeguard children or vulnerable adults, in accordance with local procedures.” If safeguarding is a concern you should follow your own relevant safeguarding procedures.

## 8. Enhancing the Commitment to Refer

### 8.1. Enhanced partnerships and collaboration

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

For an example of how housing associations are supporting the Act, see Nacro’s [operational offer to local housing authorities](#) or [Bromford’s partnership approach](#). You can also contact either the NHF or your local Homelessness Advice and Support Team for support on building relationships with local housing authorities. See [this webpage](#) on working together to end homelessness for more.



Respondents to the survey on the Commitment to Refer who stated that they did not have any issues around implementing the Commitment to Refer specifically mentioned that they had very good working relationships with their local authority partners. In the same vein, the survey identified that challenges with implementing the Commitment to Refer were largely related to relationships with local authorities.

## 8.2. Keys to success identified in the member survey

Survey respondents identified key factors for making the Commitment to Refer successful:

- Internal:
  - Develop/update internal policies and practices so they are in line with the Commitment.
  - Develop internal knowledge of referral routes into different local authorities.
  - Train staff on the use and ethos of the Commitment to Refer.
  
- External:
  - Local authorities need more resources to deal with the referrals effectively.
  - Better communication from local authorities around the outcomes of referrals.
  - Clearer processes around how to make a referral to local authorities.
  - Promotion of the Commitment to Refer so local authorities are prepared for it.
  - More consistent referral practices between different local authorities.

In our submission to the government's Review of the Homelessness Reduction Act, we recommended that local authorities receive adequate funding to carry out their duties, the referral process be made more consistent and partnership working be facilitated. We are pleased to see that several of [our original recommendations are reflected in the government Review](#).

## 8.3. A Commitment to Collaborate?

In preparation for the Homelessness Reduction Act, many organisations lobbied for a Duty to Collaborate, rather than a Duty to Refer, meaning a duty to take steps to prevent homelessness.

This was reflected in [submissions to the government's 2019 call for evidence](#). In response, the government said that as there was no consensus amongst respondents about what a duty to collaborate would mean, it would not pursue it. However, it also said it recognised and shared the ambition behind the call for better joint working and would work with local authorities, public bodies and other government departments to improve joint working, including considering the scope for extending the Duty to Refer to other partners based on what is already being done as best practice.

Housing associations can take a leading role in improving partnership working. We would recommend considering how local partnerships work in your area in terms of reducing homelessness, and how they need to be strengthened from a housing association perspective. This [toolkit](#) from the West Midlands Combined Authority, or this [guidance](#) from the Local Government Association, which includes information on the Welsh Duty to Collaborate, can be helpful in doing this.

Respondents to the member survey on the Commitment to Refer recommended improving working relationships with local authorities as a way to enhance implementation of the Commitment to Refer. The Commitment to Refer can also act as a [catalyst for housing associations and local authorities to come together](#) and see what they could be doing jointly to prevent and tackle homelessness.

A commitment to collaborate was also one of the [Kerslake Commission recommendations](#):

*Housing associations are not public bodies, and therefore do not have a legal duty to address homelessness. However, housing associations do have a social responsibility, and an important role to play in the provision of secure and safe accommodation and support for people who are homeless or at risk of homelessness. The Commission recommends that the National Housing Federation, working with Homes for Cathy, continues to promote the positive work done by housing associations and **drives forward this commitment to collaborate with their members to prevent and relieve homelessness**. The Commission also recommends that the LGA continues to promote the benefits of local authorities and housing associations working together to develop solutions and longer-term strategies.*

This recommendation is for an informal commitment to collaborate and is not prescriptive about what form that collaboration should take, and so recognises the different contexts housing associations and local authorities are working in and the flexibility they need to work together to end homelessness.

It is also worth noting that partnership working was key in addressing homelessness and coronavirus<sup>4</sup> and was a key part of [rehousing rough sleepers](#).

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<sup>4</sup> <https://www.housing.org.uk/resources/partnership-working-to-house-people-in-urgent-need/>  
<https://www.housing.org.uk/news-and-blogs/blogs/jon-lord/collaboration-in-hardest-times/>  
<https://www.housing.org.uk/news-and-blogs/blogs/steve-benson/working-in-partnership-to-rehouse-rough-sleepers/>

See also <http://meam.org.uk/2020/06/11/flexible-responses-during-the-coronavirus-crisis/>  
<http://meam.org.uk/2020/10/06/partnerships-self-assessment-tool/>