

Commitment to Refer

Guidance for Housing Associations

3 January 2020

This guidance is designed to give housing associations the tools to implement the Commitment to Refer. It is structured into eight parts:

1. [The Homelessness Reduction Act](#)
2. [The Commitment to Refer](#)
3. [How the Commitment to Refer works](#)
4. [Consent and GDPR](#)
5. [Measuring impact nationally](#)
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Please note, an earlier version of this document was published as a Q&A 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, get in touch with us via homelessness@housing.org.uk.

1. 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. 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 Prevent homelessness for all eligible applicants threatened with homelessness, regardless of priority need
- a new Duty 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.

Since 2017, [£72.7m has been allocated](#) to local housing authorities to carry out these new duties. The Act will be reviewed in 2020.

Many local authorities are working with limited budgets so need all partners 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. The Commitment to Refer

Housing associations are not named on the [list of public bodies](#) bound by the Duty to Refer. However, as so many of the Federation’s members are keen to support the implementation of the Act, we have worked with the Ministry of Housing, Communities and Local Government (MHCLG) 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 and particularly the Duty 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 more opportunities for housing associations to go beyond the commitment and consider homelessness more broadly, which [we have detailed in section seven](#).

2.1 Why is the Commitment Significant?

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

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

We understand a lot of 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 Federation 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 seven.](#)

“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, Group Chief Executive of WM Housing

2.2 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, many 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 in this guidance in the referral section below – i.e. a referral can be made with the consent of the individual.

3. How the Commitment to Refer works

3.1 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:

- 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
- tenant leaving temporary or move-on accommodation
- tenant facing court proceedings for eviction.

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

While each housing association will have its own process for identifying tenants who are struggling, 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 campaign](#). The Money and Mental Health Policy Institute also has [advice on mental health and rent arrears](#).

3.2 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 this 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](#).

3.3 The procedure for referrals

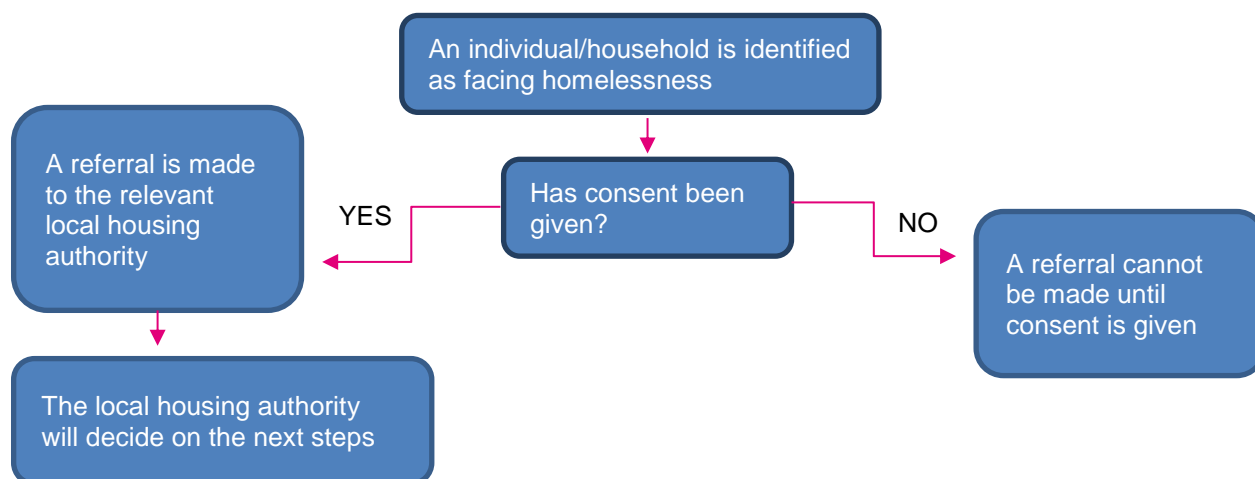
This section outlines the procedure for the Duty to Refer, as designed for the public authorities who are bound by the duty. The Commitment to Refer follows the same steps to ensure that local housing authorities can easily process both statutory and voluntary referrals.

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. MHCLG 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:

1. **Obtain consent** from the individual/household to make the referral. They must understand that the local housing authority will contact them as a result of the referral being made. You cannot make a referral without consent.
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.¹ 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). 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.

It is important to note that a specific format or method for making referral 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. The diagram below outlines the standard process.



3.4 What happens after a referral is made?

After submitting 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 local housing authority to act on the referral. If you have not heard anything, you are welcome to contact the local housing authority.

¹ You may also refer to Scotland or Wales but local housing authorities there are under no obligation to accept the referral.

The local housing authority will decide whether or not to accept the referral. Anyone who is found to be homeless or threatened with homelessness is supported under the Duty to Prevent or Duty to Relieve,² and the local housing authority will contact the individual/household to conduct an assessment of their case. 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, they should still receive advice from the 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.

3.5 What are Personalised Housing Plans?

A Personalised Housing Plan will set out the steps an individual and the local housing authority must 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 to secure an immediate safe place to stay for people who are sleeping rough or at high risk of sleeping rough.

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 cooperation into account.³

² 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.

³ See section 11 of the [Homelessness Code of Guidance](#).

3.6 Non-consent and non-engagement

If the tenant has not authorised consent for you to make a referral, either through refusal or through non-engagement, the referral cannot take place. In this case, a housing association would continue with its usual processes.

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.

Where you have obtained consent 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.

We have heard of 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 is obtained at the beginning of a tenancy, alongside the general tenancy agreement.

This would be through a separate form, which asks if the tenant agrees to a referral being made in the unlikely event that they may be facing homelessness. The agreement would have to 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 consent form should make it clear consent can be withdrawn at any time. The tenant should be made clear of what giving consent means and that this data will only be used in relation to the Commitment to Refer.

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 by emailing homelessness@housing.org.uk.

Of course, 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 supplant that. Please refer to your own organisations' rules if you are unsure.

3.7 Safeguarding

Referrals without consent may be made in order to safeguard children or vulnerable adults, in accordance with local safeguarding procedures.

There may be referral cases where there could also be safeguarding implications. You should not assume that in making a referral under the Commitment to Refer, any safeguarding concerns you might have will be picked up. You may decide that a separate safeguarding referral is also necessary.

4. Consent and GDPR

As you must obtain consent from the individual, this makes the process GDPR compliant. The GDPR is also clear about data sharing when it is in the public interest. Please see the Government [GDPR](#)

[guidance](#) for information on this issue. Consent does not have to be written, but you may wish to obtain written consent for your own records.

Your organisation is welcome to monitor the number of referrals and subsequent outcomes in order to measure success and to influence how local referral processes may be improved in the future. Data can be kept in this instance but all personal details of the tenant, such as their full name, should be removed.

5. Measuring national impact

MHCLG is collecting data from local housing authorities on referrals. As this analysis will not be able to drill down to whether or not a housing association made the referral, the Federation will be collecting data on the Commitment to Refer on a bi-annual basis as part of our Universal Credit survey. This will ask questions about the number of attempted referrals, successful referrals, and outcomes.

To receive this survey, please select 'homelessness' or 'welfare reform' under [the email updates section of our website](#).

6. Tools to assist with referrals

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

- [Guidance for local housing authorities](#), published by the Local Government Association in October 2018.
- [Guidance for public authorities](#), published by MHCLG.
- You can also email your local housing authority at dutytorefer@insertlocalauthorityname.gov.uk
- [ALERT](#) – a free tool for submitting and managing referrals. Over 150 local housing authorities are currently using ALERT and the number is expected to grow. As a partner agency, housing associations can [request ALERT here](#). 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.

7. What you can do to support the Act

7.1 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.

Once you've signed up we'll email you with a copy of the Commitment to Refer logo so you can display your commitment if you so wish.



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
- working with the Federation's [Halting Homelessness innovation team](#) who are looking into how we can ensure a better use of data in eviction prevention
- designing an operational response to the Homelessness Reduction Act, such as this [example from Nacro](#).

7.2 Encourage other organisations to sign up to the Commitment to Refer

Every housing association that signs up receives infographics 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.

"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, Chair of Greater Manchester Housing Providers

7.3 Share your success

In October 2019, the Federation 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 out "the right message" around homelessness and is a good way to demonstrate an organisations' commitment to preventing homelessness

- 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 the day of eviction).

46% of respondents felt that the Commitment to Refer had prevented cases of homelessness.

It would be helpful if you could spread the message to 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.

7.4 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.

7.5 Development of personalised housing plans

Each local housing authority is developing 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.

7.6 Enhanced partnerships and collaboration

The 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 a housing association is supporting the Act, see Nacro's [operational offer to local housing authorities](#).

You can also contact either the Federation or your local Homelessness Advice and Support Team for support on building relationships with local housing authorities.

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 a very good working relationships with their local authority partners.

8. A Duty to Cooperate?

In the development of the Homelessness Reduction Act many organisations lobbied for a stronger Duty to Cooperate, rather than a Duty to Refer. This would mean a duty on public bodies to take active steps to prevent an individual/household's homelessness.

With the review of the Act in 2020, we may see the Duty to Refer strengthened in this vein. We would therefore 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.

If you have any comments about this, or anything you are welcome to get in touch with us via homelessness@housing.org.uk.