

Commitment to Refer

Guidance for housing associations

14 December 2020

Summary

The Commitment to Refer is a voluntary housing association commitment to refer residents to a local authority if they are homeless or threatened with homelessness. After the Homelessness Reduction Act came into force in 2018, new legal duties were placed on English local authorities, and some public bodies, to enable anyone who is homeless or at risk of homelessness to be able to access meaningful help, regardless of their priority need status.

Although housing associations are not bound by any of the duties in the Act, many National Housing Federation (NHF) members are keen to support the implementation of the Act. In response, we developed the Commitment to Refer with the Ministry of Housing, Communities and Local Government (MHCLG), which supports the aims of the Homelessness Reduction Act and in particular the Duty to Refer.

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. [The Commitment to Refer](#)
3. [How the Commitment to Refer works](#)
4. [Consent and GDPR](#)
5. [Tools to assist with referrals](#)
6. [What you can do to support the Homeless Reduction Act](#)
7. [Enhancing the Commitment to Refer](#)

Please note, this is the latest update of the guidance, and provides more detail and responds to member queries so we recommend this version is used. If you have additional questions, comments or suggestions, please 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.

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. The Commitment to Refer

Housing associations are not included on the [list of public bodies](#) bound by the Duty to Refer. However, as so many NHF members are keen to support the

implementation of the Act, we have worked with the 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.

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 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 to Refer 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.

“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

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 seven](#).

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 \(DAHA\)](#) 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](#).

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 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

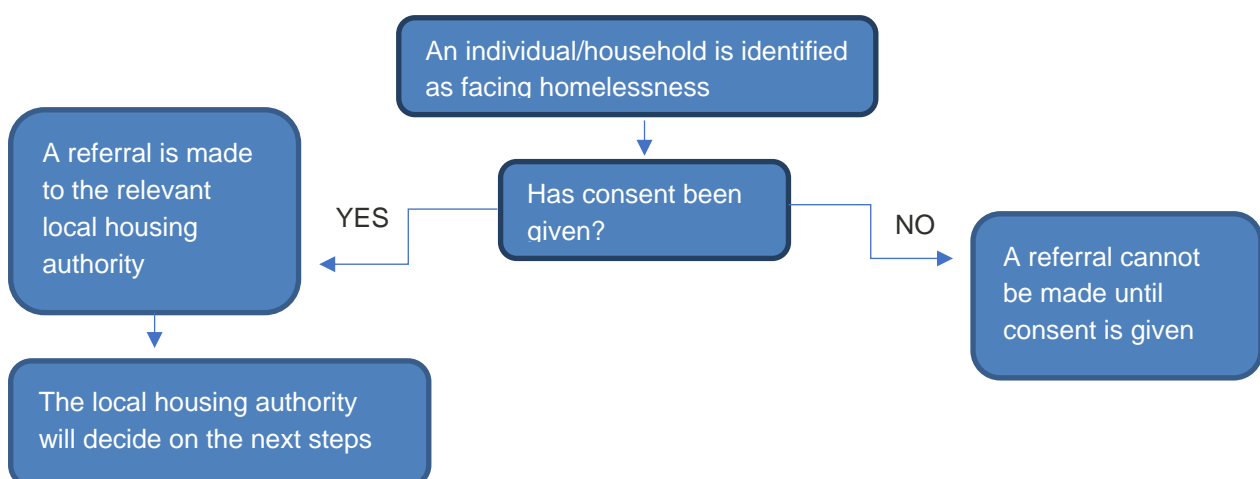
This section outlines the procedure for the Duty to Refer, as designed for the public authorities who are bound by it. The Commitment to Refer follows the same steps to ensure that local housing authorities can easily process both statutory and voluntary referrals.

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 a [sample 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 connection¹. If they have no preference, you may make an informed decision on which local housing authority to refer.
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.



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

3.4 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 found to be homeless or threatened with homelessness is supported under the Prevention Duty or Relief Duty², 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, 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 should take for the individual to remain in or find suitable accommodation.

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

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.

- 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.³

4. Consent and GDPR

As you must obtain consent from the individual, this makes the process GDPR compliant. The GDPR permits data sharing when it is in the public interest. Please see [the government's 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.

4.1 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.

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

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 aware of what giving consent means and that this data will only be used in relation to the Commitment to Refer.

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 written client consent problematic. During the coronavirus pandemic, we wrote 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. This approach could also be useful in gaining tenant consent in the referral process.

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 supersede that. Please refer to your own organisation's rules if you are unsure.

4.2 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 that any safeguarding concerns you might have will be picked up. You may decide that a separate safeguarding referral is also necessary.

5. 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 widely-used free tool for submitting and managing referrals. As a partner agency, [housing associations can also 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. What you can do to support the Homelessness Reduction Act

6.1 Sign up to the Commitment to Refer

If your organisation has not yet signed up to the Commitment to Refer, it is not too late to do so. Just email your name, job title and organisation to homelessness@housing.org.uk.

Once you have signed up, we will email you with a copy of the Commitment to Refer logo so you can display your commitment if you so wish.



If you are 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](#).
- Designing an operational response to the Act, such as [this example from Nacro](#).

6.2 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.

6.3 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.
- 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.

“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

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 that it 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.

6.4 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 has not 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.

6.5 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.

6.6 Enhanced partnerships and collaborations

The Act provides new opportunities to build impactful local relationships and could enhance collaborative working between housing associations and local housing authorities. The Act also encourages partnership across agencies and is 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 NHF 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 very good working relationships with their local authority partners. In the same vein, our survey identified that challenges with implementing the Commitment to Refer were largely related to relationships with local authorities.

7. Enhancing the Commitment to Refer

7.1 A Duty to Cooperate?

In preparation for the Homelessness Reduction Act, many organisations lobbied for a Duty to Cooperate, 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 cooperate 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.

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.

It is worth noting that partnership working was key in addressing homelessness and coronavirus⁴.

7.2 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.

⁴ <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/>

- 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.
- More consistent referral practices between different local authorities.

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