

The Duty to Refer (agencies only)

Information for agencies and partners about the duty to refer homeless households to the Council and how to make a referral.

Public authorities have a statutory duty to refer service users who they think may be homeless or threatened with homelessness to local authority homelessness/housing options teams. This duty is effective from 1 October 2018.

This guidance is designed for those working in a specified public authority, which is subject to the duty to refer, however any agency can make a referral to the Council.

How to Refer

1. Through our Portal - <https://hpa2.org/refer/BURNLEY>
2. By email: dutytorefer@burnley.gov.uk

Please provide as much information to us as possible as this helps us to identify what help we can give to the person you have referred. As a minimum we need the service user's name, contact details and the reason for the referral.

Once we receive the referral, we will contact the person referred to get more information. We may also contact the referring agency.

Requirements of the duty to refer

The new duty requires the specified public authorities to identify and refer a service user who is homeless or may be threatened with homelessness, to a local housing authority of the service user's choice.

The service user must consent to the referral being made. The consent can be made in writing or given orally.

Identifying when a referral might be required

Staff in public authorities will usually know if a service user is sleeping rough and therefore actually homeless. They may also become aware of service users who are 'sofa surfers' if they provide 'care of' addresses or frequently change their address.

Identifying that a family, couple or individual is threatened with homelessness is less straight forward. The following are factors that would indicate that a service user may be threatened with homelessness and should be asked about their housing circumstances:

- problems with debt, particularly rent or mortgage arrears
- problems with a landlord, being threatened with eviction or served notice to leave
- being a victim of domestic abuse, or other forms of violence, threats or intimidation
- approaching discharge from hospital, armed forces or release from custody, with no accommodation available to them

Choosing which local authority to refer to.

Service users can choose which local housing authority they are referred to. However, when discussing the referral and offering guidance please be aware that a

local authority owes more duties towards homeless applicants who have a local connection with their area.

If a person asks to be referred to a Council where they do not have a local connection to, then it is very likely that they will be referred onto a local authority where they do have a local connection.

In general, a person is likely to have a local connection to an area if they live or have lived there, work there or have a close family connection. However, a service user should not be referred to an area where they would be at risk of violence.

Care leavers aged 18-21 will have a local connection with the local authority that looked after them and to any area where they have been placed in accommodation for at least 2 years, including a period before their 16th birthday.

Obtaining consent

A referral cannot be made without the service user's consent. Those working with a service user they consider ought to be referred should ensure that the service user understands the purpose of the referral, and consents to information and contact details being passed on to the local housing authority.

Further Information

For more detailed information and answers to some frequently asked questions please visit the [Gov.uk website](#)