

Kent & Medway Homelessness Duty to Refer Protocol

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Working in partnership

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1 Aims of protocol

The Homelessness Reduction Act 2017 calls for new referral and joint working arrangements between housing authorities and other public sector authorities in the prevention and relief of homelessness. The Ministry of Housing, Communities and Local Government have published the Homelessness Code of Guidance, a document for local authorities that provides guidance about how they should exercise their homelessness functions in accordance with the Homelessness Reduction Act 2017.

This protocol sets out how local authorities within Kent and Medway, and public authorities operating in the local areas will work together to prevent homelessness; it also sets out the procedures to be followed in making referrals of individuals identified as being homeless or at risk of homelessness.

2 Background

The [Homelessness Reduction Act 2017](#) came into force on 3 April 2018 and significantly reformed homelessness legislation by placing duties on local authorities to intervene at earlier stages to prevent homelessness in their areas. It requires housing authorities to provide homelessness services to all those affected, not just those who have 'priority need'. These include:

- a) an enhanced prevention duty extending the period a household is threatened with homelessness from 28 days to 56 days, meaning that housing authorities are required to work with people to prevent homelessness at an earlier stage; and
- b) a new duty for those who are already homeless so that housing authorities will support households for 56 days to relieve their homelessness by helping them to secure accommodation.

As a result of the Act, housing authorities have the following duties:

- to carry out an assessment in all cases where an eligible applicant (regardless of priority need status, intentionality and whether they have a local connection) is homeless or threatened with homelessness
- to identify any support needed by the person to enable them to secure and retain accommodation and to work with them to develop a personal housing plan which will include actions (or 'reasonable steps') to be taken by the authority and the applicant to try and prevent or relieve homelessness e.g. by helping them to stay in their current accommodation or helping them to find a new place to live before they become actually homeless
- to take reasonable steps to help the applicant to secure accommodation if the applicant is already homeless, or becomes homeless despite activity during the prevention stage.

If homelessness is not successfully prevented or relieved, a housing authority will owe the main housing duty to applicants who are eligible, have a priority need for accommodation and are not homeless intentionally, i.e. to ensure that suitable accommodation is available for the applicant and their household until the duty is brought to an end, usually through the offer of a settled home.

The Act also introduced a duty on certain public authorities to refer service users who they think may be homeless or threatened with homelessness to a housing authority. The public services included in the duty are as follows:

- a. prisons;
- b. youth offender institutions;
- c. secure training centres;
- d. secure colleges;
- e. youth offending teams;
- f. probation services (including community rehabilitation companies);
- g. Jobcentre Plus;
- h. social service authorities;
- i. emergency departments;
- j. urgent treatment centres; and,
- k. hospitals in their function of providing inpatient care.

The Secretary of State for Defence is also subject to the duty to refer in relation to members of the regular forces. The regular forces are the Royal Navy, the Royal Marines, the regular Army and the Royal Air Force.

Local housing authorities are responsible for setting up local procedures for managing referrals from public authorities and establishing effective partnerships and working arrangements in their local areas.

This document sets out the joint working and referral arrangements that local authorities in Kent & Medway have agreed with other public authorities. The parties to the protocol are united in their commitment to developing an effective, shared approach to preventing and tackling homelessness in Kent & Medway. The approach is based upon good communication, sharing information in accordance with GDPR legislation, early identification and referral of individuals identified as being homeless or at risk of homelessness, all in a timely and joined up action.

3 Underlying principles

The Homelessness Reduction Act places responsibilities on both housing authorities and other public agencies in managing referrals of individuals who are homeless or at risk of homelessness. The Homelessness Code of Guidance,

as referred to in paragraph 1 provides guidance on devising a referral procedure.

This includes:

- the individual must give consent before a referral is made to the housing authority
- the individual is allowed to select the housing authority to which a referral is made
- referrals should provide details of the individual's name, contact details, and reason for referral, subject to the individual's consent
- the procedure should be decided by service partners in each local area and tailored to the role and functions of each authority
- joint working arrangements should be established to maximise positive outcomes, especially for people sleeping rough or at risk of sleeping rough, and service users with complex or multiple needs
- the focus should be on the earliest possible identification of people at risk of homelessness
- Local Authorities should store information received from the referring authority to use in its assessment and personal housing plan.
- having a single point of contact for public authority referrals, which should be widely publicised
- housing authorities should inform public authorities with a duty to refer of how they will respond to a referral

A. Referral process

Public authorities should notify the chosen local authority (see point B below) of any service user considered to be homeless or at risk of homelessness. Notification of a referral is by the completion of the agreed referral form, which is on line on each local authority's website (see list in appendix 1). This referral form must be completed with the consent of the individual who has been identified homeless or at risk of homelessness.

The referral form includes the following details: name, contact details, agreed reason for referral, if the person is homeless or if and when they are likely to become homeless, if they are at imminent risk of rough sleeping, a risk assessment, and key medical information.

Completed referral forms should be emailed to the local authority the individual wishes to approach. A response acknowledging receipt of the referral will be provided within two working days. In urgent cases (where homelessness is imminent within two days), email of the referral form should be followed up by a phone call to the duty number for the local authority where the approach is being made. (See appendix 1)

B. Choice of housing authority

The individual can choose which local housing authority they would like the referral made to. Wherever possible, the public authority should advise the individual to seek assistance from the most relevant housing authority (i.e. the one where they have a local connection to, unless it is not safe for them to return to that area).

The following situations satisfy a local connection. If the individual has more than one local connection, they could approach the local authority where they would like to live.

Living in an area

They will have a local connection if they have lived in a council area for at least:

- 6 out of the last 12 months
- 3 out of the last 5 years

Staying in emergency housing or a refuge counts. Time spent in prison or hospital does not count.

Working in an area

They will have a local connection if they are working or self-employed in a council area.

Close family in the area

They have a local connection if any of the following family members have lived in a council area for at least 5 years:

- parents
- adult children
- brothers and sisters

The council might accept a local connection based on other family members. For example, if the individual was raised by another relative and they remain in close contact.

Care leavers

A care leaver will have a local connection if they are under 21 and were previously in care in the area for at least 2 years (even if placed there by another council).

A care leaver will also have a local connection if they are under 25 and they get advice and support from Children Services under a 'pathway plan'. If the pathway plan is provided by a Kent County Council, then a care leaver will have a local connection to every local housing department in Kent. If the pathway plan is provided by Medway Council, they will have a local connection to Medway Council.

Refugee status or humanitarian protection

There will be a local connection to the last council area the individual was housed in by the Home Office under asylum support, the time of residence is irrelevant.

Special reasons

A local housing authority can consider a local connection for a special reason such as:

- a need to live in the area to receive specialist health care
- very important social connections with the area

Although local housing authorities must apply the prevention duty to anyone that approaches them, regardless of whether they have a local connection, local connection arrangements still apply if the local housing authority owes the main homelessness duty, i.e. to provide accommodation. If this is the case and there is no local connection to the local housing authority that accepted the original referral, they would be transferred to the local housing authority with which they have a local connection.

C. Making early referrals

Some public authorities have relationships with service users which will enable them to identify a risk of homelessness at an early stage. In these cases, the public authority should ensure that a referral is made to a chosen local authority as soon as a likelihood of homelessness becomes apparent, to enable the best opportunity for a solution to be found that prevents homelessness. An example of this would apply to individuals due to be released from prison, who ideally should be referred in advance of their release date. Another example is a patient discharge from hospital, again ideally the public authority should make the referral as soon as it is known the patient has no suitable home to be discharged to.

D. Response to referrals

When a referral is received by the local housing authority, it will be dealt with by the Housing Options Team. Response to a referral should be within two days, contacting the individual using the contact details provided in the referral form. If it is not possible to make contact with the individual information on how the individual can access advice and assistance (e.g. on the local authorities' website or by visiting the Council Offices or Gateway) will be shared via a phone call or email.

If there is reason to believe the individual is homeless or threatened with homelessness within 56 days, this will trigger a homeless application. The local housing authority has a duty to assess their needs and will work with them to develop a Personal Housing Plan (PHPs). If the local housing authority is satisfied the applicant is eligible and homeless, threatened within 56 days or has received a valid Section 21 notice requiring possession, the local housing authority would be subject to the Prevention or Relief duty.

E. Data sharing

All Personal Housing Plans agreed by the local housing authority will include a data sharing consent clause as standard, this will enable early notification and sharing of data from the PHPs with the referring public authority and potentially other public authorities who are working with the individual.

F. Rough sleeping

Any individual identified by a public authority as sleeping rough, or at risk of sleeping rough should be referred to the local housing authority using the referral process and form, in addition contact should be made to that local housing authority to ensure a prompt and joined up response is undertaken. Where the local housing authority assesses that the individual is at risk of sleeping rough, or is already sleeping rough they will provide triage and respond accordingly, dependant on the local housing authorities rough sleeping procedures.

H. Joint working

6 Review

For some service users, who may have complex or multiple needs, the best approach will involve the joint efforts of the local housing authority and public authorities. In some cases, public authorities will also have duties to provide accommodation, as well as advice and support (e.g. under the Children Act 1989 and the Care Act 2014). Where the local housing authority believes another public authority has the primary responsibility for housing the individual, it will make a referral, share information and work closely with the public authority to ensure homelessness is prevented.

4 Training

The protocol needs to be underpinned by appropriate training and development of staff.

Signatories accept that:

- all existing relevant staff will be briefed on the protocol and will receive training in understanding and responding to vulnerability
- all newly appointed relevant staff will be briefed on the protocol and will receive training in understanding and responding to vulnerability as part of their induction training.

5 List of parties

The public services that are included in this protocol are as follows:

Local Authorities	Public Authorities
Ashford Borough Council	HM prisons
Canterbury City Council	Youth Offender Institutions
Dartford Borough Council	Secure Training Centres
Dover District Council	Secure Colleges
Folkestone & Hythe District Council	Youth Offending Teams
Gravesham Borough Council	Probation Services (incl CRCs)
Maidstone Borough Council	Job Centre Plus
Medway Council	Social Services Authorities
Sevenoaks District Council	Emergency Departments
Swale Borough Council	Urgent Treatment Centres
Thanet District Council	Hospitals (Inpatient Care Function)
Tonbridge & Malling Borough Council	
Tunbridge Wells Borough Council	

This protocol will be reviewed in September 2021.

