



CITY OF  
*Lincoln*  
COUNCIL



## **Lincolnshire Duty to Refer Protocol**

The Homelessness Reduction Act 2017 gives certain public authorities a statutory duty to refer service users they believe to be homeless or threatened with homelessness (within 56 days) to the local housing authority. Although the duty only applies to certain public bodies, in order to effectively prevent and relieve homelessness, it is important that ALL partner agencies are willing to refer service users, and each district council will welcome those referrals.

The statutory duty became effective on 1st October 2018.

Under the Homelessness Code of Guidance, a person is 'threatened with homelessness' if they:

- Are likely to become homeless within 56 days

Under the Homelessness Code of Guidance, a person is homeless if:

- They have no accommodation in the UK or elsewhere which is available for their occupation and which that person has a legal right to occupy
- They have accommodation but cannot secure entry to it, or the accommodation is a moveable structure, vehicle or vessel designed or adapted for human habitation and there is nowhere it can lawfully be placed in order to provide accommodation
- they have accommodation but it would not be reasonable for them to continue to occupy that accommodation

This is not an exhaustive list but if you are unsure if an applicant is homeless or threatened with homelessness, please contact the relevant Local Authority before a referral is sent.

Please note: A referral is not a statutory homelessness application

### **Before making a referral, the agency must:**

- Have consent to the referral from the person(s) being referred
- Allow the individual to identify the housing authority in England to which they would like to be referred
- Have consent that the service user's contact details can be given so the housing authority can contact them regarding the referral

### **You will need:**

- Details for the service user, including their preferred method of contact

- To confirm that you have consent to the referral from the person(s) being referred

### **How to Make a Referral**

Please follow the guidelines on each Lincolnshire district council website where you will find the ALERT portal. This portal is a computer system designed to accept and manage referrals.

ALERT is not monitored outside normal working hours and so for anyone who is homeless on the day of referral outside standard office hours, contact must also be made to the relevant district council's out of hours service (details can be found on each website).

### **What the Lincolnshire District Councils will do:**

Once a referral has been made:

#### **We will:**

- Upon receipt of a referral, contact the service user if not already an open case and, if appropriate, arrange and complete a housing options interview.
  - Each case will be triaged within 5 working days or sooner if they will become homeless before the 5<sup>th</sup> day.
- Provide relevant and appropriate advice and assistance to help the service user prevent or relieve their homelessness
- Provide the service user and agency worker/advocate, if applicable and in accordance with the relevant GDPR approvals, with a personalised housing plan identifying what the service user, the district council and any other agency should do to help resolve the housing situation.
- Provide the service user with a letter advising what, if any, housing duty is owed to them.
- Assist the service user to make a housing register application, if applicable.
- Make referrals to other organisations, where relevant, that might be able to assist with any housing related issues such as support to manage a tenancy, rent arrears, budgeting or hoarding.
- Encourage the service user to actively work with agencies, where relevant, to manage any health and wellbeing related issues such as addiction or mental ill health.
- Where required, assist the service user to obtain suitable accommodation in either social housing including extra care housing, private sector, hostel type accommodation, refuge or supported accommodation.
- Keep the referral agency updated on progress.
- Listen to the professionals involved and will not presume or make assumptions about the type of accommodation that might be suitable for the individual.

- Refer any person who is street homeless and is either not in priority need or is not eligible for housing to the relevant Rough Sleeping Service and work in partnership to try and resolve the housing issue.
- Liaise with the Department for Work and Pensions (DWP)/Housing Benefit department, where applicable, to ensure the rent is being paid.

### **Agencies Making Referrals Should:**

- Use the ALERT portal to ensure all information is gathered for the referral. This allows for secure information exchange, safe storage and a full audit trail, together with tracking opportunities for the district council.
- Gain consent from the service user(s) for the referral to be made. If consent is not given please see below 'What we cannot do' section.
- Ensure the agency worker involved with the service user(s) is available for meetings and to provide relevant information to best support the applicant.

### **Why we work in this way:**

- To work with service users at an earlier date to increase the opportunities to prevent or relieve homelessness.
- To build close working relationships with agencies to assist with homeless prevention and relief.
- To reduce the risk of safeguarding issues and concerns relating to homeless families and vulnerable adults.

### **Referring agencies**

The following are public authorities with a statutory Duty to Refer:

- Prisons (public and contracted out)
- Youth Offender Institutions and Youth Offending Teams
- Secure training centres (public and contracted out) and colleges
- Probation services (Community Rehabilitation Companies and National Probation Service)
- Jobcentre Plus
- Accident and emergency services provided in a hospital
- Urgent treatment centres, and hospitals in their capacity of providing in-patient treatment
- Social Service authorities (both adult and children)

**Details for statutory referring agencies responsibilities are in the appendices.**

## **Safeguarding**

### Mental Capacity

The safeguarding procedure needs to be followed. Consent must be given for Duty to Refer and the person needs to have mental capacity to make a homelessness application.

### Looked After Children under 18yrs

This will not fall under Duty to Refer. Lincolnshire County Council (LCC) has a duty to accommodate these young people. If the Young Person is to be placed with a family member and this accommodation is unsuitable, the District/Borough Council will support LCC to rehouse the family and keep the young person in placement with that person.

### Youth Homelessness - 16/17yr olds (Not Looked After Children)

The Youth Homelessness Protocol should be followed and an Early Help Assessment for Children Services completed. Duty to Refer still applies under these circumstances and Lincolnshire district councils will work with LCC as a core partner to prevent and relieve homelessness. Where LCC needs to make a DTR referral to a district council, the ALERT system should be used.

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

### **Review and monitoring**

This Protocol will be reviewed in 12 months to resolve any referral problems.

## **Appendices**

All agencies should be aware that the information provided in this leaflet is in summary form only. More detailed information may be available within your organisation's own literature and this should be checked and followed where appropriate.

### **Appendix 1: Referrals between Local Authorities in Lincolnshire**

We acknowledge that there are occasions where households will either not understand which authority they should present to, present to more than one authority or have a local connection to more than one. In order to smooth the customer journey and ensure collaboration between local authorities in Lincolnshire we will work to the following principles:

#### **1 Presentations**

Upon receipt of a presentation from an applicant who is either claiming to be homeless or with a threat of homelessness within 56 days we will complete an initial housing options interview to establish the required eligibility, threat or actual homelessness, reasons, factors for priority need and local connections.

#### **2 Prevention Duty**

Regardless of whether they have a local connection to them, the LA will assist the applicant as per their wishes ie: initial housing advice/housing assessment & Personalised Housing Plan, to prevent homelessness. However, the LA will make it clear that should the application result in a Relief/Full duty application then a subsequent referral will be made to where the applicant holds an established local connection.

#### **3 Relief Duty with No Local Connection**

Enquiries will be made to establish where a local connection exists using the criteria as stipulated within the code of guidance.

If there is a need to place the applicant in interim accommodation, this too will be done by that Authority until any S198 referral has been formally accepted by the receiving authority.

If a local connection can be established, the LA will telephone the relevant LA to advise of intended s198 referral, followed by a full referral. The Authority with whom the applicant has a local connection will formally respond within 2 Working Days, and agree next steps for the customer if already in interim accommodation.

#### **4 Relief Duty with a Dual Local Connection**

Enquiries will be made to confirm, not just assume, local connections and discussions undertaken with the applicant to establish their preferred area and reasons for that preference to aid the discussion between authorities.

Should the applicant have presented to one LA but prefer a location within a neighbouring district and the local connection has been confirmed, the LA will

telephone the relevant LA to discuss options and notify and advise the details of the applicant to establish housing options in the area and to assess the needs of the applicant and whether suitable accommodation options may be a possibility, so that expectations of the customer can be managed.

Where an applicant is provided with advice and does not wish pursue an application but would prefer to approach a neighbouring Authority, the receiving LA will complete a Duty to Refer via the Alert Portal and forward to the relevant Authority, providing all relevant details and confirming the outcome of the Options interview and the wishes of the applicant.

#### **5 Relief Duty, Dual Local Connections AND immediate need for Interim accommodation**

Having due regard to section 4 and consideration of dispersed locations of Lincolnshire, where there is insufficient time to facilitate this between local authorities we will work together to establish suitable interim arrangements for the applicant, until the next working day when they can present to the desired LA to make a formal, homeless presentation. The initial LA will telephone the preferred LA on the applicant's behalf and request emergency accommodation.

The initial LA will assist in the completion of any required paperwork on behalf of the other LA. This may include: taking copies of documents, completion of appropriate licences, passing on of letters and explanations of those letters.

The LA with the duty for the applicant will be responsible for payment of any TA secured, not the LA assisting.

The applicant will be advised of all factors relating to the provision of interim accommodation, including responsibilities and consequence of losing that accommodation and advised on the steps they are required to take the next working day.

Our aim is that by working together, no applicant will leave their first housing options appointment without full details being taken, appropriate advice and assistance given with a clear understanding of what happens next.

#### **6 Temporary Accommodation Placements out of area**

On occasions local authorities have no alternative but to place a household outside their district boundaries. In accordance with statutory guidance, that local authority will notify the local authority for where the placement has been made. In Lincolnshire we have agreed this will be done by email as follows:

Details should include:

- i) Household details – Names & dates of birth
- ii) Details of placement – location
- iii) Reason for placement
- iv) Duration of placement if known or report as undetermined

Boston	<a href="mailto:housing.dept@boston.gov.uk">housing.dept@boston.gov.uk</a>
East Lindsey	<a href="mailto:dutytorefer@e-lindsey.gov.uk">dutytorefer@e-lindsey.gov.uk</a>
Lincoln	<a href="mailto:dutytorefer@lincoln.gov.uk">dutytorefer@lincoln.gov.uk</a>
North Kesteven	<a href="mailto:housingoptions@n-kesteven.gov.uk">housingoptions@n-kesteven.gov.uk</a>
South Holland	<a href="mailto:dutytorefer@sholland.gov.uk">dutytorefer@sholland.gov.uk</a>
South Kesteven	<a href="mailto:dutytorefer@southkesteven.gov.uk">dutytorefer@southkesteven.gov.uk</a>
West Lindsey	<a href="mailto:home.choices@west-lindsey.gov.uk">home.choices@west-lindsey.gov.uk</a>

## **Appendix 2: HMP Lincoln Lincolnshire Action Trust (LAT) and Shelter**

### **LAT SPARC+ (reception/court service)**

We will:

- Alert the prison resettlement team (Shelter) to anyone who arrives in custody due for release within 56 days and identifies themselves as homeless. This will be done by e-mail to the resettlement functional mailbox within 24 hours of the person's reception.
- Complete referral to the appropriate district council within 2 days for anyone who is homeless and due for release within 7 days.
- Update Prison NOMIS case notes to provide details of housing need for anyone who arrives in custody due for release within 56 days and identifies themselves as homeless.
- Complete referral to LHA in court for people released from court custody.

Why we will do this

- To provide the individual and the prison resettlement team with the maximum amount of time to make the referral under the prison's statutory duty to refer.
- To fulfil prison Reception duty to refer for anyone due for release within 7 days
- To reduce homeless which has a subsequent impact on reoffending.

What we will need

- ALERT registration
- Referrals log
- To complete keep safe interviews with men on arrival at HMP Lincoln

What we cannot do

- Provide ongoing resettlement support for the duration of the person's stay in custody.

### **LAT Children and Families Service**

We will

- Offer support to families of people in prison who identify themselves as being at risk of homelessness within 56 days. With consent, this will include a referral to the relevant LHA.

Why will we do this

- To reduce the risk of homelessness amongst families of people in prison which could also impact directly on the person detained.



#### What we will need

- ALERT registration
- Referrals log
- To complete induction assessments/offer ongoing support to families visiting HMP Lincoln.

#### What we cannot do

- Provide ongoing support to families who, due to transfer of the person in prison, commence visits at a prison outside of LAT's delivery sites.
- Provide housing support to people detained in HMP Lincoln.

#### LAT Departure Lounge

##### We will:

- Review information received from the Resettlement Team (Shelter) at HMP Lincoln in order to provide continuity of support in the departure lounge, such as following up on existing action plans.
- With consent, contact the relevant LHA for anyone who identifies themselves as being homeless or due to become homeless within 56 days and reports that they have not had any contact/referral previously (or is unsure) to confirm if a referral has already been made. In the event that a referral has not been made, we will complete the ALERT referral and log the details.
- Update National Probation Service/Community Rehabilitation Company Case Managers regarding individual housing issues on release from prison.
- Provide a report to the Resettlement Team, Prison Senior Management Team and 3SC on a monthly basis of people released who had not been referred.

##### Why we will do this

- To provide immediate support regarding housing issues on day of release
- To provide method of accountability regarding the prison's duty to refer.

#### What we will need

- ALERT registration
- Referrals log

#### What we cannot do

- Provide ongoing support after day of release, unless engaged in an LAT release support service.

## Shelter

We will:

- Within 8 days of admission to custody complete an assessment to identify critical accommodation needs.
- Obtain permission of consent to share details and work with client
- 12 weeks prior to release complete an assessment to identify accommodation status on release.
- Complete duty to refer application to appropriate council in release area.
- Make referrals to housing providers.
- Refer to adult social care if appropriate
- Work with partnership agencies to complete a Part 7 application where eligible.
- Signpost to mentoring services to support with issues in the community.
- Provide client with copy of resettlement plan if requested.
- Where required, assist the client to obtain suitable accommodation in either social housing including extra care housing, private sector, hostel type accommodation, refuge or supported accommodation.
- Keep the Case Manager/ Probation Officer and client updated on progress.
- Liaise with the Housing Benefit department, Universal Credit or other benefits where applicable to ensure the rent is being paid.
- Identify any funding opportunities for rent/ deposit.
- Make referrals to supporting agencies for benefit appointment.
- Support with debt/ finance issues- signpost if complex
- Identify and support with Re-payment plans for rent arrears
- Refer and support with evictions with our legal team
- Peer and workshop support for client not in release cohort
- Ensure client is aware of plan/address for release
- Challenge and escalate

Why we will do this:

- Build a working relationship with client and confirm what is required to enable accommodation for release
- Statutory duty - Housing Act 1996 as amended by Homelessness Act 2002 and Homelessness Reduction Act 2017
- Homelessness Reduction Act Code of Guidance
- To provide the council with early notification to improve the prospects of resolving the housing issue
- Reduce homelessness.
- Achieve our mission 'Shelter believes everybody deserves a home'

What we will require:

- Support from agencies to provide appropriate information
- Face to face/ telephone assessments for clients in prison from Local Authority and housing provides
- Regular updates and communication on progress
- Confirmation of support/ plan for release
- Engagement from client

What we can't do:

- Provide accommodation
- Support the client if they do not engage
- Work outside of our contractual deadlines (outside 8 admission days and before 12 weeks pre-release.
- Assess risk- we can signpost to Case Manager/ Probation Officer

## **Appendix 3: Children's Services; Youth Offender Institutions and Youth Offending Teams**

### Early Help Service

We will:

- Refer the household and/or young person to the relevant Local Authority within 56 days of being threatened with homelessness.
- Make contact with the relevant Housing Options team to alert them to the current situation for the household and/or young person
- We will obtain consent to alert the relevant housing team from the person(s) being referred and consent that their contact details can be given where possible
- Alerts without consent may be made in order to safeguard children or vulnerable adults in accordance with local Safeguarding Procedures
- Allow the individual to identify the housing authority in England to which they would like to be referred.
- Work in accordance with the Youth Homeless Joint Protocol in order to support young people where homelessness has been identified
- Provide suitable support and accommodation where appropriate when young people aged 16/17 present through the Youth Homeless Protocol

Why we will do this

- To reduce homelessness for households and/or individual young people
- To fulfil Children's Service's duty of care to families, children and young people living in Lincolnshire in accordance with relevant legislation
- To provide the Housing Authority with early notification to prevent and relieve homelessness effectively

What we will need

- A Single Point of Contact in each District Council
- ALERT registration
- Agreement in relation to the recording of referrals and alerts made to Housing Teams
- Regular updates on progress of referrals/alerts
- Mechanisms to share information appropriately and efficiently

What we cannot do

- Provide accommodation to households that are at risk of homelessness
- Provide accommodation to young people who present through the Youth Homeless Protocol who have suitable accommodation elsewhere

## **Appendix 4: National Health Service**

We will:

- Identify whether there is a housing issue within 24 hours of admission
- Obtain permission from the patient to refer them to relevant organisations who can assist with the housing/health issue.
- Inform the appropriate council/HHLW within 48 hours from admission if there is a potential housing issue.
- Refer to Adult Social Care if appropriate.
- Refer to Occupational Therapists if appropriate.
- Occupational Therapist to refer to the Disabled Facility Grant within the relevant District Council before patient is discharged.
- Provide details of the Patient prognosis, medication, disabilities, care package or Lincs Reablement to the council/HHLW.
- Ensure Occupational Therapist completes a Home assessment if appropriate, even if the hospital is not in the same area as the patient's home. Liaise between the different areas.
- Arrange transport if required to view accommodation, attend appointments, return home or collect medication from outside the hospital upon discharge.
- Provide the patient access to a telephone and computer with internet access to sort issues such as claiming benefits and sourcing accommodation.
- Inform the patient and council/HHLW of possible discharge date.
- Refer to Mental Health professionals to complete an assessment whilst an inpatient.
- Ensure discharge arrangements are clear and inform appropriate persons of any change of plan.
- Ensure patient has the EDD and medication before the time set for discharge.
- Ensure discharges to the council are before 1pm.
- Ensure methadone / subutex are prescribed on the day of discharge and not left to be administered in the community on day of discharge.
- Organise 'best interest' meetings or 'discharge meeting' when complex discharge.
- Inform the council/HHLW or agencies if the patient moves wards or hospitals.
- Challenge and escalate.

Why we will do this:

- Duty to Refer under the Homelessness Reduction Act 2017

- To provide the council with early notification to improve the prospects of resolving the housing issue.
- To avoid DTOCs.
- To avoid patients being unsafely discharged or re-admitted to hospital.
- To ensure the patients has all their medication and are aware of the prescription.
- To ensure a smooth transition to other agencies including Addaction service.
- To ensure all agencies are up to date with the medical needs and requirements for the patient.
- To ensure the patients best interests are viewed, assessed and acted upon.

What we will require:

- Access to a Hospital Housing Link Worker
- Regular updates on progress regarding housing.
- Access to the Hospital In Reach Worker with Addaction.
- Updates in the MDT meetings.
- Agencies available for 'best interest' or 'discharge' meetings.
- One point of contact to refer to council and agencies.

What we can't do:

- Keep a patient who is medically stable for discharge.
- Refer to all agencies required.
- Prepare the EDD before discharge.
- Update everyone on progress / medical issues.
- Discharge before medication is ready from the pharmacy.

## **Appendix 5: Adult Social Care and Children's Services, Lincolnshire County Council**

Please follow the guidelines set out in the protocol by accessing the relevant district council's website and logging into the ALERT portal.

In addition please note the following:

### **Children's Services**

#### **Looked After Children under 18yrs**

- This will not fall under Duty to Refer - Lincolnshire County Council has a duty to accommodate these young people. If the Young Person is placed with a family member, The District Council will support LCC to house the family and keep the young person in placement with that person

#### **Youth Homelessness - 16/17yr olds not Looked After**

- Follow Youth Homelessness Protocol (LSP) and complete Early Help Assessment for Children Services. Duty to refer still applies under these circumstances and we will work with LCC as a core partner to prevent homelessness.

### **Adult Social Care**

#### **Concerns surrounding Mental Capacity**

- Follow safeguarding procedure – consent must be given for Duty to Refer and capacity to obtain and sustain an independent tenancy for social or privately rented accommodation

## **Appendix 6: Other Statutory Agencies**

### **Secure training centres (public and contracted out) and colleges**

We do not have any in Lincolnshire

### **Probation services (community rehabilitation companies and national probation service)**

Please refer to your national protocol

### **Department of Work and Pensions / Jobcentre Plus**

Please refer to your National Protocol



## **Appendix 7: Lincolnshire Police**

The Police are not one of the statutory public authorities; however Lincolnshire Police recognise that somebody being homeless makes that individual much more likely to either be the victim of crime or the perpetrator of crime and have therefore agreed to voluntarily participate in the scheme within Lincolnshire.

In Lincolnshire all the district authorities have signed up to use a referral system called ALERT which is an internet based referral process via a web form.

Due to not being able to be access ALERT from officers MDTs and not being able to see if previous referrals have been made about the same individual, the process for the Police will be for Officers to send an email to a central email address of [shannon.bennett@lincs.pnn.police.uk](mailto:shannon.bennett@lincs.pnn.police.uk). In this email Officers will put the individuals or households details including any contact details such as mobile, which local authority they wish to be referred to and importantly that the individual consents to the referral.

Shannon Bennett, who is business support within ARC, will then do the referral using the ALERT system on the officer's behalf. This will enable us to keep a record of referrals centrally and track them if we need to.

If you are with an individual and it is during normal working hours rather than sending a referral, the local District Councils are usually quite happy to take the referral over the phone and discuss it with you. Considering their circumstances this may be a better option because help can be given quicker.

Outside normal office hours, the district councils will normally offer an 'emergency only' service. In such circumstances, the relevant district council should be contacted by telephone where the Duty Officer will assess the situation and take appropriate action.

Please be aware that a referral via email to Shannon will have a delay so if it is an urgent situation please consider the above.