

Discussion Paper:
Foundations for
change -
Homelessness in NSW

Legal Aid NSW submission to
the Department of Family
and Community Services

November 2016

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About Legal Aid NSW

The Legal Aid Commission of New South Wales (**Legal Aid NSW**) is an independent statutory body established under the *Legal Aid Commission Act 1979* (NSW) to provide legal assistance, with a particular focus on the needs of people who are socially and economically disadvantaged. Legal Aid NSW provides information, community legal education, advice, minor assistance and representation, through a large in-house legal practice and private practitioners.

Legal Aid NSW also funds a number of services provided by non-government organisations, including 35 community legal centres and 28 Women's Domestic Violence Court Advocacy Services.

Legal Aid NSW provides an extensive range of legal assistance services to people who are homeless or at risk of homelessness in NSW, including the following:

The Legal Aid NSW Civil Law Division operates 31 **specialist homeless legal outreach services** in strategic locations across NSW. Outreach clinics are established in agencies that provide support to people who are homeless or at risk of homelessness.

Civil law solicitors provides legal services to **tenants**, both in private and social housing, and **people experiencing mortgage stress**, in over 200 locations across NSW.

The Legal Aid **NSW Prisoners Legal Service** provides advice, minor assistance and representation to prisoners, including in relation to housing and other civil law issues.

The Civil Law Division also operates a dedicated **Aboriginal Women Leaving Custody Service** to assist Aboriginal women exiting custody who are at risk of homelessness. A report¹ based on the assistance given to over 150 women in the first 12 months of operation contains findings relevant to the issues raised by the Discussion Paper.

The **Mental Health Advocacy Service** provides legal information, advice and assistance about mental health law, including representation of people who are involuntary mental health patients and/or the subject of guardianship proceedings.

The **Children's Civil Law Service** provides a targeted and holistic legal service to young people identified as having complex needs. This includes legal assistance with the housing needs of young people exiting care.

The **Domestic Violence Unit** provides integrated social and legal services to victims of domestic violence, including those experiencing or at risk of homelessness.

Legal Aid NSW welcomes the opportunity to respond to this Discussion Paper and to contribute to the development of a new strategy for reducing homelessness in NSW. Should you require any further information in relation to this submission, please contact:

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¹ Legal Aid NSW, *Aboriginal Women Leaving Custody: Report Into Barriers to Housing* (2015)

List of recommendations

1. Legal assistance should be recognised as an essential element of the new NSW strategy to prevent and reduce homelessness.
2. The new homelessness strategy should support Legal Aid NSW to continue legal services, support for workers and referral pathways in the Riverina Murray, South East NSW, Northern NSW and Newcastle regions.
3. The Department of Family and Community Services (**FaCS**) should consider enhancing funding to Legal Aid NSW to extend this coordinated and integrated approach to other regions in NSW.
4. The new homelessness strategy should reinstate the Homeless Interagency Committee or establish a similar forum for senior officers from key government agencies.
5. The strategy should recognise the vital role of Legal Aid NSW in the homelessness service system and the need for its representation in forums responsible for coordination of service delivery at a local and district level.
6. The new homelessness strategy should include measures to increase transitional or supported accommodation for people with mental illness or other disability.
7. The new homelessness strategy should include measures to ameliorate the impact of negative classifications on highly disadvantaged people.
8. The homelessness strategy should contain the following actions to enhance access to housing for people experiencing homelessness and make the system more responsive to their needs:
 - Create an online portal to access the status of housing applications and the classification of applicants or former tenants.
 - Provide applicants with access to key documents held on Housing NSW files through an online portal to prevent the unnecessary resupply of documents.
 - The Pathways system should source necessary supporting documents from other agencies, or from the applicant's Housing NSW file where relevant.
 - Housing NSW should assess the need for housing at the time of offer rather than annually.
 - Housing NSW should assess for eligibility under the reactivation and reinstatement policies before asking applicants to submit a fresh application.

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9. The new homelessness strategy should include measures to ensure appropriate support is available to vulnerable tenants, including the following:
- Develop a clear Housing NSW policy requiring clients with mental illness or other disability to be diverted out of the eviction process and into support services.
 - Ensure legislative protections for tenants who are in rental arrears because of financial hardship.
 - Implement a Housing NSW scheme based on or similar to the Bridge Housing *Hands Up* Program.
10. The new homelessness strategy should contain actions to improve exit planning and pathways into housing for adults leaving correctional centres, including the following:
- Ensure the *Absence from Dwelling due to Incarceration Allocation Policy* is consistently applied throughout Housing NSW and that the extended period of 6 months is also applicable to all social housing providers.
 - Expand the priority assessment program to all correctional centres in NSW and include inmates on remand.
 - Ensure that inmates exit custody with relevant identity documents in order to secure housing and income support.
 - Allocate appropriate funding to allow inmates to access tenancy advice while in custody to ensure they understand their rights and obligations and to prevent exit into homelessness.
 - Provide inmates with temporary accommodation prior to release so that they are not released from custody into homelessness.
 - Extend the temporary accommodation allowance for clients waiting on the priority list.
 - Corrective Services NSW identification should be accepted by Housing NSW as a form of identification.
 - Housing NSW and other housing providers should adopt a flexible and/or case management approach in dealing with individuals who experience difficulty in producing identification.
11. The new homelessness strategy should contain actions to improve exit planning and pathways into housing for young people leaving custody and care, including:
- Provide appropriate funding for post-release programs for young people exiting juvenile detention and correctional centres to reduce the risk of homelessness. This is particularly the case for young people who exit custody after remand.

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- Increase collaboration between Juvenile Justice, Corrective Services, Housing NSW and FaCS, to create designated pathways into housing for young people leaving juvenile detention or care.
 - Young people leaving care who make an application for social housing should be automatically placed on the priority housing list prior to turning 18 years or leaving care.
 - Introduce greater accountability for leaving care plans and develop them well in advance in order to secure appropriate accommodation options.
 - Increase the leaving care age from eighteen to twenty-one years.
 - Allocate more resources to after care services to support young people exiting care.
 - Fund and support holistic services that provide transitional/supported independent living programs with case management support to help young people transition into independence and sustain secure housing.
12. The homelessness strategy should include actions to support the early identification and resolution of legal issues that contribute to homelessness, including effective referral pathways.
13. The homelessness strategy should foster and fund collaborative service delivery approaches at both regional and local levels.
14. The strategy should recognise the role of Health Justice Partnerships (**HJPs**) in addressing homelessness, including through support and funding.
15. The strategy should contain actions to better engage and assist children and young people experiencing or at risk of homelessness, including the following:
- Establish specifically trained youth specialist officers within Housing NSW dedicated to assisting children and young people to access housing services.
 - Strategies to engage young people at risk of homelessness, at least initially, should not be dependent on engagement in education or employment.
 - Provide funding for more supported semi-independent housing programs for young people which provide wrap around multi-disciplinary support that address the needs of the young person and increase their independent life skills.
 - Increase collaboration across government agencies so that a child or young person with complex needs is not required to produce identity documents that are held or issued by other government agencies.
 - Provide an automatic fee waiver for children and young people at risk of homelessness to obtain identity documents.

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16. The strategy should contain actions to address the risk of homelessness for people experiencing domestic and family violence, including the following:
- Increase funding for domestic violence-specific refuges.
 - Provide targeted support for victims of domestic and family violence who are not permanent residents.
 - Build the knowledge and capacity of *Link2Home* workers to assist victims of domestic and family violence.
17. The new homelessness strategy should include actions to ensure culturally informed service delivery and the interpretation and application of Housing NSW policies, including the following:
- Employ specialist Aboriginal Client Service Officers in every Housing NSW office.
 - Ensure that the FaCS Aboriginal Policy Unit provides support and guidance around the impact of Housing NSW policies on Aboriginal tenants.
 - Take a flexible approach in dealing with issues of overcrowding, particularly in relation to Aboriginal tenants.
18. The homelessness strategy should contain actions to identify and support Aboriginal tenants before the NSW Civil and Administrative Tribunal (**NCAT**), including the following:
- Establish a process to determine whether a tenant who has not appeared at NCAT is currently in custody before making an order for termination.
 - Where a tenant is in custody, adjourn the matter so the tenant can access legal advice and assistance, and attend the hearing where possible.
 - Implement a notification or automatic referral system between NCAT and Legal Aid NSW when an application for termination is made by Aboriginal Housing Office (**AHO**), an Aboriginal Community Housing Provider (**ACHP**) or a local Aboriginal Land Council (**LALC**).
 - Housing NSW and the AHO should work collaboratively with NCAT and other key stakeholders to develop an Aboriginal client service delivery strategy to support Aboriginal clients in contact with the civil justice system in relation to housing problems and who are at risk of homelessness.
19. The new homelessness strategy should contain early intervention strategies to support and manage leases in Aboriginal communities to prevent terminations and subsequent homelessness, including the following:

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- Implement a notification or referral system between NCAT and Legal Aid NSW to notify Legal Aid NSW when there are bulk listings by a social housing provider in regional locations.
 - The AHO should provide governance support to ACHPs to manage and sustain Aboriginal community housing schemes so that termination proceedings are an avenue of last resort.
 - Require ACHPs to adopt:
 - a case management approach that seeks to address the underlying economic and social issues contributing to rent arrears, and
 - case conferencing as a mechanism to resolve disputes between the ACHP and tenant which are contributing to non-payment of rent, such as those concerning repairs and maintenance.
20. The strategy should support and embed culturally competent and holistic legal services to Aboriginal people experiencing or at risk of homelessness.
21. The strategy should support and fund enhanced legal services for older women, targeting issues that impact on homelessness.
22. The homelessness strategy should support the establishment of multi-disciplinary assertive outreach teams to assist chronic rough sleepers, including legal support in key locations.
23. The homelessness strategy should include measures to address the challenges faced by people with mental illness, including:
- Review the Health NSW policy of charging mental health patients to include greater protections for people at risk of homelessness
 - Ensure flexibility in Housing NSW policies to ensure that people with mental illness who become unwell can keep their accommodation or be rehoused quickly once their health has stabilised.
 - Establish statutory protections for tenants in temporary financial hardship.
24. The strategy should expressly recognise the preventative role of the National Disability Insurance Scheme (**NDIS**) in addressing homelessness and promote means by which housing providers can tap into the NDIS and other support services including legal services.

Introduction

Contributing to a new strategy on homelessness

Legal Aid NSW supports the development of a new strategy to reduce homelessness that builds on proven, effective ways of addressing homelessness, including through early intervention and prevention. Legal Aid NSW is well placed to contribute to this new strategy, given its extensive experience and expertise in delivering legal assistance to people who are experiencing or at risk of homelessness.

Our submission focuses on the following key areas in responding to the questions raised in the Discussion Paper:

- The need for more integrated and coordinated whole of government responses to prevent and reduce homelessness. Legal services that address problems that contribute to homelessness are an essential part of this response. This is particularly so for highly disadvantaged groups such as young people, people exiting custody, Aboriginal communities and older women. There are some examples of highly effective coordinated and integrated service models that could be expanded and applied in more settings, which would reduce the incidence of homelessness.
- The policies and practices of Housing NSW and other government agencies are in some cases contributing to homelessness or acting as barriers for highly disadvantaged people to secure appropriate housing. There has been some encouraging reform to some of those policies. This reform needs to be more consistently applied at an operational level. More reform is also needed.

Legal problems often underlie homelessness

The causes of homelessness can be complex, but often arise from everyday problems such as housing, poor health, family breakdown, exclusion from work, and other factors borne of poverty and disadvantage. Most if not all of the primary reasons people seek help from specialist homelessness services² have a legal dimension.

If these problems are left unresolved, they can lead to homelessness. Research by the NSW Law and Justice Foundation establishes that failure to provide assistance to resolve legal problems contributes to the vicious cycle of vulnerability.³ This is illustrated in the diagram below.

² See pp6-7 of the Discussion Paper.

³ Law and Justice Foundation of NSW, *Concentrating disadvantaged: a working paper on heightened vulnerability to multiple legal problems* (2013).

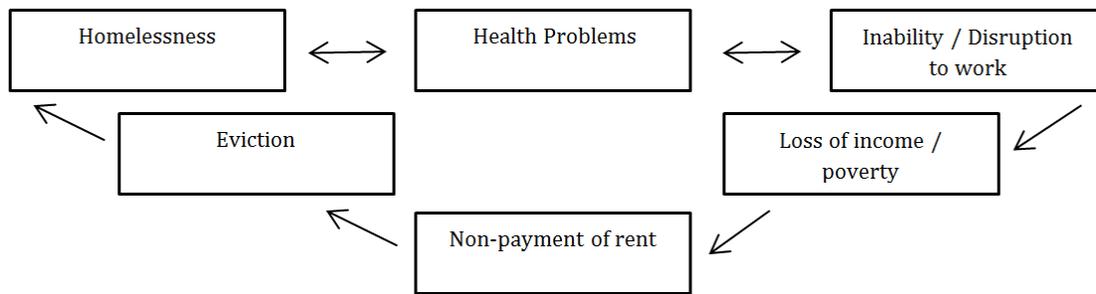


Diagram 1: Vicious Cycle of Vulnerability⁴

Legal assistance can prevent and address homelessness

Legal services assist people to resolve problems that are known to contribute to homelessness, such as debts, fines and social security and tenancy disputes. The Legal Aid NSW Civil Law Division adopts a unique approach to the early intervention and resolution of these legal problems. The diagram below illustrates that emphasis is placed on resolving everyday legal problems to break the cycle of vulnerability that impacts on homelessness. Legal advice and minor assistance is provided in order to resolve problems early, without resorting to courts and tribunals where possible. Litigation is reserved for the rare circumstances where early intervention has not succeeded to resolve the problem and there is a clear and pressing need to take the matter further.

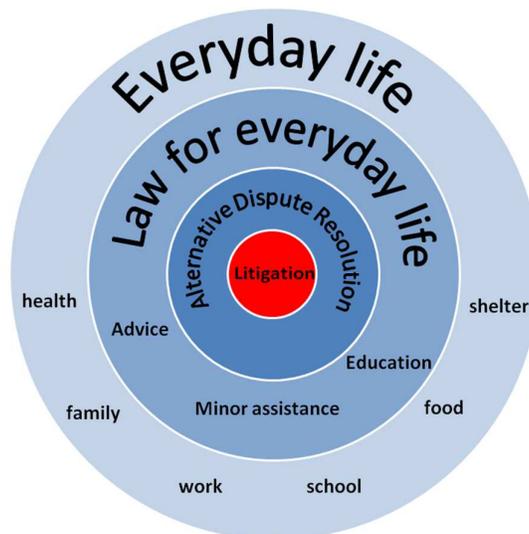


Diagram 2: Approach of Legal Aid NSW Civil Law Division

⁴ Pleasence, P., Coumarelos, C., Forell, S., McDonald, H.M. and Mulherin, G. *Reshaping legal assistance services: Building on the Evidence Base*, (2014) Law and Justice Foundation, p14, adapted from Tobin Tyler, E., Lawton, E. Conroy, K., Sandel, M. and Zuckerman, B. (2011) *Poverty, Health and the Law: Readings and Cases for Medical-Legal Partnership*, Durham, North Carolina: Carolina Academic Press.

The following case studies illustrate how effective legal assistance can prevent homelessness and support people to exit homelessness.

Case study: Paula

Paula was referred to a Legal Aid NSW homeless outreach solicitor by a local women's refuge. She was living in emergency accommodation after being evicted from her rental home by her violent ex-partner. There was a long history of family violence. Paula had a number of debts as many of the bills were in her name only. Legal Aid NSW negotiated waivers of all her debts directly with utility providers and debt collectors. We assisted Paula to remove her name from the lease for the rental home. She was referred to the local Women's Domestic Violence Court Advocacy Service for assistance in obtaining an Apprehended Domestic Violence Order (**ADVO**). Paula ultimately found housing closer to her family support.

Case study: Nina and Bruce

Nina and Bruce are an Aboriginal couple. They saw the Legal Aid NSW homeless outreach solicitor when they were having a meal and washing clothes at Fred's Place, a homeless drop-in centre run by St Vincent's de Paul. They were recent victims of a home invasion and had fled the area due to ongoing threats of violence. The solicitor made an urgent application to Victims Services seeking a recognition payment in relation to the home invasion. The application was successful: Nina and Bruce received recognition payments and were also provided with additional funds to replace household goods and to cover the costs of relocation. They are now in stable accommodation.

Recommendation

Legal assistance should be recognised as an essential element of the new NSW strategy to prevent and reduce homelessness.

Building on previous NSW homelessness initiatives and plans

Successful NPAH projects should be continued and expanded

Legal Aid NSW has been a part of highly effective initiatives that involve working collaboratively with a range of allied support services. Solicitors train support workers to identify problems that have a legal component, and work with them to address both the legal and non-legal issues that are impacting on clients' ability to keep or access appropriate housing.

Legal Aid NSW was allocated funding from the first National Partnership Agreement on Homelessness (**NPAH**) in 2010. The funding enabled Legal Aid NSW to provide a legal component to the following projects:

- Rural interagency homelessness project for people with complex needs (Riverina Murray)
- Community Connections (South East NSW)
- North Coast Accommodation Project (Northern NSW)
- Reaching home (formerly known as Newcastle Assertive Outreach Service).

With this funding, Legal Aid NSW provided additional specialist homeless outreach services within an integrated and coordinated model with other key human service agencies such as NSW Health and Housing NSW. This funding also provided training and support for specialist homelessness services and front line workers, including domestic violence workers, to identify legal issues that contribute to homelessness and establish effective referral pathways for assistance.

In 2015/16, in these four projects alone, Legal Aid NSW provided legal services to 1564 clients at homeless outreach clinics. About 505 of these clients were women and about 18% were Aboriginal clients. The most common legal issues included debts, employment, housing and social security. Many clients had multiple legal problems as well as social and health issues.

An evaluation of these projects found that the legal services provided were extremely effective in not only improving outcomes for individual clients of projects, but also in increasing access to legal services by the broader community of homeless and disadvantaged people in each region.⁵

Legal Aid NSW understands that the intention of NPAH funding was for mainstream government agencies to continue providing services from within their core funding. Legal Aid NSW's budgetary position does not allow for this to occur. Funding for Legal Aid NSW

⁵ Matrix on Board, *Evaluation of the legal component of the Riverina Homelessness Interagency Project and Reaching Home Newcastle* (2012) p.6

is currently only allocated to 30 June 2017. Continued funding is needed to continue to provide these additional specialist homeless services.

Recommendations

The new homelessness strategy should support Legal Aid NSW to continue legal services, support for workers and referral pathways in the Riverina Murray, South East NSW, Northern NSW and Newcastle regions.

The Department of Family and Community Services (FaCS) should consider enhancing funding to Legal Aid NSW to extend this coordinated and integrated approach to other regions in NSW.

Cross-agency coordination and collaboration is needed

An effective homelessness system requires a coordinated whole of government approach. This approach should provide leadership across the government and non-government sector to address barriers to prevent and overcome homelessness.

The first NPAH allocated funding across a range of mainstream government services. A Homeless Interagency Committee was established, comprising senior officers from key government agencies including NSW Health, Housing NSW, FaCS, Corrective Services NSW, Aboriginal Affairs, Juvenile Justice, Police and Legal Aid NSW. The Committee met regularly to discuss ways in which key government agencies could work together to tackle homelessness. This Committee provided invaluable opportunities for cross sector collaboration and identified systemic and policy issues that were contributing to homelessness. This Committee has been disbanded for some time and no longer meets.

A cross agency approach, supported by a senior officer level forum, facilitates a more holistic response to the needs of people experiencing or at risk of homelessness. A senior officer level forum also provides high level policy and strategic oversight. Such an approach would break down the present “silos” that exist between agencies, and support the mainstream service system to find more effective solutions for people at risk of homelessness.

In the absence of such a forum, we note the current opportunities for cross agency collaboration are limited to:

- District Homelessness Implementation Group (DHIG) meetings. Legal Aid NSW participates in some DHIG meetings and would like to be invited to participate in more of these Groups.
- District Implementation and Coordinating Committee (DIAC) and Local Implementation and Coordinating Committee (LIAC) meetings. Legal Aid NSW attends the DIAC meeting for South West Sydney and contributes to significant conversations about early intervention for clients’ health and housing issues.

However, Legal Aid NSW has not been invited to attend DIAC meetings in other areas.

- Local collaboration groups, such as the South Eastern District Homelessness Implementation Group, which were established to support the implementation of the Regional Homeless Action Plan. Legal Aid NSW would like to be invited to participate in more of these groups.

Legal Aid NSW's participation in the DHIG meetings and in other local homelessness forums is a crucial part of effective coordination of the homelessness service system. Our continued and expanded participation in existing forums at both a local and district level would also provide an important opportunity for training workers across sectors and building effective referral and communication pathways between agencies.

Recommendations

The new homelessness strategy should reinstate the Homeless Interagency Committee or establish a similar forum for senior officers from key government agencies.

The strategy should recognise the vital role of Legal Aid NSW in the homelessness service system and the need for its representation in forums responsible for coordination of service delivery at a local and district level.

Creating pathways into housing

Lack of suitable housing is a barrier to addressing homelessness

It is well known that there is a lack of affordable private rental and social housing stock in NSW. Options are more limited for people who require supported accommodation due to mental illness or other disability. This is discussed in more detail below.

Case study: Talia

Talia has schizophrenia and an intellectual disability. She applied for social housing but was refused because she did not have sufficient living skills. Legal Aid NSW referred her to various support services but no one was able to obtain supported accommodation for her. Talia remained homeless.

Transitional housing options are also limited. Transitional housing provides flexibility and opportunities to learn or re-acquire the life skills necessary to transition into a tenancy. It can also offer support to transition into more permanent housing.

Recommendation

The new homelessness strategy should include measures to increase transitional or supported accommodation for people with mental illness or other disability.

Negative classifications act as a barrier to obtaining and maintaining social housing

Social housing providers are required to classify former tenants as '*satisfactory*', '*less than satisfactory*', '*unsatisfactory*' or '*ineligible*'. Negative classification rates are high amongst clients with complex needs.⁶ Research by Homelessness NSW found that a significant number of homeless people have a negative classification.⁷ The intersection between disadvantage and disability make clients with complex needs more likely to have a negative classification.

A negative former tenant classification creates a major barrier to re-entry into social housing. It can indefinitely restrict eligibility for social housing including community housing providers and the Aboriginal Housing Office (**AHO**). Ninety-two percent of clients of the Legal Aid NSW Aboriginal Women Leaving Custody (**AWLC**) service with negative classifications were not on the housing wait list. For many, this was because they were not able to comply with the requirements for eligibility once a negative classification has been made.

Housing NSW does not consider their tenancy database to be subject to the database restrictions under the *Residential Tenancies Act 2010* (NSW). This Act restricts information kept in residential tenancy databases including:

- a three year limit on the retention of information
- only information relating to breaches of the tenancy agreement can be stored, and
- on request, the landlord must supply a written copy of the information contained in the database to the tenant within 14 days.

The absence of these protections in social housing impacts on the people who are at most disadvantaged in accessing housing and their ability to overcome homelessness.

Case study: Kim

Kim moved into a Housing NSW property after leaving a violent relationship. A month later Kim contacted police saying that her former partner was trying to get into the

⁶ For instance, 74% of clients of Legal Aid NSW's Aboriginal Women Leaving Custody (AWLC) service who were former social housing tenants had negative classifications. Of those AWLC clients with a negative classification, almost a third were the result of domestic violence, 20% due to mental illness, 16% addiction and 12% as a result of coming into custody

⁷ Homelessness NSW, *Debt Set Unfair: Social Housing, Debt and Homelessness* (2016).

property. She obtained an ADVO, fled the property and stopped paying rent. Housing NSW obtained orders for termination from the Tribunal based on rental arrears. Housing NSW classified her as an unsatisfactory former tenant. Legal Aid NSW lodged a first tier appeal which was refused. We appealed to Housing Appeals Committee who agreed that: (a) Kim should be reinstated as her absence was caused by domestic violence; and (b) the unsatisfactory status should be removed.

In developing the new homelessness strategy, FaCS should consider measures to ameliorate the impact of negative classifications on highly disadvantaged people. For example, the regulations that govern the availability of information under the *Residential Tenancies Act 2010* (NSW) could be extended to the Housing NSW database.

Recommendation

The new homelessness strategy should include measures to ameliorate the impact of negative classifications on highly disadvantaged people.

Actions to improve access to housing for people experiencing homelessness

Address cumbersome administrative processes

In Legal Aid NSW's experience, the administrative processes involved in applying for social housing can be particularly difficult for people in extreme disadvantage.

Pathways

Legal Aid NSW welcomes the introduction of the *Pathways* telephone application system. This is a good initiative to reduce the administrative burden on tenants applying for housing. It is understood that applications will soon be able to be lodged online, which is also a welcome reform. However the *Pathways* system should also allow for people to look up their classification status within the system at different points in time. In our experience, many clients do not know their status on the list (closed, general wait list, priority, suspended etc), or the category under which they are being processed. This is important to clarify any confusion about classification which can occur at times across different parts of the application processing system.

Supporting documents

Although the telephone application process has reduced the number of forms applicants must fill out in person, the process still requires a person to obtain a large number of supporting documents. Applicants must supply identification, bank statements and a Centrelink income statement form even where there has been previous dealings with Housing NSW. Obtaining these forms can be a barrier for vulnerable clients. The *Pathways* system should be able to source the documents from other agencies, or from the Housing NSW file, rather than placing the onus on a disadvantaged applicant to get further copies of these documents.

Case study: Claire

Claire lodged an application for housing including the required forms, medical assessment, and letters of support. Housing NSW asked for further letters of support, proof of Aboriginality and income documents and suspended the application awaiting receipt of these documents. A month later Legal Aid NSW spoke to Housing NSW again and staff admitted that they in fact had all the documents they needed on file. In the interim we lost contact with Claire.

Applicants with disabilities are sometimes required to have third parties complete a medical assessment, living skills assessment and in some cases a care plan. Finding services to complete these documents can at times be problematic.

Case study: Angela

Housing NSW told Angela that she needed to submit a support plan before she would be eligible for social housing. Legal Aid NSW contacted five support services, some state wide and some in the area Angela was planning to return to after release from custody, and asked if they could provide a support plan. None were able to assist Angela with a support plan. Housing NSW would not progress her application for housing. We lost contact with Angela when she was released from custody.

Proof of inability to access the private market

Applicants who wish to be considered for priority housing are routinely asked to provide a rental diary showing the properties they have applied for and been rejected from. In our casework experience, this is not reliable proof of inability to access the private market, and filters out the most vulnerable clients who do not have the skills to complete such a diary. Aboriginal clients have described their experience of being refused because of their Aboriginality, lack of employment and rental history and history of incarceration. This leads to shame and avoidance in making further applications for private rental accommodation.

Case study: Catrina

Catrina is a 25 year old woman with bi-polar disorder with a 3 month old baby. She was refused housing despite being chronically homeless because she failed to provide sufficient proof of her inability to access the private market.

The reactivation and reinstatement policies

Once an applicant is on the social housing list they must keep in regular contact with Housing NSW and in particular, respond to annual correspondence which asks the applicant if they still require social housing. If the applicant fails to respond their application is closed. The Aboriginal Women Leaving Custody report found that of all the women who were not on the Housing NSW waiting list, 65% had had their applications closed but were still in need of social housing.⁸

⁸ Legal Aid NSW, *Aboriginal Women Leaving Custody: Report Into Barriers to Housing* (2015)

The Housing NSW Reactivation Policy allows for a closed application to be reopened and backdated subject to the policy criteria. The benefit of this policy is that the applicant is given credit for the number of years they have actually waited, rather than having to start at the bottom of the social housing wait list again. In our experience, Housing NSW often tells applicants whose application has been closed to reapply rather than assessing them for reactivation.

The Reinstatement Policy also gives former tenants priority access to social housing if their tenancy was interrupted for a specified reason, such as imprisonment or hospitalisation. Applicants who are eligible for reinstatement are sometimes not receiving this benefit because: (a) they are not asked the right questions about eligibility; or (b) Housing NSW staff lack knowledge of this policy; or (c) the former tenant classification policy is incorrectly applied.

Case study: Jenny

Jenny was placed on the social housing waitlist in 2000. Her application was closed in 2005 because she did not respond to requests for contact. She was in custody at this time. On release she applied for temporary accommodation and reapplied on a number of occasions over 10 years. For the majority of this time, Jenny was in primary or secondary homelessness. Jenny believed that she was still on the social housing list during this time. On none of the occasions that she made contact with FaCS regarding temporary accommodation was she notified that her application was in fact closed. Finally she saw Legal Aid NSW and was advised her that her application had been closed. She was assisted to apply for reactivation. Her application was reactivated back to 2005.

Case study: Annie

Annie is a 40 year old Aboriginal woman who was first placed on the housing wait list when she was 18. She has never been housed despite being homeless for much of this period. She has never been able to get a private rental. Annie had applied for housing numerous times but her applications were closed due to failure to keep in contact. She was never assessed for reactivation, but always placed at the bottom of the waitlist each time she applied.

Recommendations

The homelessness strategy should contain the following actions to enhance access to housing for people experiencing homelessness and make the system more responsive to their needs:

- **Create an online portal to access the status of housing applications and classification of applicants or former tenants.**

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- **Provide applicants with access to key documents held on Housing NSW files through an online portal to prevent the unnecessary resupply of documents.**
 - **The Pathways system should source necessary supporting documents from other agencies, or from the applicant's Housing NSW file where relevant.**
 - **Housing NSW should assess the need for housing at the time of offer rather than annually.**
 - **Housing NSW should assess for eligibility under the reactivation and reinstatement policies before asking applicants to submit a fresh application.**

Approaches that could help keep people at risk of homelessness in their homes

Providing support for vulnerable tenants

In Legal Aid NSW's experience, the factors that lead to a person being eligible for social housing are often the same factors that can put their tenancy at risk. If evicted, these tenants struggle to get back into housing. It is therefore critical that vulnerable tenants receive appropriate supports to maintain their housing. Legal Aid NSW is involved in a number of cases where solicitors are working to prevent evictions by connecting tenants with appropriate services, and advocating on their behalf to housing providers and the Tribunal.⁹

Case study: Terri

Terri was referred to the Legal Aid NSW outreach at Miller by the local Aboriginal Community Health Centre. She had been living in social housing with her young family for around six years. There had been no issue with her tenancy during that time. Terri's Centrelink payments were suspended and as a result she fell into rental arrears. She was unable to resolve the Centrelink issue by herself and was experiencing severe financial hardship. Furthermore, the little money Terri did have was being deducted to pay a Centrelink debt and SDRO fines. Legal Aid NSW negotiated with the local Housing NSW office to get time to resolve the Centrelink issue and recommence rental payments and payments towards arrears. We referred Terri to a charity organisation for rental brokerage and to assist the family short term. We are also in the process of assisting Terri to resolve the issue with Centrelink so her payments are reinstated. The Legal Aid NSW Work and Development Order (**WDO**) team have arranged for the SDRO payments to be reduced in the short term and are looking for opportunities for Terri to resolve her fine debt through a WDO.

⁹ See Attachment A.

Legal Aid NSW is concerned that at times, both private and social housing providers refuse to accept reasonable repayment plans where the tenant is in rental arrears and in circumstances of temporary financial hardship. This can lead to homelessness.

Case study: Cazz

Cazz is a single mum with a child suffering from cancer. They live in a private rental. Cazz fell behind in her rent due to late child support payments from her ex-partner. Her landlord applied to the NSW Civil and Administrative Tribunal (**NCAT**) for termination due to the rental arrears. Cazz contacted the real estate agent and told them she could not attend NCAT because of her child's cancer treatment on that day. She asked the landlord for an agreement to repay the debt. The landlord refused the offer to repay and instead obtained eviction orders at NCAT. Legal Aid NSW assisted Cazz with a successful set aside application and she repaid the debt before the matter was reheard. Cazz and her child were able to stay in the property.

There is legislative protection for people with mortgages to have repayments varied in circumstances of temporary financial hardship.¹⁰ A similar protection could be made available for renters in the private and social housing market.

The WDO Program allows people in circumstances of financial hardship and disadvantage to pay off their fines debts by undertaking activities with approved organisations. These activities include voluntary work, counselling, and drug and alcohol treatment. The Bridge Housing "Hands Up" Program is a pilot initiative that applies this model to rental arrears.¹¹ Another example of this approach is operating in a program called Rosa Coordinated Care run by Shoalhaven Women's Resources Group Ltd.¹²

Recommendations

The new homelessness strategy should include measures to ensure appropriate support is available to vulnerable tenants, including the following:

- **Develop a clear Housing NSW policy requiring clients with mental illness or other disability to be diverted out of the eviction process and into support services.**
- **Introduce legislative protections for tenants who are in rental arrears because of financial hardship.**
- **Implement a Housing NSW scheme based on or similar to the Bridge Housing *Hands Up* Program.**

¹⁰ See s. 72 of the National Credit Code (Sch 1 of the *National Consumer Credit Protection Act 2009* (Cth)).

¹¹ See Attachment A.

¹² See Attachment A.

Exit planning

Adults leaving correctional centres into homelessness

Effective exit planning reduces exits into homelessness. Ideally, exit planning should begin when an inmate enters custody, especially for remand inmates. All inmates should be screened in relation to their housing issues as soon as they enter custody so that they can be dealt with at the earliest opportunity. Inmates who need intensive support should also be identified as soon as possible. A client centred approach is needed, so that clients feel part of the process, set their own goals and so that each exit plan is tailored to the inmate's individual needs.

In our view, an integrated and coordinated approach by both legal and non-legal services is required in order to prevent homelessness on release from custody. The combination of these support services can resolve problems that contribute to homelessness and engage inmates in their exit plans to support a more successful reintegration into the community. This includes resolving legal problems. For example, the Legal Aid NSW Aboriginal Women Leaving Custody service has been very effective in assisting women to access social housing by addressing issues such as negative classifications and refusals of housing applications, as well as other legal problems such as unpaid fines and disputes with Centrelink.¹³

Case study: Michelle

Michelle is a 27 year old Aboriginal woman who spent the majority of her early twenties in custody. When out of prison for brief periods, Michelle was homeless; mainly couch surfing with family or living on the streets. Michelle has been diagnosed with depression and has a history of opiate use. She has three children in the care of FaCS, and recently gave birth to another child while incarcerated. Legal Aid NSW assisted Michelle to resolve housing and debt issues and referred her to the Corrective Services NSW Connections program. This led to a placement at Guthrie House. Legal Aid NSW also referred Michelle to the Community Restorative Centre (**CRC**) women's transitional program. A case worker visited Michelle in prison on a weekly or fortnightly basis and provided Michelle with advocacy and emotional support during the end of her pregnancy and the removal of her child. When Michelle is released, CRC will provide co-case management with Guthrie House to focus on drug and alcohol, mental health, parenting/relationship and education/employment issues during the 12 week rehabilitation period.

In Legal Aid NSW's experience, many inmates leave custody with little or no personal identification. This is particularly a problem for Aboriginal and Torres Strait Islander inmates, many of whom have never had their birth certificate. Without personal identification, it is almost impossible to secure housing.

¹³ For example, 100% of women seen in the first year of operation had outstanding fines.

The introduction of *Link2Home* requires inmates, upon release, to attend a Housing NSW office within working hours, or to call after hours and on weekends, in order to get temporary accommodation. In practice, it can be very difficult for someone released from custody to attend a Housing NSW Office or to make a phone call, particularly if they are released late in the day or in a regional area with limited access to government services or phones with credit. This often means they are released into homelessness at least initially. It would be beneficial if these arrangements could be made prior to release.

The current Housing NSW temporary accommodation policy, which allows for 28 days accommodation per year, is also inadequate for many people leaving custody. At the expiration of this allowance, many clients are left to search for alternative accommodation and many are unable to find appropriate accommodation. There is also a high risk of an application being closed when a client cannot be contacted due to homelessness or unknown living arrangements.

Exit planning should ensure that inmates that are at high risk of reoffending or are highly disadvantaged leave custody with:

- a set of identity documents that will allow them to apply for housing, open a bank account, apply for Centrelink payments etc
- appropriate temporary accommodation
- links with support services
- legal problems that are a barrier to accessing and/or maintaining housing addressed.

We also note that housing difficulties impact on the ability of inmates to access parole. Parole cannot be obtained unless accommodation is approved by Community Corrections. A parole order can also be revoked if there is no satisfactory accommodation arrangements.¹⁴ This mostly impacts on highly disadvantaged offenders, resulting in the person remaining in prison until accommodation is found or the sentence is fully served when the person is released homeless. Legal Aid NSW is aware that many prisoners remain in custody because parole is refused on the basis of no suitable accommodation.

Pilot program for priority housing of inmates

Housing NSW, Corrective Services NSW and Legal Aid NSW are currently trialling a six month priority assessment pilot program at Silverwater Women's Correctional Centre, Dillwynia Correctional Centre and Emu Plains Correctional Centre. The aim of the program is to identify sentenced women eligible for parole who will be released into homelessness. Under this pilot program, Community Corrections identify women who are eligible to participate in the pilot and Housing NSW provides the housing status and assesses eligibility for priority. If the woman has a negative classification, they are referred to Legal Aid NSW for advice and assistance. Housing NSW also looks at a client's application history to see if their housing application can be reactivated or assessed for priority. This

¹⁴ Clause 222(1)(c) of the *Crimes (Administration of Sentences) Regulation 2014*.

approach reduces the need for inmates to submit new forms. It should be extended to all inmates who would be eligible for priority housing.

Absence from dwelling policy

Housing NSW recently extended the *Absence from Dwelling due to Incarceration Allocation* to be consistent with other acceptable absences (now up to 6 months). In Legal Aid NSW's experience, this policy is not being interpreted consistently by local Housing NSW offices. Further, the amendment does not apply to social housing providers beyond Housing NSW. This Policy is also at odds with the *Rent Subsidy Policy*, which states that a tenant must relinquish their property after three months. Tenants are being unnecessarily told that they must relinquish their property, which then often results in an exit from custody into homelessness.

Recommendations

The new homelessness strategy should contain actions to improve exit planning and pathways into housing for adults leaving correctional centres, including the following:

- **Ensure the *Absence from Dwelling due to Incarceration Allocation Policy* is consistently applied throughout Housing NSW and that the extended period of 6 months is also applicable to all social housing providers.**
- **Expand the priority assessment program to all correctional centres in NSW and include inmates on remand.**
- **In conducting exit planning, Corrective Services NSW should ensure that inmates exit custody with relevant identity documents in order to secure housing and income support.**
- **Allocate appropriate funding to allow inmates to access tenancy advice while in custody to ensure they understand their rights and obligations and prevent exit into homelessness.**
- **Provide inmates with temporary accommodation prior to release so that they are not released from custody into homelessness.**
- **Extend the temporary accommodation allowance for clients waiting on the priority list.**
- **Corrective Services NSW identification should be accepted by Housing NSW as a form of identification.**
- **Housing NSW and other housing providers should adopt a flexible and/or case management approach in dealing with individuals who experience difficulty in producing identification.**

Young people and exit planning

Young people exiting custody

Current research demonstrates clear relationships between child abuse, involvement in the juvenile justice system and homelessness.¹⁵ The importance of post-release programs and support has long been recognised in the area of juvenile justice for young people who have been sentenced. The provision of stability to the young person through accommodation is a key focus in reducing the risk factors of reoffending.¹⁶

Legal Aid NSW provides legal assistance to many children and young people who move in and out of juvenile detention and adult correctional centres. Some of these young people turn 18 while in juvenile detention and exit a custodial environment at the same time as they transition from care. These young people are at high risk of homelessness.

Legal Aid NSW submits that there is a need for more intensive, holistic and youth specific post-release programs to address the welfare needs of young people exiting custody, including access to clear pathways to accommodation. This support must be provided well before the young person is released from custody and requires case coordination and support.

This is particularly the case for young people who exit custody after a period of remand. As there is uncertainty around the length of time that they will remain in custody and what the outcome of their charge will be, it is difficult to intervene with programs and treatment.¹⁷ It is also difficult to plan for release when the young person may be released directly from court after a bail or sentence hearing. Given the numbers of juvenile detainees on remand are proportionately higher to the adult population,¹⁸ Legal Aid NSW recommends the establishment of more post release support programs for this group of young people.

There are post-release services that can assist young people to access and maintain accommodation when released from custody. An intensive case management transition program run by Save the Children that assisted young people released from Cobham Juvenile Justice Centre was de-funded at the end of the 2015/2016 financial year. Legal Aid NSW would support the reinstatement of post-release services such as this program to assist young people leaving custody to access and keep accommodation.

¹⁵ Australian Institute of Health and Welfare, "Children and young people at risk of social exclusion: links between homelessness, child protection and juvenile justice". Data linkage series no. 13. Cat. no. CSI 13 (2012) Canberra: AIHW.

¹⁶ Cunneen, Chris and Luke, Garth, *Recidivism and the Effectiveness of Criminal Justice Interventions: Juvenile Offenders and Post Release Support*, Current Issues in Criminal Justice, Vol 19 Issue 2 (Nov 2007).

¹⁷ Richards, Kelly, *Trends in Juvenile Detention in Australia*, Australian Institute of Criminology, Trends and Issues in Crime and Criminal Justice, No 416, May 2011, page 5.

¹⁸ Above n17, pages 4-5.

Young people exiting care

There is a high correlation between being in care and housing instability, including homelessness.¹⁹ The CREATE Foundation's 2009 Report Card found that in the first 12 months after leaving care, 34.7% of the care leavers reported having experienced homelessness.²⁰

Securing housing is fundamental to a successful transition from care. Despite this, there is currently no clear pathway from care to accommodation after 18 years. There is a lack of coordination between FaCS case workers for young people in care, on the one hand, and social housing providers and other youth housing services, on the other. There is also a lack of available accommodation options which meet the needs of young people transitioning from Out of Home Care (OOHC), and young people may be forced to go to boarding houses or refuges. Young people may also be forced to accept housing in areas where they have few connections, which is particularly difficult for young people already dislocated from family. The following case study demonstrates the barriers to the pathways to accessing accommodation for a young person leaving care.

Case study: Caitlyn

Caitlyn was 5 years old when she was placed into the care of her grandparents following the death of her mother from a drug overdose. Her family struggled to care for her and the placement broke down. Following the breakdown of the placement, Caitlyn spent time moving between other relatives and refuges and 'couch surfing'. Caitlyn experienced significant periods of homeless from 13 years of age. When she was 15 years, a final care order placed her in the care of the Minister to 18 years. By this time Caitlyn was associating with much older peers and living with a boyfriend. Caitlyn experienced serious domestic violence in the three years of being in the care of the Minister. Caitlyn was placed in multiple refuges and temporary accommodation properties after escaping the violence. Upon turning 18 and transitioning from care, Caitlyn was severely impacted by her trauma history, suffered mental illness, and struggled to leave her crisis accommodation out of fear of being assaulted by her ex-boyfriend. Caitlyn's leaving care plan was completed, but her lack of access to stable accommodation meant that she could not access the financial supports for independent living in the plan. When she was nearly 19 years, she obtained 3 months transitional accommodation. Legal Aid NSW assisted Caitlyn to apply to Housing NSW for permanent accommodation. While the housing application was accepted, the priority housing application was denied. Legal Aid NSW sought a review of that decision on her behalf and provided supporting material detailing Caitlyn's history and circumstances to the reviewing officer. Caitlyn was subsequently approved for priority housing.

¹⁹ Deloitte Access Economics, *Raising Our Children: Guiding Youth Victorians in Care into Adulthood*, Socioeconomic Cost Benefit Analysis, April 2016 (Report Commissioned by Anglicare Victoria), page 18.

²⁰ McDowall, J. J. (2009). *CREATE Report Card 2009 - Transitioning from care: Tracking progress*. Sydney: CREATE Foundation, page 57.

Leaving Care Plans (LCP)

The leaving care planning process is crucial to assist young people to access accommodation after they leave care. Under *the Children and Young Persons (Care and Protection) Act 1998* (NSW) (**the NSW Care Act**), the designated agency with supervisory responsibility for a child or young person must prepare a plan, in consultation with the child or young person, before the child or young person leaves out-of-home care.²¹ This plan must include specific supports and assistance to the young person across a range of areas, including: access to health, education, employment, housing and legal assistance.

Legal Aid NSW provides legal assistance to a significant number of children and young people in residential OoHC.²² A key component of legal assistance involves advocacy around the statutory entitlements of young people transitioning out of care. This includes:

- advocating for the development of a young person's leaving care plan (**LCP**) targeted to their needs
- advocating for greater involvement and support from FaCS or the non-government organisation providing residential OoHC case management in supporting a young person transitioning out of care, and
- seeking access to entitlements pursuant to a young person's LCP once the young person has left care, including support for accommodation.

In Legal Aid NSW's experience, there is inadequate planning and support provided to young people prior to leaving care. Many young people leave care without having a LCP despite the statutory obligation to do so. Even those with a LCP have template plans developed with limited or no participation from the young person and with little relevance to their needs or circumstances.

The issues around the preparation of LCPs were canvassed in the NSW Ombudsman's 2013 report, *The continuing need to better support young people leaving care*.²³ This report found that only 22% of young people left care with an endorsed LCP. Other key findings included:

- five months after exiting care, 19% of the cohort still did not have a LCP
- of the care leavers for whom a LCP was provided, planning of the LCP commenced in a timely manner for only 17% of care leavers
- of the care leavers for whom a LCP was provided, the planning and support was considered inadequate for almost half of them, and

²¹ NSW Care Act, s166.

²² This is defined as an OoHC placement in a residential building for children and young people where there are paid staff.

²³ NSW Ombudsman, *The continuing need to better support young people leaving care* (August 2013) available at: https://www.ombo.nsw.gov.au/__data/assets/pdf_file/0017/10880/The-continuing-need-to-better-support-young-people-leaving-care-web.pdf

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- leaving care planning and support was inadequate for the care leavers who were in Juvenile Justice detention in the 12 months prior to exiting care.

These findings mirror Legal Aid NSW's experience advocating for young people leaving care. Legal Aid NSW has successfully advocated for young people in developing LCPs that are tailored to their needs, which has resulted in accessing secure accommodation.

Case study: Curtis

Curtis was removed from the care of his parents at the age of two and placed in foster care placements. He experienced chronic homelessness, leaving his placements from the age of eleven and self-placing with relatives and friends. Curtis also was affected by the passing of his mother just before he turned eighteen, which resulted in ongoing loss and grief for which he had no appropriate cultural or clinical support. Legal Aid NSW made enquiries on his behalf with FaCS in relation to his LCP. Legal Aid NSW were advised that there was no open plan for Curtis and that a LCP had been developed and signed off without Curtis's participation or consultation as Curtis was homeless and non-contactable. Legal Aid NSW made submissions on his behalf to FaCS to seek funding for intensive casework support to be provided to Curtis from another agency, in view of the level of distrust that Curtis had towards FaCS. Legal Aid NSW were also able to advocate for the financial support to assist Curtis in finding accommodation (including bond assistance and money for furnishing his unit). This was approved and another agency started working with Curtis and has successfully assisted him with securing stable housing.

Aboriginal young people exiting care

Legal Aid NSW assists Aboriginal young people at the Youth Koori Court.²⁴ A significant proportion of these young people are in statutory OoHC. In Legal Aid NSW's experience, Aboriginal young people are particularly vulnerable to transitioning to homelessness after leaving care. This is especially the case with young Aboriginal people placed in kinship placements where there is often limited FaCS involvement. Where those kinship placements breakdown, Legal Aid NSW has needed to advocate on behalf of the young person for appropriate accommodation options.

Frequent periods of detention compromise the assistance that young people in care receive. We have found that there is often little contact or engagement from designated agencies where a young person is in custody, and there is nominal consultation and participation of the young person in planning the leaving care process. Aboriginal young people are disproportionately impacted by this, given their high rates of incarceration.

There is also limited support to develop culturally appropriate plans in the leaving care process. Legal Aid NSW's experience has been that there is a significant lack of Aboriginal identified staff to provide appropriate cultural planning as part of the leaving care process. We have also observed that there is some distrust by Aboriginal families and young people

²⁴ The Youth Koori Court has been trialled at Parramatta Children's Court since May 2015: <http://www.justice.nsw.gov.au/Pages/media-news/news/2014/NSW-Trials-Youth-Koori-Court-.aspx>

about involvement from government agencies who have been responsible for the separation and intergenerational removal of children from their families. This can act as a barrier to a young person's capacity to engage with FaCS and other agencies, which can further limit their opportunity to obtain secure housing. There needs to be alternative ways of engaging Aboriginal young people, including funding other case management services to provide assistance to young people and act as a conduit with FaCS.

Case study: Kyle

Kyle is a young Aboriginal man who was placed in a residential OoHC service eight months before he turned eighteen. Kyle had come into contact with the criminal justice system due to his frequent absconding from his placement to return back to his family and friends. The residential OoHC service started the leaving care planning process with Kyle two days before he turned eighteen. The meeting lasted only half an hour and failed to access appropriate supports. There were no accommodation options put in place for Kyle. Kyle's worker had not submitted a Housing NSW application for priority housing, or arranged other referrals to supported accommodation services. Kyle was not exited into homelessness because Legal Aid NSW advocated for FaCs to fund the residential OoHC service to accommodate Kyle for a further four weeks to enable proper leaving care planning to take place.

After care support

In NSW, children exit OoHC at the age of 18 years. There are limited after care resources for young people transitioning out of care.

There are significant barriers experienced by care leavers who have turned eighteen to have a LCP developed if they left care without a LCP, or to seek access to entitlements pursuant to an approved LCP. For many Legal Aid NSW clients, the process is excessively administrative and assumes a high level of systems navigation for which many care leavers do not have the skills or capacity. This often results in the young person not accessing any of the support or assistance to which they may be entitled, including stable housing.

A recent report from Victoria considered the potential benefits that would flow from extending support to all young people in OoHC from the age of 18 to the age of 21.²⁵ The report found that there were key benefits to the young person in the extension of support to care leavers, particularly in decreasing rates of homelessness.

²⁵ Anglicare Victoria, *Raising our Children: Guiding Young Victorians in Care into Adulthood*, Socioeconomic Cost Benefit Analysis by Deloitte Access Economics, August 2016. Available at: <http://www2.deloitte.com/content/dam/Deloitte/au/Documents/Economics/deloitte-au-guiding-young-victorians-in-care-into-adulthood-anglicare-220816.pdf> as at 19 September 2016.

Recommendations

The new homelessness strategy should contain actions to improve exit planning and pathways into housing for young people leaving custody and care, including the following:

- Provide appropriate funding for post-release programs for young people exiting juvenile detention and correctional centres to reduce the risk of homelessness.
- Increase collaboration between Juvenile Justice, Corrective Services, Housing NSW and FaCS, to create designated pathways into housing for young people leaving juvenile detention or care.
- Young people leaving care who make an application for social housing should be automatically placed on the priority housing list prior to turning 18 years or leaving care.
- There should be greater accountability for leaving care plans and they should be developed well in advance in order to secure appropriate accommodation options.
- Increase the leaving care age from eighteen to twenty-one years.
- Allocate more resources to after care services to support young people exiting care.
- Fund and support holistic services that provide transitional/supported independent living programs with case management support to help young people transition into independence and sustain secure housing.

Embedding early intervention and prevention

Identifying people earlier and helping them get support

Legal Aid NSW Law Check-Up

Research shows that legal problems not addressed at an early stage can contribute to health problems, inability to work, financial difficulties, further and more serious legal problems and homelessness.²⁶ People who are homeless or at risk of homelessness are some of the most disadvantaged members of the community. They are unlikely to recognise that problems they have with finances, housing, relationships, and employment or consumer contracts have a legal dimension and a potential legal remedy. They are therefore unlikely to seek legal help. More often than not, a disadvantaged person with a

²⁶ See for example Pleasence, P., Coumarelos, C., Forell, S., McDonald, H.M. and Mulherin, G. *Reshaping legal assistance services: building on the evidence base* (2014) Sydney: Law and Justice Foundation, p14.

legal problem will seek help from a non-legal professional rather than a lawyer.²⁷ Training workers across the homelessness service system and establishing effective referral pathways are therefore critical components of early identification and resolution of legal issues.

An independent evaluation of the Riverina Murray Rural Interagency (HAP) Project noted that a key benefit of multi-agency coordination meetings was the incidental education on legal matters provided by the Legal Aid NSW homeless outreach lawyer attached to the project.²⁸ This enabled workers to readily identify when a client had a legal problem and make appropriate referrals to a Legal Aid NSW solicitor.

Building on the above findings, Legal Aid NSW has developed a diagnostic tool and training program to enable workers to identify legal problems that are known contributors to homelessness. The “Law Check-Up” is a simple one page checklist to help non legal workers ‘diagnose’ problems that have a legal dimension and link them with legal assistance in their local area.

Legal Aid NSW homeless outreach solicitors have been instrumental in providing training NSW homeless service providers on how to use the Law Check-Up. In 2015 for example, a homeless outreach solicitor funded under the NPAH delivered training on the Law Check-Up for non-legal workers in Tweed Heads, Lismore and Ballina. Approximately 230 homeless service system workers undertook the training. Law Check-Up training has also been provided to other front line workers who are likely to have contact with people who are homeless or at risk of homelessness. These include Women’s Domestic Violence Court Advocacy Service workers and health care providers. The Law Check-Up tool has also been adapted for use in Juvenile Justice detention centres and prisons to assist with exit planning.

Legal Aid NSW recommends that this training should continue to be provided on a regular basis to workers across the homelessness service system. If NPAH funding to Legal Aid NSW is discontinued, it is likely that the amount of training we can provide will be reduced. Correspondingly, if funding is increased, Legal Aid NSW will be able to provide more training in the Law Check Up across NSW.

Recommendation

The homelessness strategy should include actions to support the early identification and resolution of legal issues that contribute to homelessness, including effective referral pathways.

²⁷ Coumarelos, C, Macourt, D, People, J, MacDonald, HM, Wei, Z, Iriana, R & Ramsey, S *Legal Australia-Wide Survey: legal need in Australia*, Law and Justice Foundation of NSW (2012), pp111 – 113.

²⁸ ARTD Consultants, *NSW Homelessness Action Plan Evaluation: Evaluation of the Riverina Murray HAP project*.

Service co-ordination

Evaluation of successful projects, including those funded under the NPAH, demonstrate that well-coordinated partnerships and co-case management models deliver more effective outcomes for clients than can be achieved by agencies working in isolation. The co-case management model adopted in the Riverina Murray Rural Interagency Project, for example, impacted positively on the services system.²⁹ The identified benefits of this model are:

- a flexible client centred approach
- a more integrated and collaborative approach featuring ease of communication and referral between service
- a positive impact on the service system generally
- an improved ability to provide incidental education across services, and
- a well-targeted and effective approach.³⁰

The benefits of a model entailing mutually reinforcing relationships were also evident in the Belmore Park multi-agency outreach, described below.

Regional coordination of homelessness services takes place in some locations such as the Northern Rivers. However, there is now less funding available under the NPAH to support such beneficial cross agency initiatives.

Recommendation

The homelessness strategy should foster and fund collaborative service delivery approaches at both regional and local levels.

²⁹ ARTD Consultants, *NSW Homelessness Action Plan Evaluation. Evaluation of the Riverina Murray HAP project.*

³⁰ *Ibid*, pages ix-xi.

Health Justice Partnerships

People who are homeless are more likely to suffer from long term physical or mental health conditions.³¹ A significant body of research both in Australia and overseas has further noted a strong relationship between illness and disability and legal problems.³² The Legal Australia Wide (LAW) survey found that those with long term illness or disability are more than twice as likely to report one or more legal problems.³³ The LAW Survey also found that as severity of the illness or disability increased, so too did their vulnerability to an increasing number of legal problems. In addition, there is growing recognition of the role unresolved legal problems play in stress-related ill health.³⁴

Evidence also demonstrates:

- the benefits of an integrated model of service delivery including legal, health and human services, and³⁵
- that vulnerable people often first seek help with their legal problems from health professionals.³⁶

Responding to these findings, Legal Aid NSW has been at the forefront in the development of health justice partnerships (**HJPs**) in Australia (see **Attachment A**). These partnerships locate legal services within a health setting to address what are now understood to be some of the key social determinants of health.³⁷ This enables early identification and resolution of legal problems and improves health outcomes. For example, resolving legal issues related to housing can assist in addressing a client's stress-related illness. Resolving underlying legal issues concerning substandard accommodation or homelessness, for example, may also address associated health conditions.³⁸

Recommendation

The strategy should recognise the role of HJPs in addressing homelessness, including through support and funding.

³¹ Homeless Link. *The Unhealthy State of Homelessness: Health audit results 2014*, page 3, at: http://www.homeless.org.uk/sites/default/files/site_attachments/The%20unhealthy%20state%20of%20homelessness%20FINAL.pdf

³² Coumarelos, C, Pleasence, P & Wei, Z, *Law and disorders: illness/disability and the experience of everyday problems involving the law*, Justice Issues Paper 17, Law and Justice Foundation of NSW (2013); Pleasence, P, Balmer, JJ & Buck, A, "The health cost of civil law problems: further evidence of links between morbidity and the consequential use of health services", *Journal of Empirical Legal Studies* (2008) Vol 5, no 2, pp.351 – 374.

³³ Coumarelos, C, Macourt, D, People, J, MacDonald, HM, Wei, Z, Iriana, R & Ramsey, S. (2012), *Legal Australia-Wide Survey: legal need in Australia*, Law and Justice Foundation of NSW, Sydney.

³⁴ See Pleasence et al, above n32, page 2.

³⁵ For example AHURI. *Homelessness Action Plan – summary of evaluation findings*. May 2013 pp. 1 – 6 <http://www.housing.nsw.gov.au/help-with-housing/specialist-homelessness-services/info-hub-for-service-providers/research-and-evaluation>

³⁶ See Coumarelos et al, above n32, at page 110.

³⁷ See for example the 2016 Boyer Lecture Series, Professor Sir Michael Marmott, *Fair Australia, Social Justice and the Health Gap* <http://www.abc.net.au/radionational/programs/boyerlectures/>

³⁸ Ibid.

Strengthening collaboration

Collaborative approaches to prevention and early intervention

Legal Aid NSW was funded to participate in a number of collaborative projects established as part of the 2009 – 2014 *Homelessness Action Plan* under the NPAH. Since that Plan ended, the Legal Aid NSW component of each of these projects has continued under one off funding. A description of these projects, their evaluation, and the role played by Legal Aid NSW is at **Attachment B**.

These projects provided an invaluable opportunity for a collaborative approach to prevention and early intervention across government and non-government agencies. Independent evaluations found the projects to be highly effective in addressing the needs of people who are homeless or at risk of homelessness, including through the provision of legal services.³⁹ The benefits of an integrated and coordinated approach were clearly demonstrated. However, the success of this approach depends on dedicated resources to support the coordination of services.

Coordinated efforts to prevent homelessness

As noted above, the projects funded under NPAH provide excellent examples of effective service coordination and integration (see **Attachment B**).

A further example arose when homeless people began camping in Belmore Park in Inner City Sydney in 2014. Legal Aid NSW participated in a multi-agency outreach every Tuesday morning at 7:00 am to join homelessness workers from the City of Sydney, Neami–Way to Home, NSW Health, Housing NSW and the Aboriginal Corporation for Homeless and Rehabilitation Community Services. As part of the service, breakfast was made for the park residents by volunteers who had themselves previously been homeless. Legal Aid NSW worked closely with other services to raise awareness of legal problems impacting on homelessness and available referral pathways. We provided on the spot advice and assistance to homeless people living in and around the park. The success of the outreach is demonstrated by the following case study.

Case study: The Belmore Park multi-agency outreach clinic

Mick is originally from Sydney, but had been living and working in Queensland for many years. He lost everything in the Queensland floods in 2011 and 2013, including his job. He applied for early release of his superannuation. His application was rejected as he could not provide proof of his debts to establish that he could not meet his reasonable and immediate living expenses.

³⁹ See Matrix on Board, *Evaluation of the legal component of the Riverina Homelessness Interagency Project & Reaching Home* (2012) and ARTD Consultants, *Overarching evaluation report for the long-term housing and support service model* (2013).

With nowhere else to go Mick ended up back in Sydney, sleeping on a towel at Central Station. A fellow homeless resident of Belmore Park introduced Mick to a Legal Aid NSW Solicitor at the park's multi-agency outreach clinic. Legal Aid NSW assisted Mick with a fresh application to his Superannuation Fund Trustees, advocating on his behalf that housing is a reasonable and immediate living expense in the context of homelessness. The Trustees agreed and released the funds requested. Mick has now moved off the streets and is looking for work.

Accessible, dignified and trauma-informed service delivery

The majority of Legal Aid NSW's clients who are experiencing or at risk of homelessness have a complex combination of legal and social needs. A holistic 'case management' approach is required to meet these complex needs.⁴⁰ Our experience is that a well-coordinated service model will be more effective than the traditional "siloes" approach.

Legal Aid NSW submits that the new homelessness strategy should recognise the benefits of this approach, which entails:

- a simplified intake process, where a client enters the service system through one gateway and is referred to appropriate agencies
- ease of communication and cooperation between services
- training and support provided to partners in identifying legal problems and referring people for assistance, and
- services working together to "wrap around" the individual.

Building effective referral pathways and processes

Effective local referral processes

Examples of projects that have improved local referral processes and engaged services across the government and non-government sector are the HJPs in **Attachment A**.

⁴⁰ Legal Aid NSW, *Client Service Strategy 2016 – 2020* (May 2016).

Children and young people

Please also refer to the *Exit Planning* section above.

Legal Aid NSW provides legal assistance to children and young people who have complex and multiple needs. This includes children and young people who:

- have unstable housing, are homeless or at risk of homelessness
- have mental health problems, cognitive impairment or substance abuse issues
- have experienced violence, abuse or neglect
- are or have been in OoHC
- have disengaged from school
- have spent time in a juvenile justice detention centre, and
- have a primary carer with a disability, mental health problem, substance issues, or who is the victim of domestic violence.

These young people are at high risk of homelessness.

Access to and engagement with services

Children and young people with complex needs face many barriers to accessing services, including homelessness services. These can include:

- lack of communication skills and/or literacy to complete applications for services
- distrust of service providers, stemming from backgrounds of trauma by care givers and previous traumatic interventions by government services
- transience, making them difficult to contact and limiting their ability to engage consistently with services, and
- lack of identification documents and other documents to support applications for services.

Designated and specifically trained youth specialist officers within Housing NSW are needed to assist children and young people to access housing services.

Many children and young people that Legal Aid NSW works with are disengaged from education. Many, including those in OoHC, present with complex behavioural issues and have been suspended, expelled or refused enrolment into schools, or are only part attending school. The introduction of a new medium term rental subsidy in NSW, Rent Choice, with priority clients including young people transitioning to independent living, will

require clients to engage with education and/or employment and relevant supports.⁴¹ Legal Aid NSW is concerned that this initiative, and any other, must factor in the barriers to education and employment and recognise that stable accommodation can lead to education and employment. Where engagement is a requirement, adequate time and support must be provided to assist young people to overcome the barriers to accessing these pathways, particularly those experiencing trauma or who are vulnerable.

The limited housing options for young people who are vulnerable and have complex needs is a significant concern. While young people may be able to access a refuge for short term accommodation, these young people will struggle with the structure and systems of refuge placements. Applications for social housing are also challenging for young people with the additional requirements imposed on young people under 18 years of age.⁴²

To address the needs of vulnerable young people, there needs to be a greater range of supported accommodation available to young people. More medium to long term supported independent living accommodation options are required for young people, particularly those transitioning from care and out of juvenile detention. Models that provide wrap around support from various multi-disciplinary services working in partnership, such as the former 'Inner City Youth at Risk' model, have shown themselves to be effective at housing young people with complex needs.

Collaboration between services

Many young people facing homelessness do not have identity documents such as a birth certificate, Medicare card, Health Care card, proof of Aboriginality, or photo identification. Barriers to obtaining such documents include:

- their birth was not registered with the appropriate births, deaths and marriages registry
- they lack the financial means to obtain the identity documents
- they lack the skills to navigate the system to obtain the identity documents, and
- they lack the knowledge and skill to obtain proof of Aboriginality, exacerbated by disconnection from family and community.

The barriers to accessing housing without relevant identification is seen in the following case study.

Case study: Nathan

Nathan is a young Aboriginal man who was removed from his parents at three years of age due to concerns around substance abuse, transience and neglect. Nathan and his siblings were placed with his grandmother through Family Court orders. This placement broke down and Nathan has been transient since the age of 12 years and homeless

⁴¹ NSW Government, *Future Directions for Social Housing in NSW*, page 16.

⁴² <http://www.housingpathways.nsw.gov.au/additional-information/policies/eligibility-for-social-housing-policy>.

since the age of 13 years. At 14 years of age, Nathan became a father. Nathan, who is now 16, has experienced significant childhood trauma, struggles with alcohol and drug use and has serious mental health issues. Nathan's homelessness has impacted on his education, employment, contact with his son, and maintaining professional appointments to address his drug use and mental health. Nathan lacks trust in welfare agencies. FaCS have not provided any ongoing support for Nathan, including in relation to accommodation. Nathan struggles with structure and systems and finds it difficult to stay in youth refuges. After a suicide attempt, Nathan moved in with his aunt who lived in a Housing NSW Property. When his aunt was evicted for unpaid rent, Nathan attempted to access temporary accommodation through *Link2Home*. *Link2Home* required photo identification to provide temporary accommodation in a hotel. To obtain a NSW Photo Card, Nathan required an original copy of his birth certificate from Queensland. He had recently lost the original due to his transience and was unable to immediately apply for temporary housing. He lacked the ability to apply for his birth certificate from Queensland and also the means to pay for the cost of the application.

There could be greater collaboration across government agencies so that a child or young person is in some circumstances not required to produce identity documents that are held or issued by other government departments. Centrelink and Services NSW, for example, currently “cross-check” birth certificates with the Registry of Births, Deaths and Marriages at the time of an application.

Recommendations

The strategy should contain actions to better engage and assist children and young people experiencing or at risk of homelessness, including the following:

- **Establish specifically trained youth specialist officers within Housing NSW dedicated to assisting children and young people to access housing services.**
- **Strategies to engage young people at risk of homelessness, at least initially, should not be dependent on engagement in education or employment.**
- **Provide funding for more supported semi-independent housing programs for young people which provide wrap around multi-disciplinary support that address the needs of the young person and increase their independent life skills.**
- **Increase collaboration across government agencies so that a child or young person with complex needs is not required to produce identity documents that are held or issued by other government agencies.**
- **Provide an automatic fee waiver for children and young people at risk of homelessness to obtain identity documents.**

Family violence and homelessness

Building on Staying Home Leaving Violence and Start Safely

Staying Home Leaving Violence (SHLV) and *Start Safely (SS)* provide additional options that reduce the risk of homelessness for women and children who are experiencing or have experienced domestic violence. SHLV and SS could be enhanced by funding more housing to meet the individual needs of women and children experiencing domestic and family violence. This includes additional investment in woman and child specific refuges and public housing. Although supporting women and children to remain in their home is a legitimate policy goal, many women are not safe to remain in the home even with SHLV or an ADVO in place.

Link2Home is an example of a good initiative, but Legal Aid NSW's experience is that there is often a delayed response to requests, or in some instances no response at all, which may be due to a lack of available accommodation places. *Link2Home* is also not a domestic violence specialist service. Although women victims of intimate partner violence are encouraged to access the domestic violence phone line, there is scope to improve the domestic violence knowledge and approach of Link2Home workers so that all domestic violence victims receive a consistent response.

Victims who are not permanent residents of Australia face significant barriers in accessing safe housing and are at great risk of becoming homeless. These victims are not eligible for Government benefits such as Centrelink, and often cannot make the small financial contribution required to access anything other than crisis accommodation. This means that these victims often become 'stuck' in crisis accommodation, which is not a good outcome for the victim or the accommodation provider, as it prevents the provider from assisting other victims in crisis situations.

Although access to financial benefits for these victims is a Commonwealth Government issue, the NSW Government could provide targeted support to them to prevent homelessness. This would not only reduce negative outcomes for victims and their families but would reduce the costs to government associated with providing crisis accommodation.

Recommendations

The strategy should contain actions to address the risk of homelessness for people experiencing domestic and family violence, including the following:

- **Increase funding for domestic violence-specific refuges.**
- **Provide targeted support for victims of domestic and family violence who are not permanent residents.**
- **Build the knowledge and capacity of Link2Home workers to assist victims of domestic and family violence.**

Aboriginal people and homelessness

A culturally informed approach is needed

In Legal Aid NSW's experience, Aboriginal people are less likely to self-identify as being homeless or at risk of homelessness. For example, many Aboriginal people experiencing secondary forms of homelessness, such as staying with friends or family temporarily, will often identify as having a home. There are many reasons for this, including differing and more complex concepts of the meaning of 'home' among Aboriginal people.

This form of secondary homelessness, where family members provide housing for someone who is effectively homeless, is common in Aboriginal communities. While this practice is a means of providing shelter to family members, it can also create problems of overcrowding, inter-personal conflict and, where the tenant lives in a public housing property, it can place their tenure at risk.

Existing services will be in a position to better identify and support Aboriginal people at risk of homelessness through improving cultural competency and understanding of the issues facing Aboriginal peoples. Cultural competency is supported by employing Aboriginal people at all levels of service delivery, including in frontline and leadership roles.

Recommendations

The new homelessness strategy should include actions to ensure culturally informed service delivery and the interpretation and application of Housing NSW policies, including the following:

- **Employ specialist Aboriginal Client Service Officers in every Housing NSW office.**
- **Ensure that the FaCS Aboriginal Policy Unit provides support and guidance around the impact of Housing NSW policies on Aboriginal tenants.**
- **Take a flexible approach in dealing with issues of overcrowding, particularly in relation to Aboriginal tenants.**

Safeguards to identify and support Aboriginal tenants before NCAT

Legal Aid NSW is aware that in some circumstances, NCAT can make an order for termination in the absence of the tenant, for example when a tenant is in custody. Tenancy termination has significant repercussions, both financial and non-financial. This is intensified for tenants in custody who are often unaware of the proceedings. Given the overrepresentation of Aboriginal people in custody in NSW, this practice can impact disproportionately on Aboriginal tenants.

Case study: Libby

Legal Aid NSW assisted Libby to secure an absence from her property due to incarceration. Libby was released from custody and returned to her property. A number of months later Libby was incarcerated again. Housing NSW commenced proceedings for termination and Libby's tenancy was terminated in her absence. Legal Aid NSW saw Libby at a clinic and commenced proceedings in NCAT. After negotiations, the NCAT order was set aside and the original application by Housing NSW withdrawn.

This issue could be addressed by establishing a process to determine whether a tenant who fails to appear at NCAT is currently in custody before an order for termination is made. For instance, a JusticeLink search could be conducted in these cases. Where NCAT becomes aware that the tenant is in custody, the matter should be adjourned to make arrangements for the tenant to access legal advice and assistance and attend the hearing if possible.

Aboriginal tenants living in regional and remote areas can also face significant barriers when involved in NCAT proceedings. Many clients do not have the means to attend the proceedings in person, particularly those listed in metropolitan service hubs or cities a long way from their home community. Further, there are some remote Aboriginal communities where mail is not delivered. In these cases, the mail is usually delivered to the nearest local post office but the tenants will often not receive timely notice of the proceedings.

Barriers to engaging with NCAT proceedings can be particularly pronounced for Aboriginal tenants with limited literacy who have difficulty understanding documents relating to NCAT proceedings. These clients should be referred to an agency such as Legal Aid NSW for advice and assistance so that they can be supported to engage in the NCAT proceedings.

It is not uncommon for some social housing providers to file a number of housing matters at once at NCAT, resulting in a number of matters being listed on the same day. Where there is a 'group' of matters listed by the AHO, a local Aboriginal Land Council (**LALC**) or an Aboriginal Community Housing Provider (**ACHP**), there is scope to identify this 'cohort' of tenants and notify Legal Aid NSW, as well as other service providers, so that they are able to provide advice and assistance to the tenants in these matters.

Legal Aid NSW participates in the NCAT Tenancy, Social Housing and Aboriginal Consultative Forum. In this forum it was recommended that NCAT develop a strategy around Aboriginal service delivery, similar to strategies that existed under the Consumer Trader and Tenancy Tribunal. It was also recommended that NCAT list all matters involving Aboriginal people on one day so that services can be corralled on that day. Legal Aid NSW supports these initiatives.

Recommendations

The homelessness strategy should contain actions to identify and support Aboriginal tenants before NCAT, including the following:

- **Establish a process to determine whether a tenant who has not appeared at NCAT is currently in custody before making an order for termination.**
- **Where a tenant is in custody, a matter should be adjourned so the tenant can access legal advice and assistance, and attend the hearing where possible.**
- **Implement a notification or automatic referral system between NCAT and Legal Aid NSW when an application for termination is made by AHO, an ACHP or a LALC.**
- **Housing NSW and the AHO should work collaboratively with NCAT and other key stakeholders to develop an Aboriginal client service delivery strategy to support Aboriginal clients in contact with the civil justice system in relation to housing problems and who are at risk of homelessness.**

Early intervention strategies to support and manage leases in Aboriginal communities

The Legal Aid NSW Civil Law Service for Aboriginal Communities is a specialist service that provides advice and assistance to Aboriginal clients and communities in priority locations across NSW. Clients are assisted with housing matters including tenants in properties owned by a LALC and managed by an ACHP under the 'Head Lease Program' of the *Build and Grow Aboriginal Community Housing Strategy*.⁴³

In many of these settings, the issues and relationships are complex. For example, the Aboriginal tenants are often also members of the LALC which owns the properties they lease. In addition, many Aboriginal tenants consider themselves to be traditional landowners or custodians of land to which they have cultural ties. The contractual relationships of the Head Lease Program between the LALC, AHO and the ACHP are a further complicating factor.

In this context, there are considerable limitations in pursuing issues such as rent arrears and termination through NCAT. Some of the limitations in using the Tribunal as a forum to try to resolve complex housing disputes in Aboriginal communities include:

- a considerable expenditure of resources by Legal Aid NSW, Aboriginal tenancy services, the landlord, the Tribunal, and the affected residents

⁴³ Family and Community Services Aboriginal Housing Office, 2014. *Build and Grow Head Lease Policy* available online at: <www.aho.nsw.gov.au/housing-providers/build-grow>

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- the proceedings tend not to lead to payment of rent
 - the proceedings often do not advance or engage with the underlying problems that explained the non-payment of rent. Instead, the proceedings focus on a symptom of a much deeper problem, and
 - where tenants are not accessing tenancy or legal services they are often not aware of their rights to have issues of repair and maintenance also heard before NCAT.

Legal Aid NSW submits that there would be considerable benefit in adopting an early intervention case management and dispute resolution process to address non-payment of rent in relation to properties owned by a LALC and/or managed by an ACHP before commencing proceedings in NCAT.

The AHO could play an important role in supporting and encouraging ACHPs to manage tenancies in Aboriginal communities so that:

- termination proceedings are an avenue of last resort
- alternative processes promote early intervention and are a necessary step prior to commencing proceedings, and
- all of the issues relevant to rent arrears are taken into consideration.

There would also be significant benefit in having ACHPs adopting: (a) a case management approach that seeks to address the underlying economic and social issues contributing to rent arrears; and (b) case conferencing as a mechanism to resolve disputes between the ACHP and tenant which are contributing to non-payment of rent, such as those concerning repairs and maintenance.

Case study

In a small town in north-west NSW and a nearby Aboriginal community, many houses are rented by Aboriginal people that are owned by the LALC. Most of the tenants are also members of the LALC. In 2011, the LALC signed up to the Build and Grow Housing Strategy. Under this strategy, the LALC transfers management of housing stock to the AHO, who then subleases the management of the properties to an ACHP. However, the residents were dissatisfied with the way the housing stock was managed and a number of them stopped paying rent, which prompted bulk applications being lodged at NCAT. Many people were unaware of the proceedings or had difficulty participating in them. Eventually termination orders were made in some cases and later warrants were executed to evict the occupants from the premises. Legal Aid NSW became involved to assist people save their tenancies and avoid becoming homeless. Legal Aid NSW has been involved in an ongoing conversation with the AHO and LALC around how to best sustain the community housing scheme in these communities and implement processes to manage the tenancies in a way that is mutually beneficial. If successful, this approach could be used as a model in other Aboriginal communities across NSW.

Recommendation

The new homelessness strategy should contain early intervention strategies to support and manage leases in Aboriginal communities to prevent terminations and subsequent homelessness, including the following:

- **Implement a notification or referral system between NCAT and Legal Aid NSW to notify Legal Aid NSW when there are bulk listings by a social housing provider in regional locations.**
- **The AHO should provide governance support to ACHPs to manage and sustain Aboriginal community housing schemes so that termination proceedings are an avenue of last resort.**
- **Require ACHPs to adopt:**
 - a. **a case management approach that seeks to address the underlying economic and social issues contributing to rent arrears, and**
 - b. **case conferencing as a mechanism to resolve disputes between the ACHP and tenant which are contributing to non-payment of rent, such as those concerning repairs and maintenance.**

Culturally competent legal services

As previously stated, Legal Aid NSW advocates for a coordinated and holistic government response to homelessness, of which legal assistance is a key element. This is particularly important for Aboriginal people, who are over-represented in the homelessness population and face particular barriers accessing services and engaging in the service system. Culturally competent legal services can help ensure that Aboriginal people are able to engage in the service system, particularly around their housing rights and responsibilities. These legal service will create the most value where they are provided in collaboration with a range of other non-legal services, particularly when they are embedded as a key element of an intensive case management model.

Legal Aid NSW has extensive experience delivering culturally competent legal assistance services to Aboriginal people, including through:

- the Civil Law Service for Aboriginal Communities. This Service is staffed predominantly by Aboriginal people, which is an essential part of the design, development and provision of culturally competent services, and

-
- the Aboriginal Women Leaving Custody Service.⁴⁴ This service is an example of a successful program that is targeted, culturally competent and, through collaboration with other non-legal services, provides a holistic service for Aboriginal women who face homelessness on release from custody. There is significant scope to expand this service to Aboriginal women in custody across NSW, as well as to Aboriginal men in custody.

Our lawyers in Head Office and in 22 regional offices across the state are also well positioned to provide targeted, culturally appropriate legal assistance to Aboriginal people who are at risk of homelessness. Lawyers in regional offices work closely with Aboriginal Field Officers in order to deliver legal advice and assistance to Aboriginal people across NSW. Permanently embedding culturally competent legal services in a homelessness strategy for NSW would enable these vital services to commit to long term collaborative strategies to reduce homelessness in the Aboriginal community.

Recommendation

The strategy should support and embed culturally competent and holistic legal services to Aboriginal people experiencing or at risk of homelessness.

Older women and homelessness

Opportunities to identify and support older women earlier

There are a multitude of problems that have a legal dimension that can result in older women becoming homeless. These include the following:

- older women becoming financially vulnerable as a result of financial arrangements when a spouse dies or when financial assistance is given to children
- inability to pay strata fees and/or council rates
- loss of employment, insecure employment or loss of work opportunities. Legal Aid NSW frequently sees older women workers who have lost employment as a result of age discrimination or non-genuine redundancy.

These situations all require advice, advocacy and intervention to protect and enforce the rights of older women.

Agencies that regularly come into contact with older women need to be able to identify these issues as early as possible and engage legal assistance. Early identification and

⁴⁴ Lawyers in the AWLC service primarily assist Aboriginal women inmates in Silverwater Correctional Centre to access social housing.

appropriate referrals can help address these problems before they escalate and result in homelessness.

Legal Aid NSW operates specialist legal services for older people and has established links with agencies working with older people across the human services sector. There is scope to better identify and support older women who are homeless or at risk of becoming homeless through greater collaboration between agencies and workers that come into contact with older women, including legal assistance services. Legal Aid NSW operates specialist legal services for older people and has established links with agencies working with older people across the human services sector.

Case study: Roberta

Roberta is 65 years old and on the age pension. Her daughter Lisa suggested that they could jointly buy a property. Roberta agreed and contributed the majority of the purchase money. Lisa borrowed the balance. Lisa later married and had children. Roberta cared for the children while Lisa went to work. Tensions arose between Roberta and Lisa and her husband ultimately evicted Roberta, leaving her homeless and without any compensation for the contribution she had made to the purchase of the property. Legal Aid NSW assisted Roberta and was able to secure funds in order for her to secure housing.

Helping agencies working with older women to identify legal problems that impact on homelessness

Resources and training

Legal Aid NSW publishes an extensive suite of resources that provide accessible information about legal issues that are most relevant to older people.⁴⁵ These resources identify potential risks for older people, and suggest ways to protect their financial interests. The display of brochures in community organisations, medical practices and other locations that older women are likely to frequent enables older women and workers to identify legal problems and risks, and get appropriate support. There is scope to expand the distribution network of these publications.

Legal Aid NSW's *Law Check-Up*, explained earlier, assists community and health workers to identify legal problems and establishes referral pathways for assistance. Non-legal workers, such as community and health workers, are ideally placed to identify older women who may be in need of support. Limited funding constrains the extent to which Legal Aid NSW can provide this resource and training to agencies working with older women.

⁴⁵ For example: *Legal Topics for Older People Diary*; *Helping your family financially? Understand the risks; Trouble making your home loan payments because you have separated from your partner?*

Health Justice Partnerships

Legal partnerships with health services in both community and hospital settings are a highly effective way to facilitate greater access to appropriate legal assistance for older women who may be at risk of homelessness. These partnerships are well placed to identify and support vulnerable older women given that, in many cases, risks to homelessness are exacerbated by poor health. For example an older women who is sick may move in with family, but later experience difficulties and be evicted, or an older women with cognitive issues may be coerced into signing a mortgage, power of attorney or other legal document.

As noted earlier, research has shown that health workers are often the first to hear about the problems individuals are facing and having a lawyer on site can help ensure early identification and assistance. These partnerships, combined with *Law Check-up* training, are an ideal way to identify and prevent problems that lead to homelessness for older women. Legal Aid NSW is involved in some partnerships of this kind but is again limited by funding constraints. There is potential to expand these partnerships across NSW if appropriate funding were made available. For example, Legal Aid NSW is investigating partnerships with Aged Care Assessment Teams in some parts of regional NSW.

Partnership with the Council of the Aging

Legal Pathways for Older People project is a partnership between Legal Aid NSW, the Council on the Ageing (COTA) NSW, The Seniors Rights Service and the Law Society of NSW. The *Legal Pathways for Older People project* has been highly successful in counteracting the difficulties older women can face in accessing legal help. Legal help includes help with civil and family law problems, as well as the preparation of wills, enduring guardianship appointments and enduring powers of attorney. There is scope to expand the project further in rural areas with additional funding.

COTA has extensive ties to the older community and there is scope for Legal Aid NSW to work with COTA in addressing issues surrounding the homelessness of older women. This could focus on preventative steps older women could take to protect their homes and to give them security of housing as they age. If funding were made available, Legal Aid NSW could work with COTA to increase awareness of the potential catalysts of homelessness and how to manage them. It could also provide more extensive referral pathways to assist older women in situations where they need legal assistance to resolve these problems.

Recommendation

The strategy should support and fund enhanced legal services for older women, targeting issues that impact on homelessness.

Rough sleeping and chronic homelessness

The NPAH projects that were most effective in addressing chronic homelessness were well coordinated and brought together a range of skills and resources to address the complex needs of this particular cohort. The *Reaching Home (Assertive Outreach)* Project in Newcastle (see **Attachment B**) is an example of a project which specifically targeted rough sleepers using a “Housing First” approach, wrapping services around the client to assist them to maintain their tenancy.

Another example was the Belmore Park multi-agency outreach, referred to above, which operated in inner city Sydney in 2014/15. This outreach enabled services to take a client centred approach, working together to address the multi-dimensional nature of homelessness, including issues with housing classifications, difficulty with paperwork, lack of identification, mental health, drug and alcohol, and other unresolved legal issues. One of the many benefits of this approach was the ease with which workers were able to communicate with and refer to each other, overcoming barriers quickly that might otherwise have taken days or weeks to work through.

Case study: John

John is an Aboriginal man who had lost his accommodation and was struggling to find suitable accommodation close to his young daughter Jemma and her mother Anne. John and Anne had separated but John still got on well with Anne and loved his regular contact with Jemma. John was living in a homeless men’s refuge, where residents were often drunk or on drugs. John has been clean and sober for over 10 years and found it very difficult to be in this environment. It was starting to affect his wellbeing considerably and he was feeling very anxious and depressed about his situation. John met a Legal Aid NSW solicitor at the Homeless Outreach at Belmore Park. The Homeless Outreach Solicitor got to know John and introduced him to a homeless outreach worker from the Aboriginal Corporation for Homeless and Rehabilitation Community Services. Together, they advocated for John with Housing NSW. As the Legal Aid NSW solicitor had all the details of John’s situation, he was able to write a letter on John’s behalf in support of his application for priority housing. John now has a Housing NSW flat close to where his daughter lives and is greatly relieved and happy with his new home. He has a room for Jemma and says that everything is much better.

Recommendation

The homelessness strategy should support the establishment of multi-disciplinary assertive outreach teams to assist chronic rough sleepers, including legal support in key locations.

Mental illness and homelessness

What needs to change to stop people living with mental illness from becoming homeless because of the episodic nature of their illness?

People who need episodic hospitalisation are at risk of losing their accommodation, particularly private rental accommodation. There are no legislative safeguards in place to prevent them from losing their housing and exiting hospital into homelessness.

There is a significant cohort of people with mental illness who are long term patients in psychiatric facilities due to the lack of housing options.⁴⁶ Elderly people with mental illness also find it difficult to find a place in aged care facilities and nursing homes.

Mental health patients are required to pay for their hospital accommodation after they have been in hospital for sixty days. Patients who have accommodation when they go into hospital may lose that accommodation because they are unable to keep up both rent and hospital payments. Hospitals have some discretion to waive fees but this discretion is not always used. There is no obligation on hospitals to waive payments in circumstances where patients are in financial hardship. Similarly there is no obligation on social or private housing providers to consider temporary financial hardship arrangements for rental payments.

Neighbour disputes and anti-social behaviour policies are another difficult issue for people living with mental illness. Housing policies need to be more flexible to allow for people with mental illness who have become unwell to keep their accommodation or to be rehoused quickly once their mental health has been stabilised. This otherwise leads to homelessness.

Case study: Deborah

Deborah has serious mental health problems and was the victim of long term abuse. She was being evicted as a result of leaving her property after a riot in her street, in which she sustained injuries from neighbours who wielded bats and machetes. In spite of the incident, Housing NSW told her that she could not transfer to another property. Deborah indicated to Housing NSW that she wanted to leave. Housing NSW gave her a day's notice that they would be taking the house back and told Deborah that if she did not remove all of her belongings they would be disposed of. Housing NSW did not have any orders from NCAT. With Legal Aid NSW's assistance, the matter was settled amicably and Deborah was given a new property. It is now some 7 years after this incident and Deborah has been able to retain her property without any major incidents.

⁴⁶ Denial of Rights: the need to improve accommodation and support for people with psychiatric disability, a special report to Parliament under s341 of the Ombudsman Act, November 2012.

Recommendation

The homelessness strategy should include measures to address the housing challenges faced by people with mental illness, including:

- Review the Health NSW policy of charging mental health patients to include greater protections for people at risk of homelessness.
- Ensure flexibility in Housing NSW policies to ensure that people with mental illness who become unwell can keep their accommodation or be rehoused quickly once their health has stabilised.
- Establish statutory protections for tenants in temporary financial hardship.

People with disability and homelessness

As well as providing funded disability supports and services to individuals with a disability, the NDIS plays an important role in:

- building the capacity of mainstream services to ensure greater inclusivity and accessibility of people with disability
- connecting people with disability with disability, community and mainstream supports, and
- funding services that will help a person with disability maintain their tenancy, for example, support to learn independent living skills or funding to pay for someone to undertake these tasks for the person with a disability. This is particularly important for people with a severe mental health condition or an intellectual disability that impacts on their ability to make decisions, to concentrate or to undertake personal care tasks. The supports facilitated by the NDIS can in turn support stable and durable housing, as demonstrated by the following case study.

Case study: The role of NDIS in maintaining tenancies

Legal Aid NSW assisted Samantha, a young woman with a severe mental health condition and an intellectual disability. She was charged in the Local Court with a number of minor offences. She had been kicked out of home and become homeless, in part due to her disability. She then offended, largely because of her homelessness. Legal Aid NSW helped Samantha with her criminal charges, as well as with finding accommodation. We referred her to the NDIS and helped her to obtain evidence of her mental health condition and intellectual disability. Samantha was accepted into the NDIS and given a package of funded supports to help her become independent and to maintain a tenancy. The package covered support to improve her daily living skills, such as budgeting, planning, shopping, meal preparation and cleaning.

Legal Aid NSW submits that the strategy should expressly recognise the preventative role of the NDIS in addressing homelessness, and promote means by which housing providers can tap into the NDIS and other services, including legal services where needed.

Housing providers would also benefit from training to be able to identify when a person with a disability will qualify for funded supports and services and in making warm referrals for such clients to the NDIS. Housing providers could also play an important role in assisting the person with a disability to gather medical evidence to support their application to the NDIS. This may be as simple as requesting reports from the person's GP or could involve referring them to community mental health services for assessment.

Recommendation

The strategy should expressly recognise the preventative role of the NDIS in addressing homelessness and promote means by which housing providers can tap into the NDIS and other support services, including legal services.

Conclusion

Legal Aid NSW supports the development of an integrated and coordinated whole of government response to prevent and reduce homelessness. Legal services that address problems that contribute to homelessness are an essential part of this response. This is particularly so for highly disadvantaged groups such as young people, people exiting custody, Aboriginal communities and older women.

There is evidence of the positive impact of coordinated and integrated service models that could be expanded and applied in more settings, which would reduce the incidence of homelessness. Legal Aid NSW welcomes the expansion of those service models and would seek to play a role in such an expansion.

The strategy should consider policies and practices across government that are in some cases contributing to homelessness or acting as barriers for highly disadvantaged people to secure appropriate housing. There has been some encouraging reform in some areas but there is a need for ongoing high level cross-agency oversight in order to identify and implement systemic reform.

ATTACHMENT A

Successful initiatives that employ an integrated and co-ordinated service response

RedLink

RedLink is an integrated service hub located in the heart of the Redfern housing estate that began as a FaCS 'safe estate' demonstration project in 2014. Consultations with the community and Redfern Neighbourhood Advisory Board revealed that existing models of service delivery were not reaching the most marginalised and isolated people living on the estate. Despite good service infrastructure close by, residents were not accessing the services they needed.

There are over 1500 tenancies in Redfern, with nearly 850 located in the four distinctive high rise towers. Only 5% of head tenants are employed, 30% receive a Disability Support Pension and 9% are Aboriginal.

A core group of 15 partners provide a diverse range of services directly from the RedLink hub. For the very first time, residents can access legal, housing, health services, wellbeing programs and social activities onsite. The multi-agency team works together to tackle complex and entrenched problems including social isolation, violence, nutrition, debt stress, fines, housing, intergenerational disadvantage, street drinking and drug use.

RedLink Law Clinic

The weekly RedLink Law Clinic opened in August 2015 and is jointly delivered by civil lawyers from Legal Aid NSW and Redfern Legal Centre. Working alongside FaCS staff, social workers, health professionals, financial counsellors, community workers and tenant reps, RedLink lawyers provide an onsite legal service to the estate community.

In the first nine months, the Law Clinic delivered 279 services to 103 clients, many of whom were experiencing multiple legal problems. Over 25% of clients were Aboriginal and 20% spoke a language other than English at home. The top three legal matter types were housing, fines and consumer law issues.

The Legal Aid NSW Work and Development Order Service (see below) also works from the Law Clinic, helping clients with unpaid fines. Eligible clients can clear their debt by participating in activities provided by RedLink partners such as health treatment and life skills.

While on the spot advice is provided, the Law Clinic is also an entry point to specialist legal services such as to Legal Aid NSW family, care and protection and criminal lawyers.

Case study: Roy

Roy is an Aboriginal man seen at the RedLink Law Clinic. He had received a notice of termination and was about to be evicted for letting homeless people stay in his flat. Roy had been homeless and found it difficult to refuse other homeless people to stay at his house. After getting advice about the risk to his tenancy, Roy agreed that it would be best if he moved to another inner city area. The housing provider agreed and withdrew the eviction proceedings. Roy moved to other accommodation and has gotten involved with social activities. His health also improved as a result of the support provided by the multi-disciplinary RedLink team.

Health Justice Partnerships (HJPs)

Health Justice Partnerships (**HJPs**) reach clients who would not otherwise access legal help. These partnerships involve innovative collaborations between legal and health services including onsite legal assistance to clients in settings such as hospitals, community health centres, Aboriginal Medical Services, drug and alcohol services and public housing estates.

Aboriginal Medical Service Western Sydney

Legal Aid NSW has provided legal services on site at the Aboriginal Medical Service in Western Sydney (**AMSWS**) for over 5 years, and has developed strong working relationships with health care providers on site. This model of service delivery enables very simple cross referral and client centred collaboration. For example, the psychologist working at AMSWS regularly refers clients to the onsite solicitor and at times sits in with her clients to help clients to feel more at ease. Through working with the Legal Aid NSW solicitor over a number of years, the psychologist has become skilled at spotting potential legal issues faced by her clients.

Miller HJP

In November 2014, Legal Aid NSW, in collaboration with South West Sydney Community Legal Centre, commenced a weekly civil law advice service in Miller. Miller is a highly disadvantaged suburb in Western Sydney. This HJP includes South West Sydney Local Health District, The Hub Community Health Centre and Budyari Aboriginal Community Health Centre. This project integrates health and legal services with the aim of improving overall health outcomes by addressing unmet legal needs contributing to ill health in the local community.

The Work and Development Order (WDO) scheme

The Work and Development Order (**WDO**) scheme was introduced in 2011 after a two year trial. It is an alternative way for vulnerable people, including those experiencing or at risk of homelessness, to manage their fines in a way that benefits them and the community.

The WDO scheme is delivered through a multi-agency partnership between Legal Aid NSW, Office of State Revenue, Department of Justice and the Aboriginal Legal Service NSW/ACT.

Instead of payment, eligible participants reduce outstanding debt by doing volunteer work, courses or training, life skills programs, counselling, financial counselling, mentoring or by undertaking medical, mental health or drug and alcohol treatment. Different debt clearance rates apply to different activities, to a maximum of \$1000 per month. Enforcement action is lifted on commencement of the WDO.

To be eligible a person must be homeless, have mental illness, intellectual disability, cognitive impairment or a serious addiction to drugs or alcohol or experiencing acute financial hardship. Participation is voluntary.

WDO activities

WDOs focus on assisting rather than punishing vulnerable people caught up in the fines enforcement system. WDOs leverage unrecoverable debt to connect people to the services they need, helping them regain some control and take responsibility for their lives. By linking people with an approved WDO provider (sponsor), activities are tailored to the client's individual support needs and capabilities. There is a vast range of activities on offer, including literacy and driving programs in remote Aboriginal communities, volunteer work with charities, participation in health treatment such as diabetes, obesity management or mental health care plans, life skills programs that focus on parenting, behavioural issues, nutrition or anger management, financial counselling and structured mentoring for young people at risk.

Evaluation

Nearly 2000 service providers across NSW have signed up to the scheme, including non-government organisations (**NGOs**), health services, government agencies and individual health practitioners and psychologists. In the most recent evaluation of the scheme, participating services identified significant benefits:

- 95% reported that WDOs help alleviate the stress and anxiety their clients feel about unpaid fines
- 87% said that WDOs enable clients to address factors that made it hard for them to pay or manage their debts in the first place
- 88% said WDOs helped clients develop new skills and experience
- 86% felt that WDOs improved client motivation to stay engagement with support services and treatment.⁴⁷

⁴⁷ *Evaluation of the Work and Development Order Scheme*. Final report prepared for the Department of Justice, Inca Consulting (2015).

Impact

The Legal Aid NSW WDO Service leads expansion of the scheme across NSW in areas of high fine debt and social disadvantage and links eligible clients to the program. The WDO Service is also contributing to pilot initiatives that apply the same approach to other debts such as rent arrears (see *Hand Up* project below).

Since the WDO scheme was introduced, over 55,000 WDOs have been approved clearing more than \$67 million in unpaid fines debt. A world-first, the WDO model is being introduced in Victoria and other states are investigating options to develop similar schemes.

Case study: Kellie and the Northern Rivers Social Development Council

The Northern Rivers Social Development Council has been operating for over 40 years, providing homelessness and housing support, youth and family services, disability support and case for clients with complex needs. As an approved WDO sponsor, they are using WDOs to engage with vulnerable and hard to reach clients, including victims of domestic violence experiencing or at risk of homelessness. Kellie, a client of their Connecting Home program, had no stable accommodation for herself and her two young children, and had experienced periods of homelessness. Unable to pay a \$448 fine and other bills, she was struggling to meet basic living expenses. By participating in case management and parenting programs, she cleared her fine while getting the support and skills she needed to help herself and her family.

Adapting this model in relation to rent arrears

Hand Up Project – Bridge Housing

Bridge Housing Limited has established a project that adopts an innovative early intervention approach to rent arrears that has resulted in arrears below the sector benchmark.

Legal Aid NSW assisted Bridge Housing with the design of this Project (*Hand Up*). It is modelled on the WDO scheme and targets tenants with very high levels of arrears or repeat incidents of arrears.

Hand Up allows eligible tenants to satisfy arrears through participation in activities or treatment programs, along with mandatory financial counselling, with approved organisations or health services in the community. It provides an additional support to sustaining tenancies and avoiding eviction.

The connection between debt, homelessness and offending is well established. Programs like Hand Up provide a safety net for the most vulnerable who can find it difficult to maintain stable lives, access support services and manage debt.

The objectives of Hand Up include:

- reduced high debt arrears and repeat arrears

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- reduced need to write off bad debts
 - reduced evictions with associated costs to individuals, communities and the service system, and
 - strengthening referral arrangements with service providers to support tenants at risk of tenancy failure due to arrears debt.

The program is open to tenants at immediate risk of losing their tenancy and entering homelessness, resulting from vulnerabilities such as mental illness, intellectual disability or cognitive impairment, addiction, domestic violence or acute financial hardship.

All applicants must undertake financial counselling, prepare a budget and participate in a further activity that will assist them to address the underlying cause of their arrears. This may include drug or alcohol treatment, counselling, legal advice, medical or mental health treatment, volunteer work, educational, vocational or life skills courses or formal mentoring programs.

The *Hand Up* initiative, like the WDO Scheme, is a circuit breaker. It reduces evictions for rent arrears and the associated costs to people, communities, homelessness services and the justice system. Early results from the pilot are very positive and a formal evaluation will be undertaken in early 2017.

ATTACHMENT B

NPAH funded projects that supported coordinated and integrated service delivery

Legal Aid NSW was involved in the following projects, funded under the NPAH, that supported coordinated and integrated service delivery across key agencies

Riverina Homelessness Rural Interagency Project

The Rural Interagency project for people with complex needs was led by the NGO Regional Development Australia Murray. It provided intensive support packages and access to social housing for people who are homeless, or at risk of homelessness and were experiencing complex issues such as drug and alcohol addiction, mental health problems, intellectual disability or challenging behaviour.

Four coordination groups operated in Albury, Deniliquin, Griffith and Wagga Wagga consisting of local non-government and government case managers, including from Housing NSW, NSW Health, Legal Aid NSW and local non-government emergency accommodation and welfare agencies. These groups would consider applications for assistance made by local NGOs on behalf of people or families who were homeless or whose tenancies were at risk. The local NGO would then be funded to provide case work support to the client and to coordinate a range of other wrap around services.

The role of the Legal Aid NSW solicitor was to:

- attend the coordination group / team meetings and provide legal information, advice, strategies or referrals relevant to case plans for individual clients
- provide advice (phone or face to face) and minor assistance services to people who are homeless or at risk of homelessness at Homeless Outreach clinics, in other outreach settings where required as well as through Legal Aid NSW offices
- provide secondary advice or consultations to case workers outside the coordination group / team meetings in relation to clients of the program to identify possible legal issues the clients may have, and refer them to a Homeless Outreach clinic or another more appropriate legal service, and
- provide community legal education to community workers involved in the homelessness program, or working more broadly with people at risk of homelessness, to build the non-legal workers' capacity to identify legal issues and to seek appropriate legal assistance for their clients.

An evaluation of the project by ARTD Consultants found that the project had a very positive impact on the service system, with broad sector involvement in the project. Stakeholders reported increased effectiveness in the coordination of services, improved

knowledge of the services provided across the sector and increased trust between services.

Additionally the evaluation found:

- A key impact of the project was the training and support provided to services in particular around legal matters, but also on other issues such as mental health.
- The participation of representatives of the Aboriginal community in each of the coordination groups raised the level of cultural awareness of organisations and stakeholders participating in each local coordination group.
- The project assisted more clients than initially targeted and met its planned target of 40% Aboriginal clients. The project also took on most clients in areas with the highest incidents of homelessness.
- The indications are that the project delivered value for money.⁴⁸

Overall the project was found to be very successful in assisting a high number of clients that would not otherwise have received assistance. In particular, the project was successful in assisting Aboriginal clients.⁴⁹

Local coordination groups were noted as another key success of the project, not only contributing to better client outcomes, but also supporting an improved service system through integrated case management.⁵⁰

These findings are consistent with the findings of the individual evaluation of the legal component of this project by Matrix on Board which found that:

- The legal services provided by Legal Aid NSW were extremely effective in improving outcomes for individual clients of the homelessness projects, and
- The legal services provided as part of this project were also very effective in increasing the access of legal services to the broader community of homeless or disadvantaged clients.⁵¹

⁴⁸ Ibid see pages x-xi.

⁴⁹ Ibid page xi

⁵⁰ Ibid page xi

⁵¹ Matrix on Board, *Evaluation of the legal component of the Riverina Homelessness Interagency Project & Reaching Home Newcastle. Final Report.* 24 December 2012, page 6.

Reaching Home – formerly Newcastle Assertive Outreach Service – legal component

Reaching Home was a partnership between Hunter New England Health (HNE Health), Housing NSW, Legal Aid NSW and Baptist Community Services (BCS). The project was a “Housing First” or “Street to Home” model involving intensive outreach and support services to rough sleepers, clients in secondary homelessness with complex needs and clients at risk of homelessness with complex needs.

Intake meetings involving the key partners were held twice weekly. At these meetings referrals were discussed and case plans developed. Case management was then undertaken with the client using a range of staff from the Reaching Home team as well as other NGOs and agencies who partnered with Reaching Home staff to provide support to clients.

The role of the Legal Aid NSW Homeless Outreach Solicitor was to provide legal assistance to homeless clients as part of the integrated Reaching Home Service and to operate legal clinics at outreach locations with the aim of increasing legal access to homeless people in the broader Hunter region.

Legal Aid NSW provided:

- a solicitor to attend the coordination group / team meetings and provide legal information, advice, strategies or referrals relevant to case plans for individual clients
- advice (phone or face to face) and minor assistance services to people who are homeless or at risk of homelessness at Homeless Outreach clinics, in other outreach settings where required as well as through Legal Aid NSW offices
- secondary advice or consultations to case workers outside the coordination group / team meetings in relation to clients of the program to identify possible legal issues the clients may have, and refer them to a Homeless Outreach clinic or another more appropriate legal service, and
- community legal education to community workers involved in the homelessness program, or working more broadly with people at risk of homelessness, to build the non-legal workers’ capacity to identify legal issues and to seek appropriate legal assistance for their clients.

Matrix on Board undertook an evaluation of the legal component of the Reaching Home Project. This evaluation found that

- the legal services provided by Legal Aid NSW were extremely effective in improving outcomes for individual clients of the homelessness projects, and

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- the legal services provided as part of this project were also very effective in increasing the access of legal services to the broader community of homeless or disadvantaged clients.⁵²

South East NSW Community Connections Project – legal component

The South East NSW Community Connections project (Community Connections) provided case management to clients who were at risk of homelessness, were homeless at the time of contact or had a history of homelessness. Community Services (as it then was) was the lead agency in this project and contracted out the main coordination and service delivery role to Mission Australia.

Legal Aid NSW was a key partner agency, providing a network of targeted legal clinics in locations frequented by and familiar to homeless persons in South Eastern NSW. Legal Aid NSW also participated in the governance steering committee for the project and was also an active participant in the South Eastern Regional Homelessness Committee, which was established to support the implementation of the Regional Homeless Action Plan. Legal Aid NSW continues to be a participant in the South Eastern District Homelessness Implementation Group.

Other partner agencies in Community Connections included: Social Housing Providers, NSW Health, Ageing, Disability and Home Care, Aboriginal Affairs, Community Services, Juvenile Justice, Aboriginal Housing Office, Corrective Services and Department of Education and Training.

Legal Aid NSW provided:

- free regular legal outreach clinics, held in locations that are familiar to and frequented by people who are homeless or at risk of homelessness, such as community centres and soup kitchens
- follow up minor assistance if required, such as advocacy, research, letter writing and phone calls
- representation, subject to guidelines, including applicable means and merit tests
- legal information and training to community workers and other stakeholders to help identify potential legal issues, and
- secondary advice or consultations to case workers and service providers to identify possible legal issues the clients may have, and refer them to a Homeless Outreach clinic or another more appropriate legal service.

ARTD Consultants undertook an evaluation of the project. Among other findings, the evaluation found that the Community Connections Project helped improve the service system by coordinating services offered to clients. Stakeholders interviewed reported a

⁵² Matrix on Board. *Evaluation of the legal component of the Riverina Homelessness Interagency Project & Reaching Home Newcastle*. Final Report. 24 December 2012, page 6

greater awareness of other service provider's roles and responsibilities resulting in a more efficient and improved service provided to clients.⁵³

In addition the evaluation found that:

- Community Connections assisted more clients than initially targeted to obtain housing, maintain existing tenancies and access services they need. The project appears to have filled a service gap through the provision of flexible and holistic case management, and has done so more widely and efficiently than planned.⁵⁴
- The project met the need in the region, filling gaps in service provision in South Eastern NSW. Project clients were provided with needs based housing and non-housing support.⁵⁵
- Stakeholders interviewed for the evaluation reported that clients assisted into housing also received other support which helped them to be better able to sustain a tenancy.

North Coast Accommodation Project – Legal Component

The North Coast Accommodation Project assisted people who were homeless or at risk of homelessness to secure housing in the private rental market on the North Coast. Housing NSW was the lead agency in the project, with service delivery contracted out to New Horizons on the Mid-North Coast and to On Track on the far North Coast. Legal Aid NSW was a key partner providing a network of targeted legal clinics in locations frequented by and familiar to homeless persons in the Northern NSW region.

Legal Aid NSW was also an active participant in the North Coast Regional Homelessness Committee, which was established to support the implementation of the Regional Homeless Action Plan. Legal Aid NSW continues to participate in the North Coast District Homelessness Implementation Group.

Legal Aid NSW provided:

- free regular legal outreach clinics, held in locations that are familiar to and frequented by people who are homeless or at risk of homelessness, such as community centres and soup kitchens
- follow up minor assistance if required, such as advocacy, research, letter writing and phone calls

⁵³ ARTD Consultants. *NSW Homelessness Action Plan Evaluation. Evaluation of the South East NSW Community Connections Project. Final Report.* March 2013, page x available at: <http://www.housing.nsw.gov.au/help-with-housing/specialist-homelessness-services/info-hub-for-service-providers/research-and-evaluation>

⁵⁴ Ibid pages ix-x.

⁵⁵ Ibid page x.

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- representation, subject to guidelines, including applicable means and merit tests
 - legal information and training to community workers and other stakeholders to help identify potential legal issues, and
 - secondary advice or consultations to case workers and service providers to identify possible legal issues the clients may have, and refer them to a Homeless Outreach clinic or another more appropriate legal service.

An evaluation of the project by ARTD found:⁵⁶

- The project met the need in the region in terms of assisting targeted clients (those clients assessed as suitable to transition quickly from homelessness or risk of homelessness into the private rental market).
- Stakeholders reported positive benefits in terms of both housing and non-housing outcomes with general agreement that there was an improvement to the ability of clients to sustain tenancies.
- The project played a major role in bringing real estate agents into the homelessness service system.

⁵⁶ ARTD Consultants. *NSW Homelessness Action Plan Evaluation. Evaluation of the North Coast Accommodation Project*. Final Report. March 2013, p.viii - ix available at: <http://www.housing.nsw.gov.au/help-with-housing/specialist-homelessness-services/info-hub-for-service-providers/research-and-evaluation>