



**Family &
Community Services**
Housing NSW

Protocol for Homeless People in Public Places

Guidelines for Implementation

May 2013



Table of Contents

1	Background	4
2	The Protocol for homeless people in public places	5
	2.1 Homelessness definition	5
3	Application of the Protocol	6
4	Legal status of the Protocol	6
5	Implementation of the Protocol	6
	5.1 Complaints	7
6	Responding to homeless people in public places	7
	6.1 Information about services for homeless people	7
	6.2 Appropriate responses to homeless people	7
	6.3 Appropriate responses to children and young people	7
	6.4 Appropriate responses to Aboriginal people	8
	6.5 Appropriate responses to people of different cultural, linguistic or religious backgrounds	9
	6.6 Recognising the complex needs of people who are homeless	9
7	Use of the Protocol during major events	10
8	Monitoring and review of the Protocol	10
9	More information	10
	Appendix A	11

1 Background

Homeless people are marginalised within the community and experience barriers to participation in social, recreational, cultural and economic life. There are particular issues faced by homeless people who use public spaces to sleep, store their personal belongings and gather together.

The NSW Government introduced the *Protocol for Homeless People in Public Places* (the Protocol) to help ensure that homeless people are treated respectfully and appropriately and are not discriminated against on the basis of their situation. The Protocol aims to assist homeless people to receive services if they need, or request them. It is an important element in the NSW Government's strategy for responding effectively to homelessness.

The Protocol has been endorsed by a number of NSW Government organisations who are responsible for public places, come into contact with homeless people and/or provide services to them. Many non-government organisations also support the Protocol. All local councils have been advised of the Protocol and are encouraged to use it to guide their response to homeless people in public places.

Current signatories to the Protocol are:

- Housing NSW
- Community Services
- Department of Premier and Cabinet
- NSW Police Force
- Office of Environment and Heritage
- NSW Health
- RailCorp
- State Transit Authority of NSW
- Sydney Harbour Foreshore Authority
- Sydney Olympic Park Authority
- Aboriginal Affairs
- Ambulance Service of NSW

The aim of the *Guidelines for Implementation* (the Guidelines) is to assist government organisations to implement the Protocol. Implementation is expected to be consistent with current legislation and each organisation's policies and procedures. Many organisations already abide by its principles.

2 The Protocol for homeless people in public places

The aim of the Protocol is to provide a framework for interactions between officials and homeless people in public places. The Protocol acknowledges that, like all other members of the public, homeless people have a right to be in public places and to participate in public events, at the same time respecting the right of local communities to live in a safe and peaceful environment. The Protocol states that homeless people should not be approached unless:

- they request assistance
- they appear to be distressed or in need of assistance
- an official seeks to engage with the person for the purpose of information exchange or provision of a service
- their behaviour threatens their safety or the safety and security of people around them
- their behaviour is likely to result in damage to property or have a negative impact on natural and cultural conservation of environment, including cultural heritage, water pollution and fire risks
- they are sheltering in circumstances that place their or others' health and safety at risk (e.g. staying in derelict buildings, high risk areas)
- they are a child who appears to be under the age of 16 (see section 6.3)
- they are a young person who appears to be 16 to 17 years old who may be at risk of significant harm (see section 6.3)
- they are a child or young person who is in the care of the Director-General of the Department of Family and Community Services or the parental responsibility of the Minister for Family and Community Services (see section 6.3).

The Protocol is attached at **Appendix A**.

The Protocol includes guidance on what officials should do if they encounter people who appear to be homeless and some underlying principles regarding the rights and responsibilities of homeless people, other members of the public and officials.

The term 'officials' refers to members of staff employed by government organisations. Organisations will need to consider whether any contractors or volunteers who may come into contact with homeless people should be covered by the Protocol or whether they should refer situations involving homeless people to a member of staff. It is recommended that contracted security staff who come into contact with the public should be made familiar with the Protocol and encouraged to abide by its principles.

Under the Protocol, officials should give homeless people contact telephone numbers of local organisations which may be able to help them or contact a service on their behalf, for example by contacting the Homeless Persons' Information Centre or the Housing NSW After Hours Temporary Accommodation line (numbers listed on pages 13 and 14). If the homeless person requires or asks for it. This should be done when and where it is appropriate and practical.

2.1 Homelessness definition

The most common homelessness definition identifies three types of homelessness: primary, secondary and tertiary¹. For the purpose of the Protocol, the primary homelessness definition is most relevant, whereby *'a person lives on the street, sleeps in parks, squats in derelict buildings, or uses cars or railway carriages for temporary shelter'*.

Government organisations should use their own discretion to identify whether a person may be homeless or not.

¹ Chamberlain, C., & Mackenzie, D. (1992) Understanding Contemporary Homelessness: Issues of Definition and Meaning. *Australian Journal of Social Issues*, 27(4), 274-297.

3 Application of the Protocol

The Protocol applies to homeless people in public places such as parks and outdoor spaces ordinarily accessible to the public. It does not apply to private property or property which is not accessible to the general public.

4 Legal status of the Protocol

The Protocol is an agreement by government organisations to respond appropriately to homeless people who are in public places and acting lawfully. The Protocol does not override existing laws, statutory requirements or regulations. It does not reduce the powers of organisations or their authority to enforce specific laws and regulations.

The Protocol encourages officials to take the Protocol and the homeless individual's circumstance into consideration when enforcing laws and regulations and to use discretion as is appropriate under their own policies and procedures. This discretion should take account of the complex needs of homeless people, including mental health issues, drug and alcohol misuse and cognitive impairment.

5 Implementation of the Protocol

Each government organisation covered by the Protocol will be responsible for deciding how it will be implemented within its own business and resources. It is acknowledged that policy and operational issues affecting the implementation of the Protocol will vary across each organisation. Implementation of the Protocol will require organisations to:

- identify a person to have responsibility within the organisation for overseeing the implementation of the Protocol
- identify the types of public places within the organisation's jurisdiction where the Protocol will apply
- determine any specific issues that may be relevant in particular geographic locations
- communicate the requirements of the Protocol to officials and explain these in the context of the organisation's own policies, procedures and regulations
- provide officials with access to relevant local contact telephone numbers where appropriate, and use the contact numbers listed in the Protocol
- if applicable, devise an organisation-specific Protocol document based on the NSW Protocol
- conduct internal monitoring/review of the Protocol as well as participate in a formal review of the Protocol every two years (See Section 8).

For signatories, the Protocol and Guidelines for Implementation should be provided to all relevant staff. It would also be good to include information about the Protocol in induction training for new staff, when development training for existing staff as well as to contractors and volunteers.

To facilitate this training, Housing NSW has created a Protocol Training Package which includes a *Facilitator Guide* and *Participant Guide*. This is available to other government organisations and Housing NSW can also provide guidance on including the Protocol in staff training programs.

5.1 Complaints

Complaints regarding the Protocol should be dealt with under each government organisation's existing policies and procedures.

6 Responding to homeless people in public places

6.1 Information about services for homeless people

Government organisations implementing the Protocol are not required to coordinate or provide services for homeless people. If homeless people request assistance, officials should put them in touch with local services, or pass on contact details to the homeless person.

The Protocol contains a list of useful contact numbers for both local and state-wide telephone services. This includes:

- In greater metropolitan Sydney and the Central Coast, a telephone number is available for homeless people to contact the Homeless Persons' Information Centre for information, advice and referral. In these areas, this is the telephone number which officials should give to homeless people.
- There are also a number of state-wide telephone services for specific issues (such as domestic violence, child protection, homeless young people, homeless Aboriginal people, etc), which may be given out as required.

In addition, many areas have local services for homeless people; officials should give contact details of such services as requested by homeless people.

If a homeless person is in need of medical treatment or NSW Police Force assistance, officials should respond in the same way as they would for any other member of the public requiring such assistance.

6.2 Appropriate responses to homeless people

Each government organisation implementing the Protocol has different roles, responsibilities and locations of service provision. Organisations will come into contact with homeless people who present with differing needs and circumstances. Each organisation will be responsible for providing its own individual response to homeless people according to its policies and procedures.

Government organisations are encouraged to consider training staff in the identification of distress or mental health issues through courses such as Mental Health First Aid. Such training may improve the capacity of officials to respond appropriately to the needs of homeless individuals.

6.3 Appropriate responses to children and young people

A majority (55%) of homeless people in NSW in 2006 were in the younger age groups. 18% were teenagers aged 12 to 18, while 11% were children under 12 who were with one or both parents².

In NSW, any person in the community who believes that a child or young person may be at risk of significant harm can make a report to the Child Protection Helpline on **132 111**³. Any person can also report the homelessness of a child under 16 years⁴ to the Child Protection Helpline and that of a young person aged 16 to 17 years with their consent⁵.

Specific legal and policy requirements apply when staff in the course of their work, respond to children and young people who may be homeless. Reporting requirements depend on the child/young person's age, whether they are in out-of-home care and whether they are at risk of significant harm.

Reporting requirements are contained in the *Children and Young Persons (Care and Protection) Act 1998*. In addition, many organisations provide policy directives to their staff that specify their reporting obligations in particular employment contexts.

² Chamberlain C & MacKenzie D 2009. Counting the homeless 2006. Cat. No. HOU 213. Canberra: AIHW

³ Refer to section 24 of the *Children and Young Persons (Care and Protection) Act 1998*

⁴ Refer to section 120 of the *Children and Young Persons (Care and Protection) Act 1998*

⁵ Refer to section 121 of the *Children and Young Persons (Care and Protection) Act 1998*

All staff should be familiar with their reporting requirements and other information related to the safety, welfare and wellbeing of children and young people. Relevant information can be accessed via <http://www.keepthemsafe.nsw.gov.au/home>. This includes mandatory reporting requirements.

Mandatory reporters are legally required to report a child under 16 years of age who may be at risk of significant harm to the Child Protection Helpline⁶. They may also report a young person 16 to 17 years of age if they are concerned the young person is at risk of significant harm. Mandatory reporters should always use the online Mandatory Reporter Guide to decide whether to make a report to the Child Protection Helpline whenever they are concerned about a child or young person. It is readily accessible from the Keep Them Safe website: <http://sdm.community.nsw.gov.au/mrg/app/summary.page>

The contact number for the Child Protection Helpline for mandatory reporters is **133 627**.

Mandatory reporters in NSW Health, the NSW Police Force, Department of Education and Communities, and the Department of Family and Community Services can also contact their Child Wellbeing Unit for advice and guidance about whether to make a report, or what other support may be needed to assist a child/young person or their family.

Any person (including staff from Housing NSW or youth refuges) who provides residential accommodation and has reasonable grounds to suspect that a child under 16 years of age is living away from home without parental permission, should inform the Child Protection Helpline of the child's whereabouts⁷.

A mandatory reporter should not make a report to the Child Protection Helpline about a young person aged 16 to 17 years who is homeless without their consent⁸. If the young person is unwilling to give consent, it may be more appropriate to refer him/her to another support service or offer other assistance. No consent is required to report a child under 16 years of age who is homeless.

A mandatory reporter should inform the Child Protection Helpline of a child or young person in the care of the Director General of the Department of Family and Community Services or under the parental responsibility of the Minister for Family and Community Services, who is homeless.

6.4 Appropriate responses to Aboriginal people

Aboriginal people are over-represented in the homeless population. In 2009/2010, 18% of Specialist Homelessness Services clients in NSW were Aboriginal or Torres Strait Islander, which is disproportionate to the Indigenous population's size in NSW of 2.2%⁹.

Aboriginal people's connection and sense of belonging to country is an integral part of their cultural identity. This traditional connection to country supersedes contemporary land tenure and boundaries. Therefore the 'public' and 'private' land distinctions are viewed differently by Aboriginal people compared to non-Aboriginal people. Public places have often been gathering places for Aboriginal people.

Past and current indicators demonstrate that Aboriginal people are the most disadvantaged sector in the NSW population, including over-representation in the criminal justice and child protection systems. This over-representation has been attributed to past government assimilation and removal policies, dispossession of land and historical and ongoing discrimination. As a result of past policies and practices and the current levels of disadvantage, some Aboriginal people may have a negative perception of government and their officials.

This perception may lead to hostility towards officials approaching them in public places. A culturally respectful approach can assist with building more positive relationships and prevent behaviours that may cause problems in public spaces.

⁶ Refer to section 27 of the *Children and Young Persons (Care and Protection) Act 1998*

⁷ Refer to section 122 of the *Children and Young Persons (Care and Protection) Act 1998*

⁸ Refer to section 120 of the *Children and Young Persons (Care and Protection) Act 1998*

⁹ AIHW 2011. Government-funded specialist homelessness services: SAAP National Data Collection annual report 2009-10: Australia. Cat. no. HOU 246. Canberra: AIHW.

Government organisations should promote staff participation in Aboriginal cultural awareness training and, in turn, empower their staff to create culturally respectful approaches to assist with this process.

In addition, the involvement of Aboriginal workers and Aboriginal specific services in Protocol implementation may assist with relationship building between officials and homeless people and resolving any issues that are creating problems.

6.5 Appropriate responses to people of different cultural, linguistic, or religious backgrounds

NSW is the most culturally diverse state in Australia. People from around 200 birthplaces have made the state their home; in addition, nearly a quarter of the population speak a language other than English at home¹⁰. In 2009/10, 17.2% of all Specialist Homelessness Services clients in NSW were born overseas¹¹.

People who are new arrivals to Australia – particularly those who come as refugees or asylum seekers – can be at risk of homelessness because of their low incomes, their potentially limited abilities with the English language and relatively weak community ties.

People with different cultural backgrounds and/or with experiences of different political systems may also lack trust in officials who engage with them in public places. It is important that officials respect that people of different cultural, linguistic, or religious backgrounds may have different priorities, values, beliefs and customs. In most cases better understanding can be reached by asking the person questions about their circumstances.

Officials should use interpreter services to assist with understanding the circumstances of the homeless person and referring people to relevant services as required.

6.6 Recognising the complex needs of people who are homeless

People who experience chronic homelessness are more likely to have a range of complex needs. They may have one or more of the following: cognitive impairment, traumatic brain injury, serious physical health problems, history of abuse or trauma, mental illness, mental disorder, psychiatric disability or addictions.

It is estimated that up to three quarters of the homeless population in some areas have a significant mental illness¹². The reasons for this are complex. For some people it is the experience of having a severe mental disorder, such as psychotic illnesses, which is a major contributing factor to their homelessness. For others, drug and alcohol abuse, social isolation and mental disorders can be consequences, as well as causes, of homelessness.

Experiencing past or current trauma is an important factor that contributes to homelessness. People experiencing homelessness report a disproportionate level of victimisation, including repeated experiences of childhood abuse, domestic and family violence, rape, physical and sexual assault, and robbery¹³. A new episode of violence or abuse can trigger someone to leave their accommodation and become homeless again. However, being homeless carries a high risk of violence that can exacerbate mental disorders and further entrench a cycle of moving between temporary accommodation, sleeping rough and hospitalisation.

Officials approaching homeless people in public places should recognise the impact that these issues may be having on the person's behaviour. The Protocol encourages a non-discriminatory response and, if possible, a referral of that person to services with relevant expertise. This response is particularly important when the official considers that the person is at risk of harming themselves or other people.

¹⁰ Australian Bureau of Statistics, 2006 Census of Population and Housing, New South Wales

¹¹ AIHW 2011. Government-funded specialist homelessness services: SAAP National Data Collection annual report 2009-10: Australia. Cat. no. HOU 246. Canberra: AIHW.

¹² Cycles of Homelessness *AHURI Research Bulletin*, Issue 39, March 2004.

¹³ Robinson (2010), *Rough Living Surviving Violence & Homelessness*, PIAC and UTS Shopfront.

7 Use of the Protocol during major events

The Protocol should be applied during large scale events in NSW to minimise disruptions to homeless people who are living in the declared areas during these events. Previous events where the Protocol has been used include World Youth Day, Asia-Pacific Economic Coordination (APEC) and the Olympics.

During such events, it is important that agencies encourage adherence to the Protocol by all security staff.

8 Monitoring and review of the Protocol

Government organisations are responsible for monitoring the implementation of the Protocol within their organisation. Any feedback regarding the Protocol which requires further action will be handled directly by the organisation involved. Should Housing NSW receive information about areas or organisations where the Protocol is not being followed, contact will be made with the organisation to discuss the issues for non-adherence to the Protocol, and, if required, agree on actions to address the issues.

There is also opportunity for local councils, non-government organisations, and homeless people (through homeless people's organisations such as StreetCare) to provide advocacy and operational feedback on the implementation of the Protocol and its effects on homeless people and the service system. Feedback should be provided directly to the signatory government organisation involved and to Housing NSW as the lead Government organisation for homelessness.

The Protocol will be reviewed formally every two years from the date of publication, October 2012. The review will be managed by Housing NSW which will:

- seek feedback from signatory government organisations on:
 - actions taken to implement the Protocol
 - any issues arising and suggestions for amendments
 - any positive changes occurring as a result of implementation of the Protocol in the organisation.
- seek feedback from the peak non-government homelessness organisations on:
 - implementation of the Protocol
 - effects on homeless people and the service system
 - any issues arising and suggestions for amendments.
- seek feedback from homeless people through a consultation mechanism on:
 - their views on the extent of implementation of the Protocol and how the Protocol has affected them
 - any issues arising and suggestions for amendments.

9 More information

Housing NSW is the lead government organisation for the Protocol and will be coordinating information on the implementation of the Protocol. For more information, please contact the Housing NSW Homelessness Policy and Programs Unit via the Housing NSW website, www.housing.nsw.gov.au.

Appendix A

What is the Protocol?

The NSW Government introduced the Protocol to help ensure that homeless people are treated respectfully and appropriately and are not discriminated against on the basis of their homeless status. The Protocol also aims to assist homeless people to receive services if they need or request them. It is an important element in the Government's strategy for responding effectively to homelessness.

The Protocol

A homeless person is not to be approached unless:

- they request assistance
- they appear to be distressed or in need of assistance
- an official seeks to engage with the person for the purpose of information exchange or provision of a service
- their behaviour threatens their safety or the safety and security of people around them
- their behaviour is likely to result in damage to property or have a negative impact on natural and cultural conservation of environment, including cultural heritage, water pollution and fire risks
- they are sheltering in circumstances that place their or others' health and safety at risk (for example, staying in derelict buildings, high risk areas)
- they are a child who appears to be under the age of 16
- they are a young person who appears to be 16 to 17 years old who may be at risk of significant harm
- they are a child or young person who is in the care of the Director-General of the Department of Family and Community Services or the parental responsibility of the Minister for Family and Community Services.

The Protocol does not prevent organisations from taking appropriate action where health or safety is at risk or a breach of the peace or unlawful behaviour has occurred.

If homeless people require assistance, officials can:

- involve appropriate services directly
- provide advice or information on available services
- provide a contact point that the homeless person can either call or go to for further advice or help.

Underlying principles of the Protocol

The Protocol is based on the following principles:

- Homeless people have the same entitlement as any member of the public to:
 - be in public places, at the same time respecting the right of local communities to live in a safe and peaceful environment
 - participate in public activities or events, and
 - carry with them and store their own belongings.
- Organisations that work in areas where their responsibilities are likely to bring them into contact with homeless people will receive sufficient information to enable them to assist homeless people if required, or help homeless people make contact with appropriate services.

- Homeless people have diverse backgrounds and needs. These should be considered in any response:
 - Cultural sensitivity and respect should be applied when engaging with Aboriginal homeless people and those from different cultural, linguistic or religious backgrounds
 - Many homeless people have complex needs such as mental health and/or drug and alcohol issues, or cognitive impairment. These issues may result in behaviour that is seen to be antisocial
 - Homeless people may have experienced other issues that affect their needs. For example, they may have experienced domestic violence or left custody or statutory care, or they may be asylum seeking refugees with no contacts in the community
 - The Protocol does not override existing laws, statutory requirements or regulations. It does not reduce the powers of organisations or their authority to enforce specific laws and regulations.
- Homeless people have the same access to a right of reply and appeals/complaints mechanisms as all members of the public.

Where the Protocol applies

The Protocol applies only to public places such as parks and outdoor spaces ordinarily accessible to the public. It does not apply to private property, or property which is not generally accessible to the public.

Protocol for Homeless People in Public Places October 2012

The following government organisations with an operational presence in public places or who provide a service to assist homeless people have endorsed the Protocol:

- Housing NSW
- Community Services
- Department of Premier and Cabinet
- NSW Police Force
- Office of Environment and Heritage
- NSW Health
- RailCorp
- State Transit Authority of NSW
- Sydney Harbour Foreshore Authority
- Sydney Olympic Park Authority
- Aboriginal Affairs
- Ambulance Service of NSW

Each of the above organisations will implement the Protocol within its own business and will determine how it should be used by all relevant staff, including contract staff such as security officers. Organisations will deal with complaints about the application of the Protocol through their existing complaints mechanism.

Local councils have been advised of the Protocol to inform their responses.

Review of the Protocol

This Protocol will be reviewed every two years from the date of its publication, October 2012.

For further information contact:

Manager, Homelessness Policy and Programs
Housing NSW
Locked Bag 4001
ASHFIELD BC 1800

or go to the Housing NSW website at www.housing.nsw.gov.au

Useful contact numbers

Homeless Persons Information Centre

1800 234 566 (toll free) or **02 9265 9081** (in Sydney)
(7 days, 9am – 10pm, closed each day between 1pm – 2pm)

This is a telephone information and referral service for crisis accommodation for people aged over 18 years who are homeless or at risk of homelessness.

Housing NSW After Hours Temporary Accommodation Line

1800 152 152 (free call)
(4.30pm – 10pm Monday to Friday
10am – 10pm weekends and public holidays)

This state-wide telephone service provides temporary accommodation for homeless people outside normal Housing NSW office hours. Clients are offered accommodation for a limited number of nights and are asked to visit a local Housing NSW office the next working day to make arrangements for more suitable longer-term accommodation.

LawAccess NSW

1300 888 529
(9am – 5pm Monday to Friday, excluding public holidays)

This state-wide telephone service provides free legal information, referrals and, in some cases, advice to people in NSW who have a legal problem.

Aboriginal Legal Service (NSW/ACT) Limited

02 8303 6600 (Redfern – Zone Office)
(8.30am – 5.30pm Monday to Friday)

This service assists Aboriginal people and Torres Strait Islander people with representation in court, advice and information, and referral to further support services.

Centrelink Indigenous Phone Service

136 380
(8am – 5pm Monday to Friday)

This state-wide telephone service is for Indigenous Australians living in regional and remote areas who would like advice on Centrelink payments and services.

Centrelink Employment Services and Job Network

132 850
(8am – 5pm Monday to Friday)

This state-wide telephone service assists individuals with their Centrelink payments. This line can also be used to book an appointment with the nearest Centrelink social worker.

State-wide services available 24 hours, 7 days

Child Protection Helpline - general community 132 111
 - mandatory reporters 133 627

This telephone service, staffed by professionally qualified caseworkers, is available for reporting suspected abuse, neglect or risk of significant harm of children and young people.

The Mandatory Reporter Guide can be accessed via <http://sdm.community.nsw.gov.au/mrg/app/summary.page>.

The NSW Government's *Keep Them Safe*: a shared approach to child and wellbeing action plan can be accessed via <http://www.keepthemsafe.nsw.gov.au/home>

Domestic Violence Line

1800 656 463 (free call)

1800 671 442 (TTY)

This telephone service provides counselling, information and referrals for those experiencing domestic violence.

Lifeline

131 114

This telephone counselling service takes calls from people needing emotional support and provides services in suicide prevention, crisis support and mental health support.

NSW Rape Crisis Centre

1800 424 017 (free call)

This telephone and online service provides crisis counselling, support and referral for anyone who has experienced sexual violence.

Salvo Care Line

1300 36 36 22 (Regional NSW)

02 8736 3292 (Sydney metropolitan)

This telephone service is staffed by trained counsellors available to listen, assist and provide referrals for people facing a crisis in their lives.

YConnect Line (young people)

1800 424 830

02 9318 1531 (Sydney metropolitan)

This telephone service provides access to services, accommodation or referral for young people who are homeless or at risk of homelessness.

Alcohol and Drug Information Service

02 9361 8000 (Sydney metropolitan)

1800 422 599 (outside Sydney)

This telephone service provides information, referral, crisis counselling and advice about alcohol and illegal drugs.

NSW Mental Health Line

1800 011 511

This telephone service is staffed by mental health professionals and provides mental health information and referral services.

Department of Family & Community Services
Housing NSW

Locked Bag 4001
Ashfield BC 1800
www.housing.nsw.gov.au