

NSW Government response to the Legislative Assembly Committee on Community Services Inquiry into the Protocol for Homeless People in Public Places

The NSW Legislative Assembly Committee on Community Services (the Committee) announced an Inquiry into the Protocol for Homeless People in Public Places (the Protocol) on the 14 November 2019 to evaluate how the Protocol is working in practice and the opportunities available to strengthen the current approach. The Final Report was tabled in Parliament on Thursday 19 November 2020.

The NSW Government acknowledges the efforts of the Chair, Ms Wendy Lindsay MP, the Committee and the broad range of experts, agencies and service providers who provided valuable input, and especially thanks the people with lived experience of homelessness who participated in the Inquiry.

The Committee's Report acknowledged that the Protocol has 'served the community very well over the years'. The Chair commended Government and non-government services for their good work and increased collaboration in response to the impacts of COVID-19 on people experiencing homelessness. The Committee strongly encouraged the continuation of these working relationships to provide enhanced support and services to people experiencing homelessness during COVID-19 and beyond.

The Inquiry has made 23 recommendations across a range of areas which aim to enhance the effectiveness of the Protocol in practice by:

- improving accountability and complaints
- promoting better practice and systemic improvements
- education, training and promotion
- reviewing the protocol.

The NSW Government has carefully considered the Inquiry's findings and a detailed response to the Inquiry recommendations is provided below.

The NSW Government remains committed to improving the Protocol to ensure it continues to meet the needs of people experiencing street homelessness and the agencies and organisations that use the Protocol.

Recommendation	NSW Government response
<p>1 The Department of Communities and Justice (DCJ) should consider the development of a review mechanism, implementation plan and accountability mechanisms for signatory agencies to demonstrate that they are implementing the Protocol for Homeless People in Public Places (the Protocol) in a consistent way.</p>	<p>Noted</p> <p>The NSW Government acknowledges the need for a consistent approach to implementation of the Protocol across organisations, with accountability mechanisms and governance.</p> <p>The development of any review, implementation and accountability mechanisms for signatory agencies would need to consider the budget and resource constraints that arise from operating standard regulatory schemes, and not be overly prescriptive. In terms of consistency, consideration would need to be given to the varying powers and obligations of some agencies to enforce specific laws and regulations in public places accessible to the public, which are not applicable to others.</p> <p>The NSW Government believes a flexible sector-wide approach to promoting the Protocol or developing local action plans may be sufficient given relevant agencies, organisations and local councils are already aware of and adhere to the Protocol.</p> <p>DCJ will consider what existing protocols and shared responsibilities with accountability measures could be leveraged to measure compliance and embed these in the <i>Facilitator Guide</i> and <i>Participant Guide</i> as part of the Protocol training package.</p>
<p>2 DCJ should consider the development of an independent complaint mechanism for people experiencing homelessness and other stakeholders with respect to the implementation of the Protocol by signatory agencies.</p>	<p>Noted</p> <p>The NSW Government strongly supports transparent and accessible complaint mechanisms which align with current local processes to support service delivery. The cost and resourcing of an independent complaint mechanism would need to be weighed against the frequency and complexity of complaints currently received from people experiencing homelessness and other stakeholders with respect to the implementation of the Protocol by signatory agencies.</p> <p>Government believes existing independent (e.g. NSW Ombudsman) and agency based complaints mechanisms provide the strongest opportunity for a cohesive and comprehensive response to the implementation of the Protocol.</p> <p>DCJ has a comprehensive complaint policy which is publicly available on its website. Specialist homelessness services funded by DCJ are required to have a client charter and complaints and feedback system in place. In addition, all clients are able to lodge complaints centrally with DCJ through the publicly accessible Enquiry Client Feedback Unit (ECFU).</p> <p>The NSW Government will consider opportunities to leverage existing mechanisms, and continue to identify opportunities for ensuring transparency, accessibility and consistency in complaints mechanisms and collaboration across portfolios. This will involve consultation with relevant stakeholders such as Multicultural NSW to better understand accessibility issues for specific cohorts.</p>
<p>3 The Protocol should have a stronger emphasis on assertive outreach in line with Assertive Outreach Good Practice Guidelines</p>	<p>Supported in principle</p> <p>The NSW Government strongly supports the critical role of Assertive Outreach in engaging with people sleeping rough, and the need for quality and consistency in practice, but recognises that Assertive Outreach activities extend beyond the funded remit of a number of signatory agencies.</p> <p>A review of the Protocol provides the opportunity to embed the concept of Assertive Outreach and the services available into the Protocol. This will draw from, and reference the Specialist Homelessness Services Assertive Outreach Good Practice Guidelines, which provide core standards of support for Assertive Outreach workers to assist people who are sleeping rough to improve their health and housing outcomes.</p>
<p>4 The Protocol should include guidance, or enhance its existing guidance on appropriate responses to:</p> <ul style="list-style-type: none"> • Aboriginal and Torres Strait Islander people • Women • People with disability • Young people • LGBTIQ+ • culturally and linguistically diverse communities 	<p>Supported</p> <p>The NSW Government recognises that the Protocol should effectively support agencies' engagement with vulnerable people, including incorporating guidance on person-centred, trauma-informed and culturally sensitive care and practice.</p> <p>Any review of the Protocol will include more detailed information where necessary on the listed cohorts, and will also include guidance on the following groups:</p> <ul style="list-style-type: none"> • people with Alcohol and Other Drug issues • people with mental health issues

<ul style="list-style-type: none"> • non-citizens. 	<ul style="list-style-type: none"> • people leaving justice and correctional settings, to manage recidivism and re-incarceration • older people, women, children and young people experiencing homelessness • older people, women, children and young people experiencing homelessness due to violence, in alignment with the NSW Health Integrated Prevention and Response to Violence, Abuse and Neglect Framework. <p>Guidance on responding to people with disability will also consider issues specific to people with psychosocial disability, and co-existing intellectual disability and mental health issues.</p>
<p>5 DCJ should consider including reference to the appropriate child protection provisions for children under 18 years of age who are sleeping rough and guidance on appropriate responses to people under 24 years of age who are sleeping rough</p>	<p>Supported</p> <p>The NSW Government supports the inclusion of references to the appropriate child protection provisions in the Protocol, with further guidance on appropriate responses for children and young people up to the age of 25 years, and those who have left statutory care (including care leavers over 25 years).</p> <p>Clear reference to appropriate child protection provisions will support agency staff and services to respond in line with their responsibilities under legislation.</p>
<p>6 DCJ should give more relevant agencies the option of being signatories to the Protocol.</p>	<p>Supported</p> <p>The NSW Government agrees that the Protocol should provide an appropriate and relevant forum for relevant agencies' engagement with people who are sleeping rough, and is particularly useful in guiding interactions for staff where this is not a core part of their role.</p> <p>The NSW Government and the End Street Sleeping Collaboration are working together to halve the number of people experiencing street homelessness across NSW by 2025.</p> <p>The End Street Sleeping Collaboration consists of government and non-government signatories to the Act to End Street Sleeping Agreement, including the Institute of Global Homelessness, St Vincent de Paul Society, St Vincent's Health Australia, Mission Australia, The Salvation Army, Wesley Mission, Neami National, YFoundations, CatholicCare, and Jewish House.</p> <p>DCJ will consider what additional agencies would be appropriate to invite as signatories, including the NSW State Emergency Service, Fire and Rescue NSW and NSW Rural Fire Service in line with the Committee's suggestions, and in consultation with DCJ's consumer and agency forums.</p> <p>Consideration will also be given to the feasibility of engaging non-government organisations as signatories, and Commonwealth entities as partners, for example Primary Health Networks and the Federal Police.</p>
<p>7 That local councils across NSW be encouraged to become signatories to the Protocol. DCJ, the Office of Local Government and Local Government NSW should consider establishing a coordinating role to support those councils in implementing the Protocol.</p>	<p>Supported</p> <p>The NSW Government acknowledges the important role of local council staff as one of the first points of contact for people sleeping rough, and for community concerns and complaints about people sleeping rough. Local government signatories would increase awareness of the protocol, support more effective implementation and strengthen collaboration across local government areas.</p> <p>DCJ will invite local councils to become signatories to the Protocol to better integrate homelessness responses, including Disaster recovery.</p> <p>Noted</p> <p>The NSW Government agrees that a coordinating role would support effective implementation and help sustain council engagement. This would need to be a state-wide approach that considers implications for rural, regional and remote areas.</p> <p>DCJ will work with the Office of Local Government and Local Government NSW to identify the most effective mechanism for providing coordination and support to signatory local councils, noting that this may have budgetary implications.</p>
<p>8 The Protocol should include an implementation plan for signatories as well as guidance on how signatories can collaborate to provide a cohesive and effective response to people experiencing homelessness.</p>	<p>Supported</p> <p>The NSW Government recognises the importance of collaboration and integrated pathways to support, and a flexible approach to implementation planning. Government will leverage existing cross-agency planning responses such as COVID-19, natural disasters and recovery, so there is no duplication of existing mechanisms. In particular, care will be taken to align and avoid duplication with:</p> <ul style="list-style-type: none"> • existing agency policies, procedures and protocols to respond to homelessness

	<ul style="list-style-type: none"> interagency governance at a district, state-wide and local level - including governance under the <i>NSW Homelessness Strategy 2018-23</i>, the Premier's Priority to reduce street homelessness, and the revised Housing and Mental Health Agreement between NSW Health and DCJ formal agreements with DCJ and/or other signatories, such as the Memorandum of Understanding between NSW Health and the NSW Police Force. <p>The Homelessness Interagency Project Group will continue to function as a mechanism for cross-agency collaboration and provide advice and input during the review and implementation of the updated Protocol. DCJ will invite the Office of Local Government to membership of this group.</p> <p>Government will adopt a person-centred approach by seeking the views of people with lived experience and their carers about how implementation planning would be most effective.</p> <p>DCJ will include more guidance on how signatories can collaborate to provide a cohesive and effective response to people experiencing homelessness. This will draw on successful programs such as NSW Ambulance's alternate referral pathways approach where collaborative agreements are developed with service providers to support people to remain in their community with support, rather than transporting them to hospital. NSW Ambulance's Paramedic Connect program operates in regional and rural areas and allows paramedics to support local community initiatives. This could be extended to include work with people experiencing homelessness.</p>
<p>9 Consideration should be given to the insertion within the contracts of engagement that all staff contracted to Government agencies or employed by Government funded organisations that respond to people sleeping rough should be required to adhere to the Protocol.</p>	<p>Noted</p> <p>DCJ will consult further with signatory agencies to understand whether contractual amendments are the best mechanism for this, noting that a number of agencies already have homelessness related policies which reference the Protocol and direct the work of their employees, including contractors. Any commercial and cost implications associated with compliance and implementation will also need to be identified.</p> <p>The language within the Protocol refers to 'officials' throughout. This will be reviewed to ensure it reflects the broader spectrum of services delivery.</p> <p>Homelessness services funded by DCJ are contractually required to comply with the Specialist Homelessness Services <i>SHS Program and Practice Guidelines</i>. Section 1.11.6 of the <i>SHS Practice Guidelines</i> provides information for services on how to effectively meet the needs of people sleeping rough, including adherence to relevant protocols and practices.</p> <p>DCJ will explore opportunities to reference the Protocol within the SHS recommissioning specifications, for contracts that commence from 1 July 2021 for the SHS sector. DCJ will also consider where references could be made within the guidelines of programs which support people who are, or have a history of sleeping rough, such as Together Home.</p>
<p>10 The Protocol should provide guidance on responding to extreme weather conditions to ensure the safety of people sleeping rough.</p>	<p>Supported in principle</p> <p>The NSW Government recognises that people sleeping rough are particularly vulnerable to extreme weather events and natural disasters, and that localised planning and protocols ensure the most effective responses.</p> <p>DCJ and the City of Sydney have an emergency response Protocol in place (including but not limited to extreme weather events) which directs the actions of the signatories and other agencies engaged in Assertive Outreach with people sleeping rough.</p> <p>DCJ is currently undertaking work to increase disaster preparedness in the homelessness sector, informed by COVID-19 and recent natural disasters.</p> <p>DCJ will work with its partners (particularly NSW Health, NSW Police, NSW Ambulance), and other relevant agencies including Resilience NSW, to investigate whether it is more effective to provide comprehensive guidance on responding to extreme weather conditions in the Protocol itself, or include references to existing or planned emergency protocols and available supports, such as Local Emergency Management Committees.</p>
<p>11 The Protocol should provide guidance on responding to people experiencing homelessness who are sleeping in vehicles.</p>	<p>Supported in principle</p>

	<p>The current definition of rough sleeping or street homelessness includes people living on the streets, sleeping in parks, squatting, staying in cars or railway carriages, living in improvised dwellings or living in the long grass.¹ Local Assertive Outreach teams regularly engage with these individuals.</p> <p>DCJ will consider:</p> <ul style="list-style-type: none"> • how the definition of rough sleeping could be better described or clarified under the Protocol • links to guidelines for Assertive Outreach or responses for specific cohorts such as young people sleeping in cars (see Recommendation 5). • consideration of an extension to the recommendation to consider other forms of privately owned shelter (e.g. vessels)
<p>12 The Protocol should provide guidance on responding to people sleeping rough with companion animals.</p>	<p>Supported</p> <p>The NSW Government acknowledges the emerging evidence in Australia which indicates widespread social, health and economic benefits of companion animals for individuals and communities.²</p> <p>DCJ will include information in the Protocol to help staff respond to people sleeping rough with a pet, and to ensure they are treated with respect. This will include guidance on the best way to approach the person, how to respond to any needs that the animal may have, and information on accommodation services that allow pets.</p> <p>The inclusion of guidance on responding to people with companion animals will need to consider that responses would be provided within local resources and local service system capacity, and recognise the:</p> <ul style="list-style-type: none"> • <i>Companion Animals Act 1998</i> which is administered by the Minister for Local Government through the Office of Local Government. • existing limitations on the availability of beds in crisis accommodation, supported temporary accommodation, and motels which will accommodate people sleeping rough with companion animals • current relevant agency policies and practices relating to companion animals, for example NSW Ambulance’s policy and work instruction on transport of people with companion animals.
<p>13 The Protocol should provide guidance on a fair and consistent approach to the belongings of people sleeping rough, including storage.</p>	<p>Noted</p> <p>The NSW Government supports a fair and consistent approach to the management of belongings of people sleeping rough, including storage, and believes the Protocol should provide additional guidance in this important and sensitive area.</p> <p>Further investigation of this issue is required to determine best practice in the management of belongings, including understanding any alternate processes that may be required, new opportunities for storage and access to storage, how these would be funded, and agency roles and responsibilities. This will be investigated in the context of the <i>Impounding Act 1998</i> which is administered by the Minister for Local Government, and in consultation with the Office of Local Government and other key stakeholders. For example the City of Sydney currently has responsibility for management of belongings in its local government area.</p>
<p>14 The Protocol should refer to the importance of the Housing First approach, in line with the NSW Homelessness Strategy 2018-2023.</p>	<p>Supported in principle</p> <p>The NSW Government is committed to building on national and international best practice in homelessness policy, including Housing First approaches. Expanding Housing First in NSW to reduce rough sleeping and prevent chronic homelessness is a key action under the NSW Homelessness Strategy and contributes to work under the Premier’s Priority to reduce street homelessness by 50% by 2025. COVID-19 emergency responses also include Housing First approaches, such as the \$65.1 million Together Home program to provide long term housing with wraparound supports for people sleeping rough.</p> <p>The principles underpinning the SHS Assertive Outreach Good Practice Guidelines are based on Housing First – finding people a home as a priority and then providing wrap around support needed to address any issues that were barriers to housing.</p> <p>DCJ will consider how the intent of the Protocol could be made clearer, with references to more detailed information about Housing First, including the SHS Assertive Outreach Good Practice Guide.</p>

¹ Australian Institute of Health and Welfare. (2018) Sleeping rough: A profile of Specialist Homelessness Services clients. Available at <https://www.aihw.gov.au/getmedia/96b4d8ce-d82c-4149-92aa-2784698795ba/aihw-hou-297.pdf.aspx?inline=true>

² Stone, W., Power, E.R., Tually, S., James, A., Faulkner, D., Goodall, Z. and Buckle, C. (2020) Housing and housing assistance pathways with companion animals: risks, costs, benefits and opportunities, AHURI Final Report No. 350, Australian Housing and Urban Research Institute Limited, Melbourne. Available at <https://www.ahuri.edu.au/research/final-reports/350>, doi: 10.18408/ahuri5121601.

	<p>DCJ will also consider where the Protocol could be reflected in the guidelines for existing and future programs that are delivered using Housing First principles, for example Together Home and the Supported Transition and Engagement Program (STEP).</p>
<p>15 DCJ should consider the benefits of Public Space Liaison Officers with a view to funding these positions in identified areas where there are a high number of people sleeping rough.</p>	<p>Noted</p> <p>The NSW Government acknowledges the benefits of the Public Space Liaison Officers (PSLO) currently employed in the City of Sydney and recognises that their role encompasses broader Council responsibilities in addition to Assertive Outreach.</p> <p>Funded PSLOs may assist health services to engage more effectively with people sleeping rough. These officers support compassionate and respectful responses to address issues arising from the impact of homelessness in public places.</p> <p>Any expansion of these roles to other local council areas in NSW would need to consider local area needs, the numbers of people sleeping rough, the potential need for culturally-diverse PSLOs in areas where there are more significant numbers of people from non-English speaking backgrounds and the most appropriate source of funding (i.e. state or local government). DCJ will work with the Protocol signatories to prioritise resources in the most effective way.</p>
<p>16 DCJ should develop and deliver education, engagement and training programs for signatory agencies, other agencies and the community to promote a consistent understanding and implementation of the Protocol for Homeless People in Public Places.</p>	<p>Supported in principle</p> <p>The NSW Government acknowledges the need for consistent understanding and implementation of the Protocol.</p> <p>DCJ will work with relevant stakeholders to identify opportunities to include Protocol related content in existing agency workforce development resources, including induction and training programs. DCJ will work with relevant stakeholders to ensure these education and training programs also include cohort specific information where appropriate. For example the inclusion of child rights and appropriate engagement with young people in education and training for signatories such as police and transit officers.</p>
<p>17 The Protocol should refer to culturally and linguistically diverse communities and training should include CALD competency and awareness training, as well as awareness and training on how to use the national Translating and Interpreting Service.</p>	<p>Noted</p> <p>The NSW Government supports workforce education and training targeted at improving staff capacity to more effectively respond to the needs of people from culturally and linguistically diverse communities. This includes:</p> <ul style="list-style-type: none"> • trauma-informed, recovery-oriented support • culturally appropriate services for Aboriginal people and CALD groups • the pervasive impact of stigma and discrimination, and their impact on people's engagement with government services. <p>DCJ will continue to deliver CALD awareness training to all new staff through its Client Service Officer Induction Program. This program includes provision of information about how staff and clients can access translating and interpreter services.</p> <p>Additionally, <i>Working with culturally diverse people</i> is a module in the Certificate IV in Social Housing that all Client Service Officers undertake.</p> <p>DCJ will continue to work with key stakeholders including Multicultural NSW (MNSW) to build on existing workforce development resources to include CALD content and the use of the national Translating and Interpreting Service. MNSW is about to launch a fee for service suite of training packages to upskill participants on cultural competency and the appropriate use of interpreters. Multicultural NSW also offers an interpreting and translation service, and has NSW Language Services Guidelines to support NSW Government agencies in the use of interpreters and translators.</p> <p>It is also noted that developing and implementing training may have cost implications for the government workforce and contractors.</p>
<p>18 DCJ should seek input from people with lived experience of homelessness when developing strategies to promote and increase awareness of the Protocol across NSW.</p>	<p>Supported</p> <p>The NSW Government acknowledges the need to promote the Protocol more widely and will consider a strategic awareness-raising program which complements increases in education and engagement, taking account of the ideas contributed by stakeholders as part of the Inquiry process.</p> <p>DCJ will continue to work closely with consumer representatives, including the Advocate for Children and Young People, Public Interest Advocacy Centre and Street Care, to ensure people with lived experience of homelessness, including young people, are involved in the development of any strategies to promote and increase awareness of the Protocol across NSW (also see Recommendation 21). This will</p>

	include representation from diverse groups including representation from people experiencing Alcohol and Other Drug issues, and people with mental illness and psychosocial disability.
19 DCJ should work with Transport for NSW to ensure staff, agencies and private providers are aware of the Protocol and also the pathways available to connect people sleeping rough with support.	<p>Noted</p> <p>DCJ and Transport for NSW regularly engage while undertaking Assertive Outreach activities in Sydney. Transport for NSW licensing and registration products are currently issued to vulnerable persons, including those who are sleeping rough, with processes in place to support those services. Service NSW provides pathways for people sleeping rough to seek support in obtaining proof of identity documentation on behalf of Transport for NSW.</p> <p>DCJ will work with Transport for NSW to identify effective strategies to build awareness of the Protocol and strengthen support pathways, noting that this may have budgetary implications. During the peak of the COVID-19 pandemic, Transport for NSW worked with the City of Sydney to provide people sleeping rough with access to bathroom facilities in CBD train stations. DCJ and Transport for NSW will broaden the response to this recommendation to include access to facilities as well as support.</p>
20 DCJ should conduct a review of the Protocol for Homeless People in Public Places every four years.	<p>Supported</p> <p>The NSW Government recognises the need to ensure the Protocol is current and meeting the needs of agency staff and people sleeping rough, and reflects changing or emerging issues in a timely way. DCJ will include four yearly reviews of the Protocol in its forward work plans.</p>
21 Any review of the Protocol should have input from people with a lived experience of homelessness, including but not limited to: <ul style="list-style-type: none"> • Aboriginal and Torres Strait Islander people; • Women; • People with disability; • Young people; • LGBTIQ+; and culturally and linguistically diverse communities. 	<p>Supported</p> <p>DCJ will continue to work closely with consumer representatives, including those in the listed category of cohorts, to ensure people with lived experience of homelessness are involved in any review of the Protocol. This will include consultation with agencies to ensure any engagement is trauma-informed and culturally appropriate. DCJ will consider a range of effective approaches, for example partnership and co-design models.</p> <p>Any review of the Protocol will include consultation with the relevant stakeholders, including NSW Disability Council, Multicultural NSW, Homelessness NSW, Yfoundations, Advocate for Children and Young People, DVNSW, the Public Interest Advocacy Centre and the Aboriginal Outcomes Housing and Homelessness Working Group (a forum bringing together Aboriginal Housing and Homelessness peaks) to identify and source people with lived experience of rough sleeping.</p> <p>It will also consider the experiences of:</p> <ul style="list-style-type: none"> • people impacted by natural disasters and COVID-19. • people with lived experience of Alcohol and Other Drugs, • women who are pregnant during homelessness • older people who have lived experience of homelessness • people with psychosocial disability, and people with co-existing mental health issues and psychosocial disability. • families and carers, and their representative organisations • temporary visa holders.
22 The Protocol should be reviewed to make it person-centred and trauma-informed.	<p>Supported</p> <p>The NSW Government recognises the importance of trauma-informed training and is working to identify opportunities to incorporate trauma-informed practice into Government policy and service delivery.</p> <p>DCJ will ensure that any review of the Protocol includes person centred, trauma-informed and recovery oriented language, and considers approaches in the context of re-traumatising events such as COVID-19 and natural disasters. This will also include review of the name of the Protocol. DCJ will work with relevant agencies to consider tailored approaches for specific cohorts, such as people with refugee backgrounds who may have experienced past trauma in their country of origin. NSW Government agencies, including DCJ, NSW Health and Education will continue to deliver agency-specific trauma-informed practice in training modules for staff.</p>
23 The titles and contact details of service providers contained in the Protocol should be reviewed annually for currency and accuracy with	<p>Supported</p>

the updated version being circulated to all signatories with the request that it is circulated to officers and staff.

The NSW Government recognises the need for the Protocol to be reviewed and updated more regularly to ensure it remains current and useful to staff of the signatory agencies to better meet the needs of people sleeping rough.

DCJ will include an annual update of the Protocol's service provider details in the work plan of the Homelessness Interagency Project Group. The group will consider additional mechanisms for ensuring more regular updates are made and communicated to relevant stakeholders, such as ensuring currency of information on the website of publication, notifying signatory agencies when any updates are made to the list of service providers, and providing a communication point for feedback to quickly rectify identified issues to ensure the Protocol remains up-to-date with relevant information and best practice.

As part of a future review of the Protocol, DCJ will also consider expanding the list of services providers to include more specialised support services, for example Aboriginal and Torres Strait Islander, CALD and LGBTIQ+ communities, and Alcohol and other Drug services, including specific details for young people and pregnant women priority groups who require Alcohol and other Drug services.