



## **Homelessness Protocol 2022**

Supporting people who are homeless or at risk of homelessness.

## Background

People experience homelessness when they do not have accommodation that is safe, secure, or appropriate. Homelessness can occur due to a variety of complex issues, including loss of employment, family breakdown, poor physical and mental health, family violence, drug and alcohol misuse, unemployment, and financial stress.

Homelessness is a social issue affecting people and communities worldwide. It has no municipal boundaries and requires a whole-of-community response. This protocol aims to clarify the role of Council in responding to people experiencing homelessness, and to articulate the principles guiding responses where there are impacts on Council owned or managed public spaces.

## Key definitions

Mackenzie and Chamberlain's (1992) definition of homeless was adopted by the Commonwealth Advisory Committee on Homelessness in 2001 and is widely used within the homelessness sector.

The definition includes three categories in recognition of the diversity of homelessness:

**Primary homelessness:** People without conventional accommodation, who may be sleeping rough, squatting, sleeping in cars and in improvised dwellings.

**Secondary homelessness:** People with no secure accommodation, moving between various forms of temporary shelter (including staying with friends, relatives and in emergency accommodation).

**Tertiary homelessness:** People living temporarily in hotels, motels and in private rooming houses with shared facilities, no security of tenure, and no alternative accommodation options.

**Additionally, the following terms are referenced throughout the protocol:**

**At risk of homelessness:** A person is considered at risk of homelessness if there is potential for them to lose their accommodation. A person experiencing risk factors such as financial stress, housing affordability stress, relationship or family breakdown, family violence, unemployment or who is transitioning from custodial and care arrangements (among other risk factors) may be considered at risk of homelessness.

**Sleeping rough:** Anyone who is living on the streets, sleeping in parks, or squatting in derelict buildings for temporary shelter is considered to be 'sleeping rough'. People sleeping rough are some of the most vulnerable in our society.

## Where the protocol will be applied

The protocol applies to public spaces such as parks, open spaces, and community facilities, which are accessible to the public and are owned, controlled or under the management of the City of Ballarat. It does not apply to private property. Council's internal *Homelessness Response Procedure* is available to all staff and articulates the specific steps to be followed by Council officers.

## When the Protocol will be applied

This protocol will be applied when:

- Council officers encounter a person who is experiencing homelessness
- Members of the community request support or information for themselves or another person who is experiencing homelessness
- Council receives information from members of the public about a person they believe is experiencing homelessness
- Council receives information about belongings or items that belong to a person who may be homeless or sleeping rough

## Council's approach

Council's approach to homelessness is to:

- Provide information to people experiencing homelessness (or at risk of homelessness) about services available to assist with housing and other welfare support, such as Uniting Ballarat
- Monitor the extent of homelessness in the City of Ballarat
- Ensure Council Officers are equipped with appropriate knowledge and resources to respond effectively and consistently to reports of homelessness in the municipality
- Support local organisations when requested in their outreach responses to rough sleepers
- Enhance community understanding about the causes of homelessness and local support services
- Advocate for the provision of additional social and affordable housing options in Ballarat

There is no enforcement with respect to homelessness. Enforcement will only apply where a law (local or state) has been or is being breached (for example, where there is associated illegal or criminal activity), at which point it becomes a policing issue.

## Principles

The following principles provide a basis for how Council will respond to homelessness in public places.

### Principle 1

**People who are experiencing homelessness have the right to access to public spaces and will be treated as any other member of the public.**

The protocol aims to balance the rights of all people to be in public places, whilst respecting the right of communities to live in a safe and peaceful environment.

Council will not ask a person to 'move on' from a public space when sleeping rough. If Council are alerted to an individual occupying a public space, Uniting Ballarat's *Street 2 Home* team will be notified, who will conduct outreach to support the individual. If a breach of local law or threat to safety occurs, Council will work closely with the individual, Uniting Ballarat, and Victoria Police (if necessary) to reach an outcome that is agreeable to all parties. Council will manage the respect and support of vulnerable individuals, alongside community safety and asset protection.

Council will implement the Homelessness Response Procedure in relation to a person who is experiencing homelessness in the following circumstances:

- They request assistance
- A member of the public reports a person sleeping rough to Council
- They appear distressed or in need of assistance
- They are sheltering in circumstances that threaten the health and safety of themselves and/or others

Victoria Police will be contacted in the following instances:

- Their behaviour threatens their own safety or the safety of others
- Their behaviour is likely to result in damage to property or to the environment
- Their safety is threatened by others
- They appear to be under the age of 16 (even if accompanied by an adult)

If emergency assistance is required, a threat to safety is present, or a person is suspected of engaging in any illegal activity, the matter will be immediately reported to Victoria Police on 000. We encourage community members to call 000 if there is an immediate threat to safety, or the Police Assistance Line on 131 444 if there is no emergency.

The belongings of a person who is determined to be homeless must be respected and must not be arbitrarily interfered with. If belongings of an individual sleeping rough are reported to Council:

- Council will contact Uniting Ballarat's *Street 2 Home Program* to engage with the person and identify appropriate supports
- Where the local use of the area or general amenity is being impacted by personal belongings (i.e. where they cause an obstruction), Council will liaise with Uniting to attempt to identify the owner of the belongings and arrange for the belongings to be moved to a different space
- If the owner is identified but is not present (or is unwilling) to move their belongings, Uniting is able to store belongings for a brief period if necessary and if agreed to by the owner
- If owner is not able to be identified and is not present, Council 's compliance officers may be requested to photograph items and surrender to the Ballarat Police Station. A written notice will be left at the site where possible, informing the individual of how and where they can retrieve their belongings
- Where a person's belongings cause a threat to public health and safety, Council will take steps to remove hazardous items (sharps, open alcohol) and ensure no immediate risk to persons from items at the site

## Principle 2

### **People experiencing homelessness should have access to information about support services.**

Council will provide information on emergency relief and homelessness support services to the community. Links to local services will be maintained on Council's website.

Council will seek relevant, up-to-date information and statistics from Uniting Ballarat when required.

Council will notify Uniting Ballarat's *Street 2 Home* team when receiving reports of people believed to be experiencing homelessness, to ensure outreach services are able to locate the individual and offer support. Council and will seek advice regarding the outcome.

### **Principle 3**

**Council staff who work in areas that bring them in contact with people who are homeless should have sufficient information to assist with referral.**

Council's internal *Homelessness Referral Procedure* is available to all staff. Managers and supervisors of business units that may encounter people experiencing homelessness will ensure that staff are aware of the internal *Homelessness Referral Protocol* and where to access it. Training and education on homelessness will be offered to all Council staff.

### **Principle 4**

**Information about homelessness in Ballarat will assist Council to advocate.**

All requests related to homelessness will be logged in Council's Pathway system for investigation and referral. This data will be used to help monitor homelessness in Ballarat to inform advocacy.

Council will consider ways to work collaboratively with other councils in the Central Highlands region (Hepburn, Pyrenees, Moorabool and Golden Plains) to identify advocacy opportunities.

### **Principle 5**

**Collaborative partnerships between Council, housing providers, community agencies and local police will help to improve outcomes for people who are experiencing homelessness.**

Health and Social Planning officers will meet regularly with partner organisations and participate in relevant local homelessness networks where appropriate. Council will support local organisations when requested in delivering outreach responses to rough sleepers in Ballarat.

Council will provide links to local services on its website and distribute information via its networks.

### **Principle 6**

**Improved understanding of the causes and effects of homelessness will ensure the community approaches people experiencing homelessness with care, dignity, safety, and respect.**

Council will promote awareness of the issues that contribute to homelessness via its website and publications.

Council staff will receive training to ensure compassion and best-practice principles are being applied in responses to homelessness.

### **Principle 7**

**All people, including people experiencing homelessness, have equal access to Council services and can participate in public activities and events.**

Council will ensure that its programs and services are welcoming, accessible, and inclusive.

## Referral

### Housing and Outreach Services

Ballarat has a single-entry point for housing and crisis support operated by Uniting, called *Opening Doors*.

Opening Doors aims to deliver better coordination among homelessness services at the local level, ensuring that people in crisis can quickly and simply access homelessness services and get the help they need. Uniting is backed by a network of local services that share support, housing and brokerage resources.

**If someone is homeless or in need of housing support, they can contact Uniting on (03) 5332 1286**, Monday to Friday (9am to 5pm) or drop-in without an appointment at 105 Dana Street Ballarat to arrange a meeting with a housing worker.

After hours support can be accessed through the state-wide **Homeless Crisis Response number on 1800 825 955**, Monday to Friday (5pm to 9am) and on weekends during business hours. This number will direct callers to the nearest homelessness service and can be called at any time. Please note that calls made to this number from a mobile phone will attract STD rates. After business hours, the call will be directed to the St. Kilda Crisis Centre.

Further information can be found at: Further information can be found at:

<https://www.unitingvictas.org.au/services/homelessness-housing/>

Uniting Ballarat's assertive outreach program, *Street 2 Home*, supports rough sleepers with access to services and advocates on their behalf to secure long-term accommodation options. The *Street 2 Home* team can be contacted at [Ballarat.s2h@vt.uniting.org](mailto:Ballarat.s2h@vt.uniting.org).

## Victorian State Context

### Victorian Charter of Human Rights and Responsibilities 2006

Twenty fundamental human rights are protected in the Charter, which recognise that as human beings, we have basic rights including the right to be treated equally, to be safe from violence and abuse, to be part of a family and to have our privacy respected.

The Charter requires that Councils uphold human rights when developing policies, making laws, delivering services and making decisions.

In practice, this means that local councils must:

- Consider human rights when making decisions

- Ensure that actions, policies, and services are compatible with human rights
- Interpret and apply local laws consistently with human rights
- Ensure that people who work on their behalf do so in a way that respects human rights

Charter rights can only be limited to achieve a legitimate and reasonable objective. For local government, this will often involve balancing several different rights and other important interests, such as the health and safety of the community.

### Victoria's Homelessness and Rough Sleeping Action Plan 2018

Victoria's Homelessness and Rough Sleeping Action Plan represents the Victorian Government's response to the first phase of a broader reform of the specialist homelessness service system. The action plan provides a framework for reducing the incidence and impacts of rough sleeping within the context of four key themes:

1. Intervening early to prevent homelessness
2. Providing stable accommodation as quickly as possible
3. Support to maintain stable accommodation
4. An effective and responsive homelessness service system

## Council Context

### Council Plan 2021-25

The Council Plan is a strategic document outlining what the City of Ballarat will do to help achieve Council's and the community's vision of Ballarat as a proud city that is sustainable, innovative, and inclusive. The plan describes Council's priorities and outcomes for its four-year term and how these will be resourced.

### Health and Wellbeing Plan 2021-31

The Health and Wellbeing Plan sets the health priorities for the municipality, outlines strategies to prevent and reduce public health issues, and supports the community to achieve optimum health and wellbeing.

### Community Local Law 2017 (illegal camping)

As identified in the City of Ballarat *Community Local Law 2017*, "A Person must not, without a Permit, Camp on any Council Land (including a Municipal Reserve) or a Road unless such Person is within a registered caravan park or a Camping Area."

#### Camping is defined within *Community Local Law 2017* as:

"The occupation or use of shelter such as a swag, tent, makeshift structure, caravan, Campervan, mobile home or any other Vehicle (including under the Vehicle) for sleeping all or part of a night or as temporary accommodation but excludes brief 'power napping' in a vehicle beside a Road for one hour or less."

It is possible that a person who is camping illegally may be experiencing homelessness with no safe place of residence to return to. If it is determined that this is the case, Council will follow internal procedures for responding to rough sleepers and connecting the individual with support.