

# Protocol for Assisting People Who Sleep Rough



## Supporting people who are experiencing homelessness or at risk of homelessness

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# Protocol for Assisting People Who Sleep Rough



## Background

City of Port Phillip recognises that housing is an international human right. People however do experience homelessness when they do not have accommodation that is safe, secure and appropriate. The prevalence of rough sleeping in public spaces such as parks, foreshore, shop doorways and cars (also known as primary homelessness) occurs throughout the City.

The City of Port Phillip Homelessness Protocol has been in operation since 2001, and over that time has assisted many people who sleep rough to gain access to appropriate support services that enable them to exit homelessness.

In 2011 a review of the protocol was implemented to consider requirements of Council as a Public Authority under the *Victorian Charter of Human Rights and Responsibilities 2006*. Council continues to integrate and expand its response to housing and homelessness, this work is guided by Council's affordable housing Strategy (*In Our backyard*), and Council's homelessness Strategy (*Think & Act*) and the 'Port Phillip Zero' project -a collaborative cross-sector partnership response to rough sleeping homelessness. Through these strategic responses Council provides the following:

- Assertive outreach, coordination, and support to individuals who are sleeping rough
- Support to prevent homelessness, and reduce the time spent experiencing homelessness for residents aged 50 years and older.
- Sponsorship housing – nominated access people 50+ into local Public Housing .
- Social and affordable housing through support of local community housing providers
- Considerate and informed City Amenity patrols
- Food security initiatives
- Community grants
- Health & wellbeing services.

Residents and local businesses will often seek Council response to instances of rough sleeping in the City. This protocol provides Council and Council officers with a model for responding that ensures people experiencing rough sleeping homelessness are treated appropriately and are offered relevant support services, while Council attends to amenity issues that may inadvertently arise.

This Protocol has been developed with the support of people who have experienced homelessness as well as housing and social support agencies based in Port Phillip.

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## What is homelessness?

The City of Port Phillip recognises that homelessness, inadequate housing and forced evictions represent violations of international human rights. The International Covenant on Economic, Social and Cultural Rights (ICESCR), recognises the right to adequate housing which is regarded as more than the idea of just shelter. The accepted definitions of homelessness within Australia were developed by Chamberlain and Mackenzie (2001)<sup>1</sup>.

The Australian Bureau of Statistics currently defines someone as homeless if their current living arrangement:

- is in a dwelling that is inadequate, or has no tenure;
- or if their initial tenure is short and not extendable;
- or does not allow them to have control of or access to space for social relations.

The specialist homelessness service system considers a person to be homeless if their housing situation is any of the following:

- improvised dwelling, or no shelter
- short-term temporary or emergency accommodation
- 'couch surfing' in a house, townhouse or flat with no tenure.

Rough sleeping Homelessness refers to homelessness that is experienced in public space including on streets and footpaths, in front of shops or businesses, in parks and reserves, on beaches, and on road or railway underpasses. Rough sleeping also includes individuals sleeping in squats, in cars, or inhabiting a tent or makeshift structure.

Rough sleeping or street homelessness accounts for around 7% of all homelessness in Victoria. Homelessness is a dynamic experience and individuals move frequently between different forms and experiences of homelessness.

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## Primary homelessness: (Rough Sleeping)

People without conventional accommodation – living on the streets, in deserted buildings, in cars, under bridges, and in improvised dwellings.

## Secondary homelessness:

People with no secure accommodation moving between various forms of temporary shelter, including friends, relatives, emergency accommodation and boarding houses.

## Tertiary homelessness:

People living in single rooms in private boarding houses on a long-term basis – without their own bathroom, kitchen or security of tenure, and people living as 'marginal residents' in caravan parks.

## Where the Port Phillip Protocol for Assisting People Who Sleep Rough applies

The Protocol applies to public places such as parks, open spaces and community facilities, which are accessible to the public and which are Council owned, controlled or managed. The Protocol does not apply to private property.

The Protocol only applies to the City of Port Phillip municipal district.

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## When will the Protocol be applied?

The Protocol will be applied when:

- Council Officers come in to contact with a person who is sleeping rough or when a person is referred to Council
- Members of the community request support for a person who is experiencing homelessness
- Persons experiencing homelessness request information from Council about where they can go for assistance;
- Council receives information from members of the public about a person they believe is experiencing homelessness and/or when Council receives information about belongings or items have been found that may belong to a person who is considered to be sleeping rough.

## Council's approach

Council's approach to homelessness within Port Phillip will be to: provide information to people experiencing homelessness or at risk of homelessness or in housing crisis about where they can access health and support services and accommodation;

Ensure that people needing assistance are referred to appropriate service providers as soon as possible;

- To work with housing and homelessness stakeholders to monitor and report on the extent of homelessness in Port Phillip; and
- Support community understanding about the causes of homelessness, the role of local support services and procedures identified within this protocols document

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## Understanding Enforcement and the Local Law

There is no enforcement requirement with respect to homelessness itself.

Council must ensure that enforcement will only apply where a local law or Summary Offence has been, or is being breached at which point it becomes a safety and amenity and, or a police issue.

If a Council officer has any difficulty in applying the processes in this Protocol they should notify the Team Leader, Housing & Homelessness and, or the Coordinator Local Laws & Animal Management to gain support and advice.

According to the City of Port Phillip Community Amenity Local Law No.1 (53. Camping on Council Land)

(1) A person must not camp on any Council land or in any public place in a vehicle, tent, caravan or any other type of temporary or provisional form of accommodation.

(2) A person is not guilty of an offence under sub-clause (1) where that person establishes that he or she:

(a) is homeless or in need of secure accommodation;

## Principles and actions

The following principles and actions were developed in consultation with people who have experienced homelessness, service providers and Council Officers.

They have been established to provide the basis for how Council responds to homelessness in public places.

### Principle 1 - Responding to a person experiencing homelessness and their belongings:

*“Human rights are basic entitlements that belong to every one of us, regardless of our background, where we live, what we look like, what we think or what we believe. Council has a legal obligation under the Victorian Charter of Human Rights and Responsibilities to consider human rights when it makes laws, develops policies and provides services.”<sup>2</sup>*

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# Protocol for Assisting People Who Sleep Rough



The protocol aims to balance the rights of all people to be in public places, while respecting the right of communities to live in a safe and peaceful environment. The protocol is guided by the understanding that - People who are experiencing homelessness have a right to be in public spaces and will be treated as any other member of the public.

## Actions

**Action: In line with the local law** Council staff have no authority to instruct a person to move on because that person is experiencing homelessness. Council staff will respond to a person who is, or appears to be experiencing homelessness if:

- They request assistance;
- They appear distressed or in need of assistance;
- They are sheltering in circumstances that threaten the health and safety of themselves and/or others (e.g. in derelict buildings);
- 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 18.

**Action:** On the report of a person who is rough sleeping Council staff will contact Launch Housing Assertive Outreach and the STAR Health Community Connection Program to approach, and try to engage with the person, to identify further appropriate courses of action.

**Action:** On the report or observation of a person who is rough sleeping, Council City Amenity officers will include a site observation, as well as visit sites synonymous with rough sleeping as part of daily patrols. On these patrols officers may seek to preliminary engage in order to provide early information to outreach services

**Action:** Council staff will only request personal information from a person sleeping rough to assist with referral to appropriate services. People are not compelled to give that information.

**Action:** If Council staff identify that emergency assistance is required, owing to a person's behaviour threatening their own safety or the safety of others or if a person is suspected of committing an offence, or a person engaging in any illegal activity under the Summary Offences Act, the matter will be immediately be reported to Victoria Police on 000.

**Action:** Council will inform community of the role of Victoria police in responding to breaches of the Summary Offences Act and request that breaches of such an offence be reported immediately to Victoria police

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**Action:** The belongings of a person who is sleeping rough must be respected and must not be arbitrarily interfered with according to the Victorian Charter of Human Rights: Section 20 – Property rights:

*People are protected from having their property taken, unless the law says it can be taken. For example, authorities cannot confiscate or seize a person's property unless there is a lawful basis for doing so, such as when the property is illegal (for example drugs), stolen or was purchased from the proceeds of a crime.*

- Authorised Council staff may only, as a last resort where it is necessary to comply with an Act, Regulation or Local Law, and not until the STAR Health and Launch Housing outreach services have been notified, move a person's belongings that have not been identified as hazardous as above<sup>3</sup>:
  - Where a person owning or responsible for items, goods and equipment has not responded to a request from Council to move them, the items, goods and equipment can be impounded by Council;
  - Council must itemise what belongings have been impounded and store them securely at Council's depot;
  - If after 28 days an impounded item is not retrieved, Council will determine what should be done with items after discussion with STAR Health and Launch Housing outreach services.
- Under this Procedure and Protocol, allowable items that people can carry/keep include documents, bags, clothing, medications, personal items, bedding that can be carried (e.g. rolled up camp mats, foam, a swag).
- At all times where a person's belongings impact on public access or cause a threat to public health and safety, Council staff will take immediate steps to remove hazardous items (sharps, rotting waste, open alcohol) and ensure no immediate risk to persons from items at site continues;
- Council staff will also contact Launch Housing Assertive Outreach and the STAR Health Community Connection Program (available during business hours) to approach and try to engage with the person to identify further appropriate courses of action.

## Principle 2 - Ensuring access to information about support and services

*"A person's wellbeing can be greatly affected by not being able to become involved in their local community...."<sup>4</sup>*

Council will ensure that a person who is experiencing rough sleeping homelessness has access to resources if they need or request them.

### Actions

**Action:** Homelessness outreach Workers will attend and offer support and make ongoing effort to assertively engage for the purposes of providing information and support

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**Action:** Staff will be provided with cards or brochures listing local housing and support services that can be given to a person experiencing homelessness or to members of the public who are concerned about the welfare of a person experiencing homelessness. These cards or brochures will also be distributed to traders, transport providers and agencies that operate in public places out of normal working hours and on weekends.

**Action:** Staff will notify Council's Team Leader Housing & Homelessness (TLHH) if they suspect that a young person under the age of 18 or an adult is sleeping rough. A referral will then be made by TLHH to Department of Health & Human Services as part of Mandatory Child Safety requirements.

**Action:** If the person sleeping rough does not need or request assistance and are not in breach of the terms of this protocol they will be left undisturbed. If the situation changes, however, staff will alert the relevant outreach service (during business hours) or the St Kilda/South Melbourne Police (after business hours) or Alfred Crisis Assessment Team (Homeless Outreach Psychiatric service).

## Principle 3 - Ensuring consistent, integrated and informed responses

*"Ensuring, as a built-up city area with limited public space, that the design and management of public space will be balanced between competing interests in a just and equitable way"<sup>5</sup>*

Council staff working in areas that bring them in contact with persons experiencing homelessness should have sufficient information to assist with a referral to appropriate services or advice if needed.

### Actions

**Action:** Council's Housing & Homelessness staff will distribute a detailed list of local services providing homelessness assistance and other information to assist all Council staff responding to the rights and issues of people experiencing homelessness. This material will be on Council's website and intranet and will be updated as required.

**Action:** Training and education around homelessness will be provided in partnership with Council to Homeless Persons and local service providers. An introduction to *The Port Phillip Protocol for Assisting People Who Sleep Rough* Protocol will be made available to all new staff as part of their induction. Training will be offered to relevant Council staff and to Community Centre and Neighbourhood Learning Centre Coordinators in Port Phillip.

**Action:** Managers of departments whose staff may come into contact with people experiencing homelessness are responsible for ensuring all new staff are made aware of the Protocol and regularly update existing staff of the Protocol, in particular, Parks and Open Spaces, Local Laws, Youth Services, Assist and Library Services will be invited to discuss the Protocol and its application.

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## Principle 4 - Commitment to ongoing evaluating and researching

*"A respectful community is one where difference is understood, sought after and celebrated, where people are valued for their individuality and feel free to be themselves. The City of Port Phillip commits to ensuring respect for all members of the community..."<sup>6</sup>*

Documenting and sharing information about the level of primary homelessness in Port Phillip will enable Council and the community to advocate more successfully for adequate social housing provision.

### Actions

**Action:** Staff will log information about requests for homelessness assistance and referrals through Customer Request Management data systems under the reference Homelessness in Public Spaces.

This data will be collated quarterly by the Team Leader Housing and Homelessness and made available to Council and community agencies with identifiable information removed.

**Action:** Information recorded through this system under the reference Homelessness in Public Spaces will be shared appropriately through the rough sleeping Port Phillip Zero Hotspots and the Service Coordination meetings

## Principle 5 - Commitment to working in partnership.

The City of Port Phillip commits to a strong collaborative partnerships between Council, housing providers, community agencies and Victoria police through the Port Phillip Zero Project. This commitment aims to improve outcomes for people who are experiencing rough sleeping homelessness.

### Actions

**Action:** Through the structures of Port Phillip Zero, the City of Port Phillip will convene targeted networks that provide homelessness assistance and housing support and whose work will be guided by this protocol

**Action:** Council will advocate for and support agencies that deliver services for vulnerable people experiencing or at risk of homelessness.

**Action:** Council will provide links to local services on its webpage about homelessness.

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## Principle 6 - Enhancing understanding of homelessness and capacity to respond

*"The Social Justice Charter provides a leadership framework that promotes advocacy for causes connected with Social Justice and Human Rights"*

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

### Actions

**Action:** Council will promote community awareness of the issues that contribute to homelessness on its website and through broader community education.

**Action:** Council staff will refer people who contact Council in relation to homelessness to information contained on the website and to the one-page Fact Sheet on homelessness.

## Principle 7 - Commitment to equity and fairness for all

All people, including people experiencing homelessness have a right to benefit from Council services and participate in public activities and events.

### Actions

**Action:** Council will ensure that its programs and services are welcoming and inclusive of people who are experiencing homelessness or at risk of homelessness.

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## Processes for providing assistance

There are several ways where ASSIST will become aware of a person who is sleeping rough and needing assistance, with different processes for each:

1. ASSIST receives a phone call from the public concerned about a person who is sleeping rough and needs assistance.
  - ASSIST Staff give the caller the Homelessness Crisis support number **1800 825 955** which is free call 24/7. Advises them to call 000 if emergency assistance needed.
  - If the caller would prefer not to contact these organisations directly, ASSIST ask them for the location of the person and log request on CRM Pathway Homelessness in Public spaces. Team Leader Housing & Homelessness will make required calls.
  - Team Leader Housing & Homelessness will log the assistance provided on the CRM Pathway Homelessness in Public spaces. If request includes concerns about hazardous items-sharps, open alcohol, wandering animal, rotting waste this will also be logged as requiring urgent response.
2. Person presents at ASSIST requesting homelessness assistance.
  - The person can be advised to present to Launch Housing, 122 Chapel St. St. Kilda, who are the local homelessness service & entry point for crisis accommodation within business hours
  - Staff log the assistance provided on CRM Pathway Homelessness in Public spaces. Staff provide the person with Council's Homelessness Assistance Brochure listing support services they can access or staff offer to make the call for them.
  - Should staff have any concerns they call Team Leader Housing & Homelessness to discuss. Where a situation is ongoing, staff may choose to liaise with the Team Leader Housing & Homelessness.

Other Council Staff who become aware of a person experiencing homelessness needing assistance / items impacting site - as above call through to ASSIST or call 000 if emergency assistance is needed.

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3. Request is logged on CRM Pathway Homelessness in Public Spaces.
  - Site visit: Homelessness Outreach Workers and Amenity officers determine if there are items being used for sleeping-blankets, mattresses, as well as personal items such as clothing that could indicate that someone may be using site/car/shelter to sleep out.
  - Site assessment to determine if local use of playground, pathways and general public amenity being impacted upon. Complete checklist to describe impact, health considerations regarding hazardous items and immediately remove if found to be present.
  - If offensive/ illegal behaviour is being reported as an issue need to check if there is physical evidence of this. For example: drug use items; condoms; human waste/odours etc. Develop clearly identified goal and immediate/ urgent action plan for cleaning site of hazardous items.
  
4. If person/s present consider approaching to discuss their needs/issues and try to explore if they are experiencing homelessness. Note - may not identify themselves as in need of accommodation.
  - Liaison with appropriate agency to assist person in need of secure accommodation noting that immediate or even short-term relocation may not be available or chosen by the individual experiencing homelessness.
  - If person not present, leave information at site regarding available services and organisations that could assist .For example: meals, showering, referral to crisis housing and support.
  - Reduction of loss of amenity- if this has been assessed For example: impeding use of playground equipment with warning that items will be cleared/impounded and time negotiated to allow individual to move items-only if not a hazard or in high impact to amenity.

# Protocol for Assisting People Who Sleep Rough



## Homelessness assistance in Port Phillip

**Emergencies and acute medical care - 24 hours - Phone: 000.**

### Local support services

Salvation Army St. Kilda Crisis Centre, 29 Grey Street St. Kilda, 1800 627 727

Alfred Hospital Psychiatric Crisis Assessment Triage team, 1300 363 746

Launch Housing, 122 Chapel Street St. Kilda, 1800 825 955 387

Frontyard Youth Service, 244 Flinders Street Melbourne, 1800 800 531

Star Health, Community Connection Program, 03 9525 1300

City of Port Phillip Housing Information and Support, 03 9209 6777

Sacred Heart Mission, 87 Grey Street St. Kilda, 03 9537 1166 (free meals daily 8.30 am–1.30pm)

St. Kilda Community Legal Service, 161 Chapel Street St. Kilda, 03 9534 0777

Southport Community Legal Service, 341 Coventry Street South Melbourne, 03 9690 9144

Port Phillip Community Group, 161 Chapel Street St. Kilda, 03 9534 0777

Justice Connect, Homeless Law 1800 606 313

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