



# Foundations for Success –

a guide for social housing providers working with  
Aboriginal people and communities



Family &  
Community  
Services







Aboriginal and Torres Strait Islander people should be aware that this document contains the artwork and names of people who have since passed away. FACS respectfully acknowledges the work of the artist, family and the community's contribution to this document.

Social Housing Aboriginal Service Improvement Unit  
Department of Family and Community Services

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# Contents

|  |           |
|--|-----------|
| <b>Abbreviations</b>   | <b>5</b>  |
| <b>Foreword</b>  | <b>6</b>  |
| <b>Introduction</b>  | <b>7</b>  |
| Breaking the cycle of Aboriginal homelessness                  | 8         |
| Structure of the Guide   | 9         |
| <b>Part 1 Laying the foundations for success</b>               | <b>9</b>  |
| <b>1. Broad requirements</b>                                   | <b>9</b>  |
| 1.1 Principles for stabilising tenancies                       | 9         |
| 1.2 Flexible and responsive policies and procedures            | 10        |
| 1.3 Management structure to meet local needs                   | 11        |
| 1.4 Clearly defined role for Aboriginal staff and specialists  | 12        |
| 1.5 Links with Aboriginal Tenancy Advice and Advocacy Services | 13        |
| 1.6 A culturally competent workforce                           | 13        |
| 1.7 Participation  | 15        |
| 1.7.1 Person and family centred approaches                     | 15        |
| 1.8 Collaborative partnerships                                 | 17        |
| <b>Part 2 The tenancy life cycle</b>                           | <b>19</b> |
| <b>2. Application and pre-allocation</b>                       | <b>19</b> |
| 2.1 Make the application process a positive start              | 19        |
| 2.2 Communicating with applicants                              | 20        |
| 2.3 Supports required to sustain the tenancy                   | 21        |
| 2.3.1 Identifying support needs                                | 21        |
| <b>3. Allocation and tenancy start up</b>                      | <b>24</b> |
| 3.1 Review households needs before allocation                  | 24        |
| 3.2 Involve households in decisions about their housing        | 25        |
| 3.3 Maintain a focus on tenant rights and responsibilities     | 25        |
| 3.4 Commencement of a tenancy - early home visits              | 25        |
| <b>4. Managing emerging issues during the tenancy</b>          | <b>28</b> |
| 4.1 Ongoing tenant engagement                                  | 28        |
| 4.2 Manage tenancies proactively and intervene early           | 28        |
| 4.2.1 Proactive tenancy management                             | 28        |
| 4.2.2 Identify early warning signs                             | 29        |
| 4.3 Identify tenants in arrears as early as possible           | 29        |
| 4.4 Respond to nuisance and annoyance                          | 30        |
| 4.5 Use statutory processes effectively                        | 31        |



|          |   |           |
|----------|---|-----------|
| <b>5</b> | <b>Exits from social housing</b>                              | <b>33</b> |
| 5.1      | Ensure all actions have been taken to stabilise the tenancy   | 33        |
| 5.2      | Develop a plan to support tenants facing eviction             | 33        |
| 5.3      | Work with the tenant to undertake tenancy end processes       | 34        |
| 5.4      | Identify and assist tenants who no longer need social housing | 34        |
| <b>6</b> | <b>Conclusion</b>   | <b>36</b> |
|          | <b>Appendix 1</b>   | <b>37</b> |



## Abbreviations

|              |  |
|--------------|--|
| Aboriginal   | Aboriginal and Torres Strait Islander  |
| AHO          | Aboriginal Housing Office  |
| ATAAS        | Aboriginal Tenants Advice and Advocacy Service   |
| COAG         | Council of Australian Governments  |
| CSO          | Client service officer (FACS Housing NSW)  |
| CST          | Customer service teams (Community Housing)   |
| FACS         | Department of Family and Community Services  |
| FACS housing | Formerly known as Housing NSW  |
| HAC          | Housing Appeals Committee  |
| NAIDOC       | National Aborigines and Islanders Day Observance Committee   |
| NCAT         | NSW Civil and Administrative Tribunal (formerly the Consumer Trader and Tenancy Tribunal)                  |
| NGO          | Non-Government Organisations   |
| NOT          | Notice of Termination  |
| OCHRE        | NSW Department of Aboriginal Affairs, Opportunity, Choice, Healing Responsibility and Empowerment strategy |
| PFCA         | Person and family centred approach   |
| SHS          | Specialist Homelessness Services   |
| SHP          | Social Housing Provider  |
| SPO          | Specific Performance Order   |

FACS recognises Aboriginal people as the original inhabitants of NSW. The term 'Aboriginal' refers to the First Nations people of NSW.

This Guide focuses on the participation of Aboriginal clients and communities. It is a practice document and may change over time to reflect the learnings from work with clients and communities.





## Foreword

Aboriginal people in NSW make up one of the strongest, most resilient surviving cultures in the world. A rich history and thriving culture supports Aboriginal communities and families and it is within this unique culture that Aboriginal people draw strength and work through challenges that face them.

We know Aboriginal people are over-represented among social housing clients and they experience higher rates of tenancy exits than other clients. Repeated calls for help by Aboriginal families highlight the need to do things differently when working with Aboriginal households living in social housing. There is a clear need to support Aboriginal and Torres Strait Islander families and communities to break the cycle of disadvantage experienced by many.

The Department of Family and Community Services (FACS) aspires to help build stronger Aboriginal families by providing access to housing assistance which is designed to meet varying needs. To do this we must work as partners, with shared goals and responsibilities and continue to listen to and learn from Aboriginal people.

*Foundations for Success* is a Guide for social housing providers (SHPs) working with Aboriginal people and communities, and seeks to support vulnerable Aboriginal households to reduce negative exits which could result in housing instability and homelessness.

The concepts found within this Guide give social housing providers best practice tools for working with local Aboriginal families and communities to assist at-risk households and improve housing outcomes. It promotes client choice and responsibility.

While the Guide focuses on stabilising Aboriginal tenancies, the methods explored could assist in stabilising other at-risk households.

The Guide was developed in consultation with FACS Aboriginal staff, support organisations and Social Housing Providers. It draws on international, national, and state-wide practitioner knowledge.

*To me, Nan's house was my safe place and symbolises my sense of belonging.  
Aboriginal people always return home, to their safe place.*

*The home is where it all begins.*

From Colin Wightman's artwork titled 'Passages'



## Introduction

The Guide has been developed for social housing providers (SHPs) to influence practice when working with Aboriginal families and individuals to strengthen social housing tenancies. SHPs include public housing, community housing providers and Aboriginal Housing Office (AHO) tenancies.

The Guide supports NSW Government reforms, such as OCHRE – the plan for Aboriginal Affairs, and FACS – *Better Outcomes for Aboriginal People and Communities - 2013-2015*.

The Guide recognises that SHPs work in a broader housing and human services system. It is this broader system – including the role of FACS, other government agencies and non-government organisations (NGOs), balanced with the engagement and responsibility of households – that is critical to stabilising tenancies. By strengthening tenancies we support vulnerable Aboriginal households and reduce unplanned exits from social housing which could result in housing instability and homelessness.

The culture and resources of local tenancy management teams are also important. This includes their ability to engage and develop trust with local communities and individuals, and align policy and service delivery procedures to meet local need. A successful approach helps Aboriginal tenants navigate the tensions that may exist between meeting commitments to their families, community and their landlord.

The approaches outlined in this Guide are focused on vulnerable Aboriginal people, and some sections are specific to the cultural and family obligations of Aboriginal households. However, much of the approach is applicable to stabilising tenancies among all vulnerable households across social housing.

## Breaking the cycle of Aboriginal homelessness

Aboriginal people in NSW experience homelessness at a rate more than three times that of people in the general population. Overcrowding in Aboriginal households in urban NSW is more than double the rate of non-Aboriginal households, and in remote NSW it is over six times the rate of non-Aboriginal households. Two-thirds of all Aboriginal households in private rental housing experience affordability stress.<sup>1</sup>

In June 2013, one-third of Aboriginal households in NSW were living in social housing. Aboriginal people face unique barriers to avoiding homelessness and sustaining tenancies. Cultural differences around mobility and the shared ownership of resources may not neatly fit with mainstream approaches to housing and preventing homelessness. The ongoing effects of dispossession and social dislocation experienced by Aboriginal people, stemming from colonisation, are associated with higher rates of complex needs and client vulnerabilities. These issues impact on some Aboriginal tenants' ability to maintain their tenancy.<sup>2</sup>

1. ABS (2011), *Census: Estimating Homelessness*, report 2049.0.Census; Urban is defined using the ARIA classification and grouping the categories major cities and inner regional. Remote is defined as remote and very remote in ARIA. Affordability stress is defined as low-income households (with household incomes less than 80 per cent of the median) spending more than 30 per cent of their income on housing payments.
2. Jones, A., McAuliffe, D., Reddel, T., Marston, G., & Thompson, A. (2004), *Sustaining tenancies in public housing: Understanding and supporting tenancies at risk*, Unpublished research report; Jones, K., Gronda, H., & Costello, L. (2012), *Sustaining tenancies for social housing* (Research synthesis), Sydney: Australian Housing and Urban Research Institute (AHURI) Research Synthesis Service; Povey, C. (2011), *Investigating tenancy sustainment programs and approaches in relation to clients at risk of homelessness*, Sydney: The Winston Churchill Memorial Trust.



Research shows:

- Aboriginal households exit public/AHO housing at twice the rate of non-Aboriginal households and have significantly shorter average tenancy length
- more than 60 per cent of exiting Aboriginal households in 2008-09 were families with children
- more than 5,400 children were part of exiting households, almost a third of whom were from Aboriginal households
- almost 60 per cent of Aboriginal households who exited in a year returned for multiple assistances within three years.<sup>3</sup>

Most social housing providers work with support agencies to help Aboriginal people stabilise an at-risk tenancy. There is strong evidence that tenancy support has many benefits:

- reduces evictions and abandonments
- helps tenants resolve rent arrears and other debts
- assists households maintain the condition of properties and reduces charges due to property damage
- better connects tenants to health and other social services
- leads to increased self-esteem, confidence and participation in the workforce and community<sup>4</sup>

## Structure of the Guide

*Foundations for Success* is structured in two parts.

The first part is about setting up for success with key principles to drive engagement with Aboriginal families and communities.

The second part is about how these principles apply in practice across different tenancy phases.

The Guide comprises:

- Chapter 1 – Broad organisational requirements
- Chapter 2 – Application and pre-allocation of social housing
- Chapter 3 – Allocation and tenancy start up
- Chapter 4 – Managing emerging issues
- Chapter 5 – Tenancy exits

While the Guide steps through the stages of a tenancy in linear form, in practice these stages can overlap and issues addressed in one part of the Guide may be relevant at different stages depending on an individual tenancy.

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3. Bermingham S, and Park, Y, (2013), *Tenancy Exit Cost Analysis: A Report on AHO and public housing tenancy ends and subsequent assistance*, Sydney: Department of Families and Community Services.

4. Lomax, D., & Netto, G. (2007), *Evaluation of tenancy sustainment teams*, London: Department of Communities and Local Government; Neuburger, J. (2003a), *House Keeping: Preventing homelessness through tackling rent arrears in social housing*, London: Shelter; Flatau, P., Coleman, A., Memmott, P., Baulderstone, J., & Slatter, M. (2009a), *Sustaining at-risk Indigenous tenancies: a review of Australian policy responses (AHURI Final Report No 138)*. Melbourne: AHURI.





## Part 1 Laying the foundations for success

### 1. Broad requirements

Supporting vulnerable Aboriginal people to stabilise their tenancies requires a compassionate culture, efficient organisational structure, appropriate allocation of resources by housing providers, and strong links with other agencies and local service providers.

An organisational culture that supports a strengths-based, participatory, flexible and integrated service response will have the best chance of implementing effective policies and procedures that deliver the best outcomes for clients. In the long run, it will also be better at working with households to stabilise their tenancies. Alignment of organisational structures, staff skills and competencies, and staff training are important.

Whole-of-government and whole-of-community approaches are required. Social housing providers need to develop links across FACS, with non-government organisations and local Aboriginal governance groups, Elders and support providers to understand community needs and engage with partners who are also working with their tenants. Engaging with Aboriginal communities builds cultural competency and understanding which is necessary to ensure good relationships with Aboriginal clients.

**We want to walk with you; we don't want to walk alone.**

Pastor Doug Nicholls,  
Governor of South Australia, 1976–77

**We can walk together to change the status quo.**

Ken Wyatt,  
Federal Member for Hasluck

#### 1.1 Principles for stabilising tenancies

Organisational culture – and the policies and practices flowing from it – should be consistent with good practice principles for working with Aboriginal people. Good practice principles identified in the literature review informing the Guide are:<sup>5</sup>

- flexible approaches to working with clients
- accessible and culturally appropriate service delivery
- responsive and timely service delivery and support to address issues before escalation
- holistic service delivery responding to diverse issues and needs
- participatory and client-focused approaches.

Strong management support and a willingness to embed these principles in process and procedures will help align organisational culture with the principles outlined above.

5. *Review of the literature on Sustaining Aboriginal Tenancies*, Sydney, report for FACS Housing.



### Creating a positive organisational culture, Wentworth Community Housing

Wentworth Community Housing has grown in the past three years – its proportion of Aboriginal tenancies has increased from three percent to 14 percent. Embedded in its structure and management practices are cultural competence, flexibility in the allocation of resources, and communication between team members with different expertise. Staff reported excellent managerial support and ongoing, informal communication between units and teams that maximises the support provided for Aboriginal clients. Senior management addresses the need for patient and proactive supports to stabilise tenancies. Upper management supports specialist teams by dealing with issues and shifting resources to find solutions for clients.

## 1.2 Flexible and responsive policies and procedures

Flexible policy and service responses give Aboriginal clients and families the best opportunity to access social housing and to have successful tenancies.<sup>6</sup> The need for flexibility is consistent with person-centred approaches and tailored service delivery. Social housing providers' responses should take into account the multiple obligations faced by Aboriginal people that can create challenges for maintaining a successful tenancy. These include temporary overcrowding, the behaviour of visitors and extended tenant absences for 'Sorry Business' or other cultural reasons.<sup>7</sup>

The concept of 'adaptive conditionality'<sup>8</sup> means working to make housing management policies and procedures responsive to these realities.<sup>9</sup> This is often only possible through purposeful engagement with local Aboriginal groups about important local factors, particularly family and community obligations for Aboriginal people. Together, housing providers and Aboriginal staff may identify processes and local strategies to assist households manage key issues. See section 1.6 for details on a culturally competent workforce.

### Reality check

Flexibility can be achieved through service delivery with a focus on problem solving and meeting client needs, balanced with achieving key business outcomes. Within a strong framework of policy and procedures, flexibility is often achieved through effective communication between staff. Managers who are willing to support a flexible approach and have the delegation to develop appropriate responses to meet a client's needs, balanced with competing business demands are important.

6. Habibis, D., Birdsall-Jones, C., Dunbar, T., Gabriel, M., Scrimgeour, M., & Taylor, E. (2010), *Improving housing responses to Indigenous patterns of mobility* (Positioning Paper No. 124). Southern Research Centre, Sydney: AHURI.
7. Birdsall-Jones, C., & Shaw, W. (2008), *Indigenous homelessness: Place, house and home* (Positioning Paper No. 107). Western Australian Research Centre: AHURI.
8. Habibis, D., Memmott, P., Phillips, R., Go-Sam, C., Keys, C., & Moran, M. (2013), *Housing Conditionality, Indigenous Lifeworlds and Housing Policy Outcomes*, Australian Social policy conference September 2013, an approach in which governments and Aboriginal organisations work with community members to produce shared outcome, flexible and sometimes incremental approaches to solving problems
9. Habibis, D., Memmott, P., Phillips, R., Go-Sam, C., Keys, C., & Moran, M. (2013), *Housing Conditionality, Indigenous Lifeworlds and Housing Policy Outcomes: Towards a model for culturally sensitive housing provision* (Positioning Paper). Melbourne: AHURI.





### 1.3 Management structure to meet local needs

Every social housing provider (SHP) needs to carefully consider how their teams are structured, the work they do and the clients they work with. SHP's should consider staff capability and strengths and allocate work to maximise client outcomes and staff satisfaction. An effective structure depends on the organisational culture, local context and client needs. Vulnerable clients may need assistance from the same staff member throughout the application and tenancy life span.

Sometimes, client service teams specialise in one area; teams may separately undertake intake and assessment, tenancy and arrears management or community development. This structure can give staff specialist skills, but may disconnect activities between teams and cause confusion for tenants. For example, an allocation without a clearly agreed case plan can immediately place a vulnerable Aboriginal family's tenancy at risk. Similarly, if a vulnerable tenant receives a notice from the arrears team irrespective of the context, that tenant may disengage with the housing management team working with the household to stabilise their tenancy.

To address these issues, all teams need to be committed to strengthening tenancies, building strong relationships, and developing an integrated service delivery approach. Ideally, support providers and other relevant agencies should operate with this approach.

#### Caseloads based on tenant complexity and staff skills

The FACS Central Coast Tenancy Management team has been structured to manage complex and non-complex tenancies, improve staff satisfaction, and achieve better outcomes for tenants. The structure reflects staff skills, tenant needs, and helps address staff concerns about the lack of time available to work effectively with complex-needs tenants.

Rather than managing a portfolio of properties based on location, tenancy managers work in tenancy management streams – primary, secondary or tertiary – determined by the time needed to support the tenancy.

**Primary stream** – tenants who do not have complex needs or, if the tenant has complex needs, they are receiving effective support.

**Secondary stream** – tenants who need more intensive tenancy management. There is a ceiling of 150 properties per portfolio. These tenancies are classified according to the time needed to work with them. Many new tenants are placed in this stream to assess their needs, usually for two weeks, before transferring to the primary stream.

**Tertiary stream** – staff do not manage properties, but develop and maintain partnerships, and review and improve projects or practices.

The model matches the skills and work of the team with tenants' needs, according to workload requirements. The focus is on clients rather than properties. Stronger links between FACS and support providers through the tertiary stream enable closer working relationships and referral of tenants who need support. Workloads are appropriate to the needs of tenants, allowing staff to solve problems rather than rigidly applying rules. In the first 16 months of the model, performance improved in a number of areas. Arrears for AHO tenants almost halved and staff morale improved and sick leave decreased.



## 1.4 Clearly defined role for Aboriginal staff and specialists

Culturally competent organisations employ a mix of staff and, ideally, this includes Aboriginal people. Aboriginal workers have stronger connections with the community, better understand cultural issues and use cultural introductions to increase acceptance by clients.<sup>10</sup>

FACS recognises responsive service for Aboriginal communities is best delivered by Aboriginal staff. Aboriginal workers and specialists encourage creative solutions and, with the support of management, can help identify flexible and culturally relevant approaches to working with complex households.

Aboriginal specialists, such as staff in some FACS public housing offices, provide culturally appropriate and sensitive support for Aboriginal clients. While other staff are also accountable for this, the specialist role can include:

- meeting with Aboriginal tenants at the start of a tenancy to help establish a relationship
- visiting tenants with tenancy management staff to check if relevant supports are in place
- participating in tenant review meetings, especially if there are signs a tenant is struggling to meet their obligations
- working with other program or specialist staff in complex cases
- encouraging tenants to adhere to support plans where tenancies are at risk
- being available for Aboriginal applicants and tenants who ask to speak with an Aboriginal staff member
- providing advice and support to staff on cultural issues.

Social housing providers should clarify the roles of Aboriginal workers and specialist staff, and ensure the situation is clear for all stakeholders. This includes when to involve the Aboriginal specialist, which tasks are the specialist's responsibility, and what should the specialist support other staff to do.

### Practice Example

Some tenancy management teams have developed a specialist referral form that outlines roles and responsibilities between specialists and tenancy management staff. It is important staff know when to refer and when to seek advice. Staff should not assume a specialist will take over managing a tenancy when their advice is sought.

It is preferable to have an internal Aboriginal specialist. Where this is not possible, social housing managers need to provide leadership and direction to staff. This may include seeking advice from external agencies or local Aboriginal Elders.

Specialists perform a complex role and take different approaches. This way of working must be communicated with staff and teams. Flexibility is important, but it can be difficult in the context of an agency operating under standard policies and procedures. Good integration and an organisational culture that supports flexible ways of working, helps teams and Aboriginal staff work well together.

10. Baulderstone, J., & Slatter, M. (2003), *Evaluation of successful tenancies demonstration projects and initiatives*, Adelaide: Flinders University.





## Reality check

Aboriginal specialists have many demands on their time. Internal staff may expect the specialist to be the first point of contact for all Aboriginal applicants and tenants; external agencies and the broader Aboriginal community may expect to deal with the Aboriginal specialist rather than other staff. Teams should be aware of these competing demands and work collaboratively with specialists to develop solutions.

It can be challenging for an Aboriginal staff member working outside their community to win the trust of the community. It can be difficult for Aboriginal staff working in their community to balance their personal and professional roles. For example, staff may struggle with a compliance role, such as issuing tenancy breaches. Managers should ensure Aboriginal staff have access to mentoring, and strategies need to be in place to support Aboriginal staff. Strong senior leadership at a local level is important.

## 1.5 Links with Aboriginal Tenancy Advice and Advocacy Services

All housing providers need to build and maintain strong links with the Aboriginal Tenancy Advice and Advocacy Service (ATAAS). This is particularly important in teams without access to Aboriginal staff or specialists. ATAAS provides proactive, professional and culturally sensitive services which help support Aboriginal families and engage with communities. ATAAS work in a non-discriminatory way, enabling Aboriginal people to access culturally appropriate support, representation, advice, information, conciliation and education. ATAAS can provide advice to staff or directly to an Aboriginal client. A second opinion from an Aboriginal advocate can be very reassuring for clients. Services are available across NSW - refer to Appendix 1 for ATAAS contact details.

## 1.6 A culturally competent workforce

Aboriginal specialists, Aboriginal community housing providers and ATAAS can help develop a housing provider's cultural competency, as can staff training and employing Aboriginal people. Ultimately all staff should work with Aboriginal people in a culturally appropriate way.<sup>11</sup> This contributes to a positive team culture and improved outcomes for Aboriginal clients.

Recruiting and retaining Aboriginal staff or culturally competent non-Aboriginal staff help organisations engage effectively with hard-to-reach clients. SHPs should implement strategies to attract, train and retain Aboriginal housing workers at all levels of the organisation and to have identified Aboriginal positions.<sup>12</sup>

Cultural awareness or competency training developed and delivered with local organisations and Aboriginal staff is likely to be more relevant to local communities and families. Major cultural issues that staff should be aware of include:

- the diversity in Aboriginal communities, local Aboriginal people and groups, and local cultural languages
- the importance of kinship obligations, such as sharing resources and hosting visitors, and the implications for people who do not meet them (shame, exclusion, anger)

11. Atkinson, R., Habibis, D., Easthope, H., & Goss, D. (2007), *Sustaining tenants with demanding behaviour: A review of the research evidence*, Melbourne: AHURI; Milligan, V., Easthope, H., Liu, E., & Green, S. (2013), *How is social housing best delivered to disadvantaged Indigenous people living in urban areas?* (No. 157), Melbourne: AHURI.

12. Flatau et al., 2009a; Habibis, D., Atkinson, R., Dunbar, T., Goss, D., Easthope, H., & Maginn, P. (2007), *A sustaining tenancies approach to managing demanding behaviour in public housing: a good practice guide* (Final Report No. 103), Southern Research Centre, Sydney: AHURI; Milligan et al., 2013.



- community and social dynamics among Aboriginal families to ensure appropriate allocation and housing management
- Aboriginal people may be absent from home for extended periods due to 'Sorry Business' (attending a funeral) or visits to country
- differences in the way Aboriginal people respond to questions to avoid challenging people in positions of perceived power or bringing shame.

Balancing cultural competency with processes and legal obligations and the principle that all clients should be treated equally is not easy for staff. Importantly, equality is not just about treating everyone the same; it involves recognising and responding to difference. In this way, recognising the impact of culture and community on Aboriginal households, and adopting flexible ways of working with these families may enable improved housing outcomes for Aboriginal people and communities.

In this context, cultural competency is critical and a guide that describes common areas where cultural competency is required and how it may be demonstrated would be a useful resource for staff.

Apart from formal training, staff can develop cultural competence by being mentored by more experienced staff, local Elders or other members of the Aboriginal community. This helps foster good relationships. Culturally competent staff and managers can also model good practice approaches to working with Aboriginal families.

Consulting with Aboriginal communities on local issues can be an effective method of engaging and building an organisation's level of cultural competency.

It is important to understand that leadership reflects the values of an organisation. When an organisation's leader values cultural competency, this sets the tone for the team or organisation and informs the staff's willingness to engage in a culturally competent way. Without strong leadership and senior management commitment to cultural competency, messages become mixed and cultural competency risks becoming under-valued.

### **Reality check**

Many regional organisations are small and have one staff member to greet clients. This is a demanding role and there are limited opportunities to learn from others. These staff must have access to specialist advice, such as ATAAS or a local Aboriginal community housing provider. To ensure there are sufficient Aboriginal workers or specialists in a team, the number of Aboriginal workers or specialists should be aligned with the local profile of Aboriginal tenants.

Providers should not make assumptions about client preferences. Aboriginal tenants do not always prefer to talk to Aboriginal staff. Some Aboriginal people may prefer to engage with a non-Aboriginal staff member or mainstream organisation.





## 1.7 Participation

Participation is a key principle for working with Aboriginal people. Participation can occur in different ways. For example, during service design, policy development, and engagement with the community. SHPs can create ways for Aboriginal people, communities and organisations to participate meaningfully in decision-making.<sup>13</sup> Aboriginal communities or their representatives can provide input in a variety of ways, on a specific policy or service development or on a one-off or ongoing basis, such as through membership of an advisory panel.<sup>14</sup>

Mutually respectful relationships based on trust make it easier for organisations to work together to support Aboriginal tenants. Positive relationships with local community organisations benefit tenants and enable them to receive appropriate support and advocacy services.<sup>15</sup>

Venues that act as a hub for local Aboriginal people (such as a local art centre, community centre or medical centre) can provide informal ways of engaging with tenants and the community more broadly. Other ways of engaging include local community events such as NAIDOC, Harmony Day or holding tenant events such as barbecues or block meetings.

It is often useful for staff to hear issues first-hand by sitting and listening to ‘yarning up’ (talking) sessions to which they are welcomed. When done authentically this demonstrates a willingness to understand the local community and provides staff with greater insight.

### Reality check

Some staff struggle to engage with Aboriginal Elders, and many Aboriginal clients struggle to understand government or housing provider structures. Senior managers should take a lead role in overcoming these barriers. Employing local Aboriginal staff can help teams to engage with the community or develop networks.

Ensuring Aboriginal people are involved and participate at all levels within the agency can assist with education and information sharing among Aboriginal people. Aboriginal representation on boards and committees, and employing staff at a range of levels within the agency – not just entry level positions – can be extremely effective and is seen as best practice for successful participation.

### 1.7.1 Person-and family-centred approaches

Participation can also apply in relation to clients and the services they receive. A person and family centred approach (PFCA) practice model is a set of values, skills, behaviours and knowledge that recognises the important role of the person and wider family in Aboriginal culture. It is grounded in respect for the uniqueness of the individual and family, cultural sensitivity, and partnering with the individual, family and community to provide support to vulnerable households.

A PFCA puts the individual and the family at the centre of every decision and empowers them to be genuine partners in their housing outcome.

13. Flatau, P., Coleman, A., Memmott, P., Baulderstone, J., & Slatter, M. (2009b), *Providing support for Indigenous tenancies at risk: Australian policy responses* (No. 122), Melbourne: AHURI; Habibis, D., Atkinson, R., Dunbar, T., Goss, D., Easthope, H., & Maginn, P. (2007); Ivanitz, M. (2001), *Challenges to Indigenous service delivery*. In G. Davis & P. Weller, L. (Eds.), *Are you being served?* Sydney: Allen and Unwin.

14. Habibis et al., 2010.

15. Habibis et al., 2007.



| Person- And Family-Centred Practice Model |   |   |   |   |
|---|---|---|---|---|
| Practice that builds relationships        |   | Practice that supports choice and participation |   | Technical quality   |
| Staff values, attitudes and beliefs       | Staff interpersonal skills and behaviours | Decision-making and action                      | Flexible and responsive services and supports | Staff expertise, applied to benefit the client and family |

Developing co-designed pathways with individuals and families ensures preferences and decisions are understood and respected. Collaborating with individuals, families, communities and service partners delivers improved social housing outcomes. Through shared decision-making, the PFCA practice model supports the organisation. The organisation and the practitioner support outcomes that benefit the individual, family and community. The individual (client) informs the organisation, practitioner and system by applying their knowledge, beliefs and capacity for action. Every decision is informed by consultation and participation.<sup>16</sup>

A PFCA aims for client-driven, effective, holistic, individualised and well-coordinated service delivery. PFCAs are recognised in the health sector for achieving effective client outcomes.

| Characteristics  | Case plan design  |
|--|---|
| <ul style="list-style-type: none"> <li>• discovering people's capacity (strengths)</li> <li>• creating a vision for the future</li> <li>• developing agreed and continuous supports</li> <li>• building community connections and relationships</li> <li>• increasing valued roles of users in society</li> <li>• developing pathways co-designed with individuals and families</li> </ul> | <ul style="list-style-type: none"> <li>• harmonised care and services offered to clients</li> <li>• offer solutions</li> <li>• decisions are understood and respected</li> <li>• structure a multi-disciplinary approach</li> <li>• take into account the client's needs, including family and community</li> <li>• deliver measurable, evidence and practitioner based outcomes</li> </ul> |

The Victorian North and West Metropolitan Homelessness Client Participation Guide<sup>17</sup> provides a good example of a PFCA in the homelessness sector. Features include:

- people participate in an assessment of their strengths, risks, wants and needs
- people can participate in a strengths-based assessment planning process that emphasises long-term solutions
- people have the right to make choices that will affect their future
- people understand and exercise their rights and responsibilities
- people exercise choice and control in service delivery and life decisions.

16. *Family Centred & Person Centred Practice, A guide for every day practice and organisational change 2012*, Department of Human Services & Education and Early Childhood Development, Section 9 Person Centred Organisations: Victorian Government Melbourne

17. Available at [http://chp.org.au/wp-content/uploads/2012/08/15-August-2012\\_Homelessness\\_How-HAS-can-help\\_North-West-Metro-Region-Client-Participation-Guide-2011.pdf](http://chp.org.au/wp-content/uploads/2012/08/15-August-2012_Homelessness_How-HAS-can-help_North-West-Metro-Region-Client-Participation-Guide-2011.pdf)





## 1.8 Collaborative partnerships

Working with vulnerable Aboriginal households to stabilise and sustain tenancies at risk is every agency's business. Linking housing assistance with other human services is a major imperative for social housing providers, especially as tenants are increasingly likely to have complex needs.<sup>18</sup> Person- and family-centred collaboration between housing and other human service agencies leads to better outcomes for tenants, particularly tenants with complex needs.<sup>19</sup>

The establishment of FACS Districts aims to increase links between housing, child protection and community development programs to provide opportunity for more integrated responses for vulnerable households. Increased engagement and development of collaborative partnerships at the local level should also include the participation of NGOs. Specialist Homelessness Services (SHS) have been funded by FACS to provide support to tenancies at risk. These new funding arrangements provide the opportunity for strong collaboration between housing providers and local SHS.

A key strategy to support increased collaboration may be through the establishment of interagency networks. Developing strong local interagency service networks is not a short-term proposition. It is often hampered by the program-based nature of funding and support, service gaps, and the mix of services and working arrangements. Some interagencies already exist at the local level and links with these can be strengthened to include housing providers and SHS.

Locally developed strategic plans are able to set parameters and specify priority areas, align local program delivery, identify local interagency coordinating bodies, plan and coordinate service responses, and develop assessment, referral and intervention protocols.<sup>20</sup> Local assessment and referral mechanisms should not duplicate state-wide mechanisms, where available.

### Summary

The foundation for stabilising tenancies is a housing provider with an effective allocation of the right staff and resources. The provider and its senior management team need to be committed to strengthening Aboriginal tenancies and have an organisational structure and culture that includes:

- developing pathways that are co-designed with individuals and families ensuring preferences and decisions are understood and respected (PCFA)
- staff with cultural competency who understand the needs of local Aboriginal people and can engage and develop trust with tenants, and manage issues unique to Aboriginal tenants
- opportunities for staff and teams to learn from each other about what works for different clients in different contexts
- communication protocols so staff can work effectively with internal and external specialists
- senior managers with the delegation to approve some flexibility in the application of a policy or procedure

18. Phillips R, Milligan V & Jones A (2009), *Integration and social housing in Australia: theory and practice*, AHURI Final Report 129, AHURI, Queensland Research Centre, Brisbane, p 52.

19. Dove, N. (2013), *From inside Aboriginal housing Victoria's tenant facilitation team*, Parity, 26(4), 30.

20. A useful resource is: Australian Government, 2004, *Connecting Government*, Commonwealth of Australia, Canberra.



- allocation of work duties so staff perform roles they are most skilled at, whether that is undertaking standard tenancy management, working with complex tenancies or community engagement
- stable recruitment of Aboriginal people in roles commensurate with their skills and grade, with access to mentoring and support to develop a career in social housing
- flexible team structures that align the client base to staff ratio
- community engagement.





## Part 2 The tenancy life cycle

To ensure successful tenancies, housing providers should aim to apply the principles discussed in the previous section at all stages of the tenancy lifecycle including:

- application
- pre allocation and allocation
- tenancy start-up
- ongoing tenancy management and
- transition from social housing

### 1. Application and pre-allocation

Housing providers need to know how to interact with local Aboriginal groups to better understand the multiple obligations faced by Aboriginal people that impact on a housing application and the pre allocation process.

Some Aboriginal people remain fearful of government agencies and still struggle to ask for help. Social housing providers will need to be aware of the cultural sensitivities when dealing with Aboriginal clients and families who are asking for assistance. For this reason it is important the client feels safe requesting assistance or support. The start of the application process begins here.

The application and assessment process is an important part of tenancy stability.<sup>21</sup> Housing providers can assess applicants' capacity to manage a social housing tenancy, identify any supports the tenant may need and develop a strategy for support.<sup>22</sup>

#### 2.1 Make the application process a positive start

People applying for social housing can be vulnerable for many reasons, including substance abuse or addiction, physical or sexual abuse, physical or intellectual disability or ill health, history of state care, contact with the criminal justice system, poverty, lack of social supports, and prior housing instability or homelessness.<sup>23</sup>

Aboriginal tenants face extra challenges, including discrimination by landlords and neighbours, and the failure of landlords (or SHPs) to understand and allow for cultural imperatives, such as extended family responsibilities.<sup>24</sup> Housing providers' application policies and practices can make it harder for Aboriginal people to access social housing.<sup>25</sup>

The way SHPs approach the initial contact with Aboriginal applicants sets the tone for the ongoing client-provider relationship. Housing providers can make the application process a positive start, for example, by having forms that are easy to understand. Supplementary information such as Frequently Asked Questions sheets, housing application packs or client feedback sheets may offer additional sources of information for clients who may not fully understand the complexity of the standardised housing application form.

21. Cooper, L., & Morris, M. (2005), *Sustainable tenancy for Indigenous families: what services and policy supports are needed?* (Final Report No. 81), Southern Research Centre, Sydney: AHURI.

22. Costello, L., Jones, K., & Thomson, M. (2013), *New evidence in homelessness research* (Research synthesis), Melbourne: AHURI Research Synthesis Service.

23. A. Jones et al., 2004; K. Jones et al., 2012; Povey, 2011.

24. Habibis et al., 2010.

25. Habibis et al., 2010; Milligan et al., 2013.



A supportive and trusted staff member can be useful in assisting clients who have difficulty in understanding the application process. In addition, housing services should be offered in a culturally safe, welcoming setting. This may not be in a government or mainstream office, but at a community centre, the local park or down by the river.<sup>26</sup>

### Assertive outreach – Wentworth Community Housing

Our main focus is on assertive outreach. The boys go out – to the river, the bushland, the homeless kitchens and so on. We focus on going to the people. A lot of the time the kitchens are feeding tenants who struggle. It's amazing that people open up to you if you're out and about, rather than knocking on the front door.

In office settings it may be important for some Aboriginal people to see their flag displayed, or that there are relevant posters or art on the walls. Staff should be welcoming and offer information in a friendly and respectful way. It may be important to some Aboriginal people to see other Aboriginal people, clients or housing provider staff in the office. Surveys, mystery clients or office inspections could test how Aboriginal people feel when they enter a service.



*FACS housing office, Parramatta*

## 2.2 Communicating with applicants

Communicating clearly and managing expectations helps build trust. Housing providers need to consider the tone of all communication, ensuring it is not intimidating or disempowering. There are creative ways to communicate with Aboriginal people, such as with posters, DVDs, SMS, phone applications and emerging technologies.

Reading and writing English can be difficult for some Aboriginal people, and the length and complexity of application forms may be challenging. Housing providers can make the process easier by communicating face-to-face, in plain English, or using translations in community languages. Depending on the applicant's preference, it may be useful to involve an advocate.

High school students and young people leaving home and with limited housing opportunities or awareness may benefit from programs designed to communicate the basics of renting before they enter the rental market. This may yield dividends down the track when trying to stabilise tenancies, either in social or private rental accommodation.

26. Milligan et al., 2013.





## Reality check

It is important the client understands that, while informal communication can increase the accessibility of social housing, an application for housing is a formal process and cannot be bypassed. Housing providers should highlight the expected waiting times for social housing in the applicant's chosen area.

Understanding clients' communication preferences can lead to greater success. Some clients respond better to SMS, email, phone calls or letters; other clients may be more responsive to a visit to check on how they are going. Experimenting with different methods will quickly identify the most reliable means of communication with an individual client.

There are legal obligations housing providers must meet when attempting to engage in certain communications with tenants, including entering into a tenancy agreement, or managing tenancy issues such as Notices of Termination. Legal notices must be delivered in accordance with the law, but they should not be the sole means of communication with tenants or relied on as a tenancy management tool.

## 2.3 Supports required to sustain the tenancy

Tenancy breakdown is usually underscored by risk factors such as poverty or low income, mental illness or addictions, ill health or disability or lack of social skills or supports.<sup>27</sup> In isolation, these may not jeopardise a tenancy, but combined with a precipitating life event – such as financial difficulty, neighbourhood conflict, or changes in personal or family situation – the factors may lead to a crisis. This could manifest as rent arrears, nuisance and annoyance behaviour, or inability to maintain the property.<sup>28</sup>

### 2.3.1 Identifying support needs

Factors to consider when assessing support needs for a social housing tenancy include:

- clients transferring from out of the area who may lack social supports
- larger families
- undiagnosed or unsupported mental health, disability or other complex needs
- a history of being targeted by others, such as being often robbed
- long or repeat periods of homelessness
- poor tenancy history, including tenancy debts or no previous experience as a tenant.

To effectively respond to these factors various supports may be needed, including:

- **Low level support:** practical advice, referral or information; support and education particularly regarding financial and household management skills; advice and assistance with welfare benefits; advocacy.
- **Medium level support:** referral to specialist agencies such as drug or alcohol counselling, parenting programs or counselling for children with behavioural problems
- **High level support:** intensive support with well-established case management plans.

27. Flatau et al., 2009b.

28. *Service strategies for sustaining Aboriginal social housing tenancies: Discussion paper*; Department of Human Services (2006), Support for high-risk tenancies strategic project, Melbourne: Department of Human Services.



When a household is struggling, a tenant's willingness to engage support is critical. Client participation and a strengths-based approach enable the person to remain at the centre of service provision (PFCA), help drive the process, and agree to shared responsibilities. The support needs of tenants should be clearly identified. Ideally, a commitment to provide levels of support should be specified before a tenancy commences. If an individual or family is housed with an inadequate or unclear support package, tenancy management can be very difficult.

Thorough tenant assessment is critical.<sup>29</sup> Seeking to identify support needs before a tenancy commences means the response will be more effective, reducing risks to the tenancy. Needs should be assessed holistically and should consider the person's housing needs in the context of their broader support needs.<sup>30</sup> It also means engaging with and considering the needs of all relevant family members.<sup>31</sup>

Housing providers, with client agreement, can make referrals to appropriate support providers or a local SHS. To enable engagement with support providers, SHPs will need strong links and referral protocols with a range of agencies.

### Reality check

Clients may be difficult to engage in support. The best way of engaging clients is for them to identify their own support needs. Focusing on the strengths of a client can be effective (strengths-based approach). It is often better to address easy issues first as this enables the client to believe in their ability to overcome issues that may seem overwhelming, and to generate the trust required to address more complex issues.

### Referrals

There are many issues to consider when making referrals. SHPs must ensure the person does not feel pushed between agencies or disengage from support.<sup>32</sup> Sometimes, Aboriginal people may not be confident or trustful enough to talk about their support needs with another service provider. Consider sending a worker from the housing provider to attend the initial appointment with the referral agency.

Referrals should only be made that are specific to the client's needs and with their permission. Prioritise easy supports that the client is willing to receive immediately (for example, financial counselling) and then other supports (for example, counselling for substance misuse). Consider contacting a service provider (with the client's consent) and then let the provider contact the client, rather than wait for the client to initiate contact.

Aboriginal communities are often close-knit. This may impact on the services Aboriginal people are comfortable using. It may be better to refer clients to services outside the community to avoid conflict or protect privacy and confidentiality.

Aboriginal people may not have access to reliable transport. Co-locating key services – particularly housing, health and translation – and taking clients to and from important appointments makes it easier for Aboriginal tenants to engage with external agencies.<sup>33</sup>

29. Cooper & Morris, 2005; Habibis et al., 2007.

30. Habibis et al., 2007.

31. Flatau et al., 2009b; Paris & Flatau, 2010.

32. Black, C., & Gronda, H. (2011), *Evidence for improving access to homelessness services*, Sydney: AHURI Research Synthesis Service; Cooper & Morris, 2005.

33. Habibis et al., 2007.





## Negotiating support plans

Negotiating with support providers over support plans for tenants helps clarify the level and type of support expected. Housing providers can refer tenants to external agencies to develop a support plan.

The support plan should set up the person or family with the right support, clarify the roles of housing and support providers, and specify communication and follow up. Intended milestones and an exit point should be included. Invite tenants to participate and explain they are responsible for identifying their own support needs and deciding what support they receive.

Service providers should be encouraged by housing providers to set goals with their tenants around stabilising the tenancy and trying to address the issues which made the tenant vulnerable in the first place.

## Reality check

Tenants may disengage support services at any time. Support needs may change over time and providers must be flexible and responsive. Good relationships with other services will help identify and address early warning signs.

Support providers and applicants may think obtaining housing is the end of their journey together. This means some applicants who are allocated housing lose or disengage from support. Written support plans with guarantees of support beyond the allocation of housing are important.

## Summary

Establishing a strong connection with Aboriginal clients through the use of culturally appropriate engagement strategies is critical in delivering the best outcome for Aboriginal people. Providers that understand historical and cultural context of local communities and support a PFCA methodology are best equipped to understand and respond to vulnerable clients. Strategies that are effective in the application and allocation process include:

- developing an effective and creative communication model
- working with the client to identify and engage support
- support plans that are strengths-focused, well understood, agreed between housing and support providers, and responsive to client needs
- collaborating with individuals, family, communities and service partners to deliver improved social housing outcomes
- shared decision-making, underpinned by the PFCA practice model
- support plans that create a believable vision for the client.



## 3 Allocation and tenancy start up

Building a trusting and respectful relationship with tenants in the allocation process is just as important as it is during initial assessment.

### 3.1 Review household needs before allocation

A lot of time can pass between being approved for social housing and being offered a property. Housing and support needs should be reviewed before allocation to ensure appropriate housing offers and relevant supports are still in place prior to being offered a property and before the new tenancy commences.

Sometimes support needs are not clearly identified at the application stage. Household needs may also change while they are on the waiting list. A pre-offer review of an applicant's needs may be helpful if the applicant has been waiting for more than 12 months for a property. The review can help ensure the assessment is still current, any support needs have been identified and support is engaged before the applicant is offered a property and their new tenancy commences. A pre-offer review may be undertaken when the applicant approaches the top of the waiting list and may reduce the number of activities that need to be undertaken during allocation stage. Such a review may be targeted to more vulnerable, complex households, such as priority-approved applicants waiting more than 12 months or households with a history of failed tenancies.

It is important to know if an applicant is working with a support provider. If so, the provider may have undertaken a needs assessment and have an existing case plan in place. Prior to allocation, it may be possible for housing and support providers to work together (if the client has consented) to confirm the applicant is able to sustain a tenancy and ensure relevant support arrangements in place.

### 3.2 Involve households in decisions about their housing

Households should help make decisions about the housing they are offered. This empowers them and ensures the property they are allocated is suitable for their needs. A property that makes it hard for the household to maintain their connections to family or that places them in a situation of potential conflict can undermine the tenancy from the outset.

Allocations, transfers and relocations need to be sensitive to community issues. For example, feuding families should not be located in the same neighbourhood. Accordingly, allocations must not rely on out-dated information. Applicants must be aware of their responsibility to notify the housing provider of any changes in circumstances. Allocations should recognise tenants' family obligations so potential conflicts or breaches of tenancy agreements can be avoided.

There is wide variation in the quality of social housing stock. Poor quality housing does not encourage tenants to maintain tenancies, and the highest quality stock rarely turns over. Poor quality housing has also been linked to negative social, physical and emotional wellbeing.<sup>34</sup> It is important for the long-term condition of the property and stability of the tenancy that leased properties are clean, safe and habitable. Policy amendments that recognise Aboriginal cultural practices could help stabilise the tenancy, such as allowing the removal of internal doors, construction of sleep-outs, and other minor property adjustments that fit more effectively with some cultural activities. However, SHPs should not make assumptions about these requirements but engage the household in discussions about suitable adjustments.

34. Ware V. (2013), *Housing Strategies that Improve Indigenous Health Outcomes*, Resource sheet no. 25: Closing the Gap Clearinghouse, Australian Institute of Health & Welfare.





## Reality check

It can be hard to involve prospective tenants in decisions about property allocation due to the limited availability of suitable properties, limitations of the offer policy and the need to meet void turnaround times. Flexibility and active participation need to be considered in the allocations policy to try and avoid allocation of an inappropriate property which may eventually lead to a premature tenancy exit and a vacant property.

## 3.3 Maintain a focus on tenant rights and responsibilities

The allocation process should maintain a focus on rights and responsibilities. Valuing tenant rights and responsibilities will help develop trust and good client outcomes, including access to dispute resolution processes.

### 3.3.1 Increasing understanding of tenant rights and responsibilities

A residential tenancy agreement contains various rights and responsibilities, for both the housing provider and the tenant. Every tenant in NSW has a right to a property that is clean, safe and habitable. Tenants must pay the rent on time, respect neighbours and maintain good property care. The number of rights and responsibilities is extensive and poses a communication challenge, particularly for new tenants or tenants with complex needs. Housing providers may have additional policies relating to the tenancy or policies that can impact significantly on future access to housing assistance, where a tenancy agreement has been breached.

‘Sign ups’ or when the tenancy agreement is signed, is not necessarily the best time to explain tenant rights and responsibilities – tenants tend to focus on getting into their new property or may be experiencing crisis or trauma and may have difficulties focusing on the details set out in the agreement.

Creative ways of sharing the information include a DVD in the tenant’s welcome pack or playing on a television in the housing provider’s office, or using social media to communicate about the tenancy agreement. Housing providers can use community outreach and events to reinforce messages about rights and responsibilities. Housing providers may wish to partner with each other or support agencies to deliver this information.

Continuing to explain rights and responsibilities can make the information more accessible, and reinforce its importance. A ‘settling-in’ six week visit gives providers an opportunity to engage with tenants and resolve any questions new tenants may have regarding rights and responsibilities.

### 3.3.2 Awareness of dispute resolution processes

Some Aboriginal people, particularly those without experience as a tenant or who are relocating to urban areas, may not know what is expected of them.<sup>35</sup> Tenants need access to clear information about their rights and responsibilities, and the consequences of not meeting their obligations. It is important tenants understand how to use the appeals process and where to get extra support, such as financial counselling. Housing providers or partner agencies can provide information, and it may be helpful to involve a consumer advocate.<sup>36</sup>

Aboriginal people may not always raise an objection to a decision made by a staff member – even when it is based on incorrect or incomplete information. Clients should be aware of the Aboriginal Tenants Advisory Service (ATAAS, refer to Appendix 1) who may be able to advocate on their behalf. Clients may also be able to access their files under the *NSW Information Public*

35. Kennedy, R. (2013), *Homelessness Action Plan Extended Evaluation: Support for people at risk of eviction* (Summary Report), Sydney: FACS housing.

36. Kennedy, 2013; Flatau et al., 2009a.



Access Act 2009 and identify and correct any errors. The inclusion of appropriate advocacy and important local service provider contact details as part of the original tenancy sign-up kit ensures the tenant has access to information early in the tenancy that may assist them through any potential dispute resolution processes.

When disagreements arise, tenants should be encouraged to contact their housing provider and try to resolve them. Tenants should be encouraged to appeal where a provider has dispute resolution processes in place and when the tenant is dissatisfied with the decision. Aboriginal tenants have low rates of engagement with existing dispute resolution processes, and may need to be actively encouraged and supported to participate in them.

### Reality check

Unlike some obligations, payment of rent, water and other tenancy debts are non-negotiable and will always be pursued regardless of any other dispute. Failure to pay will risk the stability of a current tenancy and can raise substantial barriers to the establishment of future tenancies. There are a range of payment options available to all social housing tenants, including automatic deductions – this should be promoted to increase uptake.

## 3.4 Commencement of a tenancy – early home visits

Home visits are an important way to understand support needs and engage with tenants. They help ensure tenants' basic needs are met early in the tenancy, such as ensuring utilities are connected. They provide a way to check tenants are aware of their rights and responsibilities, and that they are fulfilling them. Home visits should reinforce the positive things tenants are doing and follow up any supports already in place. Ideally visits should occur no later than six weeks ('settling-in' visit) after a tenancy commences, but as early as three weeks for tenants new to social housing or who have had difficulty stabilising a tenancy.

### A systematic approach for reviewing tenant supports

FACS Maroubra office introduced a three-tiered classification system for all new Aboriginal tenancies and Aboriginal tenancies in arrears.

**Tier 1** – The Aboriginal specialist meets all new tenants on allocation. The specialist and a client service officer (CSO) visit the tenant at home after four weeks to identify support needs. Before the visit, the CSO reviews the priority housing application to identify what support was specified. The CSO checks with the tenant if this is in place.

**Tier 2** – All new arrears cases for Aboriginal tenancies are reviewed weekly by CSOs and these tenants receive personal contact from a CSO or a specialist. Tenants may be referred to support services. The Maroubra Sustaining Indigenous Tenancies Working Party conducts fortnightly reviews of new arrears cases and the actions taken by CSOs.

**Tier 3** – All medium- and long-term Aboriginal arrears cases are reviewed by the specialist and CSO, including the tenancy history.

The system creates a structure to ensure extra support is in place when needed to stabilise tenancies. The model aims to set tenants up for success.





### Reality check

The importance of visiting the home within the first six weeks of a tenancy cannot be underestimated. It is not always possible to identify support needs before allocation. Applicants may be assessed as eligible for support from an external service provider, but that support may not be available at the time they are allocated a property.

### Summary

- An applicant's support needs should be reviewed prior to the allocation of a property
- Housing providers should ensure an agreed support plan is in place that includes a written case plan and clients should be involved in discussions about a property to take into account their family and cultural needs
- Significant effort and clear communication is required to ensure tenants understand their rights and responsibilities and have supports in place at the commencement of the tenancy
- A client service visit should be conducted three to six weeks after a tenancy has commenced. Further support needs may be identified and trust developed that will be useful if any issues arise later.



## 4 Managing emerging issues during the tenancy

Positive engagement with tenants is underpinned by engagement with the community. The relationship starts when a person is applying for housing and needs to continue once the person is living in social housing through occasional contacts. Tenancy breakdown is usually underscored by vulnerabilities and precipitating life events.<sup>37</sup> Ongoing engagement with tenants is a way of identifying these issues early, and responding appropriately.

### 4.1 Ongoing tenant engagement

Tenants should be visited early in the tenancy. A ‘settling-in’ visit in the first six weeks of a tenancy is a good start to engaging with the family. Additional visits can be scheduled as required. Keeping in touch with tenants is important. Regular ‘yarns’ with clients makes it easier to identify and discuss issues, and to take steps to resolve a situation. It also helps tenants feel comfortable contacting the housing provider to raise concerns or ask for help. Engaging an Aboriginal specialist in follow-up visits may be important for some tenants.

#### Reality check

Home visits can be difficult to achieve in practice given the limited resources or due to tenants’ active avoidance of a visit.

### 4.2 Manage tenancies proactively and intervene early

Early intervention requires housing providers to work proactively to identify and respond to tenants’ housing issues and other social issues as they arise.<sup>38</sup> Housing providers should be mindful of high-risk tenants.<sup>39</sup> Early intervention means providing the right support at the right level when a tenant needs it, and reducing support over time to build Aboriginal tenants’ capacity to effectively sustain their tenancy.<sup>40</sup> The levels of support required depend on the needs of the tenant and may vary from low-, medium- to high-level support, as outlined in section 2.3.1. Specialist Homelessness Services (SHS) are funded to provide early intervention support for tenancies at risk and are an important partner in work to sustain tenancies.

#### Reality check

Tenant engagement with support is contingent on the availability of support and the willingness of the tenant to engage with it. This underscores the importance of developing networks with support providers and rapport with tenants throughout the tenancy life cycle.

Engaging with support providers is voluntary. At times tenants may reject assistance. However, tenants must be aware that rejecting support may undermine their capacity to maintain their tenancy, result in an unplanned tenancy exit, and impact on future requests for housing assistance.

#### 4.2.1 Proactive tenancy management

A proactive tenancy manager plays the role of tenancy supporter walking alongside the tenant to help them access the services they need and ensure a stable tenancy.<sup>41</sup> Strong relationships between tenancy workers, the community and support providers underpin proactive tenancy management.

37. Flatau et al., 2009b.

38. Neuburger, J. (2003b), *Selling down: Preventing family homelessness through tenancy sustainment*, London: Shelter.

39. Habibis et al., 2007.

40. Costello et al., 2013; Neuburger, 2003b.

41. Paris & Flatau, 2010.





Having a regular, visible presence in the community helps housing providers build good relationships with tenants. It is important for housing providers to develop and maintain strong partnerships with a range of individuals or organisations – non-government organisations, Aboriginal service providers, community groups and Elders are all potential supports for tenants.

#### 4.2.2 Identify early warning signs

One early warning sign that a tenancy may be at risk is if Centrelink payments are suspended due to failure by the tenant to uphold their participation requirements. Where a tenant has provided an Income Confirmation Scheme (ICS) consent, Centrelink can issue reports to housing providers regarding those clients where deductions have been suspended or cancelled. Each provider can then develop its own system to identify tenants whose rent payments may be at risk due to breaches or cancellations of automatic deductions from Centrelink payments.

Warning signs the tenancy is already at risk include rent arrears, poor property condition, complaints from neighbours about nuisance and annoyance, and police incident reports. Issues such as visitors staying for long periods with little income, an illness or death in the family, or disengaging with support services may also contribute to tenancy instability and can be an early warning sign of a household in crisis. Periods of higher than usual expenditure, such as Christmas, are also high risk times.

#### Reality check

Housing providers may have inadequate time to conduct home visits and biannual property inspections. While always beneficial, visits are particularly important for first time or younger tenants or those with a history of failed tenancies. These tenants may be less aware at the assessment and allocation stages of the issues they face that may put their tenancy at risk.

### 4.3 Identify tenants in arrears as early as possible

Rental payments are a major indicator of how a tenant is coping.<sup>42</sup> Arrears are also a leading reason for eviction.<sup>43</sup> Aboriginal households may be more vulnerable to arrears because of cultural obligations to host visitors, share resources with extended family members, or because of extended absences for cultural reasons.

Many housing providers have efficient ways to identify tenants at the earliest possible moment in the arrears cycle, such as Centrelink reports on cancelled payments. The housing provider may receive informal advice. Housing teams need to be trained and resourced to act on this information quickly and appropriately.

Contacting the tenant as soon as they fall into arrears – not when the debt is larger – is very important. A formal letter can be intimidating and confusing, while visiting or calling the tenant to discuss the arrears may be less threatening. Communication should be sensitive and emphasise the provider's desire to help.

The way housing providers respond to arrears will differ depending on the size of the arrears. For some tenants, negotiating a direct debit repayment plan through the Australian Government's EasyPay system may be appropriate.<sup>44</sup> Housing providers may take statutory action against tenants (see section 4.5). Many tenants benefit from being referred to a tenant advocacy or support service, financial counselling or budgeting skills training.

While it is important for housing providers to respond to tenants' arrears promptly and firmly, it is

42. Department of Human Services, 2006.

43. Beer, A., Slatter, M., Baulderstone, J., & Habibis, D. (2006), *Evictions and housing management* (Final Report No. 94), Southern Research Centre, Sydney: AHURI.

44. Costello et al., 2013.



just as important for arrears management policies to be flexible and culturally sensitive. Tenancy workers need to balance arrears performance measures with outcomes for clients. Access to support services and brokerage may be a useful way to address unexpected costs arising from difficulties or cultural obligations.

There are ways to help tenants avoid falling into arrears, such as regularly issuing easy-to-interpret rent statements, offering automated rent payment arrangements, and contacting tenants as soon as they fall into arrears.<sup>45</sup> Telephone, email and SMS alerts can be used to quickly notify tenants should they fall behind in their rent. When tenants do fall into arrears, housing providers need to consider repayment options and be flexible in negotiating housing debt to ensure debt repayment is sustainable for the tenant.<sup>46</sup>

### Reality check

The vast majority of tenants understand the housing system is focused on the payment of all tenancy accounts. But for some, this may be an uncomfortable truth and, while payment plans can be set up, arrears or debts will not be waived. Tenants who exit with debts may not be eligible for future housing assistance and have an elevated risk of homelessness.

Arrears or debt repayment plans should prioritise a repayment strategy that a tenant can sustain until the debt has been paid off in full. For some tenants this may mean smaller amounts over a longer time, while other tenants may be able to pay their debts off quickly. Flexibility to negotiate effective payment plans is important to ensure an ongoing commitment by the tenant and minimal follow up and future intervention by housing managers.

Tenancy staff often experience a tension between chasing arrears early and allowing tenants to fall into arrears for cultural reasons. Teams must rely to some extent on goodwill and social capital developed in the early stages of the tenancy. Successful tenancies rely on a strong relationship between the tenant and the organisation, and open and transparent negotiation and decision-making.

### Centrelink

Centrelink has a key role in the payment of rent and many tenants have automatic Centrepay deductions set up. Good working relationships should be cultivated with Centrelink, as well as protocols for the payment of rent when tenants have their payments suspended due to a breach of conditions.

## 4.4 Respond to nuisance and annoyance

Inappropriate or anti-social behaviour is often a sign that tenancies are in trouble and can be caused by many factors. It may be partly caused by the tenant's broader living situation, including inappropriate allocations, poor housing design, ineffective communication between tenants and housing providers, or inappropriate responses to racist abuse and intolerance.<sup>47</sup>

It is important for housing providers to use a range of information sources, including complaints from neighbours or community members, police reports or direct observation, engagements with Elders or local organisations to identify tenants displaying nuisance and annoyance behaviour. Other issues may also contribute to nuisance and annoyance such as visiting family, and should be managed in a culturally relevant manner.

45. A. Jones et al., 2004.

46. K. Jones et al., 2012.

47. Habibis et al., 2007.





Housing providers need to respond quickly and respectfully, and aim to understand the reasons behind the behaviours. Providers can connect tenants to supports and pursue more formal responses to tenancy breaches, where required.

#### 4.5 Use statutory processes effectively

Using formal NSW Civil and Administrative Tribunal (NCAT) processes, and more informal and supportive processes can help protect tenants and housing providers from problems escalating out of control.

##### NSW Civil and Administrative Tribunal

NSW Civil and Administrative Tribunal (NCAT) processes can be an effective way for tenants and housing providers to manage arrears and other breaches of tenancy agreements. NCAT can formalise a Specific Performance Order (SPO) that includes a payment plan for rental arrears. However, formal action can be risky and make some tenants disengage or end their tenancy. It should be managed by a culturally competent tenancy worker. When deciding whether to pursue action through NCAT, housing providers should consider a tenant's circumstances, history and available supports. In situations where a tenant will not engage with the housing provider and continues to breach their tenancy agreement, NCAT processes should be used to develop an evidence brief for further legal intervention, if required.

Housing providers need to communicate clearly with tenants about their case. Tenants should be advised they can bring a friend or advocate to NCAT for support, participate in the process and try to negotiate an outcome that is right for the tenant and housing provider.

Aboriginal tenants may want to avoid NCAT hearings out of shame or fear. Housing providers should talk to the tenant about what to expect at the hearing and encourage them to attend. Tenancy workers can strike an agreement with the tenant before the hearing and present it to NCAT in lieu of the tenant appearing. This process is known as NCAT Procedures on Paper. A representative from ATAAS, or staff from the housing provider, will often be the tenant's key support at the hearing, and should be encouraged to advocate for the tenant where possible.

NCAT staff can offer general advice and assistance for households on its practice and procedures. (Refer to Appendix 1.)

##### Notice of Termination

A Notice of Termination (NOT) is a formal letter giving notice to terminate the tenancy agreement under the *Residential Tenancies Act 2010*. NOTs are often associated with a tenancy falling into rental arrears. They can be issued for other reasons. NOTs advise tenants they are required to vacate the property unless tenancy issues can be resolved.

However, NOTs issued without active efforts to engage with the tenant can undermine trust and, in extreme cases, may prompt the tenant to disengage or abandon the tenancy. Abandoning a tenancy can have major impacts for the tenant including debt and a negative classification against their file.

Housing providers must anticipate and manage the possible negative consequences of a NOT by using a supportive approach and personal contact with the tenant. Some housing management teams use personal or handwritten letters to explain why they are sending a NOT.



### Reality check

Respectful relationships based on trust and agreed responsibilities can help avoid legal processes. A dual approach, with formal and informal processes, is the best method and requires strong leadership and role modelling from managers and experienced staff. Formal and legalistic approaches must be complemented with client contact to explain legal processes and to negotiate an agreed outcome. Sending formal letters without making other efforts to contact tenants may be counterproductive.

Engaging support should be attempted before commencing any legal processes. Less emphasis on legal options may be necessary for tenants with complex needs. However, this is not always possible. The tenant must be aware of their responsibilities and, if non-compliance remains an issue, NCAT action will be a direct consequence of their failure to comply with their tenancy agreement.

### Summary

- Positive relationships and mutual trust and respect between tenant, housing provider and the broader community are critical
- Home visits provide a good means of engaging tenants, understanding issues and preventing problems that put a tenancy at risk
- Attention to early warning signs, particularly rental arrears, and efforts to understand and address underlying issues that place a tenancy at risk, are important to stabilise tenancies
- Ensure tenants are aware of the many sources of information and advice available to help stabilise their tenancy or resolve a dispute with the housing provider, especially ATAAS
- Efforts to engage with a tenant face-to-face must be undertaken before and after a NOT is issued or before further legal proceedings are initiated
- Specialist Homelessness Services are funded to provide support to tenancies at risk.





## 5 Exits from social housing

Social housing tenancies end for positive and negative reasons. Some tenants transition into the private rental market or home ownership. Others may not be able to sustain their social housing tenancy and make an unplanned exit. Where social housing remains the most appropriate option for a tenant, housing providers should take all possible steps to stabilise and sustain the tenancy.

When tenancies are not able to be salvaged, providers should make every effort to link exiting tenants with relevant support, engage with the tenant to minimise the negative impacts of eviction or abandonment of a property, and ensure an exit from a property occurs in line with tenant obligations under the *Residential Tenancies Act 2010*.

Clients need to understand and respect the importance of stabilising their tenancy, as well as the consequences if it fails.

### 5.1 Ensure all actions have been taken to stabilise the tenancy

Despite all efforts to stabilise a tenancy, it may still be necessary to terminate the tenancy and evict the tenants.

The development of an eviction tool or checklist can outline actions to be performed by staff prior to eviction. A checklist ensures accountability in the eviction processes and sets out the steps to take to work with the tenant to stabilise their tenancy. All housing providers could benefit from using this or a similar tool.

#### Preventing rental arrears in Scotland

In Scotland, practices to help tenants from falling into arrears are required by law and are captured as a checklist for providers to follow. Housing providers must: ensure the tenant has clear information about the terms of the tenancy agreement and outstanding rent; make reasonable efforts to help the tenant access advice, support and financial counselling; and negotiate a payment plan.<sup>2</sup> Following the implementation of the checklists, evictions fell by 33 percent and court orders of possession fell by 20 percent.<sup>3</sup>

#### Reality check

If a tenant continues to break their residential agreement, or their behaviour is negatively impacting neighbours or supports are not helping a tenant, and the tenant chooses not to be relocated/rehoused, it may not be possible to stabilise a tenancy.

### 5.2 Develop a plan to support tenants facing eviction

Where possible, housing providers should develop transition plans for tenants facing eviction and identify supports. Many housing providers stressed the importance of not giving up hope that a tenancy can be sustained – arrangements can be made right up to the point of eviction.

Housing providers should consider the circumstances of the tenant in the decision to evict. This includes the length of time they have lived in the premises, their age and health, the availability of other suitable accommodation, and the need for the tenant to be close to family, friends and employment.<sup>48</sup> Eviction planning might include considering the family circumstances of the evicted household, the timing of the eviction, and referral to other support agencies, particularly emergency and crisis housing.<sup>49</sup>

48. A. Jones et al., 2004.

49. A. Jones et al., 2004.



If a household leaves with major arrears or property damage, they may be unable to receive assistance from social housing providers again. Developing an exit plan may help tenants facing eviction to minimise debts and set up a repayment plan.

### **5.3 Work with the tenant to undertake tenancy end processes**

A tenancy may end for a variety of reasons. In most cases tenancies will end if the tenant provides notice they are vacating the property, the tenant abandons the property, or the housing provider obtains vacant possession from NCAT.

Where a tenant provides notice to vacate a property, the housing provider is obliged to undertake a pre-vacate inspection of the property to identify and record damage, consider improvements made to the property by the tenant, and determine if any damage is normal wear-and-tear or the tenant's responsibility. This process should be undertaken with the tenant and provides an opportunity for any negotiations to occur between the housing provider and the tenant about damage, or tenancy debt.

Engaging tenants before the tenancy ends is important, as it gives them a chance to resolve any tenancy issues and seek a former satisfactory tenancy letter from the housing provider.

Repayment arrangements should be established for any unpaid debt. Former tenants should acknowledge and commence repayment of the debt.

Sometimes it is clear a tenant does not understand the implications of tenancy breaches and abandonment, especially when their decision is driven by the need for safety and escape. However, tenancy breaches can have a serious impact on future requests for housing assistance and need to be explained from the commencement of a tenancy.

Where high-risk tenancies are identified, it is particularly important to ensure tenant engagement as outlined in this Guide has been undertaken. Tenant participation in property inspections and a clear repayment plan if debt is owed will help tenants exiting from social housing and minimise possible barriers to housing assistance in the future.

### **5.4 Identify and assist tenants who no longer need social housing**

A tenancy should be sustained only as long as the person needs it. Helping households with low to moderate needs to enter the private market provides tenants with access to a wider supply of housing choice and increases the supply of social housing for those most in need.

Housing providers should develop processes and resources to help tenants who are able to manage without social housing assistance to transition into the private market. This support should focus on early intervention, strong collaboration across portfolios and with the non-government sector to ensure tailored services for transitioning tenants. Practical assistance such as help with moving costs or private rental products such as bond loans can be a helpful incentive.

#### **Reality check**

A social housing tenancy can build the capacity of clients to enter the private market or enter into affordable home ownership. If a vulnerable household can be stabilised, then the tenancy team has achieved their primary role. What is not well understood across social housing is the next step – transitioning into private rental market options. The Private Rental Brokerage Service is available from some FACS offices. Similar services provided by non-government organisations may help clients establish a private rental tenancy for those households who are able to sustainably transition out of social housing.





## Summary

- Procedures to evict a tenant must be a last step and occur only when there are no options for stabilising a tenancy. Teams should follow a checklist to ensure they have taken all necessary steps before initiating an eviction
- Develop transition plans for tenants facing eviction and identify supports. When there is a risk of homelessness, help exiting tenants locate other accommodation or engage with a Specialist Homelessness Service
- Where private rental is a suitable option for a tenant, housing providers should consider how they may assist tenants to transition out of social housing.



## 6 Conclusion

*Foundations for Success – a guide for social housing providers working with Aboriginal people and communities* aims to strengthen the capacity of social housing providers to stabilise tenancies for vulnerable Aboriginal people and their communities. The concepts identified in this document gives social housing providers best practice guidance in working with local Aboriginal families and communities to assist at-risk households and improve housing outcomes. It also promotes client choice and responsibility.

The Guide provides an evidence base for a social housing organisation to develop its capacity, organisational culture, policies and processes to best deliver local solutions that respond to the needs of local communities. It promotes the importance of culturally appropriate responses, as well as highlighting areas of mutual obligations such as a tenant's capacity to understand and uphold their rights and responsibilities.

The Guide has been developed for social housing providers to prompt new thinking and review current practices and procedures when working with Aboriginal people. The Guide outlines some best practice principles and approaches which are easily implemented across allocations and tenancy management teams.

Successful outcomes can lead to genuine change for Aboriginal people and communities, It can empower them to draw on their cultural strength and confidence to work towards better social and economic outcomes for their families and communities. When a tenancy is stable, vulnerable households become increasingly resilient and confident, and as a consequence are more likely to engage across a broader range of services including education, training and employment.

Using this Guide will build knowledge across the social housing sector about good practice and help to deliver the positive outcomes needed when working with Aboriginal people and communities.





## Appendix 1

There are a wide range of services in NSW that can help you with free or low-cost legal information, advice and assistance.<sup>50</sup>

### Link2home

Link2home is part of the Going Home Staying Home reform and provides information about local support services. Link2home assesses what kind of help people need and refers people to appropriate Specialist Homelessness Services (SHS), supports, temporary accommodation and other services. Free Call - 1800 152 152

### Aboriginal Tenants Advice and Advocacy Service (ATAAS)

| Service  | Area covered   | Phone numbers                                  |
|--|--|--|
| Greater Sydney Aboriginal Tenants Service              | Sydney, Blue Mountains, Central Coast, Hawkesbury, Macarthur           | Phone: 02 9698 0873                            |
| Northern NSW Aboriginal Tenants Service                | Hunter, North Coast, New England                                       | Phone: 02 6643 4426<br>Free call: 1800 248 913 |
| Southern NSW Aboriginal Tenants Service – Murra Mia    | Illawarra, South Coast, South East, Riverina, Upper and Central Murray | Phone: 02 4472 9363<br>Free call: 1800 672 185 |
| Western Aboriginal Tenants Advice and Advocacy Service | Central West, North West, Far West                                     | Phone: 02 6884 0969                            |

### New South Wales Civil and Administrative Tribunal (NCAT)

NCAT staff can offer general advice and assistance for households on its practice and procedures but they cannot give you legal advice. NCAT has a toll-free telephone number – 1300 006 228 or 1300 00NCAT

### Other Service Agencies<sup>51</sup>

#### Housing Appeals Committee

The Housing Appeals Committee is an independent agency that reviews some decisions made by NSW social housing providers. Free Call – 1800 689 794.

#### Tenants Advice and Advocacy Services

[Tenants NSW website](#) to find your local Tenants Advice and Advocacy Service who provide assistance for tenants of private rental housing, social housing tenants, boarders and lodgers and residential community residents. Tenants Union of NSW Free Call - 1800 251 101

#### NSW Ombudsman

The [NSW Ombudsman](#) investigates complaints relating to the public sector and the provision of community services in NSW, Free Call – 1800 451524

50. Disclaimer: The information contained in the Foundation for Success document is a guide only and is not legal advice. Whilst the information is considered true and correct at the date of publication, changes in circumstances after publication may impact on the accuracy of the information contained herein.

51. While this document provides links to 3rd party websites, it does so for convenience and information purposes.



## Notes







Artwork by Colin Wightman – Passages

## The Story of Passages by Colin Wightman

Aboriginal people always return home, to their safe place. The home is where it all begins.

The meeting place, community gathering, getting together and supporting each other. You knew where you were if you used these “marker” trees.

Positive and loving relationships are the foundation of our next generation. Parents standing and walking together on a positive path.

The sun as a life source, is an important symbol to Aboriginal people. We rely on the sun to provide us comfort and warmth and grow our foods, herbs and medicines. The roots are streaming down grounding the community, providing them stability, support and structure.

Growing up our elders taught us kids important lessons, stories and cultural customs and we taught elders things as well. This cross learning is important to the functioning of our community and the continuation of our culture.

The best time to go fishing is by the full moon.



**Family &  
Community  
Services**