



**Homeswest Further Assistance Policy and Headleasing  
to Community Agencies.**

**November 1997**

## **1 INTRODUCTION**

This project was proposed and agreed to in 1996 as a result of community sector concern that headleasing, as it relates to Homeswest's further assistance policy, was placing certain non-government agencies under untenable pressure in their desire to assist homeless families. The initial impetus for that concern came from the then ad-hoc arrangement Homeswest's Cannington office had with the Aboriginal agency, Manguri. Over time this headleasing arrangement became known as the Manguri Model.

The Manguri Model was simple in its design but problematic in its day to day practice. The design was a headleased tenancy for families whom Homeswest refused to rehouse under its further assistance policy. The practice involved very difficult tenancies being managed by people not necessarily trained in property management and having to rely on existing agency resources to provide the required intensive support. There appeared to be little separation of the tenancy and support roles. Moreover, the practice relied significantly on Homeswest's goodwill not to enforce the headlease conditions from time to time.

Shelter WA was aware of the Manguri arrangement and the Homeswest policy that, in theory at least, headleasing of that type was available to all Regional Offices. There was concern, therefore, to determine; the extent of this sort of headleasing, the various regional practices and the views of Homeswest and relevant agencies on the arrangements.

Shelter WA commenced by researching whether the Manguri Model (or something similar) was in operation in the other Australian States as well as surveying Homeswest Regional Managers on their views and use of headleasing. There was an early attempt to survey Manguri and another metropolitan agency, Moorditch Koolak with limited success. Some time later, when advised by Regional Offices of the agencies participating in headleasing, further surveys were initiated with a continuing lack of success. The conclusion was reached that the problematic response was probably due to two factors; (1) the nature of the agencies and the survey instrument, and (2) the fact that the headleasing arrangements were purely local and relied more on the relationship of the particular parties than any formalised system.

At about the same time in November 1996, the Community Housing Unit in Homeswest developed some draft guidelines on headleasing. In addition, Homeswest entered into discussions with Family & Children's Services (F&CS) to seek SAAP monies for a pilot headleasing arrangement. The proposed program was called the Community Managed Supported Housing Program (CMSHP) and was to be piloted in the Cannington Region; in essence with the Manguri arrangement.

The CMSHP Program effectively cut across Shelter's project to the extent it proposed to deal with the Manguri problems by ensuring the provision of SAAP monies for tenancy support.

It has been lately agreed with Homeswest (August 1997) that Shelter's project should be modified to:

- report and analyse information gathered to date from the Regions;
- report and analyse initiatives in other States, and
- suggest improvements to the Manguri Model.

## **2 HEADLEASING (THE PROJECT'S CONTEXT)**

The Project has a particular context with regard to headleasing. That is, it is tied to the part of rental policy which allows Homeswest to refuse assistance or place conditions upon further assistance to any applicant with substantiated breaches of the tenancy agreement or Residential Tenancies Act.

Essentially this means there are certain families Homeswest will refuse to rehouse unless supported through a headlease agreement with a relevant community agency. How that is envisaged by Homeswest may best be shown by way of information provided at a CMSHP briefing session run by F&CS on 19 September 1997.

*The main target group identified in the service specification of this proposed service represent the more difficult families who have an on-going difficulty accessing and maintaining a tenancy and require intensive support over a long period. Other SAAP services are currently dealing with families who require accommodation but who don't require on-going, intensive support. (RFP 020/97 Transitional Accommodation Service for Aboriginal Families-Perth Metropolitan Area: page 3);*

and, in response to the question; Is the service only available to Aboriginal families?

*No. Other families in similar circumstances should not be excluded from accessing this service. However, it is mainly Aboriginal families who make-up the majority of the target group. (page 4).*

There is an expectation, the CMSHP lies beyond the normal SAAP service by reason of the level of service to be provided. Whether this was the original basis or intent of the Manguri Model is unclear. It does seem clear, however, that the original arrangement (like CMSHP), was intended to be transitional type housing although the proposed length of tenure probably varied.

It is Shelter's understanding, notwithstanding the proposed CMSHP, that the Manguri Model of headleasing remains an option for Homeswest Regional Offices to use under the further assistance policy.

The remainder of the report will deal with:

- Homeswest Regional Office understanding of headleasing and the processes used (or expected to be used) in the day to day practice of the arrangements.
- Whether other State Housing Authorities have a similar headleasing model and if not, what type of transitional arrangements are used with regard to their further assistance policies.
- Shelter WA comments and recommendations.

### 3 HOMESWEST REGIONAL OFFICES AND HEADLEASING

The nine Regional Offices were surveyed in early 1997 and all but the Kalgoorlie office responded. The results were as follows:

#### Question 1

Has Your office entered into any headleasing arrangements with community agencies. If yes, would you please provide the name of the agency(ies), the number of properties headleased and details of the type of lease agreement used?

Only 3 of the 8 Regional Offices have headleased properties in relation to further assistance:

Cannington:	Manguri Aboriginal Corporation	(5)
Fremantle:	Manguri Aboriginal Corporation	(?)
	Winjan Aboriginal Corporation	(?)
	Murray Districts Aboriginal Corporation	(?)
Bunbury:	Goomburrup Aboriginal Corporation	(1)

It appears the form of headlease is a variation of the Community Disability Housing Program (CDHP) M2 lease in which the weekly fee is the rent to income level of the tenant housed. The costs borne by the agency includes: minor maintenance, garden maintenance, wilful damages, pest/vermin control, water consumption, gas and electricity consumption, public risk and workers compensation insurance, staffing and administration costs.

#### Question 2

What were (or would be) the particular set of circumstances that would prompt you to decide on headleasing rather than a mainstream tenancy with conditions (rental payment by direct deduction or Supported Housing Assistance Program (SHAP) involvement, for example)?

The majority of Regional Offices would contemplate using headleasing after the failure of a *number* of tenancies by the particular tenant although more than one failure is not a universally accepted requirement. Mention is made of *all other options* having been exhausted but in practice this is usually limited to SHAP and the Social Security Direct Deduction Scheme (DSSDD).

### Question 3

What is it about these circumstances that suggest headleasing to be the best option; that is the option with the most chance of securing a successful tenancy?

Two major responses were put by the Regional Managers; (1) by virtue of cultural factors and *closeness* to the tenant the headleasing agency is liable to elicit a more positive attitude to the tenancy, and (2) the headleasing agency is able to devote intensive time and resources to the tenancy.

### Question 4

How were the properties the subject of the headleases, selected. Were (or would) only certain properties be used?

In general Regional Offices suggest properties are selected as part of a joint exercise with the headleasing agency and *appropriate* to the prospective tenant. Appropriateness is equated with the *problem* the tenant brings to the tenancy, for example location after previous anti-social issues. One Regional Office stated properties are chosen as if the tenant had made a priority application (which means it may not be in the suburb or zone of choice); another makes choice conditional upon waiting list demands.

### Question 5

What was (or would be) your understanding of the respective roles of Homeswest and the community agency in the headlease arrangement?

For those Regional Offices currently headleasing, the tenancy relationship is seen to be clearly with the agency, the latter responsible for the day to day management of the lease but in close liaison with Homeswest. In one and possibility two Regions, Homeswest has maintained responsibility for maintenance which may signal a variation on the CDHP M2 lease mentioned above. The main role expected of the agency is to *normalise* the tenancy.

Those Regional Offices not currently headleasing seem to have a stricter view of the relationship, in particular the expectation that the agency ensure all obligations under the tenancy agreement be adhered to.

### Question 6

Did (or would) you undertake an assessment of whether the community agency had the capacity to fulfil its role?

The responses from Regions currently headleasing warrant individual attention:

Region 1 *As with all new schemes there is a period where all parties experience a learning curve. It is essential that if headleasing is to provide the sort of benefits for the clients as described above, then each party to the agreement is fully aware of their responsibilities. An assessment of the community agency is therefore recommended before any decision is made to headlease property.*

Region 2 *To date it has really been the agencies that have put themselves forward or have been put forward by other non-government organisations.*

Region 3 *We assessed agency x as able to fulfil it's role from our previous knowledge of the agency and some additional questioning prior to commencing the lease. It is our intention to revisit this assessment at the completion of the lease.*

The other Regions agreed an assessment of the agency's capacity be undertaken.

#### Question 7

What information and support did (or would) you provide at the beginning of the headlease and during the term of the headlease?

The Responses on support fell into four distinct areas: (1) information about rights and responsibilities, (2) regular meetings, (3) on call advice and (4) some practical assistance on maintenance and rent collection.

Not any Region mentioned all four areas.

#### Question 8

Have (or would you) enter into a formal arrangement with the community agency to accept the tenant into mainstream housing once the tenant had *proved* themselves with the community agency tenancy? What circumstances would generally satisfy you that the tenant was able to return to mainstream housing?

The responses from Regions currently headleasing warrant individual attention:

Region 1 *These headleases are for an initial 12 month period. Once this expires a full assessment is undertaken and a decision is made to transfer the tenant back to a mainstream tenancy or continue with ongoing support. It is again important for the headleases to succeed so that another family can be placed on the scheme and receive similar intensive support.*

Region 2 *Yes-but have not as yet and each situation would need to be assessed according to the history and circumstances and the level of improvement. In the case of debt, this would be where all debt has been extinguished, the rental account is in advance and all rent, water etc payments are being met on a regular basis and in the required manner. In the case of anti social behaviour, this to have ceased completely with no problems having been experienced for a lengthy period (period to be dependent upon the circumstances of the particular situation). Note that where anti social behaviour has been prolonged and severe it could well be that the tenant(s) would only ever be housed under a Head lease arrangement.*

Region 3 *No formal arrangement is in place. All negotiations regarding future mainstream tenancy for the subtenant have been verbal, however Homeswest has agreed that satisfactory progress towards clearance of debt, satisfactory property upkeep standard and no history of neighbour complaint over the term of the subtenancy may result in the offer of a mainstream tenancy. Generally, we expect to offer a mainstream tenancy unless there is some eligibility difficulty other than debt, subject to compliance with the conditions above.*

Of the other Regions the responses included the following conditions prior to the tenant being considered for a mainstream tenancy: no breaches of the tenancy agreement, evaluation similar to the SHAP model, demonstrated ability of the tenant to maintain a tenancy in own right and no reports of anti social behaviour over a given period or an adequate standard at property inspection.

#### Question 9

If your office has entered into headleasing arrangements what are some of the circumstances that have made them work or not work?

The responses from Regions currently headleasing warrant individual attention:

Region 1 *As this scheme is still in its development stage the need to monitor and evaluate its progress is crucial. Its fair to say that the need to liaise closely in the early stages is important. The agency must be able to demonstrate that they have adequate resources and expertise, and are familiar and comfortable with the role of being a quasi landlord. A suitable administrative and management framework must also be in place to ensure regular reports are produced and a program of support is put in place to address the difficulties previously evident in mainstream tenancies.*

Region 2 *I recall a situation in.....where the Head leasing body very quickly wanted out of the arrangement as it too could not control the particular family-Homeswest required vacant possession of its property.*

Region 3 *We believe that the headleasing arrangement has been successful to date in terms of property upkeep and payment of current rent. Our file indicates that there has been some complaint by neighbours regarding behaviour at or near the property, while regrettably there has been no reduction of debt by the subtenant. We now find in retrospect that we should have been tighter with documentation regarding the debt and should have referred to (agency x) more often during the tenancy as all parties misunderstood the arrangement and payments on previous debt did not occur.*

The other Regions emphasised clear guidelines, the commitment of both the agency and Homeswest and the ability of the community agency to manage the headleases.

#### Question 10

Are there any improvements that you think could be made to the way the headleasing arrangements are organised and run?

Responses included: adequate resources and commitment, regular reviews of the arrangements and full documentation.

#### **4 DRAFT HOMESWEST HEADLEASING PROCEDURES-NOVEMBER 1996**

At the time the above responses were received from Regional Offices (February-March 1997), a draft set of guidelines for headleasing had been prepared by Community Housing in Homeswest. These guidelines were:

- Regions to identify the community agency and tenants (where this is known). Regions will therefore undertake the initial liaison with the agency. Community Housing will assist with identification of appropriate agencies if requested by the Region.
- Region to provide details of proposal to Community Housing-to include name of nominated agency, number of tenancies (and properties), nature of tenancies and any special considerations.
- Community Housing to advise on standardised Head Lease terms, and participate with the Region in explaining and negotiating the terms of the lease with the community agency. Community Housing will enter the project on it's Commhous data system.
- day to day liaison/contact will be between the region and the community agency, particularly where there are issues affecting neighbouring tenancies (eg anti-social behaviours, vacancies, vandalism and property damages).
- Community Housing will conduct the formal review of the property jointly with the Region to determine whether the lease term will be extended and whether there are issues that need to be addressed. All financial and statistical reporting and accountability by the community agency will be to Community Housing.
- Any decisions to undertake breach proceedings or terminate the leases (or repossess individual properties) shall be the Regions. The Regions will notify Community Housing of any such decisions so that Commhous records can be amended and kept up to date.

## 5 WHAT HAPPENS WITH OTHER STATE HOUSING AUTHORITIES

Part of the project involved obtaining information from other States with regard to their further assistance policies and the use of headleasing as one means of providing that assistance. Responses were received from South Australia, Northern Territory, Victoria, New South Wales, ACT and Queensland. The responses were derived either from the particular State Housing Authority or relevant Shelter organisation.

### South Australia

The South Australian Housing Trust (SAHT), Credit Policy (1995) which consolidates debt, denies access to services for people who have not entered into an arrangement to repay. This includes the SAHT services of rent relief and bond assistance for private market renters. It does not appear, however, as if the South Australian Housing Trust (SAHT) uses headleasing as a way by which defaulting clients are rehoused.

Shelter SA recently undertook research on the impact of the Credit Policy on clients of the Supported Accommodation Assistance Program (SAAP). Its major finding was:

*.....that there is a high correlation between clients of the Supported Accommodation Assistance Program (SAAP) and individuals with an outstanding debt with the South Australian Housing Trust (SAHT). More than 36 % of SAAP clients in the survey group had a debt of this nature (Bagshaw: 1997: 1).*

*Importantly.....The Impact of the Credit Policy has been found to be significantly linked with SAAP clients initial need for SAAP accommodation and has a secondary impact of constraining opportunities for moving from SAAP accommodation to independent housing. Evidence emerged of SAHT clients with debts being offered financial assistance for supported accommodation only (Bagshaw: 1997: 1).*

### Northern Territory

Under the further assistance policy of the Department of Lands, Housing and Local Government;

- Applicants issued a notice to quit or evicted on the grounds of non-payment of rent are eligible to reapply once the debt is cleared.
- Applicants issued a notice to quit or evicted on the grounds of nuisance to neighbours are ineligible to reapply for a period of six months after termination of the tenancy. At the expiry of this period, the application must be accompanied by references from a landlord confirming the satisfactory conduct of a tenancy.

This effects of this policy have not been formally evaluated.

The Department does not lease properties to community agencies for the purposes under which the Manguri Model operates.

### Victoria

Victoria has recently undergone a major transformation in the way transitional housing is provided. The restructure focuses on a clear separation of housing management from support provision.

*Transitional Housing Managers (THM's)* are appointed (by way of tender), and amongst other things, are responsible for managing the transitional component of the Crisis Accommodation Program including Emergency Housing. This includes; the allocation of vacant properties to homeless people, management of rent collection and arrears recovery, associated Residential Tenancy Act tasks and arranging minor maintenance.

All support agencies in an area covered by a THM are expected to enter into inter-agency agreements with THM's regarding access to properties by their clients and the provision of support services. THM's are required to develop inter-agency protocols with SAAP and other crisis referral agencies (this was also a recommendation of the South Australian research mentioned above).

People may access transitional housing through two access points: the housing information and referral service of the THM or through a SAAP agency. Eligibility is established by first determining whether private rental or other private housing option is suitable for the client. Referral may be made to other housing providers or financial assistance may be provided.

Some of the positives and negatives of the program prior to its implementation were considered in the Victorian Council to Homeless Persons publication *Parity* Issue 1 Vol 10 February 1997. They included:

### **Positives**

- A more accountable system of property management for the State Housing Authority.
- Clearer entry point into accommodation.
- Clarification of worker roles by the separation of housing and support functions.

### **Negatives/Questions**

- How *corporate* will THM's become and what impact will this have on the type of tenants allocated housing?
- How will the THM's landlord role be integrated with the community agencies support role: will the protocols between support agencies and THM's work?
- The local response may be lost as the THM's will replace a plethora of small local agencies.
- The new system has stricter stay requirements which may work against optimum client outcomes.
- The restructure encourages high turnover of tenants through the THM's to other exit points. How does this fit with the increased targeting of public housing and the discriminatory and insecure nature of the private rental market?
- THM's may find rental collection difficult as it is now removed from the support relationship.

### *New South Wales*

The Department of Housing has a further assistance policy that it separates into the categories of *former unsatisfactory tenants* and *vacated accounts-former tenants*.

*Unsatisfactory tenants* include those with substantiated anti-social incidents and where (for any reason) eviction took place. On reapplication the persons file must be examined and the applicant interviewed before a decision is made to admit them to the waiting list. The applicant can be admitted to the waiting list if the person responsible for the disruptive behaviour is no longer a member of the household. Otherwise the onus is on the applicant to prove that previous disruptive behaviour will not re-occur.

*Former tenants of the Department with a vacated debt* can be admitted to the waiting list provided they sign an undertaking to repay the debt. Applicants can be housed before the debt is fully discharged, provided the applicant has made regular payments and adhered to their written undertaking.

The Department of Housing does not have a parallel service to Homeswest's Manguri Model Headleasing.

The Department has recently introduced what it calls the *key housing worker* concept. The background paper to this concept described the rationale for such a service as:

*The Department has a responsibility to assist vulnerable and disadvantaged individuals and families to obtain and maintain secure affordable housing. The Department provides a housing service. It is committed to enabling and managing enduring tenancies. The department understands it must work with other support agencies to create an enduring tenancy or when a tenancy is at risk. The Department will be proactive in seeking solutions to save tenancies and in packaging housing and support services to ensure a tenant and their neighbours have an enduring tenancy (2.2 KHW Service Parameters).*

The context of the reform is a recognition by the Department that its client base has changed significantly in recent times. The demographics that describe the change include: increase in community based care; long-term, intergenerational and increasing youth unemployment; increase in sole parent households; the aging of the population and immigration and humanitarian programs.

The Department has found itself increasingly servicing a residual client group unable to meet their housing need in the private sector while being faced with an inadequately coordinated human service (support) sector. Reasons for this include: support services not locally available; client not linked to or unwilling to access support services; client does not meet eligibility criteria; services are fragmented and reactive and only minimal joint planning taking place.

*These failures have resulted in the Department having to take on responsibilities and management of behaviour and situations that it considers are the mandate of other agencies (1.4 KHW The Human Service Support Context).*

The core functions of the key housing worker exclude *professional case management services* but include:

- develop case plans with case managers in other services, encompassing housing and support services at the commencement of the tenancy;
- broker adjustments to services in accord with changes in the needs of clients;
- monitor case plans and associated service agreements;
- liaise with external case managers to arrange an appropriate housing assistance package and service contract;
- develop strategies to obtain a case manager for a client;
- ensure there is a continuity of service for clients identified as having ongoing high support needs;
- provide advice, direction and high level problem solving to Departmental team members;
- develop networks between the Department and community support agencies.

#### Australian Capital Territory (ACT)

ACT Housing reserves the right to refuse assistance or place conditions on further assistance for applicants seeking housing. However, the Department has no formal policy on further assistance, other than to refer such people, *where appropriate*, to community agencies that provide crisis accommodation.

There is no organisation in the ACT specifically funded to provide further assistance along the lines of the Manguri Model. There is, however, a headleasing program called the *Community Organisations Rental Housing*

*Program (CORHAP), which involves about 40 organisations headleasing about 200 properties.*

About 25 organisations receive SAAP funding in addition to concessional rents, and these organisations are likely to be called upon to house anyone that is within their specific target group.

The aim of the program is to:

*.....increase the range of appropriate options for people who are eligible to rent public housing, but whose housing need would not be adequately met by general selection. Such people may need some form of crisis or supported accommodation which can be tailored to their individual requirements and which enables them to have access to special support if necessary (CORHAP Program Guidelines August 1994).*

The community organisation which must *address a real need in the community which is not already adequately provided* must also:

- demonstrate that it is viable and has the ability to manage the proposed service;
- demonstrate the administrative and financial resources to manage properties as a head tenant;
- display a willingness to liaise with government and non-government agencies and utilise existing community resources for the benefit of its clients.
- demonstrate that it has the skills and experience to assist or support the particular needs of the proposed client group.

ACT Housing does not have a direct role in the management of the service provided. It does, however determine by reports and annual service visits, whether the head tenancy is meeting its original purpose.

The community organisation is generally expected to pay full public housing rentals although rebates may be available. They are expected to enter into a written form of tenancy agreement with the tenant which contains certain attributes (**Appendix 1**). ACT Housing is responsible for maintenance other than damage beyond fair wear and tear. Neighbour complaints are directed to

the community organisation and ACT Housing become involved only where *management problems* are indicated.

## Queensland

The Queensland Housing Department has clear guidelines about housing people with a debt. Generally, until the debt is paid, the applicant will not be offered public rental housing although their application can be processed. An application such as this is deferred but continues to accrue waiting time.

If it is evident that a debt cannot be repaid because of an applicant's financial situation (for example: when payment of private rent absorbs a high proportion of household income), an offer of accommodation may be approved on the condition that suitable arrangements are made to repay the debt. The applicant/tenant must sign an agreement to repay the debt.

The Housing Department does not enter into ad-hoc arrangements such as the Manguri Model but has a program called the *Community Rent Scheme (CRS)* which is funded under the Mortgage and Rent Assistance Program. It is a headlease scheme, managed by community organisations but mostly using housing obtained from the private rental market. Community organisations are funded to provide self contained, independent, subsidised rental housing on a short to medium term basis. Housing is provided as a transition to public or other secure housing options. There are strong links with SAAP and their exit points are often CRS.

The community organisations are provided with; one worker per 40 to 50 housing units, operating costs and the difference between the market rent paid and 25% of a tenant's income. The scheme, which has its own waiting list (allocated according to criteria of need and vacancies), has around 1500 housing units throughout the State. There are defined *target groups* and they are: youth; ATSI; disability and women and suffering from domestic violence.

Tenants rights are covered under the Residential Tenancies Act. In addition all schemes must have a grievance policy. The CRS also has an agreement with the Department that provides some flexibility by being allowed for example, up to 5% arrears. Under CRS worker training is delivered on a statewide and program basis.

## 6 SHELTER WA COMMENT

**A significant point to be drawn from the information gathered, is that one element of further assistance policy (which is what the Manguri headleasing is), cannot be seriously analysed without looking at the intent and practice of the further assistance policy generally.**

In that regard it is pertinent to summarise the most recent changes to the Homeswest eligibility policy that relates to prior debts and previous *poor* tenancy history (October/November 1997):

Applicants with a debt to Homeswest must repay 100% of rental, water consumption and tenant liability debts and 50% of other debts before further assistance will be granted. A repayment arrangement must be proceeded by an individually determined lump-sum payment preferably not provided by a government or community agency. If the applicant is a Social Security beneficiary, the repayment arrangement must occur through the Social Security Direct Deduction Scheme. If any default occurs, the application for assistance will be withdrawn and the listing date forfeited. There is a limited discretion for extenuating circumstances. For priority applicants a balance may remain on allocation but default cannot occur.

With regard to further assistance generally, the policy states:

*Homeswest reserves the right to refuse assistance, or place conditions on further assistance, to any applicant with substantiated breaches of the tenancy agreement or the Residential Tenancies Act (RTA). This applies to applicants for both wait turn and priority assistance.*

The sorts of conditions mentioned are: the use of SHAP, compulsory Social Security direct deduction or bill paying service, restriction upon household composition and agreement as to the sale of a private property. Headleasing is not listed as a typical example.

The restrictive nature of this policy is predicated on the notion of deserving and undeserving applicants and not inherently on housing need. All State Housing Authorities are faced with the requirement to balance the competing roles of houser of last resort and landlord. This can be seen to operate on a continuum and the spot on which a housing authority places itself is fluid and varies from time to time. No doubt a particular period will, for broad social reasons, emphasise one of the roles and it is reasonably safe to suggest that the current emphasis reflects a managerial or landlord perspective on policy.

The South Australian research lends support to the common sense notion that a strict further assistance policy by State Housing Authorities leads to increased use of crisis and transitional housing programs. An integrated response becomes more persuasive when it is found that the problem of housing need and assistance merely shifts between different housing providers. It may be opportune, therefore, for Homeswest to undertake similar research to that of South Australia once the new further assistance policy has had some time (say 12 months) in operation.

A cursory analysis of the further assistance policies of State Housing Authorities reveals the tension created by competing roles, in particular by the degree to which an attempt has been made to mitigate the effect of the policies by the use of discretions and support mechanisms. For example, some authorities require a debt to be fully paid before assistance is given while others require only that a repayment arrangement be entered into and maintained. More substantial, of course, is the means by which certain tenants are *selected* to be rehoused subject to certain conditions and the possible offer of *support*.

In that regard there are the, for example, the Transitional Housing Managers (Victoria); Key Housing Workers (New South Wales); CORHAP (ACT); Community Rent Scheme (Queensland) and, in Western Australia, the established SHAP and the recent Tenant Referral Program (TRP) with Family & Children's Services. The about to be piloted CMSHP is a specific and localised response at this time. Except for SHAP, these support services are to a greater or lesser extent linked to SAAP services. Headleasing of the Manguri Model was born out of the tension already mentioned above but stands alone in its ad-hoc and generally unlinked character.

**The overriding principle must be that any further assistance policy demonstrate an integrated response to the housing needs of those people which State Housing Authorities deem to be problematic and not *deserving* of unconditional assistance (or any assistance at all for that matter).**

In the first instance this is reliant on identifying the applicants who are in this situation. This is seen to be considered a specialist task by some (Transitional Housing Managers/Key Housing Workers), and in a sense an assessment is better carried out by someone with a proficiency in the availability and understanding of support services. In the case of Homeswest the obvious candidate is SHAP given its general acceptance and its established presence. Consideration could also be given to employ the Homeswest funded Aboriginal Tenancy Advocacy Services. Use could be made of flexible indicators the presence of which would prompt a SHAP assessment (subject to applicant agreement). Such indicators are used in the Key Housing Worker referral process in New South Wales (**Appendix 2**).

The result of such an assessment (which would work in the same way as SHAP now negotiates with the applicant), would be a recommendation to Homeswest on the support judged by SHAP and the applicant to be necessary to assist in the maintenance of a stable tenancy. The links to the various support services would then be the crucial factor in determining the particular service offered. In that regard it would seem appropriate to consider, as in the South Australian research, (and which is a requirement of THM's), the development of a policy which articulates and describes the links to be made with SAAP and other support services with the aim of coordinating the response to the provision of this type of housing assistance.

**This integrated approach would, hopefully, obviate the need for an ad-hoc response such as the Manguri headleasing.**

As it currently stands, headleasing of the strict Manguri Model type appears only to operate in Western Australia and even here is not widespread, at least at the time information was obtained from Regional Offices in February/March 1997.

Headleasing does not therefore appear to fall within the ordinary range of options considered by Regions when deciding on further assistance and this would seem to be confirmed by the wording of the new policy (see above). If it is in fact an option always considered then it would seem not to be favoured as against:

- refusing to rehouse
- rehousing with a debt repayment arrangement
- rehousing with SHAP support
- referring the person to a non-government transitional (SAAP) housing provider.

The responses by the Regions to this type of headleasing reflects some misunderstanding on what it is and also highlights the regional nature of Homeswest decision making. While this has the potential advantage of decisions being sensitive to local conditions and needs, it can also lead to ad-hoc decisions which lack a coherent framework. The draft guidelines are an attempt to provide a framework but in this regard are overly Homeswest centred.

Whether the proposed CMSHP will likely further marginalise the use of ad-hoc headleasing is unknown but will no doubt depend to a large extent on how strict and constraining the implementation of the Homeswest further assistance policy is from time to time. This has already been discussed above in terms of the need for an integrated response to further assistance.

If headleasing of the Manguri type continues to be an option available to the Regions, then a number of minimum requirements would seem to be necessary to assist the effectiveness and fairness of the scheme. They also have relevance to the proposed CMSHP and would include:

- the community organisation (CO) to demonstrate that it is viable and has the ability to manage the separate the roles of landlord and support;
- Homeswest to support the CO in the tenancy management role with training, advice and information including the Residential Tenancies Act;
- the CO in its arrangement with the applicant to have input into the property selection;

- the CO's property maintenance liability to be limited to accidental and wilful damage;
  
- the CO to enter into a tenancy agreement with the applicant which is to at least contain the information referred to in Appendix 2;
- grievance procedures to be in place between Homeswest and the CO, and the CO and applicant/tenant that meet the following demands of procedural fairness:
  - ⇒ the right to be heard before decisions are taken;
  - ⇒ the right to be made aware of any matters which the decision maker uses in the decision making process;
  - ⇒ the right to be given reasons for a particular decision being reached and the opportunity of responding to them;
  - ⇒ the right to reasonable notice;
  - ⇒ the right to be assisted by a representative.
- protocols to be established across all headleasing arrangements which guide the availability of Homeswest mainstream housing as an exit point from the headleasing program.
  
- The substance of the minimum requirements would supersede the draft guidelines prepared by Community Housing (Homeswest)(see above), to the extent that the latter are inconsistent with the requirements. However, it would be advisable to keep a central registry of headleasing arrangements (further assistance type) with Community Housing to promote consistency of decision making and provide scope for evaluation.

## 7 RECOMMENDATIONS

The overriding principle must be that any further assistance policy demonstrate an integrated response to the housing needs of those people which Homeswest deems to be problematic and not *deserving* of unconditional assistance (or any assistance at all for that matter). Integration demands an across (whole of) government approach to service provision as well as integration of specific Homeswest services.

### Homeswest Recommendations

(1) Homeswest undertake research to determine the impact of the further assistance policy on clients of the supported accommodation assistance program (SAAP) and other transitional and emergency housing providers.

(2) Homeswest develop a policy which articulates and describes the links to be made with SAAP and other support services with the aim of coordinating the response to the provision of further housing assistance.

(3) In consultation with the community sector (including SHAP providers), a set of flexible indicators be developed by Homeswest the presence of which will prompt the merits of a SHAP assessment for further assistance applications.

(4) (a) The assessment will be used to determine the support requirements (if any) for the new tenancy and will be undertaken only with the agreement and participation of the applicant.

(b) The preferred agency to carry out the assessment is the local SHAP agency with allowance to be made for a relevant Aboriginal agency input where necessary and appropriate.

(c) The Regional Manager to be obliged to take the assessment into consideration in their decision on the further assistance application.

(5) The minimum requirements for any headleasing of the further assistance include:

- the community organisation (CO) to demonstrate that it is viable and has the ability to manage the separate the roles of landlord and support;

- Homeswest to support the CO in the tenancy management role with training, advice and information including the Residential Tenancies Act;
- the CO in its arrangement with the applicant to have input into the property selection;
- the CO's property maintenance liability to be limited to accidental and wilful damage;
- the CO to enter into a tenancy agreement with the applicant which is to contain the information referred to in Appendix 2;
- grievance procedures to be in place between Homeswest and the CO, and the CO and applicant/tenant that meet the following demands of procedural fairness:
  - ⇒ the right to be heard before decisions are taken
  - ⇒ the right to be made aware of any matters which the decision maker uses in the decision making process
  - ⇒ the right to be given reasons for a particular decision being reached and the opportunity of responding to them
  - ⇒ the right to reasonable notice
  - ⇒ the right to be assisted by a representative.
- protocols to be established across all headleasing arrangements which guide the availability of Homeswest mainstream housing as an exit point from the headleasing program.
- The substance of the minimum requirements would supersede the draft guidelines prepared by Community Housing (Homeswest) to the extent that the latter are inconsistent with the requirements. However, it would be advisable to keep a central registry of headleasing arrangements (further assistance type) with Community Housing to promote consistency of decision making and provide scope for evaluation.

## **APPENDIX 1**

Australian Capital territory (ACT)

Community Organisations Rental Operations Housing Assistance Program (CORHAP)-Program Guidelines (August 1994)

### **Core Provisions of a Residency Agreement (modified by Shelter WA)**

#### **Information**

- What support service the Head Tenant intends to provide
- Service rules

#### **Rent and Other Charges**

- Rent charged
- Other charges eg power or other service charges
- Provision of receipts

#### **Rights and Responsibilities of Tenants**

- Access to personal files
- Mandatory notification requirements
- Release of personal details
- Privacy
- Condition of premises
- Access to the premises
- Harassment or violence

#### **Rights and Responsibilities of the Head Tenant**

- Towards the individuals
- Condition of the premises
- Toward the Housing Trust

#### **Grievance and Dispute Resolution Process**

- Procedures for handling complaints with neighbours
- Procedures for handling complaints with the Head Tenant
- Dispute resolution process
- Rights of appeal

#### **Eviction Policy**

- Grounds for eviction
- How much notice is required for eviction
- The eviction process
- Rights of appeal
- Rights following eviction

## APPENDIX 2

### New South Wales

#### Key Housing Worker (KHW) Referral

#### Case Indicators and Other Factors in the KHW Referral Process (paraphrased and modified by Shelter WA)

Case indicators alert the need to do a more detailed and sensitive assessment so an informed housing response to the client is given.

#### **Case indicators include:**

- where the applicant or tenant has been identified as having a disability that **may** affect their capacity to understand the service process or carry out tasks needed to function in their local community;
- where the applicant has a substance addiction which **may** affect their capacity to maintain a stable tenancy;
- where the applicant or tenant has a neurological or physical degenerative disease that **may** affect their medium or longer term ability to live independently;
- where the applicant or tenant is marginalised or has been in situation that marginalised them from mainstream society such that they **may** have difficulty organising life tasks and communicating effectively;
- where the applicant or tenant is the primary carer for someone which **may** affect their ability to cope with the demands of caring and other life tasks;
- where the applicant or tenant is a victim of domestic violence or has a history of domestic violence which **may** affect their ability to communicate assertively and confidently and thereby reveal the true nature of their circumstances;
- where the applicant or tenant is of Aboriginal descent;
- where the applicant or tenant is of non-English speaking background;
- where there is a current or known history of involvement of Community Services for child care and protection which **may** suggest that the family unit will require assistance to meet housing obligations.

**Other factors which together with the Case Indicators signal the need for the involvement of the KHW.**

**Presentation**

An individual or family who seem to be having difficulty in meeting daily living requirements which is impacting on tenancy obligations.

**Behaviour**

Sustained and repeated disruptive behaviour that seriously impacts on other peoples' right to live in quiet enjoyment.

**Support service**

The client or family may present with problems in managing housing and other life need areas leading to their housing being at risk of failing and: there is no case manager involved from a primary support agency or the case manager is unwilling or unable to address the issues that are impacting on the housing situation.

**At risk tenancy**

The client or family may be under threat of having their tenancy terminated.

**Crisis referral**

A situation may arise where the immediate or timely involvement of the KHW is required due to a crisis. Crisis involves presentation of a number of case and referral indicators combined with the breakdown of the fabric previously sustaining the client or family.

## MAJOR REFERENCES

Shelter SA *The impact of the South Australian Housing Trust Credit Policy on Clients of the Supported Accommodation Assistance Program* July 1997 (prepared by Mark Bagshaw).

Tenants Advice Service Inc: *Presentation Notes/Working Paper: Ensuring Tenants Rights are Maintained in the Independent Living Program* April 1996 (prepared by Pauline Logan).

Council to Homeless Persons Victoria: *Parity*, Issue 1 Vol 10 February 1997.

New South Wales: Department of Housing *Key Housing Worker Background Papers* April 1997.

Victorian Department of Human Services (Office of Housing): *Guidelines and Other Papers regarding the Transitional Housing Management Program*.

ACT Housing: *Guidelines for the Community Organisations Rental Housing Assistance Program (CORHAP)* August 1994.