Under One Roof
Embedding legal services to make justice accessible for homeless clients

May 2016
Justice Connect Homeless Law takes this opportunity to express our sincere thanks to the Portland House Foundation for its generous, collaborative support, which has allowed us to create innovative and effective responses to legal need amongst people experiencing homelessness.

We would also like to thank our key project partner, Launch Housing, for their collaboration and assistance in delivering this co-location project.
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1. Executive Summary

Justice Connect Homeless Law’s ‘Under One Roof: Embedding legal services to make justice accessible for homeless clients’ (Under One Roof) is an innovative project which embeds a lawyer at Launch Housing in St Kilda, a large Melbourne-based homelessness service, one day a week.

Through embedding a lawyer in the day-to-day operations of a specialist homeless service, Homeless Law aimed to create clearer pathways into legal services for clients who would otherwise face significant barriers to navigating the legal system.

Launch Housing’s Southern Manager, Andrew D’Arcy, summarised the potential benefits of the co-location in an article in the Port Phillip Leader:

A lot of people who come to [Launch Housing] for housing assistance are also facing legal issues around threatened eviction or accumulation of fines and infringements that have come about because of a lack of housing and low incomes ... When you are facing eviction or already homeless, your capacity to take on ... complex legal issues ... is not great. Having access to a lawyer through “Under One Roof” will break down those barriers and improve a person’s chance of getting justice.

This report captures the outcomes, impacts and reflections from 12 months of co-locating a specialist Homeless Law lawyer at a frontline homelessness service provider.

1.1 Outcomes and impacts of co-location

Through concerted, well-resourced, well thought out efforts at integration, including knowledge sharing and relationship building through face-to-face interactions, Under One Roof aimed to improve the ability of people experiencing homelessness to access legal services and health, housing or support services that can assist to address factors that contribute to or prolong homelessness.

We are pleased to report the following key outcomes of Under One Roof:

- **Embedding a Homeless Law lawyer at Launch Housing** – A Homeless Law staff lawyer has been co-located at Launch Housing in St Kilda one day per week for 12 months. The aim of the co-location is to build relationships with caseworkers and create clearer pathways into legal services for clients who would ordinarily face significant barriers to accessing legal advice and assistance. The co-location has resulted in 38 days spent at Launch Housing, working with outreach workers from across multiple programs within Launch Housing’s specialist homelessness team.

- **Improving access to legal services for clients who are homeless or at risk of homelessness** – We provided face to face advice and ongoing legal representation, secondary consultations, and referral information to clients and workers at Launch Housing. We received 62 enquiries over 12 months through the co-location. From these, 31 people were booked in to receive legal advice or ongoing representation from Homeless Law, 14 were referred to other community legal centres, 11 resulted in secondary consultations with caseworkers to help identify legal or non-legal issues, and six matters needed further information to determine the appropriate service to assist.

- **Opening the door to legal assistance and better outcomes for clients who would otherwise have slipped through the cracks** – In a survey about the effectiveness of the co-location after 12 months, 88% of workers at Launch Housing who completed the survey indicated that the co-location had increased their understanding of the legal issues that affect their clients; 63% believed that the clients they referred via the co-location might not have otherwise been able to access legal services; and 100% thought their clients got better outcomes as a result of seeking legal assistance. Of the 18 legal casework files that Homeless Law opened, nine evictions have been prevented, with four tenancy, four fines and infringements and one guardianship and administration matter(s) still on foot.
• **Building stronger relationships and greater accessibility** – Homeless Law has been able to strengthen referral pathways through being embedded in the organisation one day a week. We have been able to regularly attend team meetings for programs within Launch Housing St Kilda and go on outreach with Launch Housing staff to support access to legal assistance for a group of clients who would otherwise face significant barriers to getting information about their legal issues.

• **Increasing the capacity of non-legal workers to identify legal issues** – Through a number of resources developed for Launch Housing caseworkers and other non-legal workers in the homelessness sector, Homeless Law has been able to provide practical resources to staff to build confidence to ask about legal issues, assist to identify legal issues that clients present with, and make referrals for clients to appropriate legal services.

• **Strengthening Homeless Law’s understanding of the homelessness services landscape** – Through the co-location, in addition to building knowledge of legal issues amongst non-legal workers, Homeless Law has increased our understanding of the range of services and programs available at Launch Housing, which is now one of the largest homelessness and housing services in Victoria.

• **Providing unique services for rough sleepers** – Homeless Law has developed a strategy with Launch Housing to provide targeted services to people who are currently sleeping rough who have outstanding infringements. This strategy softens Homeless Law’s eligibility guidelines to support access for an extremely vulnerable cohort of clients. We recognise that legal issues such as outstanding fines that may have been accrued prior to becoming homeless are a barrier to accessing stable accommodation and exiting homelessness.

• **Collaborating to build pathways into local legal services** – Homeless Law has worked with partner legal services – including St Kilda Legal Service, Peninsula Community Legal Centre, First Step Legal, Victoria Legal Aid and Social Security Rights Victoria – to build relationships and warm referral pathways in relation to legal issues that Homeless Law does not assist with, including family law, family violence and Centrelink.

The case study below gives a practical idea of the benefits of co-location in improving access to legal services and generating better outcomes for clients experiencing or at risk of homelessness.
Co-location in practice: Man with a 20 year history of homelessness avoids eviction from public housing

Ruben is a vulnerable man who suffers from behavioural and mental health issues, and who has struggled with homelessness for over 20 years. This was due to a breakdown of his marriage and loss of his property in divorce proceedings, after which he entered a cycle of homelessness where he rarely stayed at one property for more than three months. This exacerbated his mental health issues which, according to his doctor, were partly a result of violence during his childhood. He also suffers from physical disabilities and brain damage, which have hampered his ability to work.

Ruben commenced living in an Office of Housing property in December 2013, and had frequent issues with his neighbours, including both being the target of and initiator of verbal and physical abuse. As a result of this, Ruben was subject to breach of duty notices issued by the Office of Housing, and a compliance order issued by VCAT.

Ruben’s Launch Housing case worker approached the Homeless Law lawyer at Launch Housing on a co-location day to discuss accessing Homeless Law’s services to assist Ruben. The lawyer was able to triage the matter and book the client in for an appointment that week.

At the time that Homeless Law became involved, the Office of Housing had issued a notice to vacate against Ruben for a breach of the compliance order, and had sought a possession order.

The Homeless Law lawyers entered into negotiations with the Office of Housing to seek a withdrawal of the possession order application, and requested that they consider Ruben’s rights under the Charter of Human Rights and Responsibilities on the basis that Ruben would again be made homeless if he was evicted. During the lengthy negotiations, the lawyers relied on medical records from multiple doctors highlighting Ruben’s mental and physical health issues that affect his tenancy, the inconsistencies in relation to some of the allegations, and the concerns that homelessness would severely affect Ruben’s ability to control and stabilise his ongoing health conditions. These negotiations also involved Ruben’s social worker, who was heavily involved in this matter, and discussions with his doctor, to ensure that Ruben had a plan to stay on a treatment plan and follow his doctor’s instructions.

With the assistance of Ruben’s case worker from Launch Housing and doctors, the lawyers’ negotiations were ultimately successful, and the Office of Housing adjourned, and subsequently withdrew, the application for a possession order.

Ruben now remains at his Office of Housing property, and regularly sees his doctor and social worker, who are helping him with stabilising his medical issues.

1.2 Insights and going forward

Embedding our service through the co-location and working with non-legal staff at Launch Housing has been highly effective in providing access to legal services for clients that would otherwise have struggled to navigate the justice system. We have found that since the co-location, non-legal caseworkers have increased their understanding of legal issues that affect their clients, and have been more confident to raise legal issues with their clients and facilitate referrals.

Homeless Law’s 3 key observations based on 12 months of co-location through Under One Roof are:

1. Genuine integration and collaboration is not just about running a service at another site, it requires sharing time, energy, insight and expertise. It is about exchanging knowledge, building partnerships and improving our understanding of other service providers. When done well, integrated service provision can significantly increase the ability of isolated clients to access a range of different services to meet their needs.
2. Outreach based, integrated legal services are an effective model for providing access to justice and improved outcomes for clients who are homeless or at risk and who would otherwise be unlikely to access legal assistance. They are a creative, innovative and effective response to the legal and non-legal needs of people experiencing homelessness.

3. Legal services have a role to play in preventing homelessness and reducing the impact of homelessness for vulnerable clients. Legal services should be contemplated as part of strategies and programs aimed at preventing and addressing homelessness in Victoria. Clients experiencing or at risk of homelessness benefit from targeted, flexible legal services and from ongoing representation, rather than one-off advice or a duty-lawyer style service. Holistic services, incorporating both legal and non-legal experts have significant potential to contribute to sustainable outcomes by addressing legal and non-legal needs.

Reflecting on the future of the co-location, Homeless Law Lawyer, Katie Ho, said:

Going forward, referrals to Homeless Law are likely to continue to increase as the positive outcomes of holistic services continue to be observed by caseworkers and clients alike. We will look at continually improving our accessibility for different programs that work with particularly complex clients, such as the Rough Sleepers Initiative.

We will look at providing further training to the caseworkers to assist them to more confidently identify legal issues and understand the legal system. We will also consider organising community legal education sessions for caseworkers and utilise the expertise of our new criminal lawyer, and lawyers from local community legal services to build connections and stronger referral pathways within the St Kilda/south east community.

The ongoing work and possibilities at Launch Housing will continue to grow as the organisation grows, and we look forward to the next year of possibilities.

Heather Holst, Deputy CEO and Director of Services and Housing at Launch Housing, said:

The benefit of having Homeless Law co-locate with us in St Kilda has been significant. People experiencing homelessness often face complex issues, including legal problems. Where people may not have been able to access legal help previously, or even know there could be a legal solution, they can now easily obtain this assistance. This has resulted in much better outcomes for clients who are directly assisted as well as a better understanding by our staff of how Homeless Law can help people who are homeless.

Andrew D’Arcy, Regional Manager of Inner City Service at Launch Housing, said:

Launch Housing St Kilda consider Katie an integral part of our team and the services that we offer to clients. Having legal expertise embedded within our services has assisted many clients on an individual basis. Just as importantly, it has also expanded our service offer as teams have the consistent and targeted legal support they require on site. For example, our Rough Sleepers Initiative has incorporated Homeless law’s Legal Health Check into their assessment pack, confident that Katie can respond when clients identify legal difficulties.

As our partnership matures, the opportunity to develop training, specifically aimed at our staff requirements, and delivered by a partner that understands our business, will provide further benefits for the people currently experiencing homelessness that use our services.
2. Homelessness, legal need and co-location of legal services

2.1 Homelessness and legal need

Through our work, Homeless Law sees that homelessness almost inevitably brings increased contact with the law, while simultaneously making it harder to navigate the justice system and to access legal assistance.

In practical terms, the law can push you into homelessness, impact disproportionately on you while you’re homeless and present barriers to exiting homelessness.

This is consistent with the findings of the Legal Australia-Wide Survey (LAW Survey), conducted by the Law and Justice Foundation of New South Wales, the largest survey of legal need undertaken in Australia.¹

This research shows that legal need amongst homeless people is almost double that of the rest of the population. Over 85% of homeless people have experienced at least one legal problem over a one-year period, compared to 49% of people living in non-disadvantaged housing;² and 50.5% of those who identified as homeless experienced three or more legal issues, compared to only 15.7% of people in other types of housing.³

Furthermore, the study identified that there are considerable barriers to people experiencing homelessness accessing legal services, including the need to prioritise more basic human needs such as food or accommodation. Accordingly, services assisting people experiencing homelessness require ‘a holistic or client-focused approach, involving an integrated response from legal and broader human services’.⁴

This is the background to Homeless Law’s ongoing work on integrated service provision as a way of making justice accessible to our clients.

2.2 What we know about service integration

Homeless Law has been an outreach-based model since we commenced in 2001. In 2010, we increased our level of integration through adding a social worker to our team with a view to providing a genuinely holistic service that helped address both the legal and non-legal needs of clients who were homelessness or at risk of homelessness.

In early 2013, Homeless Law began a new partnership with Central City Community Health Service (CCCHS), a ‘one-stop-shop’ for health services for people experiencing homelessness in the City of Melbourne.

In contrast to Homeless Law’s five other outreach sites where lawyers attend appointments once a week, at CCCHS we were able to inject time and resources into a more embedded relationship because of generous funding by the Portland House Foundation.

The integration included: rolling out the ‘legal health check’ tool for non-legal professionals located at CCCHS; participating in leadership forums focussing on the operation and service provision of CCCHS; and commencing the co-location of Homeless Law’s Homeless Persons’ Liaison Officer at CCCHS one day per week.⁵

Through this integration, Homeless Law saw a significant increase in the number of clients being supported to access Homeless Law and other appropriate legal services.⁶ In relation to the co-location, Homeless Law social worker, Sarah McMahon wrote:

¹ Christine Coumarelos, Deborah Macourt, Julie People, Hugh M McDonald, Zhigang Wei, Reiny Iriana & Stephanie Ramsey, Law and Justice Foundation of NSW, Legal Australia-Wide Survey: legal need in Australia (2012).
² Christine Coumarelos and Julie People, Law and Justice Foundation of NSW, Home is where the heart of legal need is: A working paper on homelessness, disadvantaged housing and the experience of legal problems (April 2013) 2.
³ Ibid 2.
⁴ Ibid 3.
⁶ By way of example, in 2014–15, the HPLO made approximately 76 referrals to legal services through the co-location at CCCHS: 21 were provided with legal representation by Homeless Law; 5 received telephone advice from Homeless Law; 2 were referred to Justice Connect’s Seniors Law program; 10 were referred to Inner Melbourne Community Legal; 12 were referred to Victoria Legal Aid; 26 were referred to other legal or court based services. Of these people, all were experiencing or at risk of homelessness; 20 were sleeping rough; and 29 were reliant on the Disability Support Pension. All were highly vulnerable, and were unlikely to have accessed...
This more permanent co-location exploits the value of relationships for education and improves collaboration, thus improving the experience of the consumer. For workers, sitting in the same office as others results in a kind of osmosis, knowledge is absorbed, questions can be easily answered, and there is a face to a name.

For consumers, what they need does not require a service-hop around the suburbs, calling ten different intake lines or repeating their story over and over. What they need to access is right there and with the right consent, information can be easily shared.7

This co-location provided compelling evidence that the presence of a person who has a strong understanding of the ‘legal landscape’, including legal issues and legal referral pathways, has a significant role to play in improving the ability of highly vulnerable clients to access legal services.

This informed the establishment of a second co-location as part of Under One Roof, again generously supported by the Portland House Foundation.

3. Launch Housing: partnering with a frontline homelessness service

Launch Housing is a not-for-profit homelessness service in the Melbourne metro area. The aim of the service is to end homelessness in Melbourne by getting people housed and keeping people housed. It does this by providing housing and other support services, developing innovative housing models, advocating for systems of change and conducting research into the causes of and solutions to homelessness. It is an independent and secular organisation with more than 350 staff across fourteen sites.8

Launch Housing is the result of a merger between two leading homelessness organisations in Melbourne, Hanover and HomeGround. Homeless Law had relationships with the two organisations prior to the merger, with both organisations hosting Homeless Law’s weekly outreach clinics. We continue to have weekly outreach clinics at Launch Housing in Collingwood. We no longer have an outreach clinic at Launch Housing Southbank (formerly Hanover Crisis Accommodation), but we have maintained a strong relationship and regularly receive referrals and legal health checks from caseworkers at the Southbank location.

At the Launch Housing St Kilda location there are a number of programs for people who are experiencing homelessness or at risk of homelessness including:

- Melbourne Street to Home (MS2H) (part of the Assertive Outreach team);
- Rough Sleepers Initiative (RSI) (part of the Assertive Outreach team);
- Social Housing Advocacy and Support Program (SHASP);
- Aboriginal Tenancies at Risk (ATAR) (no longer placed at Launch Housing St Kilda);
- Accommodation Options for Families (AOF);
- Housing Mental Health Pathways Program (HMHP); and
- Initial Assessment and Planning (IAP).

Initial Assessment and Planning is the local access point in the south east Melbourne metropolitan area for people who are homeless. The access point is a daily drop-in service staffed with IAP workers who work with clients who are currently homeless, referring them to short term housing options (such as rooming houses or motels) in the interim until long term affordable housing options become available, depending on the client’s situation.

Homeless Law has worked closely with a number of these programs prior to the co-location, in particular:

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8 For more information about what Launch Housing St Kilda and the programs do see http://www.launchhousing.org.au/.
SHASP – a program which provides support to public housing tenants who have been identified as being at high risk of eviction; and

Melbourne Street to Home – caseworkers who provide intensive case management to clients who have been rough sleeping and are rated highly on the vulnerability index tool.

Homeless Law’s existing close relationship with Launch Housing (or its predecessor organisations); the strength and diversity of Launch St Kilda’s housing and homelessness programs; the team’s enthusiasm for a co-located lawyer; their ability to find space and IT for a lawyer one day per week; and Homeless Law’s hope to become more accessible to clients in the south east – recognising that our existing clinics were limited to CBD, Geelong, Collingwood and Footscray – all contributed to the decision to establish a co-location partnership between Homeless Law and Launch St Kilda. The co-location commenced on Tuesday, 10 February 2015 at Launch Housing in St Kilda with a lawyer onsite one day a week.

In the first month of the co-location the Port Phillip Leader ran a story on Under One Roof and the potential benefits for local people experiencing or at risk of homelessness.

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9 The vulnerability index is a tool that ranks an individual’s likelihood of death based on a number of risk factors such as sleeping arrangements, health issues, age, addiction or drug use, mental health, institutional usage, and employment.
4. Integration in practice: presence, resources, engagement and training

As part of Under One Roof, Homeless Law has undertaken a variety of activities to strengthen our relationships with workers, and encourage knowledge sharing to develop a more accessible, holistic service delivery model.

These activities include:

- Co-locating a lawyer one day per week for 38 days in total;
- Attending team meetings to build the knowledge of Homeless Law’s services and to assist workers to identify legal issues;
- Attending outreach with caseworkers to speak to clients about legal issues they might be facing;
- Developing and distributing resources to assist caseworkers in addressing outstanding legal issues; and
- Growing relationships with local legal services to promote collaboration and clear referral pathways for clients that Homeless Law cannot assist.

4.1 Using targeted resources to help navigate access to legal assistance

Homeless Law provides free legal services to clients who are homeless or at risk of homelessness with the following legal issues:

- Housing and tenancy matters (with a focus on preventing evictions);
- Fines and infringements connected to homelessness;
- Credit and debt issues;
- Guardianship and administration orders; and
- Some criminal law issues.10

Recognising that our eligibility criteria can be confusing, we developed a one-page information sheet (Annexure 1) for the Launch Housing caseworkers outlining the scope of our services and encouraged the caseworkers to approach the co-located lawyer directly to discuss any potential legal issues.

The information sheet reminds workers that, while onsite at Launch Housing every Tuesday, the co-located lawyer can:

- Provide information to caseworkers, clients or third parties;
- Provide on-the-spot advice, in person, to clients (with or without caseworkers);
- Book clients into one of Homeless Law’s clinics for further advice and ongoing representation depending on the nature of their enquiry; and/or
- Refer people to other appropriate legal or non-legal services.

In conjunction with the presence that the co-location brings to Launch Housing we have developed and provided other resources for particular teams as part of a tool kit for identifying and referring clients with legal issues.

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10 As a result of a generous major grant from the Portland House Foundation, Homeless Law has been able to employ a senior criminal lawyer. With a criminal lawyer in the team for the first time in Homeless Law’s 14 year history, we are now able to meet a wider range of our clients’ legal needs and to provide our pro bono lawyers with an additional layer of support and expertise. Through our civil law experts, in-house social workers, pro bono lawyers, outreach clinics, co-locations and now a criminal law expert, Homeless Law is in a strong position to meet a range of the legal and non-legal needs that both cause and stem from homelessness.
We have developed an eligibility flowchart (Annexure 2) which clearly outlines our legal services and how to refer clients. We first released this to Launch Housing staff, and have since released this on our website, and distributed it amongst our networks.11

For the assertive outreach team, often caseworkers will be seeing very vulnerable clients who are rough sleeping. Homeless Law recognised that this group fits squarely into Homeless Law’s target group that we aim to assist, however, due to their vulnerability are very difficult to engage, being unlikely to seek out legal assistance with issues like infringements or debts.

These legal issues are a barrier to someone exiting homelessness. They put people at risk of arrest, make them feel obligated to pay the debts as opposed to using that money to set up housing or access health or addiction services, and can generally be a huge burden and stressor which hinders a person getting back onto their feet.

In light of this, Homeless Law expanded our eligibility guidelines around the types of infringements that we will assist with, in the hope that we will be able to engage more people who are rough sleeping. We also developed a referral form (Annexure 3) for caseworkers who were going out at night or out of hours to speak to clients, which would allow them to collect all the information that is needed to make a referral to Homeless Law for infringement issues.

Furthermore, we provided the assertive outreach team with our legal health check, which has been successful in the past as a tool caseworkers can use to check for legal issues in an easy, concise way. While we only received one completed legal health check back from a caseworker, a number of workers have chosen to discuss referrals in person or via email without using the form. We have seen through our co-location at CCCHS that rather than use a legal health check, when Homeless Law is co-located with a service, caseworkers are more likely just to approach that person due to the strong face-to-face relationship that has been built between the co-located staff member and the organisation.

The combination of clear, tailored resources and the weekly presence of a specialist lawyer have played a key role in helping to (a) identify; and (b) start to address, legal issues for clients engaged with Launch Housing who would otherwise have faced significant difficulties in accessing legal services.

4.2 Two-way knowledge sharing through team meetings

The Homeless Law lawyer has been regularly attending team meetings at Launch Housing which provides an opportunity to gain insight into the work that each team is doing with their clients. It is important to understand how each team works because each team has differing eligibility criteria and offers services to clients depending on their circumstances and their housing or homelessness status.

Team meetings are mutually beneficial. They are a good way to speak to teams about identifying legal issues that clients may be presenting with, which provides caseworkers with tools to speak to clients about legal issues and supports them to make referrals to legal services.

Importantly, Homeless Law also learns about how the teams work and any issues or barriers they face dealing with clients and legal services. This gives us an opportunity to review our service and its accessibility, and to make changes according to the caseworkers’ and the clients’ needs. It also gives Homeless Law a deeper understanding of the specialist homelessness services framework, which so many of our clients are engaged with.

4.3 Holistic outreach and shadowing

Being co-located gives Homeless Law more opportunities to be part of the day-to-day work of a large homelessness service.

By working together, Homeless Law’s presence encourages caseworkers to consider legal issues, and we are able to speak directly to clients about their legal issues with the support of their workers. Workers are more likely to address legal issues with their clients because of the co-location, and have been proactive in asking for Homeless Law to meet particular clients who identified legal issues.

In relation to the presence of the Homeless Law lawyer, a Launch Housing caseworker said:

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“It [the co-location] encourages staff to offer legal assistance. It promotes in an ongoing way the importance of this in relation to someone’s homelessness.”

We are happy with how well this integration of our two services is working, and with the way in which, with the support of assertive outreach workers, we can provide a genuinely holistic service for extremely hard to reach clients who would not otherwise be able to access legal services.

As the case study below shows, working closely with the Launch Housing outreach workers has increased Homeless Law’s ability to reach and then maintain engagement with highly vulnerable clients.

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**Integrated services enhance engagement with uncontactable rough sleeping client**

Homeless Law was asked to go on outreach with a rough sleepers’ assertive outreach worker from Launch Housing. The worker had identified that there were a number of potential clients who had spoken about legal issues, however, due to their circumstances and living on the street were not in a position to address the legal issues, or attend appointments to get legal advice.

Homeless Law was introduced to Lem by the outreach worker where he was sitting on a main street in Melbourne’s CBD. Lem is homeless and has been sleeping rough in a city carpark with a few other people. He had also been drinking heavily every day for about four months due to stress.

Lem had about $8000 worth of public transport infringements and also an upcoming criminal hearing for an assault charge. He gave us instructions to assist him with the infringements and the criminal hearing through our senior criminal lawyer.

Our new criminal lawyer was able to meet Lem at court on the day of his hearing. She found out that his matter was eligible for Victoria Legal Aid funding, and made a warm referral to a private lawyer who was at court. She was able to have it adjourned so that Lem could obtain representation for his criminal matter.

After the court hearing Homeless Law lost contact with Lem when following up about his infringements. He doesn’t have a phone number or a regular service that he goes to so it is very difficult to contact him for further instructions and to provide updates.

This is common for many of Homeless Law’s clients. However, due to the co-location and integrated service model, we are now able to rely on the assertive outreach team to provide updates on Lem’s location and reconnect him with our service by facilitating phone contact so that we can progress his legal matter in a manner that wouldn’t be possible without this strong relationship.

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**4.4 Working with other services in the area to promote referrals**

In order to create strong referral pathways for legal issues that Homeless Law cannot assist with, we have met with four community legal centres operating in the local area: St Kilda Legal Service, Peninsula Community Legal Centre, First Step Legal, and Social Security Rights Victoria.

We also attend quarterly meetings of the Middle South Welfare Network which brings together over 14 organisations from across the middle southern metro area of Melbourne. This meeting gives each organisation an opportunity to showcase their work, plus provide the details of any issues the organisations are noticing. Attendees are a wide variety of not-for-profit, government, and private organisations, including Victoria Police, Department of Health and Human Services, Salvation Army, Centrelink and numerous health service providers that assist with addiction and mental health issues.

Through building these relationships with legal and non-legal services that may be well placed to assist our clients, Homeless Law aims to help clients navigate a range of services that will help them address their legal
issues and minimise future interaction with the justice system. In this way, the co-location through Under One Roof is not only about increasing the accessibility of Homeless Law, but rather the web of legal and non-legal services that can play a role in assisting clients who are homeless or at risk of homelessness.

4.5 Evaluating the impact of co-location on the accessibility of legal assistance

Internal referrals from caseworkers at Launch Housing were slow in the first months of the co-location, but have steadily increased over the first year. Although we already have an outreach clinic based at Launch Housing in Collingwood, we knew from previous work (for example our original co-location at Central City Community Health Service) that having a staff member embedded at a frontline service is a more meaningful integration as it builds strong relationships between the services through regular face to face interactions, and reminds caseworkers to consider legal issues when working with clients.

Co-locating also makes legal services substantially more accessible for caseworkers, for whom the legal landscape can be difficult to navigate. Through the co-location, we have managed to build stronger relationships with each of the programs at Launch Housing St Kilda, which ultimately leads to better legal outcomes for clients experiencing or at risk of homelessness.

“Having a lawyer on site has allowed easier access to ask questions and for me to gain an understanding of a client's immediate needs.” – Caseworker at Launch Housing St Kilda

Through a survey conducted of nine people at Launch Housing St Kilda, we were able to gain insights into the impact of the co-location on Launch Housing workers, including in terms of understanding legal issues, being able to identify legal issues and confidence to address and refer clients who present with legal issues.

Prior to the co-location at Launch Housing St Kilda:

- 55% of caseworkers were somewhat confident about identifying legal problems when assisting their clients, whereas only 22% were confident most of the time.
- 66% of workers were comfortable to address their client’s legal issues most of the time, and the remaining 33% were only somewhat comfortable.
- Once a worker had identified a legal issue, 44% were only somewhat confident in their skills and knowledge to refer to a lawyer. 22% had the skills and knowledge to refer a client to a lawyer most of the time, and only one person was confident in their skills to refer clients to a lawyer.

Since the co-location at Launch Housing, workers reported the following:

- 88% of workers agreed that the co-location has increased their understanding of legal issues that affect their clients.
- 88% are more confident asking clients about legal issues because of the co-location.
- 89% find that having a lawyer onsite makes it easier for their clients to access legal assistance.
- 63% believe that the clients they have referred to Homeless Law for assistance might not have otherwise been able to access legal services.
- Of those clients who were referred, all of them have had better outcomes due to seeking legal assistance.

Based on this feedback, Homeless Law is confident that the co-location has provided greater support for workers to identify legal issues, be confident to refer clients to lawyers, and achieve positive outcomes for vulnerable clients who would otherwise have difficulty accessing legal services and addressing their legal issues.
5. Generating better outcomes for clients experiencing or facing homelessness

5.1 Improved access to legal services

Between 10 February 2015 and 9 February 2016, Homeless Law received 62 enquiries from Launch Housing St Kilda. The breakdown is:

- **Homeless Law.** 31 people were referred to Homeless Law and booked into a clinic for advice and representation:
  - 23 client referrals came through the co-located lawyer from caseworkers at Launch Housing; and
  - 8 clients were directed through the Homeless Law general line by caseworkers at Launch Housing.
- **Referrals to other legal services.** 14 people were referred to another legal service, including Victoria Legal Aid, St Kilda Legal Service, First Step Legal, Peninsula Community Legal Centre, Women’s Legal Service Victoria, Victorian Aboriginal Legal Service, or Tenants Union of Victoria.
- **Secondary consultations.** 17 secondary consultations with caseworkers, which included providing general advice about a legal process, and information to the caseworker to assist them to take the next steps for the client.

This is an average of 1 to 2 enquiries per co-location day. We have noticed an increase in enquiries since the beginning of 2016, with 12 (close to 20% of the total enquiries) of those enquiries taken across just three co-location days, an average of 4 enquiries per co-location. We expect that the referrals will continue to increase over time as the caseworkers get more comfortable approaching legal issues with clients, and grow their understanding of the legal services that are available.

The enquiries that were made by each of the programs at Launch Housing are as follows:

- SHASP made 25 enquiries;
- The assertive outreach teams (including Melbourne Street to Home and the Rough Sleepers Initiative) made 10 enquiries;
- The HMHPP worker made 9 enquiries;
- AOF made 7 enquiries;
- The IAP team made 6 enquiries; and
- The ATAR worker made 5 enquiries.

In terms of the demographics of the enquiries, 26 were female and 31 were male. There were five enquiries where the gender was unknown.
Corresponding with the number of SHASP facilitated enquiries, which is the Launch Housing program that referred the most enquiries to Homeless Law, half of the people referred were in public housing, but at risk of eviction and subsequent homelessness. The details of the housing types or statuses from our referrals are:

- 42 people in housing including 31 in public housing and 7 in private rentals;\(^{12}\)
- 6 people experiencing primary homelessness, all of them sleeping rough;
- 6 people experiencing secondary homelessness (i.e. in crisis accommodation or couch surfing);
- 5 people experiencing tertiary homelessness, all of them in rooming houses; and
- 3 were unknown.

The breakdown of the types of legal issues individuals and workers were seeking assistance with is:

- Tenancy – 35;
- Fines – 15;
- Crime – 7;
- Guardianship and administration – 3;
- Family law – 3; and
- Debts – 2.

Three people disclosed multiple legal issues.

We are pleased that the co-location has promoted such a strong partnership with the SHASP team, particularly working with the experienced team to ensure that vulnerable tenants and their families are not evicted into homelessness. A snapshot of this work is below in the case studies.

Similarly, with the growth of the assertive outreach team, we hope to develop and strengthen referral pathways for clients who have been chronically homeless, often experiencing primary homelessness and sleeping rough or living in squats. Homeless Law continues to work to be as accessible as possible to these highly vulnerable

\(^{12}\) Of the remaining clients, one was in supported accommodation and three people had mortgaged homes. We note that of the people with mortgaged homes, the enquiries came from the Housing Mental Health Pathways Program worker who works with clients being released from long term periods in the psychiatric ward at the Alfred Hospital. Although these clients owned their homes, they were not currently able to live in these homes (for example, due to paranoia, delusions or their ex-partner living in the property).
clients and our ongoing work as part of Under One Roof, as well as the insights we gain from this partnership about how to improve our accessibility, will be crucial to informing our service model in coming years.

5.2 Preventing homelessness and addressing fines: three case studies on the outcomes of co-location

Of the 31 clients that were referred to Homeless Law for further advice and/or representation:

- 16 clients attended an appointment and 18 legal casework files were opened (two clients had two legal issues);
- 6 people didn’t attend an initial appointment (and we will continue to follow up);
- 5 clients received advice only; and
- 4 clients withdrew instructions or lost contact.

Twenty-one of the files have been closed, and we currently have 12 open files in relation to these clients.\textsuperscript{13}

Of the 18 legal casework files that were opened:

- Eviction was prevented for 9 clients who were at risk of entering or re-entering homelessness;
- 4 tenancy matters are ongoing;
- 4 infringement matters are ongoing; and
- 1 guardianship and administration matter is ongoing.

The following three case studies illustrate the impact of the co-location in terms of generating better legal and non-legal outcomes for people who are homeless or at risk of homelessness. The case studies highlight:

- The benefits of integrated services in assisting highly vulnerable clients to access legal services;
- The collaborative approach between caseworkers at Launch Housing and Homeless Law through co-location; and
- The positive legal outcomes that have secured for these clients through an integrated approach to meeting legal and non-legal needs.

\textsuperscript{13} We note that two clients had two legal issues so these legal issues have been separated out for these statistics.
Vulnerable rough sleeper has $8500 worth of outstanding fines withdrawn

Alex was referred to Homeless Law by his intensive case manager from a Launch Housing program that supports rough sleepers to access housing and address other outstanding issues such as health and addiction. Alex was seeking assistance from Homeless Law with approximately 19 outstanding infringement warrants, 1 infringement notice and 4 open court fines, worth about $8500. Most of these fines related to public transport offences.

Alex was an extremely vulnerable client, and had been homeless since at least 2007, moving in and out of a number of crisis accommodation properties and rooming houses. Alex has a degree of impaired cognitive functioning as a result of a head injury and having suffered from a traumatic incident as a child. He is also illiterate and has long term substance abuse issues. Alex also had a young daughter who was in state care, and one of the reasons for him taking significant steps to address his housing and addiction issues was to reunify with his daughter again.

To deal with his outstanding infringements, Homeless Law lawyers prepared a special circumstances application on the basis of Alex’s homelessness, mental impairments, and substance use which contributed to him getting the infringements. The lawyers worked with Alex’s support worker and treating doctor to prepare letters of support to go with Alex’s application to the Infringements Court. The Infringements Court granted Alex’s application for revocation on the basis of his special circumstances and a hearing in the Magistrates’ Court has been listed. Homeless Law is optimistic that Alex’s special circumstances will be compelling, and we are confident that a positive outcome will be achieved when the matter is heard in court.

Further to this application, the single infringement notice was able to be withdrawn, and the lawyers are in the process of assisting Alex to convert his open court fines to a community work order, so that he can work off his court fines now that he is in a more stable place. Alex is also keen to begin this as it will give him something to do and the opportunity to be part of a community.

Alex has since moved into Office of Housing accommodation and he is continuing in his recovery from mental health issues and drug dependency with the help of his case managers and medical professionals.
Tenant maintains housing and vital support networks through tenancy transfer

Lance, who has bipolar disorder, began living in his daughter’s public housing property to support his daughter following an assault she suffered at a local supermarket.

When Lance first moved into the property, his intention was to reside with his daughter temporarily to support her. While living with his daughter, Lance formed significant ties in the local area, including with his general practitioner, psychologist, case worker and charities who supported him.

Ultimately, Lance’s daughter decided to leave the public housing property as she no longer felt safe in the local area. Lance didn’t want to leave the property as the local support network he had built was vital to his continued mental health.

Lance approached his local Office of Housing (OOH) to discuss transferring the tenancy into his name. The OOH said that the tenancy could not be transferred until Lance had resided at the property for 12 months.

The OOH presented two options for Lance: 1) pay 12 months backdated rent; or 2) reside at the property for the full 12 months and continue to pay rent based on his daughter’s income. Lance started trying to pay rent based on his daughter’s income, which was $270 per week. Lance’s only income was $250 per fortnight on Newstart Allowance.

Unsurprisingly, Lance fell into rental arrears and an application for possession was made by the OOH. As Lance was not a tenant at the property, he was not a party in the VCAT proceeding.

The Homeless Law lawyers made an application to VCAT to add Lance to the proceeding as an interested party. Homeless Law negotiated with the OOH to adjourn the application for possession on the basis that Lance was able to obtain funds from his family to repay the rental arrears.

Following the hearing, Homeless Law made an application to the OOH on Lance’s behalf for a transfer of tenancy. While this application was pending, Lance struggled to maintain his rent and was required to prematurely access his superannuation. The tenancy transfer application was ultimately successful. In addition, the OOH made a decision to refund Lance a significant amount of money he had paid toward rent based on his daughter’s income.

By securing tenancy of the property, Lance was able to maintain the vital support networks necessary for the continued stability of his mental health.
Single dad and his daughter in an unaffordable rental were given more time to find alternative accommodation

Adam is a 45 year old man who was living in a private rental property with his 15 year old daughter and relied on Newstart Allowance. He had originally entered into the tenancy with another person, but she moved out of the property making it hard for Adam to cover the rental payments.

As a result, Adam fell into rental arrears. He was about six weeks in arrears when his case worker from Launch Housing contacted Homeless Law, and the landlord had issued Adam with a notice to vacate for rental arrears.

Adam sought assistance to enable him to stay in the property for another four to six weeks, so that he could find another property that was affordable with the help of his worker at Launch Housing. He understood that he could not stay in the property as he could not afford the rent, however, Launch Housing were willing to assist him by providing him with brokerage to match his rental payment contributions which, in total, would cover his rent for a period of six weeks. The limitation was that this arrangement would not cover any of the rental arrears.

Adam was unable to vacate the property on the specified date stated on the notice to vacate so the landlord commenced VCAT proceedings. Adam had instructed the lawyers to defend him at the VCAT proceedings, and advised that he needed more time in the property to allow him and his case worker to locate other suitable accommodation which he could move into.

The lawyers commenced negotiations with the landlord prior to the hearing, which were ultimately unsuccessful. At the VCAT hearing the lawyers were successful in negotiating a payment order at VCAT which provided that Adam could stay for the next six weeks so that he could move out in an orderly way, and allow him and his worker to find them alternative accommodation so he and his daughter weren’t evicted into homelessness.

Adam and his worker managed to find him alternative accommodation in that time, and Adam also successfully found a job. Without the additional time achieved through the combination of the Launch worker’s practical support and the lawyers’ legal advocacy, Adam and his daughter would have been evicted into homelessness, which would have made it extremely difficult for Adam to secure employment or find his feet personally or financially.

Through the strengthened relationships developed with Launch Housing through our weekly co-location, Homeless Law is able to continue to provide high quality, targeted and holistic legal services to clients experiencing or at risk of homelessness. Now more than ever, these services have a significant role to play in preventing people slipping into homelessness and helping people to avoid or address escalating legal issues that too often stem from homelessness.
Annexure 1: Information sheet for Launch Housing workers

Homeless Law – Lawyer co-location at Launch Housing
Under One Roof

Under One Roof is a new initiative of Homeless Law that places a lawyer from Homeless Law, Katie Ho, at Launch Housing St Kilda every Tuesday. The aim of the co-location is to build relationships with a range of workers and create clearer pathways into legal services for clients who would ordinarily have significant barriers to accessing legal advice and assistance.

About Justice Connect Homeless Law

Homeless Law is a specialist legal service that provides free information, legal advice and representation to people who are homeless or at risk of homelessness (including people who are in transitional, emergency or social housing and low income people facing eviction into homelessness).

Legal assistance is provided by pro bono lawyers at homeless connect assistance services around metropolitan Melbourne, Footscray and Collingwood. We currently have a clinic at Launch Housing in Collingwood on Wednesdays.

What can the co-located lawyer provide to clients and caseworkers?

Counselers and clients will be able to speak directly to the lawyer about any potential legal issues. The lawyer can:

- Provide information to outworkers, clients or third parties;
- Refer people to other appropriate legal or non-legal organizations;
- Provide on-the-spot legal advice in person, to clients (with or without caseworkers); and/or
- Book clients into one of Homeless Law’s clinics for further advice and ongoing representation depending on the nature of their enquiry.

The lawyer may also attend outreach locations with Launch Housing workers to provide any of the above assistance to clients who have difficulties accessing other services.

What legal issues can Homeless Law provide ongoing casework for?

The lawyer can book clients into a Homeless Law clinic for further advice and ongoing representation. Homeless Law can provide ongoing casework for people with the following legal issues:

- Housing and tenancy (in particular preventing evictions, including if a client has received a Notice to Vacate, has a VCAT hearing or is otherwise facing eviction into homelessness);
- Fines and infringements directly connected to homelessness;
- Guardianship and administration orders (acting on the client’s behalf);
- Credit and debt problems;
- Some criminal law matters; and
- Some family law matters.

We cannot assist with family law matters. For these matters we ordinarily recommend contacting the Victoria Legal Aid advice line 1300 795 367 who may be able to assist. The Homeless Law lawyer may also be able to provide information about other legal services such as local or specialist community legal centres that may be able to assist with these matters.

How can you make client bookings?

If clients require legal assistance, clients or their caseworkers can speak to the co-located lawyer about the legal issue on Tuesdays. Otherwise, clients or their caseworkers can also call our free call number 1800 606 213 or 8636 4408. If we are unable to take the call, leave a message and we will call you back within 24 hours (please mention if the matter is urgent in the message).

1 Note: This fee is only from line fees. Clients using mobile phones can leave messages or ask for us to call them back.
Annexure 2: Homeless Law eligibility flowchart

Justice Connect Homeless Law’s services

A guide to eligibility

1. Is the person ‘homeless’ or ‘at risk of homelessness’?
This includes where a person is without conventional accommodation (e.g. sleeping in a park or car), moving frequently between temporary accommodation (e.g. refuges/emergency housing or friends) or living in marginal accommodation on a medium to long term basis (e.g. rooming houses, transitional housing or caravan parks).

‘At risk of homelessness’ includes where a person has circumstances (e.g. mental illness, age, financial hardship or domestic violence) or a legal issue that make it difficult to access or maintain secure accommodation.

2. Does the matter fall within Homeless Law's areas of expertise?

- Housing & Tenancy
  - Focusing on homelessness prevention eg.
  - Landlord eviction proceedings/possession orders
  - Landlord compliance orders
  - Landlord compensation/rent claims
  - Changes to fixed term lease due to family violence
  - Creation and transfer of a tenancy

- Fines & Infringements
  - Where 50% or more of the person’s infringements are directly related to their homelessness eg.
  - Public transport fines
  - Being drunk in public
  - Begging
  - Littering
  - Unregistered vehicle or parking fines

- Guardianship & Administration
  - Assistance to people who want to change or amend a guardianship or administration order, or make an application for such an order.

- Credit & Debt
  - Initiation and take out debt
  - Consumer credit issues with financial institutions
  - Judgment debts
  - Debt collectors seeking payment

3. Representation by Homeless Law
Eligible clients will be booked into one of Homeless Law’s 7 weekly outreach clinics and can receive ongoing legal representation, including advice, negotiation and representation at courts and VCAT.

Programs and services

Clients may also benefit from Homeless Law’s targeted programs and services:

- Women’s Homelessness Prevention Project (WHPP)
The WHPP provides women with legal representation in relation to tenancy legalities (e.g. eviction and housing debts). WHPP clients also receive social work support.

- Prison Debt and Tenancy Legal Help Project
The Project provides prisoners at Port Phillip Prison with legal advice and representation relating to housing & tenancy, and credit & debt issues.

- Homeless Persons’ Liaison Officer (HPLO)
The HPLO can assist people who are homeless or at risk, and who have matters in Victorian Courts/Tribunals to access the justice system and address non-legal needs.

Phone: 1800 606 313* or 03 8636 4408
* freecall from landlines

This is only a guide. Homeless Law’s services are also subject to merits and means tests and capacity. Please contact Justice Connect Homeless Law to determine whether eligibility criteria are satisfied.
Annexure 3: Assisting people sleeping rough with fines – a resource for outreach workers

Homeless Law – assisting people sleeping rough with fines and infringements

Background – fines and homelessness

- Homeless Law is a specialist legal service for clients who are homeless or at risk of homelessness. We assist with civil legal issues, including tenancy / evictions, fines and infringements, guardianship and administration orders, and debts.
- Since 2012, in response to overwhelming demand, Homeless Law narrowed the fines and infringements matters that we are able to assist with. We now assist clients where at least 50% of the fines or infringements are directly related to homelessness (eg public transport offences, public space offences such as public drunkenness, and parking offences where the client was sleeping in their car or travelling between short term accommodations).
- For matters outside the eligibility criteria, Homeless Law refers clients to Victoria Legal Aid or local community legal centres.

Broader eligibility criteria as part of our work with Launch Housing

As part of our co-location, Homeless Law has decided to broaden our fines and infringement eligibility criteria for clients who are sleeping rough and are referred to Homeless Law by a case worker from Launch Housing St Kilda.

Steps for booking clients in for legal representation with fines or infringements

- Phone: Workers from Launch Housing are encouraged to speak to Katie Ho, or alternatively call the Homeless Law enquiry line on 1800 606 313 when clients:
  - are sleeping rough
  - are being assisted by a case worker from Launch Housing
  - have fines, infringements, enforcement orders and/or infringement warrants, which they would like assistance with (and have consented to the worker passing on their information to Homeless Law).
- If you explain that you are calling as part of the rough sleeping infringements project, the ordinary eligibility criteria will not be applied. In practice, this will mean that even if the client was not homeless when they got the fines, if they’re now sleeping rough, Homeless Law will be able to assist.
- Email: If it’s more convenient (eg because the worker sees the client outside ordinary business hours), the worker can complete the Homeless Law Referral Form (attached) and email it to katie.ho@justiceconnect.org.au
- Homeless Law will book clients in to attend an appointment with lawyers at one of our 7 weekly outreach clinics. The clients will then receive ongoing legal representation to resolve their fines and infringements.

Limited arrangement with Launch Housing St Kilda

Homeless Law’s standard eligibility criteria remains the same. This is a limited exception to make sure we’re as accessible as possible to rough sleepers, recognising the barriers unresolved fines can present to engaging with services and exiting homelessness. Unfortunately, it is not an exception that we’re able to implement outside this co-location.

We will monitor how this work and these referrals are going and whether any tweaks or changes are needed and we’d welcome your feedback on this.
# HOMELESS LAW REFERRAL FORM - LAUNCH HOUSING FINES AND INFRINGEMENTS FOR ROUGH SLEEPERS

<table>
<thead>
<tr>
<th>Client name</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td></td>
</tr>
<tr>
<td>Housing type</td>
<td></td>
</tr>
<tr>
<td>Source of income</td>
<td></td>
</tr>
<tr>
<td>D.O.B.</td>
<td>Country of birth</td>
</tr>
</tbody>
</table>

Do you need an Interpreter? If so, which language?

Do you have any support workers? Do you consent to Homeless Law contacting them?

Please provide support workers' contact details

Have you received assistance from Homeless Law previously?

Are you receiving assistance from any other services? Which? What for?

Have you been affected by any of the following? If yes, please provide some details:
- Homelessness
- Mental Health issues
- Drug and/or alcohol issues

Email: homelesslaw@justiceconnect.org.au  P: 1800 606 313 / (03) 8638 4468  FAX: (03) 8638 4455

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# INFORMATION ABOUT YOUR INFRINGEMENTS

Please provide as much information as you can.

How many infringements do you (estimate) have?

What are the infringements for?

When did you get them?

Where were you living when you got them?

Do you know what stage the fines are at?

Have you received any warrants?

Have you been contacted by the Sheriff?

Have you received a seven day notice?

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Under One Roof: Embedding legal services to make justice accessible for homeless clients