

# Protocol for Homeless People in Public Places

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# Protocol for Homeless People in Public Places

The Protocol for Homeless People in Public Places (the Protocol) assists and guides government, non-government organisations, and private businesses to interact and engage with people experiencing homelessness, so they are treated respectfully, with dignity, and do not face discrimination.

The Protocol also encourages government and non-government organisations to provide a response or deliver support to people experiencing homelessness if they need or request it.

The Protocol does not override existing laws or regulations, or the enforcement of those laws or regulations. The Protocol does not prevent government or non-government organisations from taking appropriate action where health or safety is at risk.

## **A person experiencing homelessness should only be approached if:**

- The person requests assistance
- The person appears to be distressed or in need of assistance
- The person's behaviour threatens their safety or the safety and security of people around them
- The person's behaviour is likely to result, or has resulted in, damage to property, or negatively impacts the conservation of nature or objects, places or features of cultural value, including Aboriginal cultural heritage
- The person is sheltering in areas that may place their or others' health or safety at risk (for example during extreme weather conditions, natural disasters, or by sheltering in unsafe buildings)
- The person is a child or young person (with or without an adult) who appears to be under 18 years and at risk of harm; or under 16 years experiencing homelessness
- The person is a child or young person up to the age of 18 experiencing homelessness who is known to be a child in care (i.e. a child or young person under the Parental Responsibility of the Minister or Care Responsibility of the Secretary including shared care where Parental Responsibility for residency rests with the Minister)
- A staff/worker is seeking to engage with the person for the purpose of sharing information.

## **Where an approach is made under the circumstances outlined above:**

- All approaches should be positive, empathetic, and respect the person and their circumstances. Interactions should be trauma-informed, and culturally appropriate behaviour and language should be used.
- The person experiencing homelessness may feel threatened on approach. To reduce this perceived risk, staff/workers must identify who is most appropriate to engage. Things to consider include:
  - the person's culture, religion, gender and age
  - the number of staff/workers that approach the person.
- If there is no risk, concern, breach or unlawful behaviour, respect a person's choice not to engage.
- All staff and contract workers should understand their own organisation's policies and procedures, as well as the Protocol, to ensure all interactions are appropriate.

## **If a person consents to assistance, staff/workers should provide:**

- Appropriate support or services directly
- Advice, information, or assistance to connect to available, appropriate and, where possible, local supports or services; or
- A relevant contact point that the person can call or go to for further advice or help if they choose to in the future.

Additional support or assistance may be required during extreme weather conditions and natural disasters.

## Underlying principles of the Protocol

The Protocol is based on the following principles:

- People experiencing homelessness have the same rights as any member of the public to:
  - be in public places
  - participate in public activities or events
  - carry with them and manage their own belongings
  - request or decline support or assistance
- All people should contribute toward a safe and peaceful environment and respect local communities and businesses.
- The Protocol should be imbedded in government and non-government organisations' policies, training and practice for all staff, including contract workers and security officers.
- In conjunction with the Protocol, Assertive Outreach Good Practice Guidelines and any relevant legislation should be considered for effective engagement and collaboration when delivering place-based support and services.
- When engaging a child or young person under the age of 18 who is considered at risk of significant harm, a report should be made to the Child Protection Helpline and obtaining the consent of the child or young person is not required.
- When engaging a child or young person who is not considered at risk of significant harm, but is experiencing homelessness, this may be reported to the Child Protection Helpline:
  - if the child is under 16 years without obtaining that child's consent, or
  - if the young person is between 16 and 18 years only after obtaining the consent of that young person.
- People experiencing homelessness share the same right to provide feedback, make formal complaints and request a review of decisions as any members of the public. Upon request, the staff/worker should provide details of how to lodge complaints or feedback.

## Considerations for engagement

People experiencing homelessness have unique and diverse backgrounds, experiences, and needs.

All engagements should use trauma-informed practices, be person-centred and based on harm reduction principles. When engaging a person, staff/workers need to consider that:

- Cultural safety, sensitivity and respect should be applied when engaging with Aboriginal peoples. Where possible and as requested, an Aboriginal person should be engaged by an Aboriginal staff/worker in the first instance. However, this should not impact the provision of an immediate response if required. All attempts should then be made to connect the person to a government or non-government Aboriginal support worker if one is not available at the time of the engagement.
- Cultural safety, sensitivity and respect should be applied when engaging people from diverse cultural, linguistic or religious backgrounds. Staff/workers should also use interpreter services and culturally appropriate organisations to assist as required.
- People experiencing homelessness may have disability (including physical, psychosocial and intellectual disability), chronic health conditions, and additional complex support needs.
- Women and people from lesbian, gay, bisexual, transgender, intersex, queer, asexual and other identities (LGBTIQA+) communities may have specific needs that should inform support.
- People experiencing homelessness may have specific needs due to a range of other circumstances such as domestic and family violence, family breakdown, social isolation, natural disaster, trauma, leaving custody or statutory care, criminal history, alcohol or other drug use, or visa status (asylum seeker, a refugee, temporary visa, or no visa).
- Young people, up to 25 years, experiencing homelessness require an age appropriate response that takes into consideration their increased risk, level of maturity and experience of trauma.
- Older people experiencing homelessness require an age appropriate response that takes into consideration the person's perception of their situation, age related health conditions, and digital literacy and/or access.
- People experiencing homelessness may have companion animals. In these cases, appropriate engagement strategies and understanding are required, acknowledging there may be limited support services available that can cater for their needs.

- People experiencing homelessness may have had negative experiences engaging with government services in the past, face systemic barriers, have varying levels of literacy, or not be eligible for government supports.
- People may experience homelessness in different ways. This may range from sleeping on the street or in cars, to insecure housing or lack of control in their accommodation. This may include people new to homelessness through to those experiencing chronic homelessness.

Protocol guidelines are available to support more effective understanding and use of the Protocol. The guidelines provide additional examples of best practice in engaging people with specific needs, including resources and links to services and supports.

### **Where the Protocol applies**

The Protocol applies to public places such as parks and outdoor spaces which are ordinarily accessible to the public. This may also include cars parked in public places such as on-street parking. It does not apply to private property, or property which is not generally accessible to the public.

The following government departments and agencies have an operational presence in public places or provide a service to assist people experiencing homelessness and have endorsed the Protocol:

- NSW Department of Communities and Justice
- NSW Department of Premier and Cabinet
- NSW Department of Planning and Environment
- NSW Police Force\* (pending)
- NSW Health
- Transport for NSW
- Aboriginal Affairs NSW
- Fire and Rescue NSW
- Multicultural NSW
- NSW Department of Customer Service
- NSW Department of Education
- NSW Department of Enterprise, Investment and Trade

The Protocol can be used by non-signatory organisations when engaging with people experiencing homelessness.

The NSW Government recognises the need to ensure the Protocol is current and meeting the needs of organisations and people experiencing homelessness. The Department of Communities and Justice is the lead agency for the Protocol and reviews it every four years in collaboration with signatories and relevant stakeholders including people with a lived experience of homelessness.