

**Parliament of Australia: Inquiry into Homelessness**

*Submission by the Australian Community Support Organisation*

12 June 2020

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**About the Australian Community Support Organisation (ACSO)**

ACSO welcomes the opportunity to contribute to the Parliament of Australia’s *Inquiry into Homelessness*. ACSO is a non-profit organisation that has worked at the juncture between the criminal justice system, mental health and alcohol and other drug treatment, disability, and the housing system, for over thirty years. ACSO delivers programs and services to vulnerable and at-risk persons who experience a range of barriers to full participation in their community. Barriers can include complex health needs owing to the interplay between mental health and/or disability; problematic alcohol and drug use; and a history of offending behaviour. It is well known that such issues often also result in or can stem from issues of intergenerational disadvantage, histories of childhood adversity and experiences of trauma. It is often compounded by socio-economic disadvantage. The combination of these factors has been well explored in research into the antecedents and contributors to offending, addiction, and poor mental health outcomes (Willis, 2018).

ACSO delivers evidence-based multidisciplinary support and intervention in the community and in justice settings; the individuals we support are those who are engaged in the criminal justice system or at risk of engagement. Our vision is for *a community where everyone has the opportunity to thrive, and prison truly is the last resort*. In the last decade we have established new, flexible models of housing and housing support to address the unique needs of people leaving custody and those whose risk of engagement in the criminal justice system is intertwined with long-term and complex homelessness.

A key element in the ACSO housing strategy has been to establish a specialist housing subsidiary, McCormack Housing, with the mandate to provide sustainable social housing prioritising people in or at risk of entering the criminal justice system, and with the aim to break the cycle between homelessness and offending. McCormack Housing was instigated as a response to the extremely high need for suitable housing for individuals with offending histories. Traditionally this cohort experience high levels of exclusion from a range of public and private housing markets. Through the development of McCormack Housing and in combination with its other behavioural and reintegration support programs, ACSO is actively working to address the current gap in the housing market whilst addressing the key drivers of homelessness for people engaged in the justice system.

**Scope of this Response**

The focus of ACSO’s submission will be housing services and options to support people engaged with, at risk of engagement with or exiting the custodial system who are homeless or at risk of homelessness. Our submission will explore models comprising housing assistance, social housing, and specialist homelessness services. ACSO’s submission will focus on some of the models it has employed to actively address the cycle of homelessness impacting people exiting the custodial system or who are at risk of engagement. The submission will explore why the current housing system as well as mainstream housing is untenable for people leaving custody, particularly those who are long-term homelessness and those who are high risk (persons with violent and/or sexual offending histories), discuss the support initiatives developed and delivered by ACSO to address the gap in housing and the drivers of homelessness for the ‘offender’ cohort. The submission will also note recommendations for consideration by the Inquiry around the need for a focus on specialist funding streams to address the complexities of the identified cohort and develop targeted housing solutions, including creation of specialist housing markets, that respond to the specific barriers and social and wellbeing requirements of this cohort in securing safe, affordable and sustainable housing outcomes.

**Factors impacting access to safe and sustainable housing for persons in contact with the criminal justice system**

**Stigmatisation and Discrimination**

Persons in contact with the criminal justice system (that is police, courts and or corrective services) are members of the Australian community who, often having completed their court requirements, sentence or who are as yet not sentenced, are eligible to access and receive the same resources and rights as community peers who do not have offending histories. For this cohort, however, the barriers impacting housing access as well as other resources, are magnified and exacerbated by a range of unique factors including the ubiquitous and damaging stigmatisation of the experience of having been imprisoned or in ongoing contact with the criminal justice system. Often the economic and social factors that are characteristic of persons in contact with the wider criminal justice system, including loss of employment, previous housing and other property and family breakdown, contribute to poor housing outcomes overall.

The stigmatisation of persons who have been engaged in the justice system filters into all aspects of the person’s life, impacting their ability to secure employment and housing and affecting their relationships and social networks. Stigmatisation and the resulting discrimination significantly impact on how services support or ‘react’ to persons who have been in custody or in contact with police and courts or under community supervision when they seeking support, even in services designed to support vulnerable and marginalised people. ACSO, as a central alcohol and other drug intake, referral and treatment agency continue to experience difficulties placing persons with offending histories into alcohol and drug treatment when a history of offending behaviour is disclosed or otherwise known. ACSO has experienced similar discrimination from housing services across all the jurisdictions it provides services within (Victoria, New South Wales and Queensland) even those funded to assist vulnerable groups. Often this is based on a lack of understanding around offending behaviour and the complex intersecting needs of such persons which has led to the behaviour driving their contact with the criminal justice system. Most housing services, both publicly funded and privately owned and operated, do not in ACSO’s experience accept persons with offending histories who present with challenging behaviours. This is even more prevalent when these behaviour stem from complex mental health presentations. Concerns highlighted to ACSO service staff by housing providers include:

* Fear of the person resulting from generalised stigma associated with criminality;
* Concern for the safety of staff and others receiving service;
* Lack of expertise (or a perception of deficiency) in supporting high-risk and complex persons and a belief that this is a role for specialist staff; and
* Negative experiences from previous experiences working with persons with offending behaviour tarnishing perceptions of incoming and different clients.

ACSO is engaged in advocating for and delivering services which divert people away from the criminal justice system through ongoing community and stakeholder education. ACSO is actively advocating within systems, with politicians, government leaders and from within community led organising platforms to change the perception of people with offending histories. **ACSO would welcome the opportunity to further discuss the needs of housing for its client base with members of the Inquiry and notes that provision of support from all levels of government is required to support organisations such as ours to undertake work in educating other service systems on the needs of the cohorts ACSO specializes in supporting.**

**Prisons as first resort**

It is widely acknowledged that significant numbers of persons leaving custody exit to homelessness. Conversely approximately 35 per cent of male prisoners are recorded as being homeless four weeks *prior to entering custody* with the number of women even higher at 52 per cent (Victorian Ombudsman 2015)*.* With the number of people entering the justice system, both as sentenced persons or remandees, continuing to increase across Australia, and new prisons being built across the country, the number of persons exiting to homelessness will continue to rise (Victorian Ombudsman 2015). In Victoria, legislative changes to sentencing has led to the abolishment of suspended sentences, the bail system being tightened and a reduction in the use of parole (Victorian Ombudsman 2015). Consequently, more people are exiting prison without supervision, and thus, exiting to community without support to access necessary reintegration services, including housing. One concerning consequence of this is the tendency for persons with a history of offending behaviour to exit to temporary accommodation or return to family. Commonly these types of accommodation placements break-down within very short periods of time, and for those persons without access to a support service, navigating the housing system can be overwhelming and act as a precursor to return to offending (AHURI 2003).

Within Queensland, the recent inquiry by the Queensland Productivity Commission into Imprisonment and Recidivism (2019) noted that within that jurisdiction the rate of imprisonment had increased by 160 percent since 1992.This was despite a falling crime rate. This finding is mirrored in most Australian jurisdictions nationally. They noted that imprisonment as a housing solution was very expensive costing around $111,000 per year to accommodate a person in custody with further indirect costs of approximately $48,000 per person, per year. This equates to over $150,000 per prison per year. These types of figures show the unsustainable nature of custodial centres as housing solutions to the management of complex and challenging behaviours driven by poor health, social and wellbeing of the persons involved. Research shows that almost half of all Queensland prisoners are likely to have been previously hospitalised for mental health issues and/or have a history of child protection (Griffith University Criminology Institute, 2019). The Queensland Productivity Commission noted that that there was considerable room for reform in terms of improved policy, sentencing options and funding of early intervention which were likely to have positive impacts on the required expenditure on prisons into the future. **ACSO strongly supports consideration of justice reinvestment solutions which would look at investment in housing solutions which divert persons from continued contact with the criminal justice system providing outcomes in reducing prison populations where in turn savings realised through such outcomes are “reinvested” into further solutions to manage complex and challenging behaviours in the community.**

**No Exits to Homelessness**

Common Ground (2016) note that the period immediately post-release from a correctional centre is one of significantly increased vulnerability to homelessness and that homelessness is a risk factor in any return to offending behaviour post-release. A key strategy of *The Road Home: A National Approach to Reducing Homelessness* (2008) is that of ‘no exits into homelessness,’ acknowledging the high risk of homelessness that exists in populations where individuals are being released back into the community from communities of care or custody, including prisons, acute mental health facilities and AOD residential facilities. From our experience as a pre- and post-release service provider across NSW, Victoria and Queensland, ACSO has firsthand experience in the high number of individuals released from these facilities returning to reside with family members, friends or other forms of transient and insecure housing options. Research supports ACSO’s front line service delivery experiences that complex factors including a lack of ability to access rapid and timely support for addiction, mental and physical health and family relationships within wider Australian communities led directly to a breakdown in these housing placements. Transitional housing models seek to bridge this gap, but currently the supply of post-transitional housing placements does not meet the level of demand which continues to grow due to the high number of person existing custody across Australia each day.

Over the last five years, the number of people in prison across Australian states and territories has increased by 40 per cent (Australian Bureau of Statistics [ABS], 2018). Across Australia, as at March 2020 there was 44,159 people in custody (Australian Bureau of Statistics [ABS], 2020) a continued trend in increases over the last ten years. However, what these numbers do not accurately reflect is the churning nature of prison populations nationally. In 2019, more than 19,000 people left NSW prisons during that 12 months and returned to their communities (NSW Bureau of Crime Statistics and Research [BOCSAR], 2019). The Australian Productivity Commission notes the continued rate of high return to custody for these persons. In 2016-17, 44.8 per cent of prisoners released in 2014-15 returned to prison within two years and 53.4 per cent returned to corrective services (prison or community corrections). Nationally, these rates have increased over the last five years (Report on Government Services 2018). Given the high number of persons flowing out of correctional institutions current investment in transitional housing solutions is manifestly inadequate and as such the impact of such programs is diluted. Evaluation of such programs (Willis, 2018) have shown good outcomes for individuals when provided with support where the transitional housing solution provides targeted support to gain and maintain long-term housing solutions.

ACSO has sought to address this gap through the investment in a arrange of different supported housing solutions and the use of brokerage funding within its dedicated correctional re-entry support programs to purchase short-term transitional housing outcomes. **ACSO is supportive of transitional housing programs for those exiting custody but believes these must be of sufficient duration to support the achievement of longer-term housing stability. ACSO support solutions of at least six to twelve months as the minimum needed in any transitional housing solution for its client base.**

**Not in my backyard**

A recent Australian Institute of Criminology report (Willis 2018) described a study of community attitudes to establishing transitional or other supported housing in United States neighbourhoods. The study exposed heavy resistance to the housing of sex offenders and other violent offenders in most neighbourhoods. This experience is often replicated in ACSO front-line experiences with complaints from neighbours or objections from communities about the people it houses and supports. ACSO continues to spend significant time investing in education of communities about the needs and lived experiences of those in contact with the criminal justice system.

Without services like ACSO, willing to support and house high risk and socially isolated individuals, significant greater numbers of people exiting institutions such as prison would end up homeless, in custody or in contact with emergency services. ACSO have developed a rigorous risk management model that identifies potential risks to our tenants, neighbours and community members. ACSO works hand in hand with government partners including Correctives Services, Department of Health and Human Services and so on, to ensure that requirements and support provided in housing person exiting custody are well balanced with a commitment to ensuring the safety and wellbeing of the communities in which we operate. Further funding to ensure that dedicated housing solutions can be owned and operated by non-government service providers such as ACSO will assist with management of placements of persons to ensure the safety of all. There is a significant need to increase the options available to those exiting custody – particularly those under community supervision orders where conditions of the order itself often work against placement for that individual in suitable housing. **Across Australia there has been an increase in sentencing options for person classified as “dangerous”. Often these types of orders are indeterminate in length, ongoing and subject to judicial review. Placement of persons on such orders in suitable housing that supports the required high levels of monitoring and supervision whilst ensuring the safety of the community requires specialist support and hosing solutions.** Many correctional services Australia wide are faced with situations where community-based housing on prison reserves has been developed due to the absence of any other suitable housing solutions for these people. Long-term success in rehabilitation of all offenders is best supported through gradual release programs and high levels of post-release support, including appropriate housing.

ACSO notes that the Inquiry should give additional consideration to the higher number of elderly prisoners exiting custody across Australia. With improved community attitudes and education around sexual offending, many older persons have been charged with historical offences of a sexual nature. In addition, more indeterminate sentences are being used for those with long and violent histories of offending. **High numbers of people exiting custody require aged care support which is often impossible to access due to stigma, discrimination, and a lack of expertise by aged care providers in the management of challenging violent and sexualised behaviours. ACSO supports investigation and funding of dedicated aged care beds for those existing custody, whether on parole or straight release.**

**Lack of housing and prohibitive pricing**

Property ownership remains out of reach for most vulnerable and marginalised segments of the Australian community. The rental market throughout Australia is particularly challenging with demand for affordable property exceeding supply. ACSO has uselessly used head lease housing models. ACSO believes that such models are cost effective and supportive of rehabilitation outcomes for persons exiting custody. A head lease model is where tenants sub-lease a property leased by ACSO. In order for this model to be successful, ACSO invest in developing relationships with real estate agents; the agents are aware that persons with criminal histories will live in the property, but with assurance that the rent in the first 12 months will be paid. ACSO may also cover the high upfront costs involved with accessing rental properties such as bonds and the like which are prohibitive for most persons exiting custody. Over time the client gradually increases their rental contribution paid to ACSO. When the client can demonstrate capacity and capability to maintain a lease, the lease is transferred to the person – with agreement of the landlord and leasing agent. Often this model is also useful here a client has had previous poor rental tenancy history or is backlists on tenancy databases due to their previous actions. Short sentences and repeated incarceration impact on someone’s ability to retain a rental property or other accommodation. Without an income due to incarceration, rent and bills go unpaid. Tenancies that break down or are unresolved when a person is sent to prison can often accrue significant debts for a person and are known to significantly impact future ability to secure housing. Over time the support provided by ACSO allows a client to develop their own positive rental history removing a barrier to future housing stability.

The second part of the challenge for many persons exiting custody is maintaining the tenancy once it has been secured. ACSO’s housing models, whether Head Lease or Transitional Housing, are cognisant that sustainable housing means having the skills, knowledge and self-advocacy skills to manage all aspects of keeping a tenancy, including paying rent and bills on time, good neighbour behaviour and managing relationships. As Parsell, Moutou, Lucio and Parkinson (2015) assert, supportive housing is *‘more than helping tenants successfully make the transition into housing… support is a deliberate means to help tenants become good tenants’.* ACSO is also funded to provide a range of behavioural support programs across areas as diverse as disability, mental health, addiction, and behavioural support. ACSO’s expertise in these areas allows it to provide a well-rounded response to the complex and intersecting needs common to person in contact with the criminal justice system. **ACSO believes that to be successful in achieving a good housing outcome for its target cohort appropriate social and emotional wellbeing supports must be integrated within the housing infrastructure solution.**

**Gender, housing and the impact of incarceration**

Males represent the 92 per cent of persons in custodial environments although the number of female prisoners is increasing at a faster rate than male prisoners. In a 12-month period (2017-2018) female prisoner numbers rose 10% compared to 4% for males (ABS 2018). Over the past decade, the rate of female imprisonment has risen between 75-85% (ABS data cited in Gleeson & Baird, 2018). Women face significant barriers to breaking the cycle of homelessness, particularly where there is evidence of a history of offending or activities that might bring women under increased scrutiny of law enforcement. A key feature in the management of female offenders in Victoria is that of placing women on remand where there is evidence of inadequate accommodation or complex presentation. This act is designed to protect women but leads to further entrenchment in the criminal justice system as evidenced by the greater rates of female imprisonment. Adequate housing and supports for this cohort would help to alleviate women’s homelessness but as noted in the Corrections Victoria’s still relevant 2005-2009 ‘Better Pathways’ four-year strategy for addressing women’s offending (Corrections Victoria 2005), demand for adequate programs such as the Transitional Housing Management Bail Support Program and Corrections Housing Pathways Initiatives’ consistently exceeds supply’. This situation is replicated Australia wide with the national increase in the rates of female imprisonment.

**ACSO’s Housing Support Solutions**

In Parsell, Moutou, Lucio and Parkinson’s 2015 review of the efficacy of supportive housing they define supportive housing as *‘any package of assistance that aims to assist tenants with a broad range of health and other aspects of their lives including access to and sustaining of affordable tenancies’.* ACSO has sought to develop housing support programs that strike a balance between ensuring participants receive adequate services that meets their support needs, whilst providing individuals with the opportunity to maintain control over their affairs and continue to develop resilience and personal capacity to seek support to address their needs. We achieve this by implementing a range of flexible housing and housing support models that include an emphasis on through-care and wraparound models of support.

Through-care refers to ACSO’s commitment to meet participants before release from custody. Such contact is important to develop rapport, pre-plan an exit strategy and identify and mitigate risks to success early. ACSO often supports the person as they enter the community and together set up an environment that ensures longer-term successful outcomes. ACSO’s wraparound model is a central tenet of every part of our practice across our diverse areas of service provision. ACSO acknowledges that all individual’s need support to address board issues within their lived experiences (e.g. mental health, harmful substance use, lack of education and employment as well as poor experiences of healthy and supportive relationships) will impact an individual’s ability to get a successful housing outcome over the long-term. In terms of housing sustainability, a key feature in ACSO’s support is on skills development. Assisting people to learn how to become ‘good tenants’ equating to socially expected behaviours such as paying bills and rent on time, ensuring maintenance and reasonable care are taken to preserve the property, and that they are able to coexist with consideration for others in their environment.

Housing support can operate as a linking service identifying and directing vulnerable persons towards professional support without further institutionalising them. A housing support worker who identifies a participant’s property is increasing in disarray or there an increase in property damage who then intervenes and directs the person to appropriate supports to address the drivers of the behaviour is in ACSO’s lengthy experience the best way to achieve good outcomes with our complex cohorts. IN ACSO’s programs both housing and other support workers assist participants to build on their knowledge and familiarity with the community support sector, advocating for them whilst assisting them to develop their capacity to self-manage, leading to better outcomes for the individual over the long-term.

ACSO owns and manages a number of transitional houses in outer and regional Victoria. We work in partnership with the Victorian Department of Corrections to identify suitable candidates for the housing and to manage potential risks (e.g. ensuring the location of a property is suitable for the person based on their offending type and any conditions imposed). McCormack Housing works with the participant to identify and address their housing needs whilst an ACSO support worker focusses on sourcing sustainable housing, addressing practical needs and linking the person into appropriate specialist and mainstream support. The obvious impediment to housing success for this cohort is the lack of sustainable housing available to rent and the barriers noted previously including stigma and discrimination that this cohort face in attaining a property. As response ACSO also developed a Head Lease model that is delivering gains to people with damaged or negligible rental histories. This model is reasonably inexpensive to deliver compared to other housing models.

However, all models suffer from a lack of funding to develop supply of housing in both public and private markets suitable for persons with offending histories. The ongoing lack of affordable housing will continue to exacerbate homelessness for this cohort. **ACSO notes opportunities for non-for-profit organisations to work alongside government on flexible and innovative solutions, such as land tax reductions or stamp duty concessions or removal, that allow such organisations to make ongoing investment in land and infrastructure would greatly assist in increase the overall supply for its target cohorts.**

**Conclusion**

As has been noted in the previous discussion, persons in contact with the criminal justice system are members of the Australian community who face significant additional barriers to accessing housing and who require pathways to housing accompanied by other types of complex support. Such individuals are competing within an already limited public and mainstream housing market. Individuals who are homeless are less likely to seek treatment from health, mental health and AOD professionals resulting in increased costs to other government systems through higher rates of emergency department presentations, acute AOD addiction and associated health impacts, and acute mental health interventions (KPMG data for ACSO 2016). Evidence on cost-benefits strongly supports integrated supported housing solutions noting they reduce the use of and costs to criminal justice, health and public housing systems (Fontaine et al, 2012; Burt and Anderson 2005; Culhane, Metraux, and Hadley 2002; Culhane et al. 2007). It is ACSO’s position that persons with offending histories require judgement free flexible housing models that provides a focus on skills development and network building as well as support to secure and then maintain, long-term housing.

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