



Standing Committee on Health, Community and Social Services
ACT Legislative Assembly
Committee Secretary
Via email committees@parliament.act.gov.au

Committee Secretary

Thank you for the opportunity to provide a submission to the inquiry into social housing.
ADACAS, on behalf of the ACT Disability Advocacy Network, has prepared the attached submission to the inquiry.

For further information please contact me at the address below. We look forward to continuing to participate in the inquiry process .

Yours sincerely

Fiona May
Chief Executive Officer
ADACAS

9 November 2011



Legislative Assembly for the Australian Capital Territory

Standing Committee on Health, Community and Social Services

Provision of Social Housing Inquiry

Submission by ADACAS on behalf of the members of the ACT Disability Advocacy Network (ACTDAN).

ADACAS and members of the ACT Disability Advocacy Network acknowledge the Ngunnawal people as the traditional owners of the land on which we work. ACTDAN comprises organisations that undertake individual, self and systemic advocacy and representation for people with disabilities in the ACT.

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Introduction

ADACAS and the members of ACTDAN welcome the inquiry into the provision of social housing. As advocates and representatives of some of the most marginalised of people in the ACT, we are fully aware of the significant impact lack of appropriate, timely and accessible housing has upon vulnerable and marginalised people, particularly those with disabilities.

In any consideration of social housing it is important to understand who the tenants or prospective tenants are likely to be and therefore ensure that the housing provided meets their needs. The National Social Housing Survey 2011¹ finds that:

- Two thirds of respondents to the survey were female and more than one third were older Australians (over 65).
- Around ½ of the adults living in social housing properties are not in the labour force primarily because of age (34%) or disability/ill health (44%)
- Almost 1/5 of social housing households contain a person who needs assistance with care, movement or communication activities either because of disability or old age.

The 2010-11 Annual Report for Housing does not contain accessible information about the extent to which the ACT housing tenant population is consistent with or differs from these national figures. To fully understand the provision of social housing it will be necessary for the inquiry to develop a clear picture of the ACT tenant profile, including the numbers of older persons, people with disabilities and their carers who are living in social housing in Canberra. In addition, a clear picture of the demographics of the applicants on the priority housing list would enhance both our understanding of social housing needs and the responsiveness of the system to these needs. The priority housing list cap of 150 applicants means that it is not possible to know the actual need for priority housing in the ACT. This too, needs to change so that a clear picture of need for social housing can be established.

Recommendation 1: that the priority housing list reflect actual levels of need for priority housing rather than an artificial cap.

Any discussion of social housing must begin with a common understanding of what housing is included in the term 'social housing'. The National Social Housing survey sought feedback from respondents who live in public housing and in community housing. For this survey, housing is defined as rental housing owned or managed by government or not-for-profit community organisations which can be let to eligible households and includes both indigenous housing and crisis accommodation. In the ACT a recent move has seen the introduction of central intake processes for entry into either public or community and emergency housing (Gateway and First Point) and it is assumed that this inquiry refers to all housing managed through this process.

In addition, housing for people with disabilities is provided in houses owned by the ACT government and managed by Disability ACT or a community provider funded by the ACT government. These houses have different eligibility and access arrangements but group home tenants often have tenancy agreements with Housing ACT and therefore also

¹ National Social Housing Survey. Australian Institute of Health and Welfare October 2011

experience the processes of social housing provision. This submission makes reference to issues that arise in the provision of supported disability specific group homes as well as other social housing.

Recommendation 2: that the Inquiry include provision of supported housing to people with disabilities within the terms of the inquiry.

Housing ACT states its objective as being 'to provide people experiencing social and financial disadvantage with safe, affordable and appropriate housing that responds to their individual circumstances and needs.' It goes on to discuss strategic themes focussing on client outcomes and ensuring that 'the emphasis on clients remains the highest priority'² The experience of advocacy organisations working with people experiencing housing difficulties suggests that the processes implemented by Housing ACT do not have at their core, an emphasis on achieving appropriate, responsive housing for individuals.

Recommendation 3: that Housing ACT review all policy and procedure in light of their stated objectives of client focus, responsiveness to individual circumstance and alleviating disadvantage.

This submission raises a number of issues in relation to the provision of social housing grouped into 5 themes:

1. The housing process
2. Communication
3. Availability
4. Maintenance
5. Disability supported accommodation.

Overarching these themes is the need to recognise housing as a human right. In international law housing is understood to be a human right

"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."³

We recognise that poor housing conditions have a direct impact on aspects of other rights, many of which are in the *ACT Human Rights Act*, including the right to health, to education, to safety, to public participation, to exercise of civil and political rights, access to justice and the right to be free from discrimination. There is currently another process underway considering extending the ACT HR Act to include housing as a human right.

Recommendation 4: ACTDAN recommends that the Inquiry support the inclusion of economic, social and cultural rights, such as housing, as rights under the ACT Human Rights Act.

² . Community Services Directorate Annual Report 2010-11 page 154

³ Universal Declaration on Human Rights Article 25

The Housing Process

As evidenced by the case investigated by the ACT Ombudsman⁴, the process for allocation of housing to vulnerable and marginalised people is fraught and extensive. It does not adequately address the needs of people for urgent or timely provision of housing and is opaque to the applicant. Both ADACAS and Advocacy for Inclusion have worked with people in need of priority housing and experienced the complex and difficult process that applicants must navigate. It is apparent that applicants who have an effective advocate to assist them are more likely to achieve a satisfactory outcome than applicants who do not have an advocate. ACTDAN members have great concern for those very vulnerable people who have few or no supports. Unfortunately it is often the most vulnerable and abused people who do not have the necessary support networks or advocates to provide the required support letter to prove need when seeking housing or a transfer. This is an inequity in the system administered by Housing ACT that needs to be addressed.

Specific issues with the housing application system include:

- There is a lack of transparency in the housing process. Applicants are not given clear reasons for decisions, the timeframes for processing applications are not clear and limited feedback is provided to applicants on the status of their applications.
- Applicants are not supported appropriately within Housing ACT to navigate the system. Often extensive support from an advocate is required to enable the person to access adequate services. As indicated by the Ombudsman's report and recommendations, Housing ACT needs to do more to support applicants with the housing process.
- The process of applying is onerous – particularly for vulnerable people. The volume of supporting material required can be expensive to obtain, takes time to compile and can be a challenging organisational task. It is unclear the extent to which it adds value to the decision making process. We are aware of cases where support letters from medical practitioners have been ignored by housing managers.
- Urgent cases are not dealt with in a timely manner. Assessing officers can take months to prepare applications for the Multi-Disciplinary Panel (MDP), which leaves people in vulnerable situations at very high risk (again, no time frames provided, leaving people feeling very insecure). We concur with the Ombudsman's recommendation that the triaging process for applications to be put before the MDP needs to be transparent.
- A definition of homelessness is not applied evenly. We have evidence of cases when a person who is homeless (couch surfing) or who is not housed safely, is not given priority status.
- If someone is acknowledged as having a disability by Centrelink then they should not have to provide further medical evidence to Housing as both agencies share information and already rely on each other's data for other matters. In particular

⁴ Report by the ACT Ombudsman 01/2011

existing housing tenants should not have to “re-prove” their disability when transferring or requiring further assistance like modifications.

Recommendation 5: that the inquiry investigates alternate non-onerous methods that might be adopted for provision of evidence of ability to sustain a tenancy.

Housing ACT now identifies itself as a human services provider rather than as a landlord. As a human services provider, Housing ACT has an obligation to support tenants to both achieve suitable housing and to maintain it. While the weight of attention by Housing ACT staff is focussed on eligibility and paper work process rather than individual case support, this will continue to be a barrier to achieving sustainable housing for vulnerable people.

Recommendation 6: That Housing ACT makes the philosophical and organisational shifts necessary to become a ‘human services provider’ in its approach rather than continue to focus on tenancy.

The housing process is disempowering both in the application process and for established tenants. Housing ACT now requires that for a person to be able to provide evidence that they can sustain a tenancy they must be ‘linked in’ with a service provider. This creates a client culture that encourages dependence rather than independence and assumes incompetence rather than competence. People require public housing for a range of reasons, they do not necessarily need to be ‘a client’ in order to need a house. It places unnecessary pressure upon already underfunded community organisations and demeans and devalues the status of tenants and applicants.

The long process of application and then waiting for allocation acts as a disincentive to empowerment and opportunities for people applying or waiting for housing, to improve other aspects of their lives. An applicant for housing may not seek or accept employment for instance because they fear this will interfere with their housing application.

Communication

A fundamental component of providing a human service is capacity to provide timely, relevant and accessible communication to vulnerable people. The individual advocacy organisation members of ACTDAN report that it is all too common to find that clients we advocate for have not received appropriate communication from Housing ACT.

Specific communication issues include:

- Communication is intermittent and not timely. Clients and advocates struggle to get calls returned, or receive feedback on decisions made. A person on the priority list can wait for months without receiving any updating information about their housing allocation.
- There is no single point of contact for tenants, which results in confused communication and the tenant having to repeat their story a number of times to different staff. Often tenants receive conflicting information and advice between different Housing ACT staff. This is compounded by an apparent lack of communication and miscommunication within Housing ACT.

- Staffing is inconsistent within Housing ACT. Housing managers or assessing officers can change several times within a few months and generally without informing the tenant or applicant.
- File notes are not always up to date, so when changes of staff occur it is not uncommon to find that the previous point reached no longer applies and the process must be started again with the new staff member. For someone who is vulnerable and at risk, this is completely unacceptable.

Communication issues occur during the assessment phase, during housing allocation phase, during ongoing tenancies, and when the need for maintenance or transfers arise. When advocates work with tenants, some of these communication difficulties can be diverted away from the client but the involvement of advocates does not necessarily resolve them. Housing ACT staff appear to fundamentally lack understanding of the role of advocates in the housing process which compounds difficulties and can lead to mis-expectations on behalf of housing staff. In one recent case for instance, a Housing ACT Case Manager repeatedly called an advocate and expected tasks to be undertaken which were not the role of the advocate and had not been requested by the advocacy client.

Recommendation 7: That Housing ACT implements a training program to improve communication skills of staff and increase understanding of the role of advocates

Recommendation 8: That Housing ACT amends policy and procedure to ensure that applicants and tenants receive timely, relevant and accessible information about their service.

Availability

The combined stock of public and social housing available in Canberra is not sufficient to meet demand. For a number of consecutive years, the Housing ACT Annual Report has shown that if someone does not qualify for priority housing placement then it is highly unlikely they will be housed in the medium term. It is significant that 'priority' no longer means "to take precedence" or to receive service earlier than others. In the Housing ACT context it generally defines whether service is provided at all.

Recommendation 9: That the ACT Government as a matter of urgency, increase the stock of appropriate public and community housing to meet the demand.

While we note that there has been an increase in number of new public housing premises available in the ACT over the past couple of years, data is not available to indicate whether this increase is catching up with or meeting the demand for social housing. Nor can we determine from the number of public houses whether as a proportion of all dwellings in the ACT, social housing has risen or fallen in recent times. Anecdotally it would appear that the demand for social housing has risen while social housing as a proportion of dwellings has fallen. This would point to an ever widening gap in housing available to the most disadvantaged Canberrans.

When planning social housing stock, factors such as access to public transport, neighbourhood style, and access to services must be taken into consideration. Social

housing models such as the Intentional Village being trialled with Disability ACT, have the potential to diversify the choices of living arrangements for people with disabilities. However unless they are implemented carefully they also have the potential to be opportunities to group people based upon a deficit characteristic. This approach creates many more social issues than it solves and leads to further marginalisation of and discrimination against vulnerable people. Particular pockets of existing social housing stock in Canberra are known for contributing to and sustaining neighbourhood difficulties. ADACAS has advocated on a number of occasions where the behaviour of one social housing tenant/s is negatively affecting the life of another social housing tenant/s. Placement decisions made by Housing ACT have been known to lead to significant abuse or loss of wellbeing for individuals whose needs have not been taken into account either in their own placement or the inappropriate placement of others nearby.

Given the significant proportion of people with disabilities and older people living in social housing, the need to ensure that the buildings meet their physical needs becomes paramount. While livable design standards are now used for new stock built for social housing, considerable stock remains which is not suitable or requires either minor or major modification for use by tenants with disabilities or older tenants. Attention to improving this older stock, which is too numerous to ignore or replace, must occur so that basic minimum standards are met

Recommendation 10: that the ACT Government increase to 80% the proportion of new public and community housing provided which conforms to the Livable Housing Design⁵ voluntary code for accessibility, and to achieve 100% by 2020.

Rental housing for people with disabilities presents a particular challenge. Suitable and accessible properties are not available in the private rental market and yet their income may be higher than that which would usually qualify applicants for public housing. This leaves people with disabilities unable to access rental accommodation and is an inequity that needs to be addressed.

Recommendation 11: that people with disabilities who are unable to find suitable properties in the private rental market be considered eligible for public housing.

Case study – ADACAS recently advocated for an older couple who, due to neighbour harassment needed to move from their long term public tenancy, which had been modified to meet the needs of the couple, one of whom has disabilities. While ADACAS congratulates Housing ACT on approving a timely transfer to a nearby older persons unit, the unit's bathroom facilities were not suitable for the elderly carer to support her partner in personal care. The Housing ACT Occupational Therapist did not recommend modifications to the bathroom on the grounds of cost, and the tenants had to get a private OT assessment, at their own expense, before Housing ACT would approve the necessary modifications.

⁵ http://www.facs.gov.au/sa/disability/pubs/general/Pages/livable_housing_design.aspx

The introduction of in-house Occupational Therapy has reduced the waiting times for occupational assessments of public housing however it has introduced a conflict of interest for the therapists which, as the case study demonstrates, impacts upon the quality of service provided. The responsibility of an Occupational Therapist is to recommend modifications required for a safe environment for people with disabilities and their carers. Their recommendations should be based solely upon these needs and not on cost. While housing should continue to bear the cost of occupational assessments of social housing stock, the therapists client should be the tenant not the landlord.

Recommendation 12: That the in-house Occupational Therapy model ensure that client needs are assessed independent of budget considerations.

People with disabilities may be disadvantaged in the housing allocation process because the existing vacant supply is not accessible and they therefore must wait longer for urgently needed allocation or transfers. Recognising that tenants who have disabilities represent a significant proportion of 'disadvantaged clients with high and complex needs', the housing process needs to be more responsive to this group of tenants. Consideration should also be given to better long term planning processes to ensure new stock as the potential to be appropriate to these tenants' needs.

Case study – Trevor moved into a group home with two house mates 15 years ago, which is operated by a disability accommodation support agency. He has a disability and he needs support every day. Trevor has changed a lot since moving into this home. He has come to realise that living here does not allow him to live the lifestyle he wants to live. Trevor wants to achieve more self-determination and independence, so he needs to move out.

Trevor applied for public housing assistance. Housing ACT set up an appointment with him before lodging his application. Housing ACT wanted to clarify a few things as they were doubtful Trevor was making the right decision. These were some of their comments and questions:

"Why can't you stay where you are? There does not seem to be good reason for you to move."

"But you have a disability, how will you cope outside of a group home?"

"What do you need support with? Finances? Domestic assistance? Personal care...? How often do you need this support? Who will provide these supports to you?"

"A group home is most appropriate for your needs."

"Who will help you manage your tenancy?"

"What support services do you currently access?"

"You need to prove that you will have adequate support services in place to live in public housing before Housing ACT will action your application."

This experience was very disheartening for Trevor. He felt like he had no right to choose his place of living or to have any independence. He felt powerless.

His advocate assisted him to gather various support letters from support agencies. He started accessing additional services to show Housing ACT that he has plenty of supports in place. His case manager even secured him some extra HACC funds before he really needed it. After demonstrating this to Housing ACT, Trevor's application was finally lodged and he was placed on the public housing list.

Maintenance

Consistent with earlier points about timeliness, the responsiveness of Housing ACT to maintenance requests is not consistent with its ethos of human service provision.

Case study – A person with a disability living in public housing is not able to use the traditional clothesline due to their disability. Unable to gain a response from housing for a replacement clothesline, the client sought advocacy support. Housing staff response was inappropriate and discriminatory – this tenant has the right to an accessible clothesline at the property consistent with that provided to other tenants. The issue remains unresolved.

For people with disabilities, living in older public housing accessing maintenance can be a significant burden. They are often living with inadequate plumbing, mould, roof leaks, poor security, worn carpet or pest infestations. Given the high level of personal administration and energy input associated with disability, many people with disabilities give up trying to get things fixed as it is just too arduous. Many only deal with emergencies, like hot water tank replacement, and accordingly their standard of living declines.

Case study – a family including a child with disabilities, accepted a public house and signed the contract. After moving in they discovered that parts of the house were not insulated and that some drains were not flush with the floor which meant the floors could flood. It was not possible for the family to be aware of these maintenance issues when they signed the contract but the response from Housing ACT staff was that once they signed the contract, Housing ACT was absolved from responsibility for these maintenance issues. An advocate is continuing to work with this family to get Housing ACT to make the required modifications.

Housing ACT could streamline and simplify housing maintenance procedures so that they are not as much of a burden for people with disabilities. For instance perhaps clients could arrange their own maintenance and submit bills for reimbursement if initial request is not met in 30 days from first lodgement.

Additionally heating in older houses is usually out-dated and electrical so it is the most expensive option. Many people with disabilities must choose between heating, food, and medical expenses.

Recommendation 13: that processes for maintenance approval and payment be streamlined.

Disability Supported Accommodation

People with disabilities, particularly women with disabilities comprise the largest group accessing social housing. As such, it is important that the housing providers are able to understand and meet the needs of this vulnerable group. The housing situation becomes even more complex when supported accommodation is considered. Under this model people often live in group house arrangements with a government or community provider responsible for management and support needs for the house.

Allocation of disability supported accommodation is usually based on the type of disability of the person rather than their particular wishes about who to live with, and where to live. Many people with disabilities live in circumstances that they do not want and which they wish to change. The compounding circumstance of not having access to adequate support funds means lengthy and difficult delays in achieving any change, e.g: 5 to 10 years.

Case Study – Sandra lives in supported accommodation with three housemates. She has a disability and requires support most days. She didn't choose her living arrangement or her housemates. She was placed in this arrangement when she moved out of her family home many years ago. She is really unhappy in this arrangement, particularly because she doesn't get along with one of the housemates. She would really like to move into a home on her own.

Sandra approached a number of agencies in search of supported accommodation. All either had no vacancies or offered accommodation only to tenants with an individual support package (ISP), which Sandra doesn't have. Sandra has lodged an expression of interest for an ISP each year for the past four years without success.

She decided to submit an application to Housing ACT. Sandra was contacted and told by Housing ACT that her application would not be actioned because she requires support and she does not have the individual funding to provide this. Housing ACT was concerned that her support needs would potentially go unmet and her tenancy unmanaged. Housing ACT suggested that perhaps a group home is the best place for Sandra, since she has a disability. Sandra was not provided with any advice or assistance from Housing ACT on how to overcome this hurdle. She felt trapped.

Sandra's advocate assisted her to gather several support letters from various support agencies and post them to Housing ACT. After a couple of months, Sandra was pleased to learn that Housing ACT had registered her on the list, though it will be years before a home is allocated to her.

People with disabilities experience more restricted choice in relation to accommodation than other people. There have been instances where the person's application was not actioned due to potential unmet support needs in the future (if housing were to be allocated), even though the support is not required until housing is allocated.

Once allocated accommodation, people with disabilities can be moved at the behest of the service provider rather than by the choice of the person. A recent case saw the tenants in 4 houses being reshuffled without any reference to the tenants and their wishes, including gender of housemates, location, number of housemates, etc. This reallocation would not occur with any other tenant group in our community and is an indication of the continuing lack of respect for the rights of supported accommodation tenants. There is a distinct lack of certainty for tenants of supported accommodation about the style, longevity, and support of their housing arrangements.

Recommendation 14: that the inquiry set up a task force to develop a set of protocols for properly negotiating with clients with disabilities.

Conclusion

The members of ACTDAN welcome this inquiry into social housing and look forward to its report. In our work we travel beside some of the most vulnerable and disadvantaged people living in the ACT. We welcome the opportunity to bring their experience and perspective on the services they receive and their opportunity to live in 'safe, affordable and appropriate housing' that 'fosters a safer, stronger and more cohesive community'⁶ to the attention of the Inquiry. Clearly there is room for considerable growth and improvement before Housing ACT's 5 strategic themes are met.

In summary, the members of ACTDAN make the following recommendations to the inquiry:

Recommendation 1: that the priority housing list reflect actual levels of need for priority housing rather than an artificial cap.

Recommendation 2: that the Inquiry includes provision of supported housing to people with disabilities within the terms of the inquiry.

Recommendation 3: that Housing ACT review all policy and procedure in light of their stated objectives of client focus, responsiveness to individual circumstance and alleviating disadvantage.

Recommendation 4: ACTDAN recommends that the Inquiry support the inclusion of economic, social and cultural rights, such as housing, as rights under the ACT Human Rights Act.

Recommendation 5: that the inquiry investigates alternate non-onerous methods that might be adopted for provision of evidence of ability to sustain a tenancy.

Recommendation 6: That Housing ACT makes the philosophical and organisational shifts necessary to become a 'human services provider' in its approach rather than continue to focus on tenancy.

Recommendation 7: That Housing ACT implements a training program to improve communication skills of staff and increase understanding of the role of advocates

⁶ . CSD Annual Report 2011 p 154

Recommendation 8: That Housing ACT amends policy and procedure to ensure that applicants and tenants receive timely, relevant and accessible information about their service.

Recommendation 9: That the ACT Government as a matter of urgency, increase the stock of appropriate public and community housing to meet the demand.

Recommendation 10: that the ACT Government increase to 80% the proportion of new public and community housing provided which conforms to the Livable Housing Design⁷ voluntary code for accessibility, and to achieve 100% by 2020.

Recommendation 11: that people with disabilities who are unable to find suitable properties in the private rental market be considered eligible for public housing.

Recommendation 12: That the in-house Occupational Therapy model ensure that client needs are assessed independent of budget considerations.

Recommendation 13: that processes for maintenance approval and payment be streamlined.

Recommendation 14: that the inquiry set up a task force to develop a set of protocols for properly negotiating with clients with disabilities.

⁷ http://www.facs.gov.au/sa/disability/pubs/general/Pages/livable_housing_design.aspx