

Managing antisocial behaviour in public housing

10 AUGUST 2018



NEW SOUTH WALES AUDITOR-GENERAL'S REPORT

PERFORMANCE AUDIT

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GPO Box 12
Sydney NSW 2001

The Legislative Assembly
Parliament House
Sydney NSW 2000

The Legislative Council
Parliament House
Sydney NSW 2000

In accordance with section 38E of the *Public Finance and Audit Act 1983*, I present a report titled
'Managing antisocial behaviour in public housing'.

A handwritten signature in black ink, appearing to read 'Ian Goodwin'.

Ian Goodwin
Deputy Auditor-General
10 August 2018

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Section one

Managing antisocial
behaviour in public housing



Executive summary

In recent decades, policy makers and legislators in Australian states and territories have developed and implemented initiatives to manage antisocial behaviour in public housing environments. All jurisdictions now have some form of legislation or policy to encourage public housing tenants to comply with rules and obligations of 'good neighbourliness'. In November 2015, the NSW Parliament changed legislation to introduce a new approach to manage antisocial behaviour in public housing. This approach is commonly described as the 'strikes' approach.

When introduced in the NSW Parliament, the 'strikes' approach was described as a means to:

- improve the behaviour of a minority of tenants engaging in antisocial behaviour
- create better, safer communities for law-abiding tenants, including those who are ageing and vulnerable.

FACS has a number of tasks as a landlord, including a responsibility to collect rent and organise housing maintenance. FACS also has a role to support tenants with complex needs and manage antisocial behaviour. These roles have some inherent tensions. The FACS antisocial behaviour management policy aims are:

to balance the responsibilities of tenants, the rights of their neighbours in social housing, private residents and the broader community with the need to support tenants to sustain their public housing tenancies.

This audit assessed the efficiency and effectiveness of the 'strikes' approach to managing antisocial behaviour in public housing environments. We examined whether:

- the approach is being implemented as intended and leading to improved safety and security in social housing environments
- FACS and its partner agencies have the capability and capacity to implement the approach
- there are effective mechanisms to monitor, report and progressively improve the approach.



Conclusion

FACS has not adequately supported or resourced its staff to implement the antisocial behaviour policy. FACS antisocial behaviour data is incomplete and unreliable.

Accordingly, there is insufficient data to determine the nature and extent of the problem and whether the implementation of the policy is leading to improved safety and security.

FACS management of minor and moderate incidents of antisocial behaviour is poor. FACS has not dedicated sufficient training to equip frontline housing staff with the relevant skills to apply the antisocial behaviour management policy. At more than half of the housing offices we visited, staff had not been trained to:

- conduct effective interviews to determine whether an antisocial behaviour complaint can be substantiated
- de-escalate conflict and manage complex behaviours when required
- properly manage the safety of staff and tenants
- establish information sharing arrangements with police
- collect evidence that meets requirements at the NSW Civil and Administrative Tribunal
- record and manage antisocial behaviour incidents using the information management system HOMES-ASB.

When frontline housing staff are informed about serious and severe illegal antisocial behaviour incidents, they generally refer them to the FACS Legal Division. Staff in the Legal Division are trained and proficient in managing antisocial behaviour in compliance with the policy and therefore, the more serious incidents are managed effectively using HOMES-ASB.

FACS provides housing services to most remote townships via outreach visits from the Dubbo office. In remote townships, the policy is not being fully implemented due to insufficient frontline housing staff. There is very limited knowledge of the policy in these areas and FACS data shows few recorded antisocial behaviour incidents in remote regions.

The FACS information management system (HOMES-ASB) is poorly designed and has significant functional limitations that impede the ability of staff to record and manage antisocial behaviour. Staff at most of the housing offices we visited were unable to accurately record antisocial behaviour matters in HOMES-ASB, making the data incorrect and unreliable.



1. Key findings

FACS is not effectively monitoring and recording antisocial behaviour incidents

FACS records do not accurately reflect the true nature and extent of antisocial behaviour in public housing and therefore it is not possible to assess the impacts or outcomes of the 'strikes' approach. The majority of frontline housing staff are unable to correctly record minor and moderate antisocial behaviour incidents in the information management system used for this purpose (HOMES-ASB). They describe HOMES-ASB as cumbersome and complex. Reported problems include:

- difficulty in progressing through the system to record and issue a first or second strike after they have issued a warning
- difficulty in changing the status of an antisocial behaviour incident once it is recorded to upgrade it to a different category of seriousness, or downgrade to something less serious
- difficulty in closing off multiple records that relate to a single antisocial behaviour incident.

FACS' records of minor and moderate antisocial behaviour are seriously compromised by the inability of frontline housing staff to use HOMES-ASB.

Serious and severe antisocial behaviour incidents are generally referred to the FACS Legal Division for management. After a notification of a serious or severe illegal antisocial behaviour incident, frontline staff conduct a preliminary investigation to source evidence, and in most cases, refer the matter to the FACS Legal Division. Staff in the Legal Division are trained and proficient in the use of HOMES-ASB, so the serious incidents are managed effectively using HOMES-ASB.

Staff difficulties with HOMES-ASB in frontline offices has compromised the monitoring, recording and application of the 'strikes' approach. FACS recognises the problems with HOMES-ASB and in 2018, increased opportunities for staff to attend training in its operation.

Limited evidence of improved safety and security in public housing

In 2017, FACS surveyed public housing tenants to seek their views on neighbourhood safety and security since the implementation of the 'strikes' approach. Survey responses show that most tenants do not see improvement:

- 44 per cent report no change to safety
- 35 per cent report safety has worsened
- 21 per cent report safety has improved.

Seventy per cent of housing staff respondents to a 2017 FACS survey, agree with public housing tenants that public housing safety and security has not improved since the 'strikes' approach.

It is not possible to compare the outcomes of the 'strikes' approach with outcomes from earlier approaches to managing minor and moderate antisocial behaviour. There is no comparable data because FACS did not issue 'strikes' for minor and moderate antisocial behaviour. All matters were adjudicated by the NSW Civil and Administrative Tribunal using Specific Performance Orders or through the mediation efforts of frontline housing staff.

It is too soon to determine trends in antisocial behaviour as a result of the new 'strikes' approach. With only two years of data, the policy is too new for any meaningful analysis that would show whether the 'strikes' approach is changing the nature and extent of antisocial behaviour.

Limited referral and support for tenants with complex needs and behaviours

FACS policy requires that 'if antisocial behaviour arises because of mental illness, FACS first response is to engage health and social support services to assist the tenant'. Significant factors limit the uptake of these services, including:

- tenants can choose not to attend the service as attendance is voluntary
- some support services are at capacity, particularly mental health services
- a lack of relevant services within travelling distance for regional and remote tenants.

Frontline housing staff have multiple tasks, including those that are driven by Key Performance Indicators (KPIs) and timelines. Staff spend most of their time managing rent arrears, conducting property inspections (known as Client Service Visits) and on the administrative arrangements for managing vacant properties. These tasks are the core components of their statutory role as property landlords.

At most of the housing offices we visited, staff reported that they were unable to provide a properly case managed approach to support vulnerable tenants, due to competing work priorities. FACS does not provide guidelines or resources to assist frontline staff to take case management approaches.

No government department or agency has a lead role in the case management of public housing tenants who require multiple government services and supports. A more coordinated approach is required to assist tenants to access appropriate services.

Limited knowledge and management of antisocial behaviour in remote NSW

Most public housing tenants in remote NSW do not have access to a FACS housing office within reasonable travelling distance. For example, the nearest FACS office to people in the remote township of Bourke, is a four-hour drive to the Dubbo office. While remote tenants can make complaints by phone or register complaints online, most have limited access to a housing office to assist them to lodge complaints or address antisocial behaviour in person.

Staff at remote crisis accommodation services and mental health services have limited or no knowledge of the 'strikes' approach. These staff advise that antisocial behaviour is not being managed in remote locations and that FACS holds limited information about its public housing tenants in these areas.

Staff have insufficient training to manage antisocial behaviour

Staff at the majority of housing offices have not had formal training in interview techniques, investigation skills, risk assessment and risk management. While some important aspects of risk management are learned on-the-job through mentoring arrangements, a majority of housing staff, including those in senior positions, report a lack of relevant training in the past five years.

The lack of training impacts on the ability of housing staff to conduct effective interviews and investigations and compromises their ability to:

- determine whether a complaint can be substantiated
- de-escalate conflict in interview situations
- conduct risk assessments to ensure that staff and tenants are safe
- apply safety measures when entering and exiting a property
- assess potential risks during property visits and interviews
- collect evidence that meets requirements at the NSW Civil and Administrative Tribunal.

FACS has evaluated the 'strikes' approach and made minor improvements

In 2017, FACS commissioned an evaluation of the new 'strikes' approach. In response to the evaluation, FACS has taken initial steps to improve the implementation of antisocial behaviour management by increasing staff training in the use of HOMES-ASB and introducing a 'Certificate IV in Social Housing' for all Client Service Officers in 2018. All Client Service Officers have access to this training, while Senior Client Service Officers have not yet received training and FACS advises that it will be available to this cohort in 2019.

FACS did not receive additional funds to implement the 'strikes' approach. All activity and training associated with the approach was sourced from existing funds and resources.



2. Recommendations

The Department of Family and Community Services should, by August 2019:

1. address the identified functional problems with the information management system HOMES-ASB and ensure that housing staff can use this system to record and manage antisocial behaviour
2. improve the quality of data collection and reporting on antisocial behaviour to ensure oversight of:
 - the extent of antisocial behaviour
 - the types of incidents occurring
 - increases or decreases in incidents over time
 - the outcomes of FACS interventions
3. work with relevant government agencies and non-government support services to coordinate case management approaches to support public housing tenants with complex needs
4. work with NSW Police to develop formal, regular, information sharing arrangements that enable housing staff to proactively manage safety and security in public housing
5. review staff capacity and capability to manage antisocial behaviour including:
 - staffing allocations in remote and regional areas
 - antisocial behaviour specialist skills in housing offices
 - targeted training for frontline housing staff based on local requirements
 - enhanced opportunities for staff to share techniques for managing antisocial behaviour across FACS frontline housing offices and Districts
 - techniques and skill development in risk assessment and safety approaches.



1. Introduction

1.1 Understanding the social housing environment

FACS is the main provider of social housing in NSW

Long-term, subsidised, rental housing is provided to assist people who have extreme difficulty in accessing housing in the private housing market. The collective term for this type of housing is Social Housing. In NSW, this includes:

- 'Public housing' managed by the Department of Family and Community Services (FACS)
- 'Community housing' owned and/or managed by Community Housing Providers, generally not-for-profit organisations
- 'Aboriginal housing' owned by the NSW Aboriginal Housing Office and managed by FACS or Aboriginal Community Housing Providers.

This audit is focussed on public housing managed by FACS, including the Aboriginal Housing properties managed by FACS. Community Housing Providers were not in scope for this audit.

FACS manages more than 112,000 public housing properties, including approximately 4,500 tenancies for the NSW Aboriginal Housing Office. At June 2017, NSW Community Housing Providers managed almost 34,400 social housing properties. There are plans to expand the Community Housing portfolio by an additional 14,000 properties by June 2026.

There is high demand for public housing in NSW. In June 2017, there were approximately 56,000 household groups on the waiting list. Of this total, nearly 4,500 were on the priority waiting list. Public housing demand is driven by factors such as:

- housing not affordable for lower income households
- de-institutionalisation of people with disabilities and mental ill-health
- overall population growth.

Increasing numbers of tenants have complex needs and behaviours

Eligibility for public housing is based on income, assets tests and residency requirements. Under current policy guidelines, housing priority is given to people assessed as having 'urgent housing needs'. According to FACS, those on the priority housing list:

- are experiencing unstable housing circumstances
- have certain risk factors
- are living in accommodation that is inappropriate for basic housing requirements.

Priority housing applicants include people who are homeless, those leaving domestic violence situations, and people living with mental illnesses or other disabilities.

The number and proportion of social housing tenants with significant disabilities have increased in recent years, reaching 38 per cent of all public housing tenants in 2016. FACS internal modelling also estimates that people living in social housing are 2.4 times more likely to have a severe mental illness than those not living in social housing.

Previous public housing policies were aimed at people on low incomes. In the 1960s, 85 per cent of public housing tenants relied on wages as their primary source of income. At 30 June 2016, only five per cent of tenants rely on wages as their primary source of income and Centrelink incomes support more than 90 per cent of social housing tenants.

Antisocial behaviour is not necessarily linked with mental illness or other disabilities, though problems escalate when tenants lack necessary supports to live independently.

1.2 Managing antisocial behaviour using the 'strikes' approach

In November 2015, the NSW Parliament made changes to legislation to introduce a new approach to manage antisocial behaviour in public housing. This approach is commonly described as the 'strikes' approach.

When introduced in the NSW Parliament, the 'strikes' approach was described as a means to:

- stamp out the illegal and disruptive behaviour of tenants engaging in antisocial behaviour
- create better, safer communities for law-abiding tenants, including those who are ageing and vulnerable.

FACS balances a range of tasks and responsibilities as both a landlord required to collect rent and organise maintenance, and a housing manager required to support tenants with complex needs. These roles can be at odds with each other. The FACS antisocial behaviour management policy describes this inherent tension as the need to:

balance the responsibilities of tenants, the rights of their neighbours in social housing, private residents and the broader community with the need to support tenants to sustain their public housing tenancies.

The 'strikes' approach gives FACS a level of direct responsibility to manage and adjudicate minor and moderate antisocial behaviour. Before the introduction of the 'strikes' approach, minor and moderate antisocial behaviour matters were adjudicated by the Tribunal. The Tribunal could issue Acceptable Behaviour Agreements or Specific Performance Orders for minor or moderate antisocial behaviour.

The 'strikes' approach does not substantially change the management of serious and severe antisocial behaviour matters. FACS is required to conduct an investigation, collect evidence and seek orders from the Tribunal.

Under the 'Future Directions for Social Housing in NSW' policy, FACS is required to implement the 'strikes' approach. Community Housing Providers can use the 'strikes' approach or manage tenant behaviour using other options available under the *NSW Residential Tenancies Act 2010* (NSW) (the Act). It is unclear whether Community Housing Providers will adopt the 'strikes' approach when significant numbers of FACS managed properties are transitioned to the non-government sector at the end of 2018 and beyond. FACS and Community Housing Providers do not have any current arrangements for sharing information about antisocial behaviour histories or investigations 'in progress'.

What is the 'strikes' approach?

Commencing in February 2016, the antisocial behaviour policy requires FACS housing staff to issue strikes as sanctions for antisocial behaviours. Key features of the antisocial behaviour approach include:

- **'One Strike' – serious, severe illegal**, where serious antisocial behaviours and severe illegal behaviours result in an application to the Tribunal for termination of a tenancy.
- **'Three Strikes' – minor and moderate**, that may result in a tenancy termination, if three strikes are validly issued to a tenant within a 12-month period and the Tribunal issues a termination notice.
- If antisocial behaviour arises because of mental illness, FACS first response is to engage health and social support services to assist the tenant. FACS will work with clients with complex needs and engage with health and support services to assist the tenant, wherever possible.

Antisocial behaviour is divided into three categories of seriousness, with corresponding sanctions at each level. At the highest level, antisocial behaviour is categorised as **severe illegal behaviour** that poses a risk to the safety or security of residents or property. This behaviour generally reaches a criminal threshold where charges or a conviction could result. In these instances, FACS will apply directly to the Tribunal to seek termination of the tenancy after a review by a FACS Deputy Secretary to determine if the Tribunal application is appropriate.

At the next level, **serious antisocial behaviour** includes actions that place the safety or security of tenants, household members, neighbours or FACS staff at risk. It includes damage to property, serious threats, abuse, intimidation or harassment of other tenants, FACS staff, contractors and neighbours. This behaviour may also reach a criminal threshold. FACS will generally issue a Notice of Termination followed by an application to the Tribunal to seek termination of the tenancy. In some circumstances FACS will apply directly to the Tribunal to seek termination of the tenancy.

The third level, **minor and moderate antisocial behaviour** includes actions that disturb the peace, comfort or privacy of other tenants or neighbours through obscene language, bullying, harassment or uncontrolled parties. At the first instance of substantiated antisocial behaviour, FACS will generally issue a warning notice to the tenant. For subsequent substantiated incidents, FACS will usually issue a Strike Notice. Where three strikes have been recorded within a 12-month period, FACS may make an application to the Tribunal to seek termination of the tenancy.

The NSW Civil and Administrative Tribunal is an independent body that resolves tenancy disputes. The Tribunal hears matters for both private sector and social housing tenancies. For social housing matters, FACS can apply to the Tribunal for a hearing to resolve an issue with a tenant, and conversely a tenant can apply to be heard to resolve an issue with FACS. FACS must have sufficient evidence before taking a case to the Tribunal.

Under the Act, the Tribunal can resolve disputes by making legally binding orders, and has powers to terminate tenancies on the grounds of a breach of the tenancy agreement. The Tribunal can issue a Specific Performance Order (SPO) where a tenant is ordered to correct a breach in their tenancy agreement. In determining whether to terminate a tenancy, the Tribunal considers:

- history of the tenancy, nature of the breach, any previous breaches, and any steps taken by tenant and landlord to remedy the breach
- additional factors set out in the Act for social housing tenancies, such as the effect of the tenancy on neighbours, whether not terminating puts neighbours and others at unreasonable risk, and the history of prior social housing tenancies.

If a tenant chooses to appeal a strike notice, they can request a formal review of the decision by FACS. The appeals process is only available for minor and moderate first-strike and second-strike notices. FACS cannot review decisions made by the Tribunal.

1.3 FACS Housing frontline staff and office locations

Who manages antisocial behaviour in public housing?

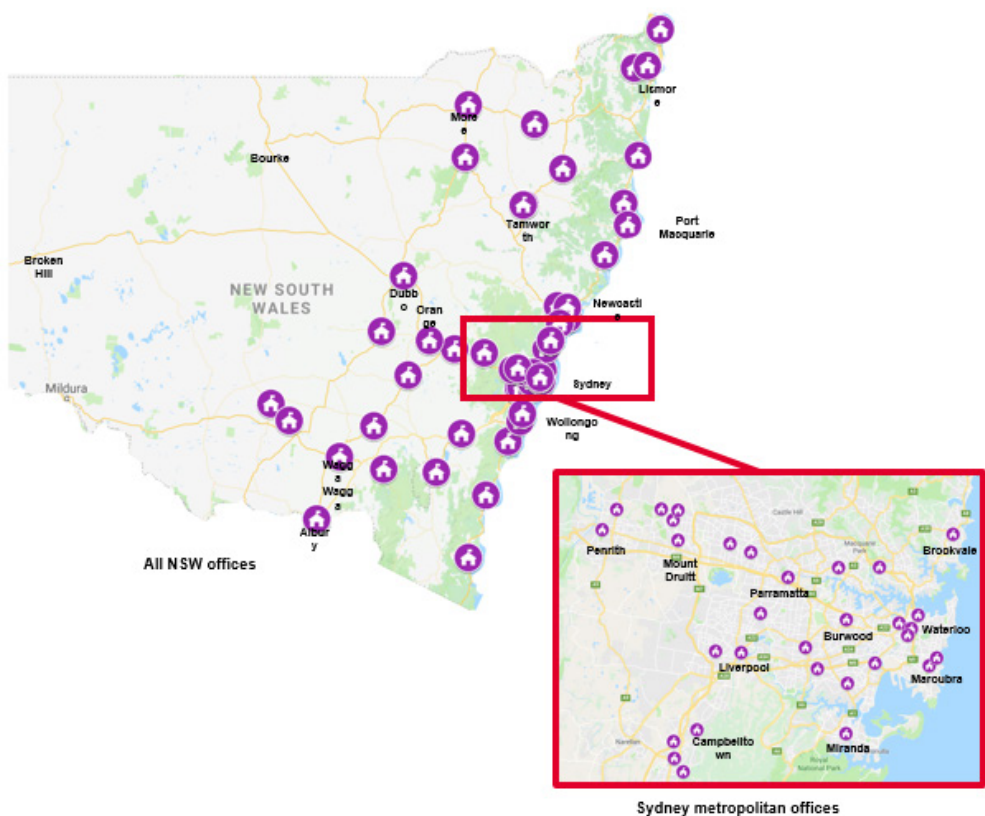
FACS frontline staff provide direct services to public housing tenants, including property management services and the referral of tenants with complex needs to support services. Housing staff are required to work with support service providers, advocates and other stakeholders to assist tenants to maintain their tenancies.

There are no pre-requisite qualifications for housing officers. They learn required skills and knowledge on-the-job. Senior frontline staff are required to provide guidance, coaching, mentoring and on the job training to junior client service officers to ensure they are effectively and safely performing their roles.

Where are FACS housing offices?

FACS has 72 housing offices in metropolitan and regional NSW. While FACS manages several hundred properties in townships that are defined as remote, it has only one staff member located in the remote township of Walgett. Housing services in other remote townships are managed through outreach services from the Dubbo housing office. Exhibit 1 shows the location of housing offices across NSW.

Exhibit 1: FACS housing office locations



Source: Audit Office research, 2018.



2. The nature and extent of antisocial behaviour

2.1 Antisocial behaviour in public housing

Not enough reliable data to identify trends in antisocial behaviour

It is not yet possible to determine whether antisocial behaviour is increasing or decreasing in public housing using the information and data that is available from FACS. With only two full years of antisocial behaviour records since the commencement of the policy, it is too soon to indicate trends in its management. In addition, FACS data is currently unreliable and does not indicate the full nature and extent of antisocial behaviour in public housing.

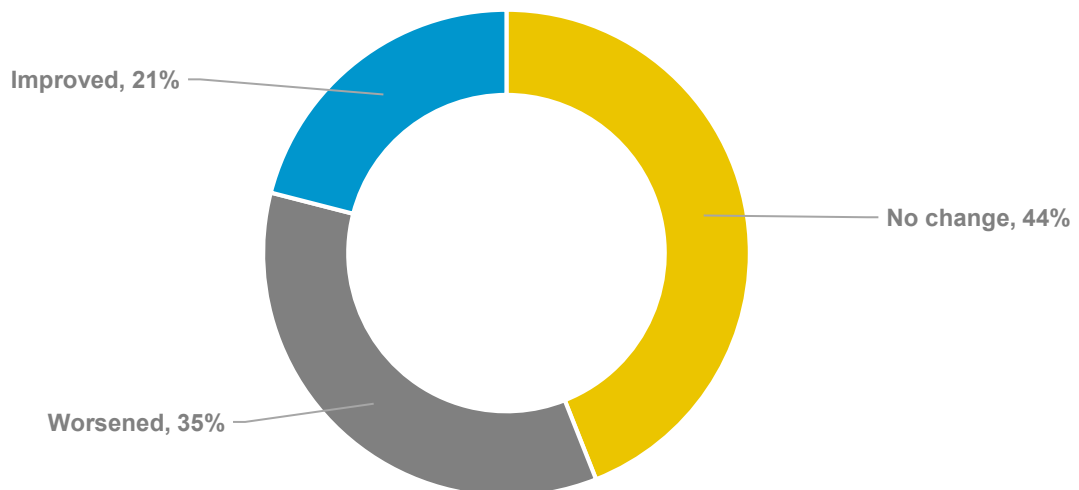
It is not possible to compare the outcomes of the 'strikes' approach with outcomes from earlier approaches to managing minor and moderate antisocial behaviour. There is no comparable data because FACS did not issue 'strikes' for minor and moderate antisocial behaviour. All matters were adjudicated by the NSW Civil and Administrative Tribunal using Specific Performance Orders or through the mediation efforts of frontline housing staff.

A majority of tenants and staff say safety and security has not improved

A number of indicators show that antisocial behaviour is an ongoing problem in public housing.

In August 2017, FACS surveyed 3,787 tenants to find out if they feel safer since the implementation of the policy. The survey revealed that a majority of tenants did not think their safety and security had improved in the 18-months since the policy was introduced.

Exhibit 2: Tenant views on neighbourhood safety and security since the implementation of the strikes approach

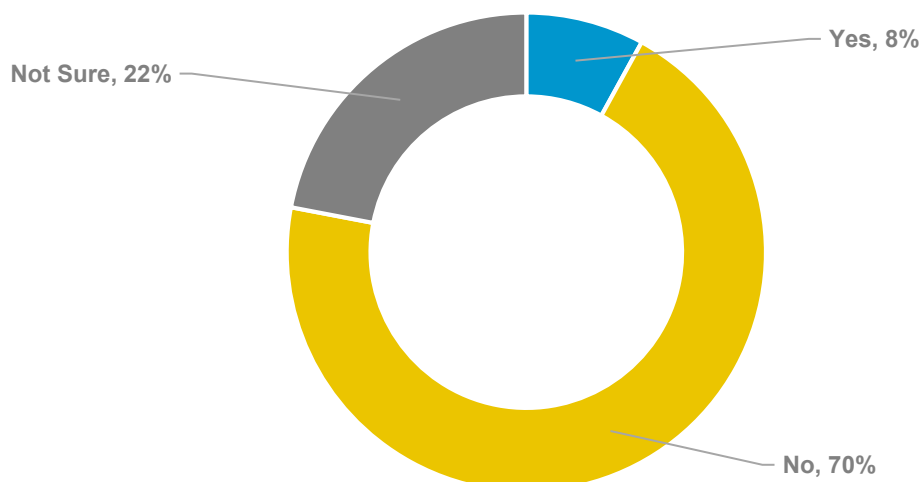


Source: Audit Office, based on agency data 2018.

Surveyed tenants were not concerned with nuisance or the disruptive behaviours of neighbours, but rather, with the potential for more serious risks including drug or alcohol affected neighbours. Tenants raised concerns about the physical security of buildings, including unsafe rubbish like syringes and glass in shared areas, and disturbances caused by unauthorised occupants.

Surveyed housing staff share the views of tenants about safety and security in public housing. Results from a FACS survey of 63 housing staff in August 2017 shows that 70 per cent see no improvement in safety, 22 per cent are not sure, and eight per cent note improvements since the 'strikes' approach (Exhibit 3).

Exhibit 3: Housing staff views on whether neighbourhood safety and security has improved since the implementation of the strikes approach



Source: Audit Office, based on agency data 2018.

According to our survey of frontline housing offices, staff teams from 24 out of 27 offices report that antisocial behaviour is creating difficulties in the tenancies they manage.

Antisocial behaviour ranges from noise and nuisance to severe illegal activity

Over a 22-month period, the recorded categories of antisocial behaviour include those on the lower end of nuisance and noise, to higher end incidents of violence, including assault causing grievous bodily harm. The most common forms of antisocial behaviours reported by the housing staff we spoke to are:

- noise and nuisance
- threats and abuse
- hoarding and squalor
- drug use
- unauthorised occupants.

Exhibit 4 shows the range of antisocial behaviour incident types collected in FACS data. Incidents range from severe illegal to serious, moderate and mild antisocial behaviours. The most common complaints and/or incidents during this period were loud and disruptive noise, followed by obscene language and aggressive or threatening behaviour.

Exhibit 4 includes over 1,700 incidents recorded as 'other', out of a total of 6,755 recorded incidents. These 'other' incidents cannot be interpreted and indicate the need for FACS to provide more accurate reporting on antisocial behaviour.

Exhibit 4: Antisocial behaviour incidents by type (22 February 2016 to 31 December 2017)

Incident type	2016	2017	Total
Grievous bodily harm (GBH)	29	28	57
Manufacture/supply/trafficking of drugs	69	122	191
Illegal brothel	1	1	2
Storage of illegal firearms	9	16	25
Child pornography	--	1	1
Serious injury	5	8	13
Show cause offence under bail act	--	1	1
Physical assault or violent acts no GBH	96	116	212

Incident type	2016	2017	Total
Extensive malicious damage to property	5	3	8
Malicious damage to a property	29	45	74
Aggressive and threatening behaviour	248	320	568
Aggressive threatening behaviour - staff	22	30	52
Street brawling	9	26	35
Provoking pets to attack	6	1	7
Intentional damage to a property	68	75	143
Hate or victimisation	6	4	10
Loud and disruptive noise	1,058	1,107	2,165
Uncontrolled party	48	49	97
Graffiti or damage to a property	20	18	38
Rubbish dumping and litter	79	64	143
Obscene language	356	366	722
Nuisance caused by children's behaviour	146	128	274
Poor property care	37	18	55
Inappropriate vehicle parking	53	61	114
Other categories of complaint			
Other minor or moderate antisocial behaviour	758	809	1,567
Other serious antisocial behaviour	51	58	109
Other similar conduct	20	39	59
Unknown	4	9	13
Total	3,232	3,523	6,755

Source: Based on FACS data 2018.

FACS recording of antisocial behaviour incidents is unclear

In a 22-month period from February 2016 to December 2017, FACS recorded 6,755 incidents of antisocial behaviour in public housing tenancies. Over 40 of these incidents were serious or severe illegal behaviours and tenancy terminations were sought at the Tribunal.

During this period, FACS housing staff issued nearly 1,500 warnings, almost 200 First Strikes, 58 Second Strikes and 11 Third Strike notices of tenancy termination. FACS housing data includes 4,000 antisocial behaviour incidents specified as 'no outcome'. FACS informed us that 'no outcome' generally relates to cases which are under investigation, or where administrative steps such as closing duplicate reports in HOMES-ASB have not been finalised. Subsequent to providing these data to us, FACS advised that it has reviewed all of these cases and they have been dealt with under the policy except in instances where the case is still open, under investigation, or awaiting further information. FACS also advised us that there is a need to further train staff in the HOMES-ASB system.

We directly observed multiple problems with the functionality of HOMES-ASB and staff reported numerous difficulties using the system – including in linking or closing multiple complaints linked to a single incident. Some staff reported that they were too busy to follow up on minor and moderate antisocial behaviour because they had other pressing work priorities. Some staff were using some functions in HOMES-ASB and then working outside the system to manage minor and moderate antisocial behaviours.

These issues need an effective and ongoing resolution to ensure FACS has reliable data to inform its understanding of the nature, extent and management of antisocial behaviour in public housing.

Exhibit 5 shows the status of logged antisocial behaviour incidents.

Exhibit 5: Antisocial behaviour incidents by action/outcome based on FACS data (22 February 2016 to 31 December 2017)

Outcome	2016	2017	Total
Tenancy termination			
Immediate termination	3	1	4
Serious – Notice of termination issued under s 87 of the <i>Residential Tenancies Act 2010</i> (NSW)	10	31	41
Minor/Moderate strikes			
Warning notice issued	832	641	1,473
First strike notice issued	81	116	197
Second strike notice issued	18	40	58
Third strike notice of termination issued	3	8	11
No outcome			
No outcome recorded	1,772	2,256	4,028
Decision reversal			
Reversal of antisocial behaviour decision – 1st tier appeal	1	--	1
Reversal of antisocial behaviour decision – 2nd tier appeal	2	--	2
Reversal of antisocial behaviour decision – Other (compliance review)	6	--	6
Matter closed			
Duplicate antisocial behaviour Incident (closed)	2	4	6
Not a breach of tenancy agreement	69	63	132
Not proceeding to investigation (insufficient information to investigate)	42	34	76
Not proven (no further action taken)	295	261	556
Personal dispute – recommend mediation	54	25	79
Property vacated (complaint investigated but unable to take further action as tenant has vacated property)	6	4	10
Substantiated but no further action (complaint investigated and breach of tenancy agreement was substantiated, but not further action taken)	35	38	73
Tribunal order			
Specific Performance Order (Tribunal hearing)	1	1	2
Total	3,232	3,523	6,755

Source: Audit Office, based on FACS data 2018.

2.2 Managing tenants with complex needs and behaviours

Housing staff have limited support to refer and manage tenants with complex needs

FACS policy requires that 'if antisocial behaviour arises because of mental illness, FACS' first response is to engage health and social support services to assist the tenant'. FACS offers limited support to assist housing staff to support tenants with mental illnesses and other complex needs. There are no guidelines, templates or frameworks to assist staff to refer and engage relevant services to support these tenants.

FACS has partner arrangements with NSW Health and various non-government organisations for the provision of clinical and psychosocial support to assist people with mental health problems. While these arrangements provide options for tenants to access services, tenants face some significant impediments to access them. According to staff at the housing offices we visited, impediments include the following:

- attendance at the service is voluntary and in many cases tenants do not attend
- the service is oversubscribed and cannot take new clients
- the service refuses difficult or challenging clients and these can be tenants exhibiting antisocial behaviour
- the provider terminates the service once the client is housed to attend to waitlisted clients requiring more urgent support
- the service is available on an outreach basis and there are difficulties coordinating access.

Hoarding and squalor is a growing problem in social housing. These behaviours are linked to a recognised mental health condition. Housing staff require information and training to recognise these conditions and know how to appropriately manage them and make referrals. As part of the antisocial behaviour management policy, staff must take reasonable steps to sustain tenancies and decide the point at which they should issue a warning or a strike. These judgements can be particularly complex when tenants are suffering from mental illnesses and recognised health conditions. The case study at Exhibit 6 describes the types of complex needs and behaviours of some public housing tenants. Names and details have been modified to protect the identity of housing staff and tenants.

Exhibit 6: Case study: Managing tenants with complex needs through the 'strikes' approach

Mitch is a public housing tenant living in regional NSW. Reports on his tenancy indicate a history of mental ill-health, evidence of cognitive impairments due to injury, and alcohol dependency. Mitch and his partner have limited ability to care for their property. Neighbours have made complaints to FACS about the smell of the property, increasing rubbish around the property, and barking dogs. Mitch has multiple pets and hoarding behaviours. FACS housing staff have issued a warning and two moderate antisocial behaviour strikes against Mitch's tenancy.

Housing staff have informed Mitch and his partner that their tenancy is at risk. Housing staff have periodically assisted the couple, by attending at the property and helping to clean the house and teach the couple housekeeping skills. Over the years, Mitch has been cleaning parts of the house by hosing the floors, and as a result, the floors are rotten.

Housing staff have made multiple referrals to local mental health services and other services to assist Mitch to maintain his tenancy. Mitch is suspicious of strangers and refuses assistance, including assistance from cleaning services. The limited number of support services in the area are not willing to engage with Mitch and his partner due to their problematic, and at times, threatening behaviours. Maintenance contractors have refused to enter the property on Work Health and Safety grounds.

FACS housing staff are aware that the 'strikes' approach will not assist in changing Mitch's problematic behaviour. He is not responsive to warnings and strike notices and does not fully understand the consequences of his behaviours. Housing staff see that the only solution is to start eviction proceedings, but this will likely make Mitch and his partner homeless.

Housing staff have concerns for the safety and well-being of this couple if they are evicted. On the other hand, they feel a duty to neighbouring tenants who are affected by noise and smell, and expect a resolution of the matter under the strikes approach. The process for issuing a warning and two strikes has taken a ten-month period and frustrated neighbours have taken their complaints to the local member of parliament.

Note: Names have been changed to protect staff and tenant identities.

Housing staff have competing priorities and conflicting roles

There is an inherent tension in being both landlord and housing manager of tenants with complex needs. Staff report difficulty in balancing the requirement to manage antisocial behaviours of vulnerable tenants, particularly those with cognitive impairments, while maintaining a safe and secure neighbourhood for all tenants.

Frontline housing staff have a number of assigned tasks that are driven by Key Performance Indicators and timelines. Consulted staff estimate that they spend most time each week on managing rent arrears, followed by property inspections (known as Client Service Visits), and then on the administrative arrangements for managing vacant properties. These tasks take up the majority of staff time and are the core components of their role as property landlords.

Staff at the housing offices we visited rated managing antisocial behaviour as the fourth most time-consuming activity during each working week. Housing staff report that they do not have time to follow up on referrals, or to check tenant attendance at support services.

Escalating drug use puts tenancies at risk

Staff at 24 out of 27 of the housing offices we visited describe drugs and alcohol as a major contributor to higher tenant support needs. Of the factors that limit a tenant's ability to comply with the tenancy agreement, drugs and alcohol was listed as the second most common factor after mental health problems. Staff at 16 out of 27 housing offices we visited specifically identified the drug 'ice' as a problem for tenancy management. According to FACS data on substantiated antisocial behaviour incidents, drug trafficking and supply almost doubled between 2016 and 2017.

The Australian Criminal Intelligence Commission's National Wastewater Drug Monitoring Program shows that from 2013 to 2017, Methamphetamine (ice) was the most commonly consumed drug across NSW, and its consumption was higher in regional areas than in the Sydney metropolitan area on a per capita basis.

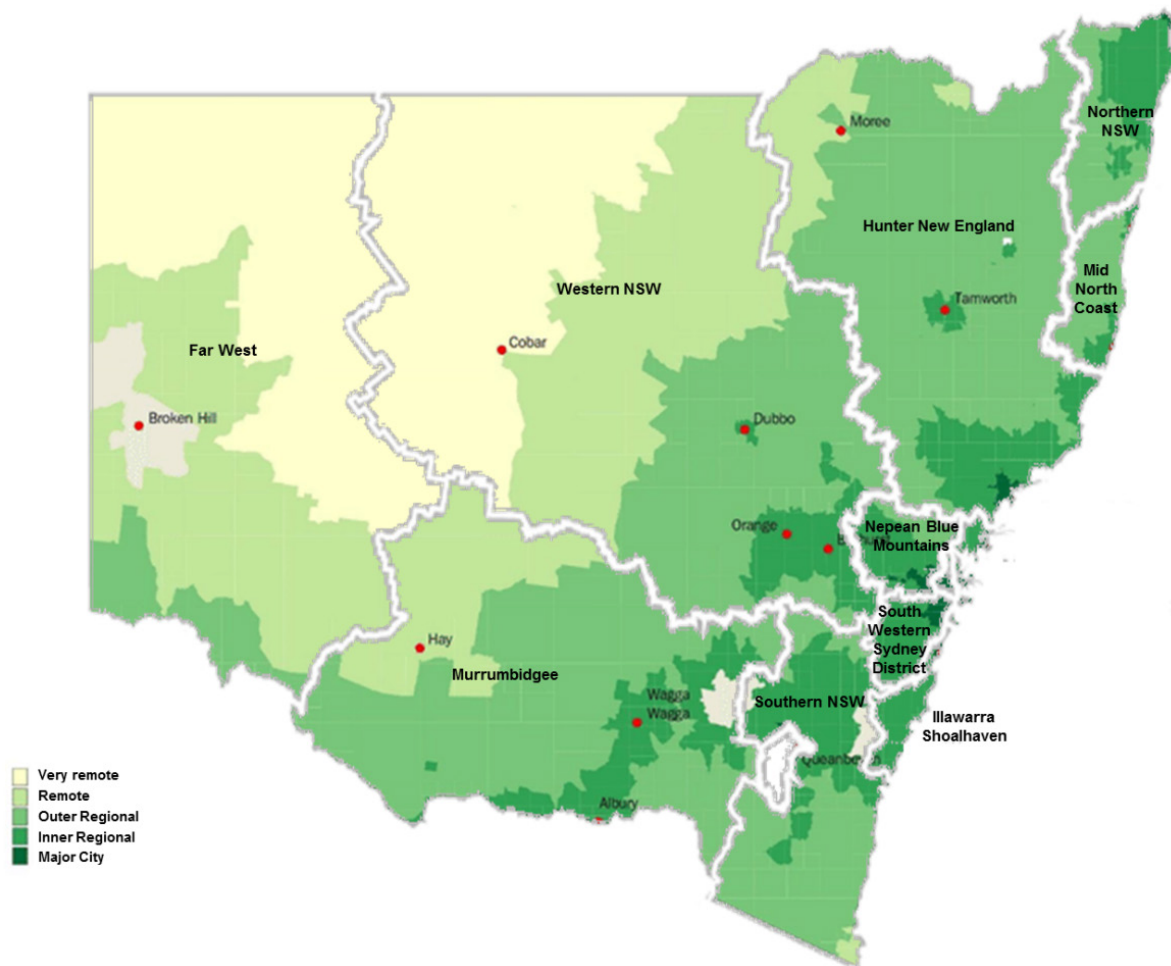
Limited management of antisocial behaviour in remote and regional NSW

Tenants in remote NSW do not have the same access to a FACS housing office or FACS housing staff as tenants in metropolitan areas. For example, for tenants living in the townships of Bourke (89 properties) or Brewarrina (36 properties) the closest FACS Housing office is 375 kilometres away – a four-hour drive to Dubbo.

The Dubbo housing office has 17 staff members with responsibility to manage 1,715 properties (4,108 tenants) across 13 townships in the FACS Western District. Support for tenancies outside Dubbo is predominantly provided through outreach from the Dubbo Office. Housing staff provide outreach services to an area that covers a third of NSW. The FACS Western District also includes a satellite office with one staff member located at the Walgett Community Services Centre. This housing officer is required to make weekly outreach visits to two additional remote townships and monthly visits to a third remote township.

The population in the FACS Western District has higher support needs than the State average. People living in this region are more likely to be in receipt of a disability support pension or a Newstart allowance, than the rest of the State. Children in this region are more likely to have had interactions with the child protection system and are twice as likely to be in out-of-home care. This region also has a greater rate of domestic assaults per capita than the rest of the State. Exhibit 7 shows the regional and remote FACS Districts across NSW.

Exhibit 7: FACS Districts by remoteness



Source: Audit Office, 2018 based on ABS 2006 Australia Standard Geographical Classification: Remoteness Structure; FACS Districts Map 2016.

A key challenge in providing outreach housing support in these areas is that staff have less direct contact with each tenancy, and therefore do not always know who is living in the properties they manage. Support service providers told us that some tenants sublet properties to relatives or friends, or leave properties vacant for months at a time while they live in other public housing properties. In some locations, FACS relies on tip-offs from local services and other tenants to find out about activity at its properties, including whether a property has been vacated, or whether the tenant on the lease is the resident at the property.

Property damage can occur when FACS is unaware that a property has been vacated and has not been able to secure the property before vandals enter. House burning is common in some regions. It can occur as a result of antisocial or criminal behaviour by tenants, or by other people who do not live in public housing. Additional staffing in these regions may assist in managing tenancies where there are higher levels of recorded crime and vulnerable population groups.

2.3 Complaints about antisocial behaviour

Antisocial behaviour is reported more frequently in some areas than others

Some tenants and neighbourhoods have a higher threshold for antisocial behaviour than others. In some places, higher levels of nuisance and noise are tolerated. In other areas, tenants and neighbours have a limited tolerance for nuisance and some serial complainants make multiple reports of very minor matters. Different reporting patterns mean that behaviours that may result in a strike in one location, can be unreported in another. This raises questions about the equitable application and implementation of the policy across NSW.

The 'strikes' approach has raised expectations of some complainants about the potential to resolve antisocial behaviour in a timely manner. Some complainants expect an instant eviction after lodging a complaint. Complainants welcome notifications about progress of their matter and information about outcomes.

Neighbourhood Impact Statements support anonymous complaints at the Tribunal

Neighbourhood Impact Statements are a summary of statements made by neighbouring residents about the effect of antisocial behaviour on the neighbourhood. Individuals are not named in the statement which allows complainants to maintain anonymity.

Tenants can be too frightened to complain about antisocial or criminal behaviour. Staff in metropolitan and regional offices report instances of neighbour intimidation and standover tactics. In cases of serious antisocial behaviour, tenants make anonymous complaints and these complaints are difficult to substantiate at the Tribunal. Staff are reluctant to act on these complaints as they rarely lead to evictions because complainants will not appear at the Tribunal to substantiate the complaint.

Neighbourhood Impact Statements are effective in supporting applications for tenancy terminations for substantiated antisocial behaviour at the Tribunal. Over a 22-month period since the 'strikes' approach was implemented, FACS has records of 39 Neighbourhood Impact Statements. There is potential to make greater use of these statements in instances where behaviours are impacting on more than one neighbour.

2.4 Warnings, strikes and natural justice

Antisocial behaviour data are unreliable

Serious and severe strikes are handled by the FACS Legal Division. Housing staff conduct a preliminary investigation and then forward the case to the FACS Legal Division for full investigation and management. FACS Legal staff are proficient in the use of the information management system and are skilled in antisocial behaviour investigation. Therefore, serious and severe antisocial behaviour is correctly recorded and reflects the nature and extent of serious and severe antisocial behaviours.

FACS data on warnings, minor and moderate strikes are unreliable, making it difficult to determine the outcomes of the 'strikes' approach. Staff at 23 out of the 27 housing offices that we visited have trouble issuing strikes using HOMES-ASB, resulting in unreliable data.

While some neighbourhoods may have higher levels of antisocial behaviours than others accounting for higher rates or antisocial behaviour, we found that some housing offices have higher levels of proficiency in issuing strikes than others. It is therefore difficult to determine whether patterns of recorded strikes are due to higher levels of antisocial behaviour, or higher levels of staff proficiency with the information management system.

FACS commissioned research in 2017 shows that, the number of antisocial incidents recorded across FACS Districts varied significantly. For example, in one FACS region there were 170 recorded antisocial behaviour incidents per 1,000 tenancies while in another there were only 12 incidents per 1,000 tenancies. Our survey and fieldwork identified higher levels of staff proficiency with the information management system in some offices compared with others, and this may account for differences in recorded incidents.

Since the 'strikes' approach commenced, housing staff have issued 1,473 warnings compared with 197 first strikes. The high numbers of warnings compared to minor strikes may indicate that warning letters are having a deterrent effect. However, housing staff report that they can apply some of the simpler procedures such as issuing warnings using the information management system, but they face difficulty in progressing through the 'gates' of the system to generate strikes. We observed issues with the system that would contribute to this, such as system time-outs and complex system protocols and steps. This may account for the higher numbers of warnings and fewer minor or moderate strikes.

It is difficult to determine whether the strikes are leading to improved behaviour, or whether other factors are having an impact

Evaluation data available at the time of this audit do not provide insights into the impacts of the strikes approach on behaviour change. Frontline housing staff reported that a warning is enough to stop further antisocial behaviour for some tenants. However, there are groups of tenants who are unresponsive to any behaviour management. Tenants with challenging behaviours and complex needs can find it difficult to understand the consequences of their behaviour. In these instances, warnings and strikes are having limited impact.

Very few tenants issued with a strike for minor or moderate antisocial behaviour have progressed to eviction. Many tenants would have an awareness that after 12 months, a minor/moderate strike is removed from their record. It is possible they are modifying their behaviour in the short term to ensure that they do not receive three strikes in a single year. Staff we consulted describe the 12-month time limit on strikes as being too short to lead to sustained behaviour change. Some said an 18-month period would be more effective.

Advocates are not always informed about tenancies at risk

The antisocial behaviour management policy has provisions for natural justice that include opportunities for tenants to meet with FACS staff to explain their behaviour. Tenants also have opportunities to appeal strikes through the FACS Housing Appeals Committee (HAC) or the Tribunal.

Tenants with cognitive impairments can have difficulty understanding the risks to their tenancy and may not have the capability to seek support to assist with their case. Legal Aid and Tenant Advice and Advocacy Services provide representation and support for tenants in natural justice processes.

Legal Aid and Tenant Advice and Advocacy Services report that matters have been heard at the Tribunal in the absence of any advocacy for vulnerable tenants. FACS advises that tenants receive information about Tenant Advice and Advice Services as part of the routine correspondence in relation to antisocial behaviour investigation, but more needs to be done to advise about legal and other tenant support services.

Procedural fairness timelines and the complaint process

Staff have 20 working days to investigate minor and moderate antisocial behaviour. The policy requires that after an allegation of antisocial behaviour, a letter be sent to the tenants requesting attendance at an interview. The letter takes approximately four days for postage and handling, and tenants may not read the correspondence and not attend the interview. In these instances, staff are required to re-issue letters and potentially visit the tenant for any proceedings to be valid and ultimately recognised in Tribunal proceedings.

According to surveyed housing staff, procedural fairness timelines can extend the time it takes to respond to complaints and complainants can become frustrated by perceived inaction. During this period, neighbourhood disputes and other antisocial behaviours can escalate. This is leading to a perception from other tenants and complainants, that FACS is doing very little to manage antisocial behaviour.

Appeal timeframes further slow the process. Appeal timeframes for Strike Notices are:

- 21 calendar days (plus four days postage) for the tenant to lodge the first-tier appeal
- 21 calendar days for FACS to make a determination about the appeal and provide the decision to the tenant
- 21 calendar days (plus four days postage) for the tenant to lodge the second-tier appeal at the Housing Appeals Committee (HAC) from the date FACS provided the tenant with the first-tier appeal decision
- 21 calendar days for HAC to make a decision and notify the tenant of the outcome.

Housing staff acknowledge that the process of appeals needs to occur in a fair and reasonable manner, though many are overwhelmed by the lengthy administrative requirements. Tenants have less understanding of the intricacies of the system and many are dissatisfied with what they perceive to be a lack of action or a visible outcome in response to a complaint.

'Strikes' approach imposes a significant administrative burden with limited outcomes

The administrative and evidentiary requirements for an antisocial behaviour matter can be extensive. In one example from 2016, FACS generated 382 pages of evidence for presentation at the Tribunal.

Public housing tenants can return to public housing after being evicted for antisocial behaviour because they have limited housing options. While FACS has some difficulty in tracking evicted tenants once the tenancy agreement has terminated, we heard from numerous service providers that evicted tenants are likely to 'couch-surf' at the homes of friends and relatives in public housing. As 'couch-surfers' they are deemed to be unauthorised additional occupants, potentially putting the tenancy of the host or lead tenant at risk.

FACS policy also allows some evicted tenants to re-apply for public housing after a six-month period of stable tenancy in the private market. Evicted tenants may meet the criteria for priority public housing if they have experienced homelessness during the time since their tenancy ended.

Housing staff describe public housing as 'housing of last resort' for people who have difficulty entering the private rental market. They describe the 'strikes' approach as a 'revolving door' that evicts some but not all tenants with problematic behaviours, ultimately to see many of them return to public housing. Public housing is the most viable, long-term housing option for people who face extreme difficulty in accessing the private rental market.



3. Staff capability and capacity

3.1 Dedicated staff and resources to manage antisocial behaviour

All housing offices need a skilled antisocial behaviour specialist

The critical skills for managing antisocial behaviour include the ability to:

- interview tenants in difficult circumstances
- de-escalate conflict situations
- conduct investigations into incidents
- refer tenants to relevant support services
- network and liaise with police and other stakeholders
- enter data into the HOMES-ASB database
- present evidence at the NSW Civil and Administrative Tribunal.

To do the job well, housing staff need skills and expertise in de-escalating conflict situations, identifying and managing risk, remaining calm under stress, and exercising good judgement. In frontline housing offices, these skills are learned on-the-job through observation, experience and mentoring by more experienced staff. Staff at 20 out of 25 housing offices say they are under-resourced to manage antisocial behaviour. They gave the following reasons:

- not enough experienced staff
- high staff turnover
- incomplete staffing, with people in acting roles and temporary staff
- the outreach role is unmanageable due to distances.

FACS data shows 12 out of 72 housing offices had staff turnover of more than 15 per cent in 2017 and three of these offices had a staff turnover of 40 per cent or higher. The majority of offices with high staff turnover were in regional and remote areas.

Five out of the 27 housing offices that we consulted had an antisocial behaviour specialist. These specialists have a specific role to manage antisocial behaviour. They manage investigations, conduct interviews with complainants and respondents, and enter information about antisocial behaviour incidents in HOMES-ASB on a daily basis. These offices had less difficulty managing antisocial behaviour than those without an antisocial behaviour specialist. A range of other staff such as Senior Client Service Officers (Specialists) also carry out this role in some other offices. FACS were unable to explain why some offices have a specialist and others do not.

3.2 Investigating complaints

Collaboration with Police and support services is critical to manage antisocial behaviour

Housing staff rely on various sources of information to manage neighbourhood safety and security. They act on information and complaints by neighbours, information from police, visits to tenant homes or information from local parliamentary offices. The most common complaint channels for antisocial behaviour are:

- the complaints line
- Client Service Visits
- over the counter complaints
- police information
- calls to the local FACS Housing office
- email complaints
- complaints from the local member of Parliament.

Housing staff are not always aware of antisocial behaviour in their tenancies. They sometimes discover evidence of serious antisocial behaviour long after the event, or when the tenant has moved out.

Police are a key source of information about crime and incidents that impact on safety in areas of public housing. However, more than half of housing offices we visited do not have proactive information exchange arrangements with police. These housing offices are less likely to be informed about the full range of antisocial behaviour and criminal activity in their tenancies.

Some housing staff learn of incidents through Safety Action Meetings. These meetings are run by police in a number of NSW regions, with the aim of preventing family and other violence. Safety Action Meetings are attended by mental health service providers, family violence workers, housing workers, child protection services and other support services. They aim to prevent or lessen serious threats to the life, health or safety of domestic violence victims and their children. By sharing information, meeting members put together a comprehensive picture of each victim's situation and develop a Safety Action Plan based on this picture.

Not all regions in NSW have Safety Action Meetings and therefore, not all housing offices have access to this form of information. In some areas without Safety Action Meetings, housing staff have set up their own arrangements to meet with police to share information when there are safety concerns about tenancies or neighbourhoods.

FACS has its own information exchange arrangements with police through a formal Memorandum of Understanding (MoU) process. This arrangement allows for the sharing of information when FACS requests information to fully investigate a known incident. However, this arrangement is only useful when housing staff are aware of an incident and know what to request in the MoU.

Staff at some housing offices incorrectly claim they are unable to seek information from police about criminal or dangerous activity in their tenancies due to privacy legislation. While privacy may have prevented information sharing in the past, changes to legislation in 2014 allow NSW service providers to share information if it is to prevent or lessen a serious threat to persons' life, health or safety. Under Part 13A of the *Crimes (Domestic and Personal Violence) Act 2007* and Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*, housing workers can exchange information with police and other service providers.

Staff have regular contact with tenants to manage tenancies

Most frontline housing staff have direct contact with tenants on a daily basis. Staff make visits to tenant homes known as Client Service Visits and conduct interviews with tenants at the housing office. Staff conduct tenant interviews and home visits in order to:

- develop relationships with tenants
- inspect the property for maintenance requirements and damage
- ensure compliance with the terms of the tenancy agreement
- address any issues related to nuisance, noise, or unsafe communal areas
- investigate and manage antisocial behaviour
- sign on new tenants
- manage the day-to-day issues arising from the tenancy.

Client Service Visits are driven by Key Performance Indicators (KPIs). KPIs vary from office to office. Some offices have a KPI to inspect 100 per cent of their property portfolio each year, while others range from 23 per cent to 79 per cent. Visits can be a daily task, given that, on average, housing staff manage 334 tenancies each.

FACS has procedures to manage risks to staff

FACS has a risk assessment policy and associated procedures to ensure the safety of staff and tenants. Prior to a home visit, housing staff must complete a Risk Assessment Form and check HOMES for alerts on the tenancy. This system provides some risk assurance for housing staff, though there can be unforeseen or undescribed risks.

In 2017, FACS introduced a personal safety device to reduce risks to housing staff when they are visiting tenancies and are outside of the office. The personal safety devices have a discreet activation that, if triggered, will make an open voice call to a monitoring centre where sound is recorded. The personal safety device has an inbuilt GPS, so in situations of danger, police or other emergency services can be notified.

Protective clothing, first aid, and safety kits are available to housing staff in some housing offices but not all. These resources can assist in protecting staff during visits to public housing properties. Kits include gloves, sprays, shoes, and other protective clothing. They are used in places where there is vermin infestation, or in cases where a tenant or staff member requires first aid. While some offices have full kits, others have very limited resources to protect the health and safety of staff during public housing property visits.

Frontline housing managers are responsible for local decisions about staff safety. Some mandate two person visits to properties, regardless of the level of risk. Some managers advise they have stopped all property visits to minimise staff risk; preferring that tenants visit the FACS housing office instead.

Staff at 17 housing offices report that risk management processes are adequate for their safety. Staff at five housing offices said that measures are adequate 'to some extent', and staff at three offices report that safety is 'not adequate'.

Some housing staff are nervous in their interactions with tenants impeding their ability to manage antisocial behaviour

Housing staff have direct contact with tenants during routine property inspections and while investigating antisocial behaviour. Housing staff also have direct contact with tenants during interviews at the local housing office. Staff report that in some circumstances there can be risks to their safety. For example, FACS staff cannot know who will be present at the property when they visit or the state of mind of a tenant they are interviewing.

From September 2016 to March 2018, FACS recorded 258 work health and safety incidents. These incidents occurred during visits to tenant homes and contact with tenants at the housing office. The most commonly reported incidents were threats and abuse. During this period, FACS received 33 reports of acts of violence or assault against their staff.

The types of incidents that affect the safety and well-being of housing staff include verbal abuse and threats, through to assaults causing physical harm. Staff have been threatened, assaulted, and dragged into tenant homes. These incidents are recorded through Work Health and Safety reporting and through the management of these incidents using the antisocial behaviour policy.

We spoke to staff at 20 housing offices about their level of comfort in having direct contact with housing tenants. Due to the antisocial behaviour of tenants, staff at different offices have different levels of comfort in direct contact with tenants:

- staff teams at 12 offices reported that they were 'sometimes' nervous
- staff teams at four offices reported they were 'often' nervous
- staff teams at four housing offices reported that they were 'rarely' or 'never' nervous.

Hoarding and squalor can be difficult to manage

Housing staff encounter risks when they visit properties where there is extreme hoarding and squalor. These visits can result in flea bites, skin irritations, skin infections and nausea. Flea infestations can be brought into staff cars, housing offices and housing worker homes. Some tenants keep numerous pets inside the home. Staff spoke about actual harm from dogs and other pets. In one metropolitan tenancy, a tenant had 15 dogs locked inside the property with no outdoor area. In another, a tenant had more than 20 cats.

In extreme cases, properties have become uninhabitable due to smell and vermin infestations. These types of antisocial behaviours can be difficult to manage for housing staff as they evolve and become unmanageable for tenants and housing staff over time. Despite challenging work situations, housing staff are taking a professional approach to property visits and to managing potentially hazardous situations.

The case study at Exhibit 8 describes the complex judgements that housing staff must make in managing antisocial behaviour and the necessity for staff to be highly trained in assessing risk and managing critical incidents. Names and details have been modified to protect the identity of housing staff and tenants.

Exhibit 8: Case study: Housing staff lack training in risk assessment and responding to critical incidents

Andrew is a public housing tenant with a serious mental health disorder. He has a history of aggressive behaviours and has been hostile to FACS housing staff during property visits. Over the years, housing staff have made notes on FACS's internal tenant information system about Andrew's unpredictable and hostile behaviours. Alerts on the information system indicate that any visit to Andrew's property requires two staff members.

During a routine, annual inspection of Andrew's property, a senior and junior staff member enter Andrew's property and the visit seems to run smoothly. However, as they are about to exit, Andrew manages to detain the more junior staff member and close the door after the senior staff member has exited. From outside the property, the senior staff member quickly assesses the situation and activates her personal safety device. This sends an instant alert to a monitoring centre and from this point onwards, the incident is audio recorded and relevant authorities are notified. The junior staff member has not activated her personal safety device and so there is no audio of the incident inside the property.

The junior staff member had not received training to deal with critical incidents of this nature and was not fully prepared to manage the situation. While she forgets to activate her safety device she manages to convince Andrew to let her go and safely exits the property.

The junior staff member requires a week off work to recover from the situation and returns to work on desk duties. Several months after the incident, she lacks the confidence to make property visits.

In the five years previous to the incident, staff had no formal training in risk assessment or responding to critical incidents. After the incident, the affected staff member was advised to contact the employee assistance scheme and seek counselling. After the incident, no training was offered to staff about managing safety risks or responding to critical incidents.

Note: Names have been changed to protect staff and tenant identities.

3.3 Training staff in antisocial behaviour management

FACS is taking steps to increase staff training

Staff at eight out of 25 housing offices that we consulted have participated in training on interviewing and investigating skills related to antisocial behaviour in the past five years. The Legal Division of FACS has delivered training on managing allegations of severe illegal antisocial behaviour to eight of the 25 offices we visited. This included information on preparing and presenting evidence at the Tribunal. Staff at 17 housing offices we visited had not received training.

Staff training is negotiated and organised at the FACS District level in consultation with frontline Housing Managers and Team Leaders. Staff in some Districts have attended TAFE training on antisocial behaviour management, though according to attendees, the training was poorly targeted. It was focussed on the factors contributing to antisocial behaviour, rather than the technical skills required for managing these situations.

Junior staff shadow senior staff in Client Service Visits and learn the skills of the job through observation. While senior staff have skills and expertise to impart to junior staff, many senior staff have not received investigation training. Staff are not updating skills, or sharing experiences and practices with other housing office staff.

FACS commenced training for junior staff through the Certificate IV in Social Housing in 2018. FACS advises that senior staff will have access to training and leadership development in 2018 and 2019.



4. System monitoring and evaluation

4.1 The information management system

The information management system HOMES-ASB fails to support the 'strikes' approach

FACS records all information about its public housing tenants in the Housing Operations Management and Extended Services system (HOMES). In 2016, FACS introduced a new component to HOMES to manage antisocial behaviour; HOMES-ASB. HOMES-ASB was designed to encourage staff to manage antisocial behaviour in strict compliance with the antisocial behaviour policy. FACS advises that the HOMES-ASB system is designed to be 'rigid and complex' because the policy is complex.

Twenty-three out of 27 housing offices report that HOMES-ASB has not helped them to manage antisocial behaviour. Common views about HOMES-ASB include: it is 'hard to get your head around', it is 'convoluted' and 'poorly designed'. A minority of staff report that the system is 'logical'. These views were from staff who enter information in HOMES-ASB on a regular basis.

Staff report that HOMES-ASB is not an intuitive system and staff forget how to use it if they do not use it at least 'two or three times a week'. We observed some of the complexity and functionality problems described by staff.

Staff avoid using HOMES-ASB to focus on core duties

Staff report that it can take an hour to generate a simple template letter from HOMES-ASB. Some staff were unable to generate any letters through HOMES-ASB and were working from older templates saved on hard drives. They avoid HOMES-ASB because it 'saves time' and allows them to complete other pressing tasks such as 'answering phones, conducting Client Service Visits, working on the counter and following up on rent arrears'.

The HOMES-ASB user guide is complex and long, limiting its usefulness. Some offices have developed their own guides and summaries of the User Guide. These are being shared between offices. FACS has developed a revised training guide to accompany the 2017 training on HOMES-ASB, with plans to distribute to staff in 2018.

HOMES-ASB has multiple functional limitations

Housing staff describe a range of functional limitations of HOMES-ASB. They include:

- Difficulties in linking multiple complaints about the same incident in HOMES-ASB and therefore a need to generate separate incidents for each complaint (No explanation in the User Guide to assist with multiple complaints).
- Difficulty in progressing through the stages or 'gates' of the system to issue strikes.
- No provision to include detailed text notes about investigations and outcomes. Text is cut off once a report is generated.
- HOMES-ASB does not capture actions to prevent antisocial behaviour such as mediations at housing offices or informal conversations to resolve conflicts.
- No function to change the severity of an antisocial behaviour incident once staff obtain more evidence and need to upgrade or downgrade an incident. This requires the creation of a new incident in HOMES-ASB.
- Poor linkages between HOMES-ASB and the records management system, which contains more detailed information about the incident.
- HOMES-ASB has a 'time out' function, causing information losses if staff are unable to enter information within a short timeframe. Staff are generating documents outside of HOMES-ASB to avoid information losses. For example, there is a seven minute 'time out' for generating a Natural Justice Letter or a MoU. Information is lost if staff are unable to complete these documents in time.

- The HOMES-ASB system does not allow for the resolution of antisocial behaviour incidents in a single day, meaning that staff must re-visit incidents. For example, a one day lag is required between a registered incident and sending a Natural Justice Letter. This requirement is not widely understood by housing staff. The step-by-step process makes it hard to progress quickly through the system, often resulting in incomplete data entries.
- Multiple screens need to be refreshed to show updated information or to close a process in HOMES-ASB.
- When errors are encountered there is no on-screen instruction about the cause of the error or steps to resolve it.

FACS advises that it is taking steps to improve aspects of HOMES-ASB. At the time of this audit, FACS had only one dedicated specialist to deliver assistance and training to frontline housing staff in the use of HOMES-ASB. Our audit survey indicates that the majority of frontline housing staff have ongoing difficulties with the use of HOMES-ASB and that there is insufficient training and support to guide staff through system glitches and complex aspects of the system. FACS advises that work is being scoped to review HOMES-ASB and provide an updated user guide.

Training is insufficient and ineffective to support administrative requirements

Frontline housing staff require more training on HOMES-ASB. Existing online training is not adequate for their needs. Some staff said they would benefit from a helpline to help resolve system 'glitches' as they arise. They said that considerable time is lost because they are unable to progress through a problem, and there is no assistance when required. While FACS does have a Helpdesk to provide advice to staff on policy matters, this Helpdesk does not assist with technical difficulties or provide advice on using HOMES-ASB. Some staff call on other frontline housing offices for help, though they use this sparingly, claiming that all housing staff are busy.

In response to problems with HOMES-ASB, FACS rolled out additional training in mid-2017. Despite this additional training, at the time of this audit, 23 out of 27 housing offices that we visited still described significant difficulty using HOMES-ASB.

4.2 Evaluation and monitoring

FACS is unable to accurately report the nature and extent of antisocial behaviour

FACS is not currently able to accurately report on the nature and extent of antisocial behaviour in its public housing tenancies. The most significant impediment is staff difficulties in entering incidents in HOMES-ASB. Antisocial behaviour incidents do not always make it into HOMES-ASB.

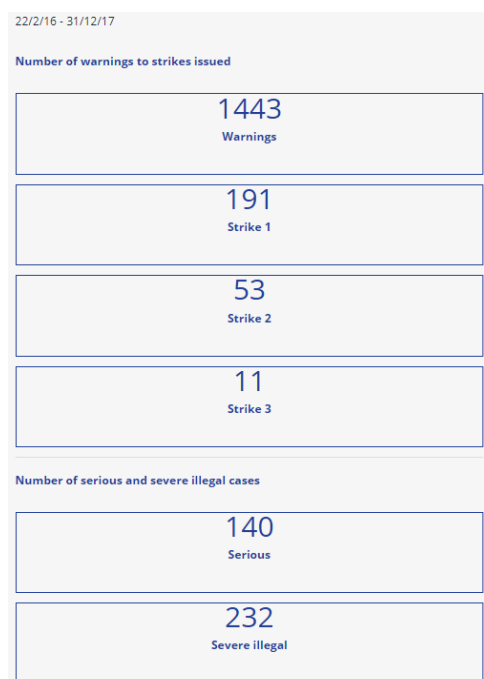
Twenty-three out of the 27 housing offices that we visited are not accurately recording minor and moderate strikes because of difficulties with the information management system or an inability to classify the antisocial behaviour incident.

FACS antisocial behaviour data cannot be considered reliable for the following reasons:

- staff cannot use the system
- staff are unsure how to categorise incidents
- staff are reporting incidents outside of HOMES-ASB
- multiple entries are made for the same incident
- incidents are incorrectly recorded and are not remediated in the system
- antisocial behaviour incidents are classified as 'other' because of poor understanding of the policy and system.

In February 2018, FACS published a dashboard on its website which shows very basic information about antisocial behaviour incidents. There is potential to enhance this data by including trend information and information by region. Exhibit 9 shows a screenshot of the current dashboard which is updated twice a year.

Exhibit 9: Screenshot of FACS antisocial behaviour dashboard



Source: FACS website (June 2018).

FACS has evaluated the 'strikes' approach

In 2017, FACS commissioned an internal evaluation of the antisocial behaviour management policy. An interim report was provided to FACS in July 2017 and a final report was provided to FACS in early 2018. The key findings of the evaluation include:

- there are significant resourcing challenges in meeting outcomes and expectations of the policy
- there is insufficient evidence to observe any neighbourhood-wide impacts that promote deterrence or behaviour change
- there are a range of technical and training problems related to the information management system.

The report recommends FACS improve implementation by:

- addressing the information management system problems
- improving training and practice guidance and the sharing of specialist expertise
- improving tenant engagement with support services.

In response to its internal evaluation, FACS has advised that it intends to consider the findings and recommendations of the review, prior to determining any changes.

FACS reports it has taken some initial steps to improve the implementation of antisocial behaviour management including increasing training of staff. This includes:

- additional training on the information management system in 2017 and 2018
- the introduction of the Certificate IV in Social Housing, for all Client Service Officers in 2018.

FACS is introducing a new housing administrative tool: IVY. It allows staff to record and upload information on a tablet including reports on property damage while they are out inspecting properties during the routine Client Service Visits. Staff will no longer have to manually record and upload information and data when they return to the office. While this tool is not designed for managing antisocial behaviour, its onsite functionality is planned to reduce the hours of administrative work that staff need to complete back at the office. Information from the tablet will automatically sync with other FACS housing information. The IVY tool will alert staff to recorded risks associated with the tenancy or the property.

FACS implemented the antisocial behaviour management policy without additional resources

FACS did not receive additional funds to implement the 'strikes' approach. All activity and training associated with the approach was sourced from existing funds and resources.

FACS corporate support staff describe significant challenges associated with the management of antisocial behaviour without additional resources. A number of corporate support divisions report challenges in:

- collecting quality data and reporting to relevant stakeholders
- providing legal support and training to frontline staff
- providing technical support and training in the use of HOMES-ASB.

FACS staff numbers have been reduced at the District Office level where the training of frontline staff is sourced and coordinated. FACS is currently providing training and support to frontline offices with a reduced resource profile.

Section two

Appendices



Appendix one – Response from agency



Family &
Community
Services

EAP18/6880

Ms Margaret Crawford
Auditor-General of NSW
Audit Office of NSW
GPO Box 12
SYDNEY NSW 2001

Dear Ms Crawford *Margaret*

Performance Audit on Managing Antisocial Behaviour in Public Housing

The Department of Family and Community Services (FACS) acknowledges the findings of the Performance Audit. FACS agrees or partially agrees with four of the five recommendations made by the Audit Office, many of which are already being addressed. FACS' response to the recommendations is at **TAB A**.

I am pleased that the Audit Office acknowledges FACS' success in managing serious and severe Illegal antisocial behaviour.

In order to encourage tenants who have committed moderate or minor antisocial behaviour to seek support, a change to the Antisocial Behaviour Management policy will be implemented. Tenants who agree to seek the help of a support service will continue to receive a warning not a strike for their first instance antisocial behaviour. Tenants who will not agree to a referral for a support service will progress straight to a strike notice. This will provide an incentive for tenants to seek support.

Our Antisocial Behaviour Management Policy enjoys enormous support from tenants. In early 2018, FACS conducted a telephone survey of 2,000 tenants and 91% of tenants who knew about the policy supported it. Of the tenants who did not know about the policy, 90% supported the policy once it was explained to them.

FACS will now follow through on the agreed recommendations as part of our absolute commitment to do all in our power to both provide a secure environment for tenants and others affected by antisocial behaviour and help to sustain tenancies.

Yours sincerely

Michael Coutts-Trotter
Secretary

Department of Family and Community Services
Postal address: Locked Bag 10, Strawberry Hills NSW 2012
W www.facs.nsw.gov.au | E facsinfo@facs.nsw.gov.au
T (02) 9377 6000 | TTY (02) 8270 2167

FACS' RESPONSE TO RECOMMENDATIONS FROM THE NSW AUDITOR-GENERAL'S REPORT
Managing antisocial behaviour in public housing

#	AUDITOR-GENERAL'S RECOMMENDATIONS	SUPPORTED	FACS' POSITION
1	The Department of Family and Community Services should, by August 2019, address the identified functional problems with the information management system HOMES-ASB and ensure that housing staff can use this system to record and manage antisocial behaviour.	SUPPORTED FACS is committed to addressing the functional issues experienced by staff with changes already underway. This includes the removal of the requirement that staff must wait 24 hours before issuing a warning letter or a strike notice, which was initially introduced to create a delay before notices could be issued based on stakeholder feedback but has not proven necessary. Additionally, face to face training provided Statewide over the past 12 months, has included tips on how to address the 'functionality gaps', which often result in user error. FACS has also implemented Statewide training for staff in keystroke training (30 sessions held), troubleshooting, policy clarification and how to remedy common errors using the system. A revised User Guide has been drafted and will be implemented in parallel to the HOMES-ASB system changes.	
2	The Department of Family and Community Services should, by August 2019, improve the quality of data collection and reporting on antisocial behaviour to ensure oversight of: <ul style="list-style-type: none"> • the extent of antisocial behaviour • the types of incidents occurring • increases or decreases in incidents over time • the outcomes of FACS interventions 	SUPPORTED FACS publishes data on the number of investigations, warnings and strikes that have been issued on the FACS website. This data is published on a six monthly basis, detailing the number of minor and moderate warnings and strikes and activity around serious and severe illegal matters. There is evidence that matters have been investigated and that there is a	

#	AUDITOR-GENERAL'S RECOMMENDATIONS	FACS' POSITION
		<p>deterrence effect for many tenants who receive a warning.</p> <p>FACS can report on the nature of ASB as evidenced by the data already provided to the Auditor-General that identifies the types of behaviours classified. FACS will give consideration to the inclusion of a trend graph in the Antisocial Behaviour Dashboard to publicly illustrate the trends in the deterrence effect of the policy.</p> <p>Supplementary staff training will be provided on using the HOMES-ASB system and the system upgrades which are underway. This will improve the manner in which information is captured, staff efficiency in navigating the process, leading to improved capacity to report on trends over time.</p>
3	<p>The Department of Family and Community Services should, by August 2019, work with relevant government agencies and non-government support services to coordinate case management approaches to support public housing tenants with complex needs.</p>	<p>SUPPORTED</p> <p>Both formal and informal working arrangements already exist between FACS and other government and non-government agencies that support a case coordination and case management approach to tenants.</p> <p>FACS will make a change to its ASB policy to encourage tenants to connect with support services. If tenants accept referral to support services, they will receive a warning for the first instance of antisocial behaviour, but if they do not accept, a strike notice will be issued. This policy incorporates clear referrals pathways for tenants where there has been a substantiation of an ASB incident. This will provide tenants with even further supports to modify their behaviour and sustain their tenancies.</p> <p>FACS will also continue to actively participate in whole of government arrangements. These include the Housing and Mental Health District Implementation and Coordinating Committees (DIACC), District Homelessness Implementation Groups (DHIGs) and Safety Action</p>

AUDITOR-GENERAL'S RECOMMENDATIONS		FACS' POSITION
#		Meetings (SAMS) led by NSW Police.
4	<p>The Department of Family and Community Services should, by August 2019, work with NSW Police to develop formal, regular, information sharing arrangements that enable housing staff to proactively manage safety and security in public housing</p>	<p>SUPPORTED</p> <p>FACS supports this recommendation within the framework of the existing Memorandum of Understanding (MoU) with NSW Police which provides a formal and controlled exchange of information between FACS and the Police. FACS will work with the Police as it does now to exchange information to respond effectively to antisocial behaviour and enhance the safety of public housing communities.</p>
5	<p>The Department of Family and Community Services should, by August 2019, review staff capacity and capability to manage antisocial behaviour including:</p> <ul style="list-style-type: none"> • staffing allocations in remote and regional areas • antisocial behaviour specialist skills in housing offices • targeted training for frontline housing staff based on local requirements • enhanced opportunities for staff to share techniques for managing antisocial behaviour across FACS frontline housing offices and Districts • techniques and skill development in risk assessment and safety approaches. 	<p>SUPPORTED</p> <p><i>Staffing allocations in remote and regional locations:</i> Based on the low levels of ASB allegations in these remote communities and the current CSO to dwelling ratio which is lower than in metropolitan areas, FACS believes staffing allocations in remote and regional locations are sufficient to meet the requirements of property and tenancy management. In remote locations, without permanently posted staff, there are a range of outreach programs and access channels such as phones and online services available.</p> <ul style="list-style-type: none"> • <i>Antisocial behaviour specialist skills in housing offices:</i> FACS already has staff skilled in interviewing, investigating and dealing with ASB. FACS emphasises that because positions aren't titled as Antisocial Behaviour Specialist does not mean that they are not equipped to manage ASB matters. FACS will consider how staff managing ASB, especially specialist officers, can have a position title that reflects this responsibility. FACS will also include training in ASB in its compulsory training and accreditation program which applies to all FACS Client

#	AUDITOR-GENERAL'S RECOMMENDATIONS	FACS' POSITION
		<p>Service Officers.</p> <ul style="list-style-type: none"> • <i>Targeted training for frontline staff based on local arrangements:</i> Targeted training is in place and will continue as required for frontline staff. The revised ASB policy and user guides will enable additional training opportunities for staff to redress inconsistencies in the application and usage of the policy and system. In addition to previous training provided, over 30 face to face training sessions were completed between March to May 2018 on how to use the HOMES-ASB system, including troubleshooting tips and policy clarifications. • <i>Enhanced opportunities for staff to share techniques for managing antisocial behaviour across FACS frontline housing offices and Districts:</i> FACS will consider opportunities for staff to share practice in ASB management. FACS will implement a monthly webinar with team leaders to highlight issues that are identified, share practice improvements and feedback on policy implementation, as well as ASB management. • <i>Techniques and skill development in risk assessment and safety approaches:</i> Both the focus and language used in the Learning, Engagement and Professional Development Program (LEAP program) will be modified to reflect how the approaches discussed in training can assist in the management of ASB, de-escalation of issues, and risk management. FACS will consider the broader rollout of the Community Services Predicting and Managing Occupational Violence (PMOV) training to FACS housing staff that have direct client contact. The continued roll out of the FACS LEAP program will equip frontline Client Service Officers with the skills required to deescalate situations, assess risks and stay safe. All FACS Housing frontline staff are already trained

#	AUDITOR-GENERAL'S RECOMMENDATIONS	FACS' POSITION
		in <i>Staying Safe in the Field</i> techniques and have the <i>SafeTCard</i> , a monitored GPS system that can record and monitor situations in the field. FACS will also ensure that safety kits are present in every office.



Appendix two – Managing antisocial behaviour in other jurisdictions

Jurisdiction	How it works
Australian Capital Territory (ACT) Housing & Community Services ACT – Disruptive Behaviour Policy	<ul style="list-style-type: none">• Behaviour is disruptive when it causes nuisance and annoyance to sectors of the community over a period of time, and has an adverse or disturbing effect on that community.• Examples of disruptive behaviour include criminal activity (theft, assault), loud and abusive domestic disputes, harassment, excessive noise.• People impacted by disruptive behaviour can seek mediation, referrals to support services or report behaviour to police.• Tenants subject to a complaint may be asked to report to referral services, or face legal action for eviction as a last step to stop disruptive behaviour.
Victoria Department of Health and Human Services – Neighbourly Behaviour and Support Policy Statement 2014; Tenancy Breaches policy statement 2014	<ul style="list-style-type: none">• Behaviour is antisocial when it is aggressive, threatening, abusive or hostile towards neighbours, and causes nuisance to neighbours and the Housing Agency.• Examples of antisocial behaviour include use of premises for illegal purposes, nuisance or interference to the reasonable peace, comfort or privacy of a neighbour, property damage, poor condition, danger and drug related conduct.• People impacted by antisocial behaviour have the following available options can seek mediation, referral to support services or police as appropriate, and/or work with Housing and Human Services staff to work to solve the matter locally.• Tenants subject to a complaint or allegation may be asked to follow determinations from the Victorian Civil and Administrative Tribunal (VCAT), receive a 'zero tolerance' strike under the zero-tolerance approach, receive a strike notice under three strikes approach, and/or face legal action where the behaviour constitutes a breach of the relevant legislation or tenancy agreement.• Housing agency staff must undertake a human rights impact assessment prior to issuing a notice to vacate, which will be approved from Management to commence action at VCAT.
Tasmania Housing Tasmania – Behaviour in Housing Tasmania Properties Policy, 2015	<ul style="list-style-type: none">• Housing Tasmania can issue strikes for behaviour that breaches tenancy agreements.• Strikes include nuisance, interfering with quiet enjoyment or normal activities of another person, harassment, hoarding, excessive noise, property intrusions and unlawful offences.<ul style="list-style-type: none">– A verbal warning can be issued before a strike. Verbal warnings and strike are active for two years.– A second strike can be issued, it is active for two years.– Third strike results in a notice to terminate/vacate.– Serious offences warrant an immediate third strike.• The Department will work with tenants to assist them in improving their behaviour and avoid evictions.• Tenancy managers have discretion to vary the direction of this policy and how to respond to unlawful or nuisance behaviour. For example, vulnerable tenants.

Jurisdiction	How it works
South Australia Housing South Australia – Disruptive Behaviour Policy 2016	<ul style="list-style-type: none"> Behaviour is disruptive when it: unreasonably or repeatedly interferes with the peace, comfort and privacy of other neighbours and residents; causes or is likely to cause serious property damage; threatens, intimidates, assaults or frightens anyone on or near the property, including Department staff and contractors. Examples of disruptive behaviour ranges from minor (e.g. loud music, car parking disputes) to moderate (domestic disputes, intimidating behaviour, abuse) to serious (damage to property, threats to life, frequent disruptive behaviour). Tenants subject to a complaint or allegation may be: referred to support services; afforded natural justice; issued a verbal warning for infrequent minor/moderate disruptive behaviour; issued a strike for serious and frequent minor/moderate disruptive behaviour; have their tenancy terminated. The Department also uses probationary and fixed term leases and Acceptable Behaviour Contracts.
Western Australia Housing Authority – Disruptive Behaviour Management Policy 2011	<ul style="list-style-type: none"> Behaviour is disruptive when it: disturbs the quiet enjoyment of neighbours; intentionally or recklessly causes disturbance to persons in the immediate vicinity, or which could reasonably be expected to cause concern for the safety or security of a person of their property. <ul style="list-style-type: none"> For example, loud parties, domestic and family disputes, unwanted entry into neighbouring properties, substantial disturbance from children associated with loud noise, excessive noise that impacts neighbours, vandalism, graffiti, physical fighting, abuse and threats towards neighbours. Behaviour is dangerous when it: demonstrates a demonstrable risk to the safety or security of residents or property; or has resulted in injury to a person in the immediate vicinity and subsequent policy charges or conviction. <ul style="list-style-type: none"> For example, physical assault and violence towards a person not associated with the tenancy, aggravated threats to safety and intimidation, threats with a weapon, intentional or reckless damage to property resulting in police charges or conviction. Tenants who are subject to a complaint or allegation may be: interviewed for natural justice; be issued a strike; be issued subsequent strikes, up to three in 12 months; subject to a tenancy termination; where appropriate referred to Mental Health Commission.
Northern Territory Department of Housing and Community Development – Red Card Policy, August 2016	<ul style="list-style-type: none"> Behaviour is antisocial when it: is abusive or violent; creates alarm or fear in, or annoyance to neighbours or others in the vicinity; or involves graffiti littering or vandalism. Antisocial behaviour is divided into tiers: <ul style="list-style-type: none"> Minor – e.g. nuisances, annoyances, excessive noise, offensive language Moderate – e.g. abuse, threats, intimidation, damage to property Serious – e.g. violence, immediate threats to others, intentional damage, assault. Tenants who are found to be responsible for antisocial behaviour will be issued demerit points. Minor behaviour warrants one demerit point, moderate behaviour warrants two demerit points, serious behaviour warrants three demerit points. <ul style="list-style-type: none"> If a tenant receives six demerit points, the Department can terminate the tenancy. Demerit points expire after 12-months from last substantiated incident. Tenants at risk of receiving a demerit point may be offered support. Tenants subject to a complain/allegation may also be required to enter an acceptable behaviour agreement. People impacted by antisocial behaviour can contact Public Housing Safety Officers or call a Public Housing Safety Hotline.

Jurisdiction	How it works
Queensland Department of Housing and Public Works – Fair expectations of behaviour policy, 2015	<ul style="list-style-type: none"> • Behaviour is disruptive when it disturbs the reasonable peace, comfort or privacy of others; intentionally or recklessly disturbs neighbours; could cause concern for the safety and security of a tenant, others in the vicinity or neighbours; damages public housing property; or poses a risk to safety and security of residents or property. • Disruptive behaviour is divided into three categories: <ul style="list-style-type: none"> – Minor – e.g. excessive noise, loud parties – Moderate – e.g. harassment, aggressive or obscene language, damaging departmental property – Dangerous or severe behaviours – e.g. illegal or alleged illegal activity, drug production, supply or trafficking, domestic and family violence, assault. Malicious damage to property. • People impacted by disruptive and illegal behaviour can report to the tenancy manager by email, phone fax or in person. • Tenants subject to a complaint or allegation may be issued a warning, or notice to leave if their behaviour is dangerous or severe. If evicted, the department may assist a tenant to find alternative housing in the private market, emergency accommodation and assistance from other crisis support providers.



Appendix three – About the audit

Audit objective

This audit assessed the efficiency and effectiveness of antisocial behaviour management in public housing environments.

Audit criteria

We addressed the audit objective with the following criteria

1. Is the management of antisocial behaviour leading to improved safety and security in public housing environments?
 - a) FACS is applying antisocial behaviour processes and procedures to improve safety and security in public housing environments.
 - b) FACS antisocial behaviour management processes are clearly defined and communicate to tenants.
 - c) FACS tenants and others are confident to use antisocial behaviour processes and report feeling safer and more secure as a result.
 - d) Vulnerable tenants and those with complex needs in housing provided by FACS are supported in antisocial behaviour management processes.
2. Do NSW public housing providers and partner agencies have the capability and capacity to manage antisocial behaviour?
 - a) Public housing providers have relevant information, resources and guidance to manage antisocial behaviour.
 - b) FACS is collaborating with government and non-government agencies in antisocial behaviour management.
 - c) Partner agencies have the skills and resources to support vulnerable tenants and those with complex needs in antisocial behaviour processes and timeframes.
 - d) Tribunal processes are leading to resolutions of antisocial behaviour through hearings and orders that are actioned.
3. Are there effective mechanisms for monitoring, evaluating and improving antisocial behaviour management?
 - a) FACS is effectively monitoring and evaluating the antisocial behaviour management policy using the principles of the NSW Human Services Outcomes Framework.
 - b) FACS shares information with social housing network stakeholders about antisocial behaviour management to influence improvement.
 - c) Monitoring and evaluation is leading to necessary adjustments and improvements in antisocial behaviour Management in public housing.

Audit scope and focus

In assessing the criteria, we carried out:

1. interviews, focus groups and surveys with FACS frontline housing personnel
2. interviews with FACS departmental staff
3. interviews with stakeholders including: the NSW Civil and Administrative Tribunal, Aboriginal Housing Office staff, peak housing bodies and housing policy organisations and support service providers
4. quantitative data analysis of FACS information management system data, Tribunal data and other relevant datasets
5. comparisons with other jurisdictions with comparable antisocial behaviour management measures
6. detailed case studies into selected communities

7. review of documents, reports and information relevant to antisocial behaviour management including: policy documents, contracts, service agreements, partner agencies governance arrangements and agreements, agency reporting on relevant strategy deliverables, research relevant to the policy model.

Audit exclusions

The audit did not assess:

- antisocial behaviour management policy measures relating to:
 - public housing rental bonds for all new tenants
 - an automatic rent deduction scheme for new social housing tenants receiving welfare payments
- antisocial behaviour management provided by Community Housing Providers.

Audit approach

Our procedures included:

1. interviews with staff at 27 FACS offices across NSW
2. interviews with staff at two Aboriginal Housing Offices
3. interviews with staff at eight support service providers across NSW
4. consultation with NSW Civil and Administrative Tribunal, NSW Registrar of Community Housing, Shelter NSW, NSW Federation of Housing Associations, and the University of NSW
5. data collected from a survey of FACS Housing staff at 27 frontline offices in NSW
6. review and analysis of documents
7. review and analysis of FACS supplied data.

The audit approach was complemented by quality assurance processes within the Audit Office to ensure compliance with professional standards.

Audit methodology

Our performance audit methodology is designed to satisfy Australian Audit Standards ASAE 3500 on performance auditing. The Standard requires the audit team to comply with relevant ethical requirements and plan and perform the audit to obtain reasonable assurance and draw a conclusion on the audit objective. Our processes have also been designed to comply with the auditing requirements specified in the *Public Finance and Audit Act 1983*.

Acknowledgements

We gratefully acknowledge the co-operation and assistance provided by the FACS officers, frontline FACS housing tenancy officers, support service workers and others who participated in interviews and discussions held during the audit. In particular, we wish to thank our liaison officer and others who provided material relevant to the audit.

We would also like to thank other stakeholders that spoke with us and provided material during the audit.

Audit cost

Including staff costs, travel and overheads, the estimated cost of the audit is \$392,317.



Appendix four – Survey questions

Survey questions we asked FACS teams at metropolitan and regional offices

In gathering information for this audit, we visited 27 FACS frontline housing offices. Relevant managers and staff with responsibility to manage antisocial behaviour were asked about the capability, capacity and experience of office staff to apply the antisocial behaviour management policy. The following questions were asked at each office. Managers and staff were encouraged to elaborate on their responses.

1. What is your role and job title and what are your core responsibilities?
2. How many properties do you manage or provide a service as an individual?
3. What percentage of your tenant caseload have complex needs?
4. What percentage of your tenant caseload exhibit antisocial behaviours?
5. Do you think antisocial behaviour is a problem in the social housing properties you manage or for which you provide a service?
6. What are the most common ways that antisocial behaviour (minor, moderate, serious and severe) is brought to your attention?
7. Does your office have regular formal meetings with local police to discuss your tenancies?
8. On average, how often do you have contact with the police about antisocial behaviours associated with the tenancies you manage?
9. What percentage of the antisocial behaviour identified amongst your tenant caseload is reportable crime?
10. Are existing processes for identifying antisocial behaviour adequate to capture the relevant incidents in social housing?
11. Are tenants aware of, and confident to use, the complaints mechanism?
12. Do you think the antisocial behaviour complaint process is effective?
13. What percentage of your working week do you spend entering data into HOMES?
14. Has the HOMES database helped you to manage antisocial behaviour?
15. Have you received appropriate training to investigate antisocial behaviour incidents in the social housing you manage?
16. Do you follow a risk management procedure when visiting tenants or residences where there is a known history of antisocial behaviour?
17. Are there instances where staff in your office are nervous about interacting with a social housing tenant?
18. Do you have sufficient staff with relevant experience to investigate antisocial behaviour?
19. Are you able to provide appropriate support to tenants with complex needs in your working week?
20. Are there adequate services and supports for referral of complex needs tenants exhibiting antisocial behaviours in your region?
21. Do you follow up on tenants to ensure they have accessed the service?
22. Do you provide inductions for new tenants about the antisocial behaviour policies?



Appendix five – Performance auditing

What are performance audits?

Performance audits determine whether State or local government entities carry out their activities effectively, and do so economically and efficiently and in compliance with all relevant laws.

The activities examined by a performance audit may include a government program, all or part of an audited entity, or more than one entity. They can also consider particular issues which affect the whole public sector and/or the whole local government sector. They cannot question the merits of government policy objectives.

The Auditor-General's mandate to undertake performance audits is set out in section 38B of the *Public Finance and Audit Act 1983* for State government entities, and in section 421D of the *Local Government Act 1993* for local government entities.

Why do we conduct performance audits?

Performance audits provide independent assurance to the NSW Parliament and the public.

Through their recommendations, performance audits seek to improve the value for money the community receives from government services.

Performance audits are selected at the discretion of the Auditor-General who seeks input from parliamentarians, State and local government entities, other interested stakeholders and Audit Office research.

How are performance audits selected

When selecting and scoping topics, we aim to choose topics that reflect the interests of parliament in holding the government to account. Performance audits are selected at the discretion of the Auditor-General based on our own research, suggestions from the public, and consultation with parliamentarians, agency heads and key government stakeholders. Our three year performance audit program is published on the website and is reviewed annually to ensure it continues to address significant issues of interest to parliament, aligns with government priorities, and reflects contemporary thinking on public sector management. Our program is sufficiently flexible to allow us to respond readily to any emerging issues.

What happens during the phases of a performance audit?

Performance audits have three key phases: planning, fieldwork and report writing.

During the planning phase, the audit team develops an understanding of the audit topic and responsible entities and defines the objective and scope of the audit.

The planning phase also identifies the audit criteria. These are standards of performance against which the audited entity, program or activities are assessed. Criteria may be based on relevant legislation, internal policies and procedures, industry standards, best practice, government targets, benchmarks or published guidelines.

At the completion of fieldwork, the audit team meets with management representatives to discuss all significant matters arising out of the audit. Following this, a draft performance audit report is prepared.

The audit team then meets with management representatives to check that facts presented in the draft report are accurate and to seek input in developing practical recommendations on areas of improvement.

A final report is then provided to the head of the audited entity who is invited to formally respond to the report. The report presented to the NSW Parliament includes any response from the head of the audited entity. The relevant minister and the Treasurer are also provided with a copy of the final report. In performance audits that involve multiple entities, there may be responses from more than one audited entity or from a nominated coordinating entity.

Who checks to see if recommendations have been implemented?

After the report is presented to the NSW Parliament, it is usual for the entity's audit committee to monitor progress with the implementation of recommendations.

In addition, it is the practice of Parliament's Public Accounts Committee to conduct reviews or hold inquiries into matters raised in performance audit reports. The reviews and inquiries are usually held 12 months after the report received by the NSW Parliament. These reports are available on the NSW Parliament website.

Who audits the auditors?

Our performance audits are subject to internal and external quality reviews against relevant Australian and international standards.

The Public Accounts Committee appoints an independent reviewer to report on compliance with auditing practices and standards every four years. The reviewer's report is presented to the NSW Parliament and available on its website.

Periodic peer reviews by other Audit Offices test our activities against relevant standards and better practice.

Each audit is subject to internal review prior to its release.

Who pays for performance audits?

No fee is charged for performance audits. Our performance audit services are funded by the NSW Parliament.

Further information and copies of reports

For further information, including copies of performance audit reports and a list of audits currently in-progress, please see our website www.audit.nsw.gov.au or contact us on 9275 7100.

OUR VISION

Our insights inform and challenge government to improve outcomes for citizens.

OUR PURPOSE

To help parliament hold government accountable for its use of public resources.

OUR VALUES

Purpose – we have an impact, are accountable, and work as a team.

People – we trust and respect others and have a balanced approach to work.

Professionalism – we are recognised for our independence and integrity and the value we deliver.

Level 15, 1 Margaret Street
Sydney NSW 2000 Australia

PHONE +61 2 9275 7100

FAX +61 2 9275 7200

mail@audit.nsw.gov.au

Office hours: 8.30am-5.00pm,
Monday to Friday.