Eviction and/or Withdrawal of Support

The Organisation operates many different models of service delivery. These include:

- Crisis, Medium Term Residential and Independent Housing services.
- Out of Home Care Services including community placement.
- Outreach Housing Support and Brokerage services.
- Employment, Education and Training services.
- Family Support and Counselling services.
- Health and Medical Services.

In regard to the issue of whether circumstances warrant action such as an eviction from a residential service or a withdrawal of support prior to the agreed timeframe, the different models of service delivery managed by the Organisation may provide options for continuing support in a different way. An individual case decision (on a case by case basis) will be made through consultation with team members of the particular service and the CEO or the CEO's nominated delegate. In general though, some guidelines may assist consistency in this decision making process.

1. Reasons for premature withdrawal of support or eviction

a). The staff, as approved by the Board of Southern Youth and Family Services, reserves the right to evict or withdraw support from any client who does not support and act in a way which preserves the following:
   - The safety of the other clients of the program/service.
   - The safety of the staff, volunteers and carers (or their families) of the program/service.
   - Adherence to laws.

b). Other secondary considerations include:
   - The security of the property and the Organisation's resources.
   - Adherence to the basic rules or responsibilities of the service model and in the case of the Independent Housing Project, adherence to the terms of the lease and the special conditions.

2. Notice

- Early intervention will be implemented to assist in preventing moves to withdraw support or evict (see *Notice/Warnings* policy).
- Staff and carers will give as much notice as possible of eviction and of the withdrawal of support. It is recognised that in some cases, the threat or danger to other clients, staff, volunteers or carers may prevent lengthy notice being given.
- The eviction notice will be issued verbally and will be followed by confirmation in writing from the staff. In general between two and four weeks notice will be given. The amount of notice given will depend on the threat or danger to other clients, staff or volunteers.
- Where the Residential Tenancy Act determines, the legal amount of notice will be provided.
- If the behaviour continues during the notice period the notice time can be shortened.

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3. Assistance

- Assistance to find other accommodation and/or support including referral and practical help will be offered in all cases where safety and comfort of staff, volunteers, carers and clients are not compromised.

4. Re-referral following withdrawal of support or eviction

- Evictions and withdrawal of support may be given for short timeframes. This allows the client the opportunity to re-refer should they need the services at a future time.
- All clients may re-refer to the service after an eviction has occurred or after support has been withdrawn. The prerequisite for re-instigating provision of services will be the safety of staff, clients, carers and their families.
- In some cases e.g. following a period of Out of Home Care placement, re-referral may not be possible.

5. Basic guidelines for individual services

a). Crisis Youth Refuge

Eviction or withdrawal of support from any client (including family members) may occur for any of the following reasons:

- Violence, either verbal or physical to staff or clients.
- Sexual harassment, either verbal or physical to staff or clients.
- Serious drug or alcohol abuse on the premises, bringing drugs or alcohol onto the property and placing other clients at risk.
- Constant disruptive behaviour that jeopardises the support provided to other clients.
- Constant offending or breaking of laws which impacts upon the service or other clients.
- Wilful and serious damage (including theft) to premises or property of the Organisation, or premises or property of staff or other residents.
- Client chooses not to continue with support.

b). Medium Term services

At the medium term services, staff and management see eviction as a final strategy to manage a problem. All other avenues will be examined and tried in an attempt to resolve the problem before an eviction notice will be issued.

Eviction or withdrawal of support from any client (including family members) may occur for any of the following reasons:

- Violence, either verbal or physical to staff or clients.
- Sexual harassment, either verbal or physical to staff or clients.
- Serious drug or alcohol abuse on the premises, bringing drugs or alcohol onto the property and placing other clients at risk.
- Constant disruptive behaviour that jeopardises the support provided to other clients.

- Constant offending or breaking of laws which impacts upon the service or other clients.
- Wilful and serious damage (including theft) to premises or property of the Organisation, or premises or property of staff or other residents.

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- Receiving three official warnings.
- During the first month of tenancy (called the trial period) any serious or constant rule breaking could result in eviction.
- Client chooses not to continue with support.

c). Out of Home Care Services (OoHC) including the Community Placement Service

In both the short-term and medium-term Out of Home Care services, staff and management see eviction as a final strategy to manage a problem. All other avenues will be examined and tried in an attempt to resolve the problem before an eviction notice will be issued.

Eviction or withdrawal of support from any client (including family members) may occur for any of the following reasons, upon consultation with the relevant department Out of Home Care Manager:

- Violence, either verbal or physical to staff or clients.
- Sexual harassment, either verbal or physical to staff or clients.
- Serious drug or alcohol abuse on the premises, bringing drugs or alcohol onto the property and placing other clients at risk.
- Constant disruptive behaviour that jeopardises the support provided to other clients.
- Constant offending or breaking of laws which impacts upon the service or other clients.
- Wilful and serious damage (including theft) to premises or property of the Organisation, or premises or property of staff or other residents.
- Client chooses not to continue with support.

d). Outreach, Brokerage, Counselling and Support Services

Eviction or withdrawal of support from any client (including family members) can occur for any of the following reasons:

- Violence, either verbal or physical to staff or clients.
- Sexual harassment, either verbal or physical to staff or clients.
- Constant disruptive behaviour that prevents support being provided or being effective.
- Constant offending or breaking of laws which impacts upon the service or other clients and prevents support being provided or being effective.
- Client chooses not to continue with support.

e). Independent Housing Project (IHP)

Eviction or withdrawal of support from any client (including family members) can occur for any breach of the lease or special lease conditions attached to the tenancy. Before eviction can occur tenants must be given documentation detailing the breaches and reasons for the action. Tenants should be reminded of the information provided to them at the commencement of their tenancy about their rights and obligations of their tenancy and where they can obtain further information. These include:

- Violence, either verbal or physical to staff, clients/other residents.
- Sexual harassment, either verbal or physical to staff, clients/other residents.
- Serious drug or alcohol abuse on the premises, bringing drugs or alcohol onto the property and placing other clients/other residents at risk.
- Constant disruptive behaviour that jeopardises the support provided to other clients and breaches the lease condition relating to peaceful enjoyment of their accommodation.

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- Wilful and serious damage (including theft) to premises or property of the Organisation, or premises or property of staff or other clients/other residents.
- The non-payment of agreed rent and costs agreed to in the lease.
- Client's chooses not to continue with support.

The IHP Projects are bound by the Residential Tenancy Act, and as such will follow the Act with regards to the termination of leases and minimum notice. Notice will be given in accordance to the Act and reasons for termination of the lease are to be provided to the tenant.

Any eviction notice will be set out in accordance with the legislation, will be carefully considered and will be only given with approval from the CEO or delegate. Where possible, exit planning will occur for any tenant receiving an eviction notice.

The types of terminations that will be used are:

- 14 day notices for breach of the tenancy agreement or failure to pay rent. 14 days is a minimum notice and other arrangements can be made in consultation with the CEO or delegate on a case by case basis and in conjunction with case planning and strict exit planning. In cases of failure to pay rent, where appropriate, the CEO or delegate may approve to use the NCAT process to mediate and find a suitable resolution and payment plan for the tenant, to avoid eviction where possible.
- End of fixed term agreements (30 day minimum notice).

No grounds terminations (90 day minimum notice) will not be used.

Note: Southern Youth and Family Services are not accredited to provide foster care to children in statutory Out of Home Care. The placement of children and young people in statutory Out of Home Care in foster care placements ('community placements') is not permitted.

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