

Barring Practices in Hostels

(City Council on November 23, 24 and 25, 1999, adopted this Clause, without amendment.)

The Community Services Committee recommends to Council the adoption of the following motion:

“WHEREAS the City of Toronto recognizes that shelters, as employers, have duties and obligations under the Occupational Health and Safety Act to prescribe safe work practices;

WHEREAS shelter barring policies, procedures and practices constitute the implementation of the safe work practices as prescribed under the Act;

WHEREAS the safety and security of staff and other residents be the first consideration in all City of Toronto shelter policies and procedures;

WHEREAS the professionalism of shelter operators and shelter staff be recognized;

WHEREAS in providing shelter services it be recognized that an individual may be denied service so that the majority may benefit from the shelter programs;

NOW THEREFORE BE IT RESOLVED THAT the report dated October 19, 1999, from the Commissioner of Community and Neighbourhood Services be adopted.”

The Community Services Committee submits the following report (October 19, 1999) from the Commissioner of Community and Neighbourhood Services:

Purpose:

This report reviews the basic policies and realities around barring clients from service, and standards respecting client rights and responsibilities and staff conduct.

Financial Implications and Impact Statement:

None.

Recommendations:

It is recommended that:

- (1) the current barring policies and practices of Hostel Services be maintained;
- (2) a future report be prepared on how street outreach services can be expanded and improved; and

- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

At its regular meeting on October 7, 1999, the Community Services Committee had before it a communication from the Advisory Committee on Homeless and Socially Isolated Persons recommending that hostel residents only be barred from service for reasons of physical violence. The matter was referred to staff for a further report at the next meeting in November.

Comments:

In order to maintain acceptable living and working conditions within shelters, all operators are compelled to bar unruly individuals from service. Failure to maintain current standards would make shelters less safe, and that in turn would exclude others from seeking services. Some people already avoid shelters because of both real and perceived risks.

It should be noted that barrings are done on a site-by-site basis. In other words, an individual barred from one shelter is still eligible to apply for assistance at other shelters. Individuals who become barred from all locations obviously have needs that the system is not equipped to address.

Other points that need to be considered in this discussion are briefly listed and described as follows:

- (1) Shelter operators lack the legal authority to conduct physical searches, lock-up, or otherwise restrain residents.
- (2) Hostels are also workplaces, and staff are entitled to all the normal rights of any employee with respect to safety, personal threats and harassment.
- (3) Some individuals are barred from service for their actions even before they are admitted by the shelter and, therefore, before any service relationship can be established.
- (4) The overwhelming majority of hostel residents act peaceably and show respect toward others.
- (5) It is demeaning to assert the position that homeless people cannot or should not be held accountable for any behaviour short of actual physical violence.
- (6) Most hostels are operated by voluntary non-profit groups who should be trusted to carry out their mandate and values in a responsible way and without exceptional interference.
- (7) Operators report that hostel residents support even higher standards. It is very unlikely that hostel residents would accept a violence-only standard.

- (8) Barring is not only done on a site-by-site basis, but is almost always done for a limited period after which the individual may apply for readmission.
- (9) Some operators allow barred clients to regain admission by making restitution for damages or by negotiating specific personal contracts. While opportunities for such agreements are limited, it does speak to the high level of tolerance and forgiveness in the hostel system.
- (10) Clients who are barred can request the decision be appealed.

The Department is concerned about all homeless individuals who are not connecting with the hostel system . . . for whatever reason. During the cold season, we estimate that as many as 10 to 15 percent of homeless singles remain outdoors at any point. Most are adult men. Comparatively few are women and youth. Families are rarely represented in this group.

While some of those who remain outside are barred from service, they are a minority. Others include those who are:

- (1) afraid to use hostels;
- (2) too disorganized to use hostels;
- (3) too discouraged to use hostels;
- (4) too proud to use hostels; and
- (5) too mentally confused to use hostels.

More needs to be done to reach those who remain outside. These include the following:

- (1) Adherence to the 90 percent occupancy standard:

Until and unless occupancy rates are brought down to the accepted 90 percent standard, we can expect that some individuals will not access the system. More shelter space needs to be created so this balance is achieved and maintained.

- (2) Specialized hostel programs:

Homeless people have very diverse needs and special shelters are needed to address these needs. Programs like Walker House, Eva's Phoenix, Van Del Manor, Bellwoods House, Barrett House, and Beatrice House are all steps in the right direction.

- (3) Clients respond to services they value:

The Seaton House Annex operates on harm reduction principles and successfully serves extremely alcoholic and derelict men. These men place a high value on this service and behave accordingly. More programs like the Annex are needed. Other examples include Savard's, The Lounge and Eva's Satellite.

- (4) Street outreach services need further development:

A lot is being done and more can be done to provide effective, and targeted services to those who remain outdoors. More resources, better staffing training, and clearer guidelines are needed to develop this component of the system.

Appendix “A” to this report outlines current hostel standards with respect to barrings. This standard applies to all shelters operated by or subsidized by the City of Toronto.

Appendix “B” describes our Standards of Conduct which apply to staff in shelters.

Appendix “C” is a draft of the proposed rights and responsibilities for all hostel residents. This document is not yet final. Further consultations with both operators and residents will be held before a final version is prepared. Once finalized, this document will be prominently posted in all shelters!

Conclusions:

There is still a lot of work to be done to expand and improve hostel services. However, current policies with respect to the conduct of hostel residents and staff are adequate and should not be the focus of attention.

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List of Attachments:

Appendix “A” – Hostel standards with respect to barrings
Appendix “B” – Hostel Standards of Conduct
Appendix “C” – Draft hostel residents’ proposed rights and responsibilities

Appendix “A”

The Department’s Hostel Standards state the following with respect to barrings:

- (1) “It is illegal for residents to be in possession of weapons or contraband. Staff may search the resident’s person or possessions if weapons or contraband are suspected and when failure to do so is considered to pose a threat to that resident or to other residents. Shelters have the right to refuse admission if, upon request, applicants will not show what they are bringing into the shelter.”

- (2) “A hostel will not knowingly refer a client or applicant to another hostel if the person has been involuntarily discharged from the first hostel, without prior disclosure of the essential facts to the second hostel.”
- (3) “If a shelter bars clients from admission, a written record must be kept of the reason for the barring, and the length of the bar. A process must be in place for the client to appeal the barring. All barring must be reviewed by senior staff of the shelter and bars should be reviewed on a regular basis. In situations of extreme cold weather agencies should direct staff to review and relax bars for the duration of the extreme weather condition.”

Appendix “B”

Standards of Conduct:

Because of the nature of the services provided by hostels, there is an inherent power imbalance between staff and clients residing in the hostels. Staff hold much power, clients very little. The unequal power by dynamic demands that staff maintain the highest level of professionalism and caring when dealing with clientele who may be vulnerable. Standards pertaining to staff conduct throughout this document are equally applicable to volunteers working within organizations.

- (a) The shelter should provide an atmosphere of dignity and respect for all hostel residents, and provide client services in a non-judgmental manner.
- (b) Clients should be viewed as capable of moving towards increasing levels of self-reliance and self-determination.
- (c) All residents have the right to service regardless of their political or religious beliefs, their ethno-racial background or their sexual orientation. Staff must respect and be sensitive to the diversity of clients. Discriminatory and racist incidents or behaviours will not be tolerated.
- (d) Staff members may not impose their own personal standards (e.g., religion, political beliefs, sexual orientation) on clients.
- (e) Staff must not have personal/intimate relationships with clients who are residents in the shelter. Agencies are strongly encouraged to develop policies regarding staff relationships with ex-residents.
- (f) Staff will not verbally or physically abuse residents. Staff and volunteers should refrain from making non-constructive comments about a resident’s general appearance, including their weight, clothing and level of intelligence.
- (g) Staff must respect the confidentiality of information provided by a resident. Staff will not share information regarding a client with workers from other agencies without a signed release from the client. The exceptions to this are:

- when refusing or neglecting to provide information would endanger the safety of another individual or group of individuals;
- where information disclosed by the client requires reporting to authorities under the Provincial Child and Family Services Act; and
- where agencies are legally required to provide information through warrant or subpoena. In this regard, municipally operated hostels are governed by the Municipal Freedom of Information and Protection of Privacy Act (M.F.I.P.P.A.).

Special care must be taken to preserve confidentiality when clients move frequently between shelters and when staff members work at more than one shelter.

- (h) While information can and should be withheld in certain situations, it is not acceptable to lie to or to mislead anyone in the course of duty.
- (i) Staff will not disclose privately obtained information or discuss case information within the presence of other clients or other members of the public.
- (j) Staff should not listen in on clients' or colleagues' personal or telephone conversations.
- (k) Staff will not borrow money from or lend money to residents.
- (l) Staff may not purchase from, or sell/resell goods or services to clients.
- (m) Staff will not privately accept gifts of value from residents, or keep for personal use any items that are abandoned or forgotten.
- (n) Donated articles and clothing are not to be taken by staff or volunteers.
- (o) Staff will not entertain personal visitors, including former employees, in the hostel while on duty.
- (p) Staff should provide residents with the greatest possible level of privacy with respect to the use of bedrooms, washrooms and bathing facilities.
- (q) Staff must not carry on loud conversations or operate loud radios, recorders or televisions which disturb residents who are sleeping.
- (r) Staff need to support other staff members' decisions and not question the judgement of other staff members in the presence of clients, save and except in circumstances where one staff perceives another staff member to be verbally or physically abusive to a client.

Appendix "C"

- Draft -

All Hostel Residents:

Rights:

- (1) To be treated with dignity and respect.
- (2) Personal safety and security.
- (3) Services that are timely and of good quality.
- (4) Complain without fear and the right to appeal decisions.
- (5) Safe place for belongings at all times.
- (6) Reasonable answers to your questions.
- (7) Involvement in decisions that affect you.
- (8) Access to your own information.
- (9) Confidential treatment by staff.
- (10) Referral to other services when needed.

Responsibilities:

- (1) Show respect towards other people.
- (2) Act in a manner that is safe to others.
- (3) Co-operate with the general house rules.
- (4) Provide staff with eligibility information.
- (5) Help with basic chores.
- (6) Maintain personal hygiene and laundry.
- (7) No acting out resentment towards others.
- (8) Observe quiet periods.
- (9) Don't bring weapons or drugs into the shelter.
- (10) Actively work towards solutions.

The Community Services Committee submits the following communication (September 23, 1999) from the Councillor Jack Layton, Co-Chair, Advisory Committee on Homeless and Socially Isolated Persons:

At its September 22, 1999, meeting, the Advisory Committee on Homeless and Socially Isolated Persons, passed the following motion to be forwarded to the Community Services Committee for action.

"It is recommended that the Shelter, Housing and Support Division of Community and Neighbourhood Services institute a policy directing emergency shelters in Toronto to lift all barring practises except in cases involving physical violence."

This request comes in response to reports that people are being barred from hostels at a time when the shelter system is completely full. Without the option of going to another shelter, people who are barred have no other option but to remain on the street. The Committee would ask that alternative approaches be used to deal with behaviours that often result in barrings such as substance use, breaking curfews or other hostel rules. During Extreme Cold Weather Alerts barring policies are relaxed to accommodate people in need of shelter. The Advisory Committee asks that the same practice be adopted during this shortage of emergency bed space.

The following persons appeared before the Community Services Committee in connection with the foregoing matter:

- Sister Theresa, Mary's Home;
- Mr. Chris Griffiths and Ms. Kelly Lennon, Health and Safety Representatives, Youth Without Shelter; and submitted a brief in regard thereto; and
- Ms. Sherry Hayes, Director, Amelie House and Rendu House; and submitted a brief in regard thereto.