

Last Update:
Version 01
Approval Date:

Service Restriction Policy for Emergency Shelters

Policy Statement & Purpose

The service restriction policy outlines a framework to be used by all city-funded emergency shelters to guide decision-making and communication related to restricting a client from one or more shelter service. It is intended to support clear, consistent, and accountable approaches to service restrictions across the homeless-serving system.

Service restrictions are at times necessary, however should be viewed as a last resort when all other avenues of resolution have been exhausted. As such, this document also outlines alternate strategies and approaches to avoid a potential restriction.

Scope

This policy applies to the following city-funded emergency shelter programs:

- All emergency shelters that serve single adults, youth, and families.

This policy applies with limitations to:

- The hotel overflow program. City and shelter staff supporting service users staying in the hotel overflow program will adhere to this policy, however hotel staff/owners may discharge clients from hotel at their discretion. In those instances, it may not be possible for the duration guidelines and appeals process to be followed.

This policy does not apply to:

- Violence Against Women shelters
- City funded and non-City funded drop-in programs
- Case management programs (ICM, Rapid Rehousing) or transitional housing programs.

Definitions

Client: An individual who is accessing or attempting to access a service provided by one of the included agencies. Sometimes referred to as a service user, guest, or resident.

Discharge: The process of concluding a client's stay including the use of HIFIS to release a client's assigned bed. Discharge may be initiated by the client or staff for a variety of reasons, including but not limited to finding housing, no longer meeting eligibility criteria, or service restrictions.

Serious Incident: May include, but not limited to, any behavior, possession, or threat, that creates harm to staff, community members, or other clients leading to an incapacity to manage safety within a communal living setting.

Service Restriction: An action that limits a client's access to one or more services provided by an emergency shelter for a limited duration of time in response to a specific incident or behavior. A service restriction is NOT to be issued for reasons other than serious incidents or risk of harm to others.

	<p><u>Turn Away:</u> The process of declining a client access to service due to ineligibility or being over capacity and unable to provide space.</p>
<p>Guiding Principles</p>	<p>Service restrictions should primarily be utilized in situations where there has been, or is a significant risk of, harm to other clients, guests, and/or staff. Service restrictions may also be issued due to ongoing behaviours which interfere with shelter operations, illegal activities, court order, significant damage to property, or prolonged refusal to engage with program requirements. Service restrictions are not to be applied in instances where a client is turned away from shelter due to ineligibility based on demographic factors or medical accommodations beyond the capacity of the agency mandate. Staff and management responsible for issuing and reviewing service restrictions will be mindful of the following guidelines when applying this policy:</p> <ul style="list-style-type: none"> • The primary focus of agencies should be to avoid service restrictions through alternative person-centered and trauma-informed interventions. • Emergency shelter operators must balance the well-being of individual clients against risk of harm to other clients, staff, guests, volunteers, and neighbours, as well as their obligations under the <i>Occupational Health and Safety Act</i>. • Intersectional & Anti-Opressive Practice: Service restrictions will be considered through a trauma-informed, gender and equity lens; recognizing the systemic barriers faced by women, trans, gender-diverse or non-binary people, and experiencing intersecting oppressions including, but not limited to, race, ethnicity, substance use, mental health, disability, gender identity, religion, and sexual orientation. • Service restrictions are not to be used as a punitive measure. • Weather Alerts / Extreme Weather Events: During a Weather Alert or extreme weather event and under staff discretion, all agencies work to relax restrictions where possible for clients accessing service and for those previously restricted who are seeking service. Decisions will be guided by the prioritization of the health, safety, and wellbeing of all staff, clients, and guests at the location.
<p>Service Restriction Process</p>	<p>Clients will be made aware of the service restriction policy upon admission, intake, or as soon as reasonably possible. The service restriction policy will be posted in each agency for all clients to reference.</p> <p><u>Staff will follow the steps below when assessing if a service restriction may be necessary:</u></p> <ul style="list-style-type: none"> • Confirm that a service restriction is applicable for the situation. Clients who are ineligible for services will not be issued a service restriction, rather the reason for ineligibility would be provided to the client and staff would document this in HIFIS as a turn away. • Assess the situation using the service restriction policy guiding principles and values. • Consider if all other avenues of resolution within shelter staff capacity have been exhausted. Review all actions taken to support the client and end the behaviour(s) putting the client at risk of a service restriction. Ensure warnings and attempts to prevent issuing a service restriction have been documented. • Determine if failure to service restrict this client will endanger other clients and staff. • Consider what purpose the service restriction would serve. For example: if a client is attempting to harm a staff member or client, the purpose of the service restriction is to help ensure the safety of staff and other clients. <p><u>Staff will follow the steps below when issuing a service restriction:</u></p>

	<ul style="list-style-type: none"> • When determining the appropriate duration for a service restriction, staff will use the Guideline for Duration (Appendix A) and consider the context surrounding the incident, unique circumstances, and social location of the individual client. • Staff will always make every reasonable effort to secure a space with another system provider. However, the inability to secure an alternate space or the client's refusal to accept a referral to an alternate space does not mean that restrictions won't still be applied. • Staff will inform clients of their right to have a support person with them to attend meetings regarding their service restriction. All clients should be permitted to have a support or an advocate of their choice present during the service restriction and appeals process (when this doesn't present a conflict or safety concern). • When an Indigenous person is being restricted staff will work in partnership with the client's identified Indigenous service provider. If they are not yet connected to one, the agency will provide a referral at the client's request. • Where it is safe and reasonable to do so, staff or management must verbally notify the client that they are being restricted from service(s) at the time of discharge. When requested, service restriction details will also be provided in writing. When it is not safe or reasonable to inform the client at the time of discharge staff will inform the client at the next point of contact. Notice of the service restriction must include: <ul style="list-style-type: none"> ○ Specific details of the service restriction (Date, duration, reason, site(s) to which it applies) ○ The process for re-accessing services after the restriction ends, ○ Information on how long belongings will be stored and how clients can retrieve their belongings, ○ A copy of the service restriction policy and guidelines for duration (appendix A), ○ A copy of the agency's complaints policy should the client wish to appeal the restriction. <p><u>Agency management, supervisors, or designated senior staff will support staff in applying the service restriction policy by:</u></p> <ul style="list-style-type: none"> • Reviewing and approving service restrictions more than 24 hours in length. • Reviewing and determining service restriction durations greater than 1 month. • Reviewing and bring forward any restrictions greater than 3 months in duration or inadvertent system-wide service restrictions to the Manager of Homelessness and Housing Support or Supervisor of Emergency Shelter Services. <p><u>The City will support operators in applying the service restriction policy by:</u></p> <p>The City will convene a teleconference with management/leadership to review the circumstances that led to a client being restricted from all locations and potential interventions to support the client with re-engaging in services.</p>
<p>Service Restriction Types</p>	<p>Access to location may be limited or denied in the following ways:</p> <ul style="list-style-type: none"> • Postponement Period/Warning: A brief period in which the client is asked to leave the premises with a view of taking time and space to de-escalate their current behaviour. In such intense situations, the client will be invited to return when they feel better equipped to engage appropriately in the environment. Postponement period/warnings cannot exceed 12 hours in length and will not be issued overnight.

	<ul style="list-style-type: none"> • Partial Restriction: A client who is suspended for a specific time period, from specific activities in the program. Partial restrictions may be part of a harm reduction strategy to keep clients connected to some programs while limiting the risk of harm to others. <ul style="list-style-type: none"> • Examples: a client with a partial restriction could be denied access to a day program but allowed to stay in the shelter in the evening; or a client may not be permitted to stay in the shelter overnight but is granted limited access to specific programs (e.g. a health clinic; meal program; or a housing worker). • Full Restriction - Discharge (Level 1-4): A client is denied all access to a location for a specific length of time greater than 24 hours. • System-Wide Service Restrictions: Service restrictions will not be applied across the system pre-emptively, however there may be circumstances where a client's behaviour has resulted in repeated service restrictions from multiple locations, leading to a situation where it is not feasible for the client to be admitted to any of the locations they are eligible for in Hamilton. If all avenues for intervention have been exhausted, then staff will contact the Manager of Homelessness and Housing Support or Supervisor of Emergency Shelter Services. The City will convene a teleconference with management/leadership to review the circumstances that led to a client being restricted from all location and potential interventions to support the client with re-engaging in services.
<p>Documentation</p>	<p>All shelters must maintain records of all service restrictions and these must be documented in the current Homelessness Management Information System (e.g. Homeless Individuals and Families Information System 4.0) as follows:</p> <ul style="list-style-type: none"> • Service Restrictions should be entered into HIFIS by the staff issuing the restriction or their direct supervisor/manager. • Any non-overnight restrictions (postponement period/warnings and partial restrictions) will be documented in case notes, including which agency-specific services the client is restricted from (e.g. shelter, food services, all services, etc.). • Service Restriction documentation should be completed in accordance with this policy and HIFIS user documentation and training. • Staff are required to enter detailed notes about the Service Restriction. These notes should include the following: <ul style="list-style-type: none"> ○ Reason(s) for the restriction. ○ Alternatives pursued to prevent restriction including details of how staff attempted to avoid service restricting the client (e.g. de-escalation, partial restriction, case management meeting with client, etc.). ○ Date the client was notified of the restriction or attempt to notify client was made. ○ Shelter or other destination to which the client was referred, if applicable. ○ Confirmed authorization by supervisor or manager if the restriction exceeds 24 hours. ○ Details of the three warnings issued leading up to the service restriction being put in place (if it was safe and reasonable to issue warnings). ○ For 60+ day restrictions, details of the review results and extension (as applicable). ○ For appealed restrictions, details on the appeal findings and adjustments made.

	<ul style="list-style-type: none"> • If the client is being discharged, staff must record that the Reason for Discharge is because they are Service Restricted. • If a shelter has issued a Trespass Order, they must provide the client with a copy of the Trespass Order, including a copy of the Police Occurrence Report (if applicable). Trespass Order number and Police Occurrence Report number should be documented. <p>All staff across the Coordinated Access System will see the Client Alert: <i>Client Has Active Service Restriction</i> and will be able to view the Service Provider that issued the restriction and the start and end date. The reason for the restriction will not be visible outside of the issuing shelter.</p>
Appeals Process	<p>Any client who has been restricted from service is entitled to appeal a service restriction and/or request the length of the restriction be reviewed. The client has the right for the appeal to be heard in a timely manner (usually within two days Monday to Friday) with the decision of outcome clearly communicated to the client once a timely decision has been reached. Appeals will be heard by the service manager or designate, and outcomes will immediately be shared with all applicable employees and documentation will be updated as required.</p> <p>Appeals are to be submitted through a shelter’s complaints policy process. All agencies will have a written complaints process in accordance with the Hamilton Emergency Shelter Standards.</p> <ul style="list-style-type: none"> • Exceptions: Hotel staff/owners may discharge clients from hotel at their discretion. If a client disagrees with the decision of the hotel staff/owner, they may request a review of the decision by the Manager of Homelessness and Housing Support or Supervisor of Emergency Shelter Services. When appropriate and possible the Manager of Homelessness and Housing Support or Supervisor of Emergency Shelter Services may direct staff to work with clients to find alternate shelter or hotel options.
Related Documents	<ul style="list-style-type: none"> • Service Restriction Policy Appendix A: Guidelines for Duration • Hamilton’s Homeless-Serving System Consent for the Collection and Sharing of Personal Information • City of Hamilton – Housing Services Complaints Resolution Policy (pending) • City of Hamilton - Hamilton Coordinated Access Process Guidelines, 2022 • City of Hamilton – Case Management Policy, 2023 • City of Hamilton – Housing Services Consent Policy, 2023 • City of Hamilton – Housing Services HIFIS User Manual (pending) • Occupational Health and Safety Act • Ontario Human Rights Code, 1990 • Accessibility for Ontarians with Disabilities Act, 2005
Policy Review	<p>This policy should be reviewed and updated every two years, led by the City of Hamilton Housing Services Division with input from the included partners and Indigenous community entities.</p>

Guidelines for Determining Service Restriction Duration

How to use this guide: Shelter staff will utilize the following guide to determine the appropriate length of time a client will be restricted from services. The categories and recommended lengths in this guide are to be used in complement with the Service Restriction Policy. When issuing a service restriction, staff will use the guiding principles and values from the service restriction policy to consider the context surrounding the incident, unique circumstances, and social location of the individual client. Shelter operators must also take into consideration their obligations under the Occupational Health and Safety Act to provide a safe work environment and will work with staff when determining the duration of service restrictions. With these factors in mind, the length of time a client is restricted may be less than the duration outlined below, however restrictions should not exceed the timeframes in this guide. The circumstances and behaviours which may lead to a service restriction can be complex and evolve quickly between different incidents and risk levels. While staff are expected to follow the duration guidelines outlined below in exceptional circumstances an agency has discretion to implement a restriction that is longer than the recommended guideline, however the rationale for a longer restriction must be documented in HIFIS.

Exceptions:

The hotel overflow program. City and shelter staff supporting the hotel overflow program will attempt to adhere to the guidelines however, hotel management may make decisions related to service restrictions or permanent bans from a hotel that override this guide. In those instances, it may not be possible for the duration guidelines and appeals process to be followed. Whenever possible, staff supporting the hotel overflow program will work with families being restricted from hotel to avoid discharge and find alternate hotel or shelter options. Clients restricted from the hotel overflow program may appeal the decision through the Manager of Homelessness and Housing Support or Supervisor of Emergency Shelter Services.

Court ordered or Trespass Orders. If a client is not permitted to access shelter due to a court order or no trespass order the duration will be based on the length of the court order or no trespass order and therefor may be longer than the duration guideline.

Service Restriction Reasons

Category	Definition
Safety/Security Risk	Behaviours or activities which put the safety and security of other clients, guests, and/or staff at risk, such as: Threatening others Physical violence Deliberate and ongoing harassment of clients or staff
Non-compliance with Agency Rules/Regulations	Failure to follow agency rules or regulations, such as: Name calling/bullying including racism, sexism, or any discriminatory language Refusal to follow health and safety regulations
Illegal Activity	Illegal activities affecting the operations, safety, wellbeing, or property of others, including but not limited to: Violating Ontario Fire Code or Smoke Free Ontario Act (e.g. smoking inside program, tampering with a fire alarm) Arson Selling drugs on property Theft or stealing in the building Deliberate and serious property damage Breaking into locked or prohibited areas of the shelter

Prolonged Refusal to Engage	Refusal to engage with staff as required in the Client Rights and Responsibilities to discuss or work towards housing goals for more than 60 days.
Disruptive Behaviour	Breaching Client Rights and Responsibilities expectations in a manner which significantly interferes with staff's ability to maintain operations. This may include: Being persistently uncooperative and argumentative Interfering with the ability of others to sleep or access services Vandalism/damage to property Refusing to leave when asked
Hotel Admin Restriction	Hotel staff decide to discharge a client due to behaviours which disrupt business operations, negatively affect other customers, failure to comply with hotel rules, or as otherwise deemed necessary by hotel management.
Court Order/No Trespass	A court order or no trespass order which prohibits a client from accessing an emergency shelter site. Issued by a court or Hamilton Police Services.

Type & Duration Guidelines

Type	Description	Recommended Duration	Roles & Responsibilities
Postponement Period / Warning	Repeated breaches of expectations outlined in the Emergency Shelter Standards Client Rights and Responsibilities Name calling/bullying including racism, sexism, or any discriminatory language Violating Ontario Fire Code or Smoke Free Ontario Act (e.g. smoking inside program)	Short postponement e.g. 1 to 12 hours off property Maximum 12 hours and cannot include overnight hours	Approval: Agency staff Issue: Agency staff Documentation: Agency staff (under case notes) Review: N/A
Partial Restriction	A client who is suspended for a specific time period, from specific activities while still being allowed limited access to some programs Partial restrictions may be part of a harm reduction strategy to keep clients connected to some programs while limiting the risk of harm to others	12 or more hours	Approval: Supervisor or above if more than 24 hours in duration Issue: Agency staff Documentation: Agency staff (under case notes) Review: N/A

<p>Level 1 Discharge</p>	<p>After 3 documented postponement periods/warnings or partial restrictions</p> <p><u>First occurrence of:</u></p> <p>Selling drugs on property Theft or stealing in the building</p> <p><u>Repeated occurrences of:</u></p> <p>Being persistently uncooperative and argumentative Violating Ontario Fire Code or Smoke Free Ontario Act (e.g. smoking inside program) Vandalism/damage to property Name calling/bullying including racism, sexism, or any discriminatory language Refusing to leave when asked – may involve police called to escort out</p>	<p>Out of location and off property for 24 hours</p>	<p>Approval: Supervisor or above</p> <p>Issue: Agency staff</p> <p>Documentation: Agency staff</p> <p>Review: Supervisor or above</p>
<p>Level 2 Discharge</p>	<p>Second occurrence of a Level 1 Service Restriction</p> <p><u>Repeated occurrence of:</u></p> <p>Selling drugs on property Theft or stealing in the building</p>	<p>Out of location and off property for up to 4 days with supervisor review prior to re-entry</p>	<p>Approval: Supervisor or above</p> <p>Issue: Agency staff</p> <p>Documentation: Agency staff</p> <p>Review: Supervisor or above</p>
<p>Level 3 Discharge</p>	<p>Serious incidents which compromise the safety of other clients, staff, and community:</p> <p>Physical violence or immediate threat of violence Arson Breaking into locked areas and resident rooms</p>	<p>Out of location and off property for up to 60 days with Supervisor review prior to return</p>	<p>Approval: Supervisor or above</p> <p>Issue: Agency staff</p> <p>Documentation: Agency staff</p> <p>Review: Supervisor or above will conduct review to determine duration of restriction (maximum 1 month without a review)</p>

	<p>Deliberate and ongoing harassment of clients or staff</p> <p>Deliberate and serious property damage.</p>		<p>Review at 1 month and consult with community partners: Supervisor or ED</p>
<p>Level 4 Discharge</p>	<p>Long-term service restrictions (over a period of three months) will only be issued in the most serious cases that compromise the safety and security of staff and clients. The Manager of Homelessness and Housing Supports or Supervisor of Emergency Shelter Services must be notified of any long-term service restrictions.</p> <p>Threat of physical harm/ threatening with a weapon Violent behaviour/Physical assault of staff and clients Fire setting/arson</p>	<p>61 days or greater, with Supervisor review prior to return</p>	<p>Approval: ED</p> <p>Issue: Supervisor or above</p> <p>Documentation: Agency staff</p> <p>Review: ED will conduct review to determine duration of restriction</p> <p>Review at 3 months and consult with community partners: Supervisor or ED</p>
<p>Court Order/ Trespass Orders</p>	<p>Depending on circumstances, a client may not be permitted to access a location due to court order or a Trespass Order. An order may be initiated by either an individual location or by Hamilton Police Services. In these circumstances, the service restriction due to the order shall be communicated to all affected locations.</p>	<p>Duration will be based on the length of the court order or Trespass Order.</p>	<p>Approval: ED</p> <p>Issue: Supervisor or above</p> <p>Documentation: Agency staff</p> <p>Review: Manager or Director (or delegate)</p>

<p>System-Wide Service Restrictions</p>	<p>Occasionally a client may be restricted from all locations concurrently. In these instances, agency staff will contact the Manager of Homelessness and Housing Support or Supervisor of Emergency Shelter Services. The City will convene a teleconference with agency management to review the circumstances that led to a client being restricted from all locations and potential interventions to support the client with re-engaging in services.</p>	<p>N/A</p> <p>Brought forward to the Manager of Homelessness and Housing Support or Supervisor of Emergency Shelter Services.</p>	<p>Approval: ED</p> <p>Issue: Supervisor or above</p> <p>Documentation: Agency staff</p> <p>Review: Manager or Director (or delegate) from appropriate sector (i.e. men's, women's) via teleconference and the Manager of Homelessness and Housing Support or Supervisor of Emergency Shelter Services.</p>
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