



# Has the standardisation of homelessness services in Poland facilitated access to shelter?

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In the years 2009-2014, in collaboration with the Ministry of Labour and Social Policy,<sup>1</sup> Polish FEANTSA members<sup>2</sup> have developed a quality standards framework describing services in six areas – social work, housing & shelter, health, outreach, education & employment and local partnership. That framework, published at the end of 2014<sup>3</sup>, became a cornerstone for a number of legislation amendments aiming at the standardising of services for homeless people. Unfortunately, the scope of the reform was significantly narrower than the range of the framework – it actually focused only on the standardisation of shelter services, excluding even the housing part of the standard, not to mention health or outreach for example. It is unknown if and when the other areas will be introduced to the legislation. Having said this, the reform has changed the terms of access to shelter considerably.

The key Polish legislation act regulating the role of public authorities (and NGOs financed from public sources) in the area of supporting the homeless<sup>4</sup> is the Social Assistance Act<sup>5</sup>. The Act defines a homeless person as an individual who neither lives in any dwelling<sup>6</sup> nor is registered under any address<sup>7</sup> or a person who is registered in a dwelling but has no possibility of using it. The Social Assistance Act also stipulates that each homeless person has a right to shelter (along with a meal and necessary clothes) and that sheltering the homeless is a municipal obligation. The amendments to the Social Assistance Act resulting from the quality standards framework became effective in September 2016. The most important amendments included:

- Introducing definitions of three kinds of shelter services<sup>8</sup>:
  - Homeless shelters – 24hrs shelter facility with services focused on reintegration (315 facilities with 15,226 beds in 2016<sup>9</sup>),
  - Overnight shelters – emergency service available only during the night with very little focus on reintegration, designed for occasional users (116 facilities with 3,321 beds in 2016<sup>10</sup>),

- Warming-up stations – supplementary winter emergency service with seats only focused mostly on preventing hypothermia among homeless people sleeping rough (53 facilities with 1,212 seats in 2016<sup>11</sup>).

- Enabling the Minister of Family, Labour and Social Policy to issue a Regulation on the standards of the above kinds of services with a deadline for introducing the standards by the service providers by September 2018. The Regulation<sup>12</sup> was issued with a serious delay (in April 2017) giving the service providers just 16 months to introduce the standards.
- Accessibility of the above services was narrowed only to the homeless people who are self-reliant (understood as able to walk, feed themselves and fulfil their hygienic needs without assistance) and whose health condition does not endanger other inhabitants (e.g. by contagious diseases).
- Accessibility of the above services for intoxicated individuals was narrowed only to the warming-up stations (with a possibility of lifting the ban in other kinds of services in extraordinary circumstances – e.g. overcrowding in warming-up stations in harsh winter conditions).
- Facilitating access to emergency services (overnight shelters and warming-up stations) – the emergency facilities are open to anyone in need, with no regard to their local connection or cooperation with the public social assistance system (i.e. no interview with a social worker is required anymore).
- Narrowing the accessibility of the 24hrs shelters with reintegration services only for people cooperating with the public social assistance system (admission to the facility only by an administrative decision preceded by an interview with a social worker and signing a social assistance contract).

1 Ministry of Family, Labour and Social Policy since autumn 2015.

2 Pomeranian Forum for Leaving Homelessness, St. Brother Albert's Aid Society, Monar Association, Barka Network, Caritas of Kielce Diocese and "Open Door" Association (the last one not being a member of FEANTSA).

3 For a more detailed description of the framework and the ESF project under which it was developed, see Homelessness in Europe Magazine, Summer 2014, p. 16-18.

4 33,408 homeless people on 8/9 February 2017 according to the countrywide headcount commissioned by the Ministry of Family, Labour and Social Policy, <https://www.mpips.gov.pl/download/gfx/mpips/pl/defaultopisy/9462/1/1/Sprawozdanie%20z%20realizacji%20dzialan%20na%20rzecz%20ludzi%20bezdomych%20za%202016.pdf> (Polish only)

5 Social Assistance Act of 12.04.2004 (Dz.U. 2004 Nr 64 poz. 593), <http://prawo.sejm.gov.pl/isap.nsf/download.xsp/WDU20040640593/U/D20040593Lj.pdf> (Polish only)

6 Meaning a dwelling complying with the requirements of the Tenants' Rights Protection and the Municipal Housing Stock Act of 21.06.2001.

7 Registration according to the Population Registry Act of 24.09.2010.

8 The Report on actions supporting the homeless people issued by the Ministry of Family, Labour and Social Policy in 2017 mentions however other kinds of facilities that are available for homeless (but also for people in housing crisis who are not homeless according to the law) – centres for mothers with underage children and pregnant women, crisis intervention centres and centres for domestic violence victims with a total of 3,830 beds in 2016, <https://www.mpips.gov.pl/download/gfx/mpips/pl/defaultopisy/9462/1/1/Sprawozdanie%20z%20realizacji%20dzialan%20na%20rzecz%20ludzi%20bezdomych%20za%202016.pdf> (Polish only)

9 Ibid.

10 Ibid.

11 Ibid.

12 Regulation on Standards of Overnight Shelters, Homeless Shelters and Warming-up Stations Issued by the Minister of Family, Labour and Social Policy on 28.04.2017 (Dz.U. 2017 poz. 953), <http://prawo.sejm.gov.pl/isap.nsf/download.xsp/WDU2017000953/O/D20170953.pdf> (Polish only)



The minimum standards of services issued in the Minister's Regulation include such factors as:

- timescale of provision of services (yearly/seasonal, 24hrs/night-only),
- range of services available in different kinds of facilities (meals, clothes, bathing, social reintegration, vocational activation, information on available support, access to a social worker),
- minimum temperature in facilities,
- staff requirements,
- maximum number of inhabitants per staff member / per social worker,
- maximum number of inhabitants per facility / per room,
- minimum square footage per inhabitant in the bedrooms,
- bedroom furnishings,
- sanitary facilities and maximum number of inhabitants per facility,
- other rooms necessary for services provision (kitchen, eating room, laundry, storages, room for individual meetings, access to computer).

Noticeably, neither the amendments to the Social Assistance Act nor the Regulation on standardisation of services say anything about financing the introduction of standards. That of course is a major problem for non-governmental service providers, whose facilities are not in compliance with the standards. The Ministry's stance is that the financing of the standardisation issues is a municipal responsibility, thus even though there are some central funds available for infrastructural investments in shelters, they cover a very small part of the needs – the regulatory impact assessment<sup>13</sup> prepared by the Ministry estimates that 593.8 million PLN will be needed (ca. € 141.7 million), while the central funds are to cover only ca. 12% of that sum. Obviously, the municipalities are not very keen on increasing their expenses on homelessness which puts the NGO service providers between a rock and a hard place and may even result in closing some of the services.

Another issue is lowering the access threshold to the emergency services, which now are open to anyone in need. While this is obviously a good idea, the new legislation forces the municipalities with overnight shelters to host homeless people from any other municipality without receiving any refund. Since this is the complete opposite to what has been the case for the last 30 years, the largest municipalities, which are basically homeless hubs, are strongly opposing it by closing overnight shelters or turning them into substandard 24hrs shelters (they may still do that since the standards are not introduced yet). An online survey conducted in spring 2016 by the National Federation for Solving the Problem of Homelessness has shown that out of 28 overnight shelters surveyed, 11 were in a threat of closure or transformation into a 24hrs shelter with access restrictions. On the other hand, smaller municipalities who only have 24hrs shelters are unable to support a homeless person in an emergency – the administrative pathway (including an interview, issuing a decision and signing a contract) is simply too long to serve as an emergency measure.

To answer these threats, the Ministry issued Guidelines in 2017 for supporting homeless people<sup>14</sup> which included the information that each of the 2,500 municipalities in Poland should provide homeless people with the possibility to use each of the three kinds of services – by providing the services directly, commissioning the services to an NGO or signing a contract with another municipality that provides or commissions such services. Unfortunately, the guidelines are not legally binding and so the municipalities are not obligated to adhere to them.

Arguably the worst unforeseen outcome of the new legislation was the formal exclusion of the homeless people who are not self-reliant from the homeless support system. This exclusion was partly based on the demands of the service providers who had pointed out that the lack of coordination between social assistance and healthcare systems resulted in releasing homeless people from hospitals with complex rehabilitation needs and placing them in shelters which did not provide any nursing and/or rehabilitation services. Yet, instead of coordinating the services, the Ministry cut out all homeless people who were not self-reliant from the shelters without giving any real alternative. The Ministry stated that municipalities should refer such clients to nursing homes and other care centres in which all their needs would be satisfied adequately. The problem is that the waiting time for such institutions in major cities ranges from a few months to a few years (in the case of clients with mental health problems) which does not make it much of an emergency measure. In such circumstances, most of the NGOs continued to service clients who were not self-reliant, risking an administrative penalty of up to 5,000€. However, it seems that under heavy pressure from the NGO sector, backed up by a unprecedented media coverage, the public authorities have so far resigned from executing this law, since no cases of penalising an NGO for servicing such clients in a homeless shelter are yet known.

A similar situation occurred in case of homeless mothers with children. In spring 2017, the Ministry issued a letter to all Voivodes (regional governors who are in charge of overseeing the homeless shelter system) saying that the homeless shelters should not host children and they should be placed in centres for mothers with underage children and pregnant women. Again, in theory this seems like a good idea, since a homeless shelter is not the most suitable place to raise children. But again, they were given no real alternative, since at the moment of issuing the letter there was no more than some 30 to 50 centres for mothers with underage children and pregnant women throughout the whole country. As it was the case with the clients who were not self-reliant, the National Federation for Solving the Problem of Homelessness started a campaign against this solution and used the media to influence the Ministry. After two months the Ministry backed out and issued a statement saying that there is no law against placing mothers with children in homeless shelters, however such cases should be as short-term as possible and lasting only until a more suitable solution is found. At the same time a new fund for the creation of centres for mothers with underage children and pregnant women was founded.

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<sup>13</sup> <http://legislacja.rcl.gov.pl/docs/525/12287801/12367762/dokument269425.docx> (Polish only)

<sup>14</sup> [http://bezdomnosc.pl/index.php?option=com\\_content&view=article&id=81:wytuczne-mrrips-w-zakresie-pomocy-osobom-bezdomnym&catid=9:blog&Itemid=101](http://bezdomnosc.pl/index.php?option=com_content&view=article&id=81:wytuczne-mrrips-w-zakresie-pomocy-osobom-bezdomnym&catid=9:blog&Itemid=101) (Polish only)



At the beginning of 2017, the Ministry started debating the issues surrounding the 2016 amendments with the NGO service providers. The negotiations resulted in yet another amendment to the Social Assistance Act<sup>15</sup> that has recently been enacted in the lower house of the Parliament (Sejm) and is estimated to enter into force in April 2018. The major changes include:

- adding a fourth type of shelter service – the homeless shelter with nursing services,
- emergency admission to a homeless shelter without administrative decision,
- changing the role of the Voivode's homeless shelters registry – instead of a list of shelters existing in a given region, it will become a register of facilities in which a given municipality provides shelter for homeless,
- prolonging the deadline for introducing the standards to December 2020.

According to the project of the amendment, the new kind of shelter is designed for clients who, due to their age, illness or disability, require partial care and support in fulfilling their everyday needs, yet who do not require fulltime nursing, rehabilitation or medical services, including clients awaiting their place in a nursing home (no longer though than for four months). The services described in the new standard include enhancing the social activeness of the clients and (accordingly to their capabilities) leaving homelessness and becoming independent. The new standard also requires a quality of service on a much higher level than in an ordinary homeless shelter, including fewer people per room, adjusting the facilities to the needs of people with motion disabilities, considerably more staff involvement, and of course nursing services including facilitating access to necessary health services, feeding and sanitary/hygienic care. This of course means that the shelters with nursing services will be considerably more expensive compared to ordinary shelters, not only due to the costs of adhering to the higher building standards, but mostly due to the increased labour expenditure. Again, there is no information on financing the new kind of service, meaning it is laid almost solely on municipalities.

An interesting move that may significantly improve access to shelter is changing the role of the so-called Voivode's registry. According to the amended Social Assistance Act, it will become a tool for checking whether a given municipality is fulfilling its obligations in providing shelter services and may work as an incentive (mostly for the small municipalities who never did that before) to start contracting services. Also, resigning from the administrative pathway to a homeless shelter in emergency cases should considerably facilitate access to shelter in municipalities without low threshold services. The next few years will show whether the introduced changes are working for the benefit of homeless people, though it mostly depends on the municipalities' attitude now. The NGO sector, including the Polish FEANTSA members and the Polish umbrella federation will closely look at the developments in this area and attempt to put pressure on the municipalities to act accordingly to the new regulations.

A final thought is – where in all that is housing? For the last 30 years, Poland has been a country with a homeless support system which mostly relies on shelters and there is not much hope for changing it in the near future. It may seem that the government is trying to involve the NGO sector in all the developments in the shelter services standardisation to keep us occupied enough so we have no time left for a discussion on housing. For the last four years (since publishing the Municipal Standard of Leaving Homelessness), there has not been much debate on housing the homeless among the major service providers, even though the quality standards framework included housing as an equal solution to shelters. The government seems to avoid the subject and any debate aiming at including housing-led solutions for homeless people in national law. Yet, from the municipal point of view, all works on standardisation of shelter services result in increasing costs of “managing” homelessness locally. Perhaps, when the shelters become expensive enough, there will be a grass-root shift from shelters to housing? Let us hope so. There are many other areas in the homeless support that need improving in Poland, but we are not letting this one go.

<sup>15</sup> [http://orka.sejm.gov.pl/opinie8.nsf/nazwa/2111\\_u/\\$file/2111\\_u.pdf](http://orka.sejm.gov.pl/opinie8.nsf/nazwa/2111_u/$file/2111_u.pdf) (Polish only)