



Executive summary of the public audit report

DOES THE CHILD CARE SYSTEM MEET THE BEST INTERESTS OF THE CHILD IN CARE?

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DEFINITIONS AND ABBREVIATIONS

GC Programme means the Programme of Search, Training, Selection, Counselling and Support of Guardians (Caretakers).

Service means the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour.

Department means the Department of Supervision of Social Services under the Ministry of Social Security and Labour.

CRPD means a municipal Child Rights Protection Division (Service).

Child means a person under 18 years of age¹, unless the age of majority is attained earlier (the child is emancipated²) under applicable laws.

Child deprived of parental care means a child:

- whose both parents or the only parent is dead;
- whose both parents or close relatives are unknown (a foundling);
- whose the only parent or both parents are missing and search for them has been announced;
- whose the only parent or both parents are declared dead by the court or declared missing;
- whose the only parent or both parents are declared legally incapable in the established procedure;
- whose parents or the only parent is temporarily unable to take care of the child due to an illness, arrest, serving a punishment of both parents or one of them, or other important reasons;
- whose parents or the only parent does not take care of and is not interested in the child, neglects the child, brings the child in an unsuitable manner, uses physical or psychological violence thus causing a threat to the child's safety, and who has been taken from the family in the procedure established by law (until the child's separation from the parents in the judicial procedure);
- whose parental and close family relationships were not determined within three months from the day when the child was found;
- who has been separated from the parents in the procedure established by law;
- whose both parents or the only parent have the parental power limited for her/him temporarily or for an indefinite period of time

Guardianship (care) of the child means the care, upbringing and education of a child deprived of parental care and entrusted to a natural or legal person in the procedure established by law, as well as the provision and maintenance of other conditions for the spiritually and physical growth of the child, protection and representation of the child's personal and property rights and legitimate interests. The guardianship is established for a child until they reach the age of 14 and care is established from the age of 14.

Child's guardian (caregiver) means:

- a natural person permanently residing in the territory of the Republic of Lithuania (hereinafter – a natural person) who is appointed, in the procedure established by law, to ensure the care, upbringing of the child deprived of parental care and representation of the child and the child's rights and legitimate interests;

¹ Law of the Republic of Lithuania on Fundamentals of Protection of the Rights of the Child No. I-1234 of 14 March 1996, Art. 2.

² A minor is recognised as having the legal capacity under Art. 2.9 of the Civil Code of the Republic of Lithuania.

- a foster family, a child care institution founded by state or municipal institutions, non-governmental organisations, and natural persons, which has been registered in the Register of Legal Entities (hereinafter - the legal person) and which has to ensure, in the procedure established by law, the care, upbringing of the child deprived of parental care and representation of the child and the child's rights and legitimate interests.

Close relatives means relatives in the direct line up to the second degree inclusive (parents and children, grandparents and grandchildren) and those in the lateral line of the second degree (brothers and sisters)³.

Child care home means a stationary institution of social services funded from the state or municipal budget, which is the legal representative of the child subject to guardianship (care) and which is supposed to ensure the provision of guardianship (care), education (teaching, development and upbringing) and social services to the child who is subject to guardianship (care) and temporarily placed in the care home, and to create other adequate conditions and maintain an environment suitable for the child's safe growth, development, improvement, and preparation for independent living in society.

Foster family means a non-profit limited liability public legal person taking care of children deprived of parental care in a normal family environment. The total number of children in a foster family, including the family's own children, may not exceed 12. Sometimes, the number of children may be higher – in case of inseparable siblings, or lower – if the child has a disability.

Foster family of a child care home means a structural part of the child care institution functioning on the family principle, which consists of a social worker(s) / socio-educational instructor(s), and children. The number of children in a foster family in a child social care home may not exceed 12 (8 as from 2015) (not applicable to social care homes, children and adolescents with disabilities). In case a disabled child deprived of parental care is placed in a foster family (group), the number of children in the foster family (group) may not exceed 10 (6 as from 2015). The number of children in a foster family (group) in social care homes for children and adolescents with disabilities may not exceed 8 (6 as from 2015). In exceptional cases, larger foster families (groups) may be formed in social care homes according to the need and possibilities, placing siblings together. In case a disabled child deprived of parental care is placed in such foster family (group), the number of children in the foster family (group) may not exceed 10; if such a group is formed in a social care home for children and adolescents with disabilities, the number of children in a foster family (group) may not exceed 8 (as from 2015).⁴

Deinstitutionalisation means changing the ways of the guardianship and support of children and adults, transforming some or all long-term care institutions into family-based and community-based services.

Independent living means independent satisfaction of one's own housing, food, professional occupation and employment, and other important needs.

³ Civil Code of the Republic of Lithuania, Art. 3.135.

⁴ Standards of Social Care, approved by Order No. A1-46 of the Minister of Social Security and Labour of 20 February 2007 (as amended by No. A1-566 of 11 December 2012), Annex 1, paragraphs 5.8–5.11.

EXECUTIVE SUMMARY

There were 10,600 children in care in Lithuania in 2012. Of these, 6500 children were taken care of in families (57 per cent), 4100 (39 per cent) – in care institutions, and 407 children (4 per cent) – in foster families.

Studies conducted in Lithuania and in Europe showed that institutional care always leads to a lower quality of life than quality community-based services and, often, determines social exclusion for life⁵. Research of children's early development carried out on behalf of the WHO and the United Nations shows that in the case of very young children even a relatively short period spent in the institution can negatively affect their brain development and lead to life-lasting negative consequences for children's emotional well-being and behaviour⁶. For these reasons, and in accordance with the United Nations Convention on the Rights of the Child and other human rights instruments, institutionalisation is increasingly recognised as a flawed policy and violation of human rights.

By ratifying the Convention on the Rights of the Child in 1995, the Republic of Lithuania committed to ensuring special state protection and support of children deprived of parental care. In 2006, the United Nations Committee on the Rights of the Child made recommendations to Lithuania concerning the implementation of the Convention on the Rights of the Child, including child care, namely:

- to ensure that children are institutionalised only in exceptional cases and only in the best interests of the child;
- to encourage guardianship in the family;
- to aim that children placed in child care homes live in small groups and the environment corresponds to the home environment;
- to provide targeted services to children who, due to their age, are preparing to leave the children care home and start independent living.

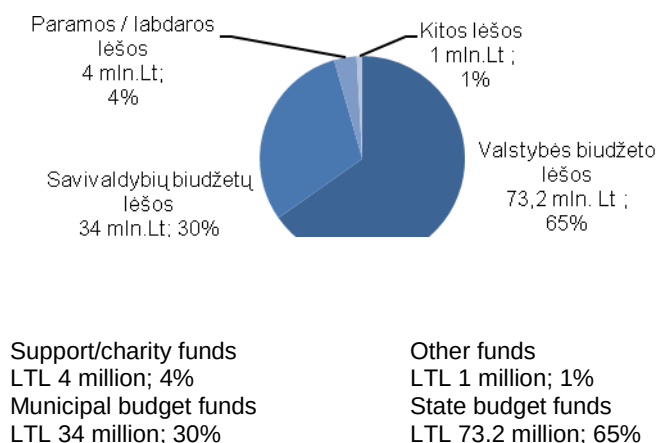
The priority to the child care in the family and the aim to reform the child care system was laid down in the Government Programme 2001-2004 implementation measures and in the Child Welfare Policy Concept approved by a Seimas resolution in 2003; however, the child care system reform launched in 2007 still has not been completed. The restructuring of the care system in Western and Northern European countries took place in 1970-1990 and resulted in a significantly decrease in care homes and increase in the number of children in families. Reforms were carried out in a number of Central and Eastern European countries (e.g. Slovakia, Georgia, Estonia, Moldova, Bulgaria). There were 143 legal persons providing child care services in Lithuania in 2013, the majority of which (95, or 66 per cent) were residential child care homes, 48 (34 per cent) were foster families. Foster families were operating in less than half of all municipalities (28).

According to the data of the surveyed institutions, the amount allocated for organising child care in residential child care institutions⁷ in 2012 totalled over LTL 112 million (Figure 1).

⁵ Child rights situation in Lithuanian residential care and education institutions, 2006.

⁶ Common European Guidelines on the Transition from Institutional to Community Based Care. Internet access on 30/12/2013: http://deinstitutionalisationguide.eu/wp-content/uploads/2013/04/Common-European-Guidelines_Lithuanian-version_EDITED.pdf

⁷ Except for care institutions for disabled children and adolescents.

Figure 1. Funding of child care institutions in 2012 by sources

Source – National Audit Office based on the data from child care institutions

Pursuant to the Cohesion Promotion Operational Programme (2007-2013) and other financial mechanisms⁸, 27 projects have been launched in residential child care institutions, the total value of the contracts signed is LTL 51.8 million. The majority of the funds have been allocated for the infrastructure development of care institutions (insulating buildings, constructing grounds and new buildings, etc.)

According to the Ministry's data, social welfare payments to natural persons (with caring responsibilities for about 6500 children) allocated from the state budget in 2012 totalled LTL 72.4 million.

The objective of the audit was to assess how efficient the organisation of children's care is by answering the following questions:

- have the objectives of the child care system reform been attained;
- does the funding of the way how the child care is organised encourage child care in the family and ensure satisfying the basic needs of the child;
- does the selection of guardians meet the best interests of the child;
- are guardians adequately trained to ensure child care in the family;
- does the environment on the child care home ensure the conditions for safe growth and development of the child;
- are children in child care institutions prepared for independent life, adaptation and integration into the society;
- is adequate supervision carried out of the social services provided by child care homes and foster families?

The audit covered the period 2011–2012. Data from earlier periods and from the year 2013 was also used for analysing trends and changes.

The following public audit conclusions and recommendations were drawn upon the assessment of the audit findings.

CONCLUSIONS

The existing child care system is inefficient and does not ensure the best interests of the child because of the following reasons:

⁸ Multilateral European Economic Area Financial Mechanism (funds from Norway, Iceland and Liechtenstein)

1. As a result of the failure to properly plan and implement relevant measures, the majority of child care system reform results were planned to be achieved by 2013; however, the planned results were not obtained and the reform implementation deadline was postponed for almost eighteen years (until 2030):
 - 1.1. the share of children in care went up to 2 per cent rather than going down to 1 per cent; despite the fact that the number of children in guardians' families increased by almost 13 per cent (which is 2 per cent more than planned), the number and the share (about 4100 children, or 39 per cent) of children in residential care institutions has not been changing for many years;
 - 1.2. the network of child care institutions has not been optimised, child care homes are still too large to be able to ensure proper conditions for the child: more than 60 children live in 23 child care institutions each, less than 30 children are taken care of in 30 care institutions;
 - 1.3. there are too many children living in foster families of care institutions to be able to ensure effective work with the children: there are more than 12 children in 61 foster families, and foster families taking care of children with emotional and behavioural disorders are subject to general requirements concerning the size of the foster family;
 - 1.4. the established maximum number of 12 children in a foster family is too high to be able to provide quality services to children. Foreign experience shows that children should be taken care of in small groups of 3-5 children in order to ensure effective work.
2. The current funding of the way the child care is organised does not encourage child care in the family and does not ensure the best interests of the child because:
 - 2.1. the child care allowance (LTL 520) has not been differentiated according to the needs of the child (age and health status) and has not been changed for almost 15 years taking into account economic factors (such as inflation, etc.). The vast majority (50 of 60) of municipalities do not provide additional support to the child's guardians;
 - 2.2. the amount allocated and used for the infrastructure development of residential child care institutions (insulation, construction of new buildings) under the EU and Multilateral EEA Financial Mechanism over the period 2004-2013 totalled LTL 51.8 million. Foreign experience shows that investment in the development of the institutional care network is one of the major constraints on deinstitutionalisation of the care system, since newly built or renovated facilities are later difficult to reorganise or close. Public legal entities, foster families, were not among the entities that could apply for support, so they could not use funds of the EU and other financial mechanisms for their training purposes;
 - 2.3. the average cost of the guardianship of one child per month in a child care institution in 2012 was LTL 2 530, in a foster family – LTL 1 040, and in a family – LTL 520.
3. The process of selecting guardians for the child does not always ensure the best interests of the child because:
 - 3.1. for cases when the child is taken care of in the family, legislative requirements for the adequacy of the guardian are laid down only for one person who is appointed the child's guardian. All relevant conditions for the child's life in the family are not evaluated, such as the health of the persons living together with the guardian, so persons with alcohol dependence were living together with the child's guardian in two out of four audited municipalities; there is no obligation to take into account whether or not the family stands on the list of social risk families, so persons not able to take proper care of their own children. i.e. included in the list of social risk families, were appointed child guardians in six municipalities; the motivation of the persons living with the guardian to take care of the child is not evaluated – the members of the guardian's family are not required to undergo training for assessing the motivation;
 - 3.2. the motivation of the guardians (close relatives) and their preparation to take care of the child is not checked – they are not required to undergo introductory training under the GC Programme, where the guardians' motivation and preparation to take care of the child is evaluated;

- 3.3. municipal Child Rights Protection Divisions are not sure how to assess the information on criminal records of the persons living together with the guardian and on the guardian's income. Therefore, persons convicted for intentional crimes were living with the child's guardians or welfare dependants without regular income were appointed guardians in two of the four audited municipalities.
4. There is a lack of trained guardians – the annual number of children deprived of parental care is about 2000, meanwhile only 300 guardians are prepared, because:
 - 4.1. there is a lack of certified social workers to work with families and foster families, the services provided are inconsistent and detached from foster families, so a number of guardians refuse undergo trainings, certified social workers do not participate in the selection of the guardians (close relatives) for the child and in the supervision of guardianship;
 - 4.2. there is a lack of social services for the child in care and the family that takes care of the child, no professional guardians' system has been developed in Lithuania, the existing child's guardians are not provided with so-called respite services.
5. Family environment has not been created and the basic needs of the child have not been satisfied in a number of child care homes:
 - 5.1. the buildings of four out of six audited child care homes are large, the prevailing layout of the residential premises of foster families is the so-called corridor system; the useful floor area per child in 14 care homes is less than 14 square meters and the bedroom space per child in 20 care homes is less than 6 square meters; the Department of Supervision of Social Services identified 235 violations in 35 care homes, such as cold rooms, children do not have a permanent sleeping place and sleep in open spaces for common use, shortage of or broken furniture, showers and toilets intended for more than six children, children are not provided with articles for personal hygiene, etc;
 - 5.2. two out of six audited care homes do not ensure the child's right to privacy and protection of their dignity – boys and girls have to share toilets and use translucent shower cabins or cabins which are not properly separated from common areas;
 - 5.3. there is a lack of qualified specialists in care homes whose staff currently includes social workers without adequate social or pedagogical education (in five municipalities and five non-governmental care homes), one social worker (socio-educational instructor) works with more than five children (in 50 municipal, 5 state, and 11 non-governmental child care homes); one employee working at night (social worker or assistant) takes care of more than 12 children (in 32 municipal, 4 state, and 6 non-governmental care homes); care homes have been insufficiently training their staff (30 municipal, 4 state, and 6 non-governmental care homes); a number of social workers' assistants have not completed introductory trainings for assistants of social workers (in 28 municipal, 2 state, and 10 non-governmental care homes).
6. Children in child care institutions are not properly prepared for independent living, adaptation and integration into the society, because:
 - 6.1. children are not provided with skills needed to start an independent life, half of the surveyed care homes do not assess the child's self-sufficiency and do not plan comprehensive preparation measures. This is due to the lack of methodologies: 73 per cent of the surveyed institutions indicated the shortage of methodologies for assessing the child's self-sufficiency, 48 per cent of the institutions lack methodologies for preparing the child for independent living, and methodologies already developed are not publicly available;
 - 6.2. there is a lack of accommodation and other social services for the young person who has just started independent living.
7. The scope of checks of care institutions is insufficient – no checks have been carried out on 80 per cent of the entities taking care of children over the last three years concerning their compliance to the established requirements for guardianship. There is a lack of cooperation between the Department of Supervision of Social Services and Public Health Centres in the exchange of information about violations of hygiene norms in care institutions.

RECOMMENDATIONS

To the Ministry of Social Security and Labour

1. In order to encourage child care in the family and to reduce the number of children in care institutions, the Ministry should:
 - 1.1. take concrete measures to promote child care in the family (improve the system of search and training of guardians, develop a system of professional guardians, promote the establishment of foster families in municipalities, enhance availability of support to foster families, etc.) and provide for conditions for the participants of foster families to take part in training programmes;
 - 1.2. initiate legislative amendments for differentiating the amount of child care allowance, taking into account the child's age and needs.
2. In order to create appropriate legal preconditions and choose the foster family meeting the best interests of the child, the Ministry should:
 - 2.1. initiate legislative amendments for ensuring assessment of the suitability of the guardian's family to take care of the child: living conditions of the guardians' family, motivation of the guardians' family, health examination of the family members, etc.;
 - 2.2. establish mandatory training for close relatives willing to take care of the child and develop a (simplified) training module tailored to their needs.
3. In order to create legal preconditions for ensuring better organisation of work with the child in care, the Ministry should:
 - 3.1. initiate legislative amendments for providing for a smaller number of children in foster families and foster families in care homes in case of children with emotional and behavioural disorders;
 - 3.2. improve working time standards providing for higher than general working time costs per child for the staff providing services to children with emotional and behavioural disorders.
4. In order to provide for a possibility to help young people who have started independent living to better integrate into the society, the Ministry should develop a targeted system of temporary accommodation and individual social work.
5. In order to ensure the quality of services and proper preparation of children for independent life, the Ministry should organise training courses for the staff of state child care institutions on issues of children's preparation for independent living (assessment of self-sufficiency, development and implementation of the individual social care plan, etc.).

To the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour

6. In order to organise the selection of the guardians' family in a proper manner and to form a uniform guardians' selection practice in municipalities, the Service should develop methodological guidelines for Child Rights Protection Divisions or conduct trainings/workshops on the assessment of the living conditions of guardians' families, their personal characteristics, criminal records, and other important living conditions of the child in the family of the prospective guardian.

To the Department of Supervision of Social Services under the Ministry of Social Security and Labour

7. In order to ensure the quality of services and proper preparation of foster children for independent living, the Department should publish on its website:

- 7.1. the Programme for Developing Independent Living Skills of Orphans and Children Deprived of Parental Care and guidelines for its implementation, as well as other guidelines on issues of organising care services;
 - 7.2. summaries of the most common violations in child care institutions and examples of good practice of the provision of social services in child care institutions.
8. In order to ensure proper supervision of entities providing care services, the Department should:
- 8.1. increase the scope of routine inspections;
 - 8.2. regulate the procedure for forwarding information on the violations of Hygiene Standards identified during the inspections to public health centres (deadlines and manner).

Suggestions to municipalities

- 9. In order to promote the child care in the family and to reduce the number of children in care institutions, municipalities should look for possibilities to provide additional support for families taking care of the child.
- 10. In order to ensure the quality of services and proper preparation of foster children for independent living, municipalities should organise training courses for the staff of municipal child care institutions on issues of children's preparation for independent living (assessment of self-sufficiency, development and implementation of the individual social care plan, etc.).