

21st September 2007

"Resources for the Rights of the Child - Responsibility of States", Investments for the Implementation of Economic, Social and Cultural Rights of Children and International Cooperation (CRC art.4)

Executive Summary

This paper puts forward the proposal that in order to achieve article 4 for children who are living in vulnerable situations in countries where institutional care is the main state response, a system of gatekeeping is essential. A brief outline of three different models of gatekeeping which have been developed by three states, with the collaboration of the international development organisation, EveryChild, is presented. All models have been piloted and tested and are currently operational in the three countries (Georgia, Moldova and Ukraine) and the initial results in reducing the use of institutional care are also described alongside the financial implications. Brief information on the analysis of costs of institutional care are also included. An analysis of some of the common issues and challenges are put forward along with recommendations to the UN Committee.

Introduction

Article 4 of the UN Convention on the Rights of the Child states that:

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

In countries which are heavily reliant on the use of institutional care for vulnerable children, which does not meet the best interests of the child and is also a high cost option for the State, administrative measures and systems are required to better control the use of institutional care and to re-direct funding to alternatives which are more focused on children's best interests. A mechanism and approach, supported by legislative and administrative measures, is required which allows States Parties to meet one of the fundamental concepts of the UNCRC, namely, '*...the child, for the full and harmonious development of his or her personality, should grow up in a family environment...*'

Gatekeeping has been described as:

*The process of assessment and planning of children's needs and circumstances which should precede their admission into residential care, and contribute to their onward progression-back to their families, into a form of substitute family care, or ... moving to some form of independent living.*¹

Bilson and Harwin (2003)² identify four key requirements for effective gatekeeping:

1. An agency responsible for coordinating assessment of a child's situation
2. A range of services in the community providing help and support to children and their communities
3. A decision-making process based on a systematic approach to the assessment and review of children's needs and family circumstances

¹ Tolfree, D. (1995) *Roofs and Roots: The Care of Separated Children in the Developing World*. Ashgate, Hants.: Save the Children Fund (SCF).

² Bilson, A. and Harwin, J. (2003) *Gatekeeping Services for Vulnerable Children and Families, A Concept Paper*. Changing Minds, Policies and Lives, UNICEF Innocenti Research Centre

4. Information systems providing feedback on the operation of the system and able to monitor and review decisions and their outcomes

In short, in order to 'gate-keep' effectively States require a childcare system which has:

- an agency which ensures that a full assessment of children and their families is carried out and that all services are coordinated to support a family
- the appropriate services in place to support children to stay in their families and communities – or return to them
- one agency or point of entry to which all referrals for institutional care go and which makes decisions based on assessment and with clear priorities set out for what care is in the best interest of children; only if services cannot make the necessary changes to keep a child safe, will public care be looked at as an alternative
- an information system which carefully tracks and monitors what is happening to children

An effective gatekeeping system allows services and funding to be allocated to children based on a full assessment which seeks to identify the best interests of the child. It is a way of ensuring that resources are prioritised towards children with the key goal of reducing the use of institutional care, which is detrimental to children's long term development. Children are part of the process of gatekeeping and are involved in assessments so that their voices are also heard. Because the assessment process is so key to effective gatekeeping, States are able to ensure that resources are used in a non-discriminatory and equitable manner. Positive results such as those presented in this paper also begin to show the impact that a gatekeeping system can have on re-directing resources from inappropriate and ineffective state responses to those which provide resources for children and the access to quality basic social services in the community.

Examples of gate-keeping models

Georgia (pop. 4.6 million)

The Government of Georgia introduced a centralised gatekeeping system at national level in 2005. The Ministry of Education and Science (MoES) was made responsible, by Prime Ministerial Decree for the control of entry of children into all forms of institutional care, for ensuring a full assessment of children is carried out, for the development of a range of services and for monitoring outcomes – all four key elements needed for a gatekeeping system.

The gatekeeping system means that children cannot be placed into institutional care unless they have a 'visa' from the Child Care Division of the MoES or from a local representative of the MoES. A 'visa' can only be obtained once an assessment of the child's situation has been made by a qualified social worker and the assessment has demonstrated that there are no other alternatives available to support the child in its own family. Referrals of children at risk are made to the local MoES which allocates a social worker to the family in order to carry out a full assessment. Once the assessment is complete it is presented to a local panel of community representatives who then make their recommendation to MoES. The panels usually include representatives from the local MoES Education Resource Centres, local doctors, lawyers and other professionals. These locally based decision-making panels are also able to make recommendations to the MoES on the re-direction of children from institutional care into family support programmes or into foster care. The same panels review re-integration cases where children return to their families from institutional care. Decisions can trigger resources being allocated to the families by the Government. More importantly, the Government is able to link best interests of the child to resources. Decisions are no longer being made solely on the basis of available spaces in institutions.

Although the long-term aim will be to have decision-making panels and social work teams in every region, currently this system is operating only in some towns in 7 (out of 11) regions of Georgia. Currently, where social workers are not available in the local region, the MoES has to allocate a social worker from a neighbouring district, but the lack of local services makes the provision of support to children much more difficult.

The results of introducing a gatekeeping system in Georgia have meant a reduction in the numbers of children in institutional care by over 20% from an estimated 4500 in 2003 to 3480 in 2006 and the closure of

3 residential facilities alongside an increase in the availability of community based services focused on family support and alternative models of care (mainly foster care, but also small group homes).

The Government budget for child care is 10m Lari (approx. €4.23m) of which 2m Lari is allocated for the 'De-institutionalisation Sub-programme' which is developing a range of community based services throughout Georgia and which provides funding for family support, reintegration and foster care payments. While the overall Georgian child care system is under-funded, the Government has succeeded, within available resources, to re-organise its decision-making processes to ensure that those resources that are available can be used to the maximum extent for the benefit of children.

The Government of Georgia continues to move towards more effective use of resources and its strategies include:

- closer links between targeted social benefits systems and social services for children (all social services will be moved to the Ministry of Labour, Health and Social Affairs which is currently rolling out a targeted proxy means-tested social benefits system)
- legislation which designates entitlements to cash benefits and social services (Social Assistance Law)
- scaling up of community based services for children (41 new social workers have been added to the existing team of 52 social workers in 2007, further increases are anticipated in 2008 and 2009)
- results based policy on child welfare which will drive budgeting processes in 2007 and beyond
- ongoing programme of closure of institutional care places and re-direction of resources towards family support services

Reintegration from institutional care to biological family – a case from Georgia

In 2005, based on a preliminary assessment, the Ministry of Education and Science selected the first large children's residential institution for closure. The majority of children attending the institution were placed only for education purposes and were able to return to their biological families and attend schools in their local community.

However, approximately 30 children were placed for more complex reasons. This included four sisters (15 years old, 13 years, old 10 years old and 8 years old) who were from a family living in a remote village. Although one of the main reasons for placement was the fact that there was no local school, the family also had economic difficulties and both parents were unemployed. Before making a decision to place the children in another institution, or in foster care, the local panel required a full assessment of the children's situation.

Social workers visited the family in their local village to assess the conditions of the family. There were four other younger children living at home. Although both parents were formally unemployed they owned and worked on a small household farm and managed to meet essential needs. The social workers concluded that, if there were a school in the village, the children could be brought up in their biological family. The social workers were also concerned that the family's fifth child would reach school age in the next year and would also have to be separated from her family environment in order to go to school. Social workers found out that there were no plans to set up a school in the village in the near future, due to the small number of local residents and poor access to the village.

Taking into account all the above, social workers made a recommendation to reintegrate the four sisters into their family, rather than placing them in another institution or looking for a foster care placement and applied to MoES for financial support to enable the family to rent a flat in town during the school term. The mother now lives in town with all the children during the school term and they return to their village in the holidays. In addition, the local authority has set up a school-based community centre which provides community and youth activities, academic support and parents support – the family use the centre regularly.

Moldova

Gatekeeping was introduced into three *raions*³ (with populations varying from 110.000 to 130.000) of the Republic of Moldova in 2005 as part of a European Union funded project⁴ to support the Government of

³ Cahul, Orhei, Ungheni

⁴ Capacity Building in Social Policy Reform in Moldova, EuropeAid/114058/C/SV/MD

Moldova in its aim to develop and implement a comprehensive policy for the prevention of the placement of children in residential care. The model, similarly to Georgia, is based on a multidisciplinary approach, including appropriate legislation and a complimentary service system. However, rather than being a centralised system it is managed through local level regulations.

The gatekeeping model in Moldova ensures that the decision about placement of children outside of their family (whether it be in residential care, foster care or other forms of care) is based on a carefully conducted assessment of the needs and best interests of the child by a competent and multidisciplinary group of experts (independent gate-keeping commissions) and that a short- and long-term plan is developed at the time of the placement and is regularly reviewed.

In Moldova, like in many other countries within the former Soviet Union, the guardianship authority, which exists in each *raion*, still holds the legal responsibility for the protection of a child in difficulty. In particular it is the body which makes formal recommendations for children to be placed outside of the family, including in institutional care. Social assistance departments at *raion* level provide services directly to vulnerable families and also carry out assessments of children in difficulty. In the three pilot *raions*, local regulations have been adopted by the *raion* council which establish a gatekeeping commission and ensure that in cases where either the guardianship body or the social assistance department recommend that children should be separated from their families, the case is addressed to the gatekeeping commission. The commission is a panel consisting of independent people (usually four specialists: a doctor, pedagogue, psychologist, lawyer; two NGO representatives and two people nominated by the *Raion* Council who are usually members of the *Raion* Council). The commission does not include professionals working either for the guardianship authority or the social assistance department. Their role is to review the cases which are referred to them, to ensure that a full assessment has taken place (and request that one be carried out if not), to ensure that all efforts have been made to maintain the child with his/her biological family and finally to make their recommendation to the guardianship authority about what action should be taken in order to meet the best interests of the child.

The gatekeeping commission has the right to appeal the decision of the guardianship authority, although there have been no cases to date when the decision of the guardianship authority didn't coincide with the recommendations of the gatekeeping commissions.

The gatekeeping commissions report annually to the *Raion* Council about their activity and make policy recommendations relating to reallocation of resources in accordance with the identified needs of families and children in the local authority and availability of services.

Preliminary results of introducing a gatekeeping system into three raions of Moldova have been encouraging. During the first two years of activity in the three pilot regions, 472 applications for institutionalization were registered. Of these, 160 cases (34%) were referred to the gatekeeping commission with a decision to place the child in institutional care and only 81 cases (18%) were finally approved for placement in residential care. Overall the gatekeeping system has reduced the number of children admitted to institutional care in the three raions by 33% in two years.

As part of the European Union funded project referred to above, a full analysis⁵ of the costs of institutional care under the auspices of Ministry of Education was carried out and a comparison made with the costs of supporting children in the community. The report calculated cost of institutional care in 2005 as between 7499 and 12501 MDL (478 - 796 EUR) per child per annum, of which 5294 - 9507 MDL (337 - 606 EUR) was the cost of care (as opposed to education) costs. The costs of community based services were calculated at between 4700 – 5439 MDL (299-346 EUR) per child per annum. Therefore some crude calculations can be made in terms of what a reduction of 33% could mean for the State, purely in terms of budgetary implications.

An effective gatekeeping system ensures against the inappropriate use of resources by directing children away from expensive institutional care unless there is no other safe option available. The annual budget for

⁵ Larter, Ververita (2006), *Expenditure on the Residential Care of Children in the Republic of Moldova, A Financial Analysis based on 2005 budget data*

the operation of the gatekeeping commission is equal to the cost of looking after one child in residential care for a year.

Modest levels of support services are capable of maintaining children in the community with consequent advantages for their psycho-social development. Such community based services can be provided at lower cost in comparison with the cost of caring for children in residential institutions.

An effective gatekeeping model is inherently capable of releasing educational resources currently devoted to caring for children in order to afford the opportunity to provide sustainable financial support for community services for children and their families. It is also capable of releasing other resources which could be devoted to improving pre-university education. Finally, although we argue that the community provision is inherently affordable, we recognise that there are additional short to medium term costs intrinsic to any process of transition.

The need for local alternatives to institutional care as part of gatekeeping system – a case from Moldova

The cases of three children (11 years old, 8 years old and 6 years old) were referred to Orhei social assistance department by the local police, who had found the children living by themselves in a dilapidated house, with no electricity or heating, and in poor sanitary condition.

As a result of the assessment made by local social workers in collaboration with the village mayor, secretary, family doctor and the sector police office, it was ascertained that the children's mother frequently went missing. Although the children were sometimes looked after by neighbours, they were not attending school, were often hungry and had been seen begging in the village. According to the children, they had never been visited by the school authorities or their teacher.

The authorities began to search for the children's mother urgently and eventually she was found wandering in the local forest. She was extremely ill and was placed in intensive care having been diagnosed with an advanced cerebral tumour. She was unable to recognize her children when they visited. The social workers started to look for extended family urgently and at the same time supported the children to go back to school. Electricity and heating was restored to the house and food and clothing was provided to the children. The social worker also visited the mother in hospital each day and arranged regular visits for the children as well.

Unfortunately the only member of extended family the social workers found was unable to look after the children and there were no short term foster carers available in Orhei. The decision was made to place the children in institutional care for a short time until their mother was better. Unfortunately their mother died one-and-a-half months later.

Without the availability of short term foster care, the children remain in institutional care but with a care plan, which the local gatekeeping commission has approved and reviews regularly and which requires that a long term foster care placement of adoptive parents be found.

Ukraine

Gatekeeping has been introduced in Kyiv oblast (pop. 1.8m) by focusing initially on the development of a comprehensive range of prevention and support services for vulnerable families. Community-based services for children and families, initially provided in 3 pilot *raions* by local centres for social services for family, children and youth (CSSFC&Y) and supported by EveryChild have been extended to all *raions* as part of two European Union funded projects⁶. These include early intervention services (primarily focused on prevention of infant abandonment but including prevention of admission of older children to institutional care where minimum intervention is required), family support services and services for substitute family care. Social workers also work with children currently living in residential care institutions in order to re-integrate them

⁶ Development of integrated social services for vulnerable families and children, Ukraine - EuropeAid/119126/C/SV/UA and Capacity Building of Ukrainian NGOs in providing training for statutory social service providers, IBPP-062-478

safely to their own families.

In Ukraine, similarly to Moldova, guardianship councils at local level are responsible for making decisions about the placement of children outside the biological family and making recommendations to the court for removal of parental rights. The guardianship council acts on the recommendations of the service for children however these recommendations do not usually include full individual assessments of the child. Without clear guidelines about prioritising family care decisions are made based on the subjective viewpoints of the participants.

In two pilot *raions* within the oblast, the service for children (formerly the service for minors) and CSSFC&Y began to operate a 'one-window' system for referrals. Following referral, the social worker undertakes an assessment before developing a plan of intervention which directs families towards appropriate services. Only if there is no alternative, i.e. the needs of the child cannot be met by existing community based services, is the case referred to the service for children for presentation to the guardianship council.

The development of this model of integrated social services in the pilot oblast initially relied on informal agreement between the different agencies responsible for children to engage in joint working. The assessment process was introduced within the context of a multi-agency approach which encouraged the different agencies to work together and a clear local policy priority to place children out of their families only as a last resort.

The impact of introducing this informal gatekeeping approach has been a 50% reduction in the numbers of children being placed in residential care institutions in Kyiv oblast. In 2005, 293 children were placed in state residential institutions in Kyiv oblast, in 2006 this figure dropped dramatically to 151.

Although no complete financial analysis of all care costs has been completed, based on an analysis of costs of care in educational institutions in Kyiv oblast for 2005, the costs of care in boarding-schools for orphans and children deprived of parental care was 12092 UAH (1928 EUR) per child per annum. Again, the financial implications on state budgets of implementing gatekeeping are clear. Even if all of these resources are required to provide alternative services and community based care, the benefits to children are well-documented and the long term costs of caring for children, who have been brought up in an institutional care setting are reduced.

The inter-agency relationship was formalised in December 2006 when the Kyiv *oblast* Coordination Council for Child Protection issued a joint order on behalf of the *oblast* level Service for Children, Department of Education and Science, Department of Health and Department of Family and Youth. It obliges local authorities in every raion to ensure that no child is admitted to an institution unless a comprehensive needs assessment has first been completed. This order supports multi-agency working and is a significant legal instrument of the gate keeping system.

The requirement for a comprehensive assessment is important since it forces professionals for the first time to gather evidence based information regarding the needs of children. It places these in the context of the parent's capacity to meet those needs which in turn support the process of decision making and care planning. Based on this assessment the social worker makes a recommendation for the family to be provided with 'social support and supervision' and this decision is ratified by a further advisory body of the Department for Family.

The new services depend on the commitment of oblast, rayon and city administrations to allocate the necessary resources. The issue of reallocation of resources from institutional care which is running at reduced capacity in the oblast has not yet been addressed. As in many other countries in the region, the division of responsibility between different agencies has inhibited the reform process. In order to allocate scarce resources more efficiently the government needs to lead from the top in setting out the parameters of reform, giving a lead agency the authority and resources to carry out reform, and in putting in place the third element of the gatekeeping service which is the reliable information gathering system to monitor and provide feedback.

Prevention of placement in institutional care – a case from Ukraine

Volodya (10 years old) and Andriy (12 years old) had stopped going to school. Their mother, Tanya, was unaware of the problem, struggling as she was to maintain the household and care for their little sister Inna (3 years old) who had a developmental disability. Tanya had been widowed not long after Inna was born and was finding it difficult to manage. When the school reported the boys' truancy the local department of the service for children stepped in and visited Tanya to assess the family's living conditions. They decided that since Tanya wasn't coping the best thing for the boys was to place them in a residential care institution, where they would be looked after and educated. Fortunately Tanya and her family lived in a city where Integrated Social Services were being established. Social workers from the local centre for social services for family children and youth were being trained to undertake comprehensive assessments and plan for interventions to keep families together. Agencies with different responsibilities for children were beginning to work together to develop a 'one-window' approach and a recent order of the local city council had decreed that no child could be admitted to an institution unless this comprehensive assessment had been completed. Tanya was referred on to the local centre for social services and assigned a social worker. Using the new assessment mechanism the social worker considered not only the individual needs of the children but of the family as a whole, within the context of the extended family and wider community. The social worker then worked with Tanya to develop an intervention plan. The children's grandparents became more involved in the care of the boys, Tanya was helped to maximise her income by applying for social benefits, and a day care placement was found for Inna. The social worker also liaised with the school, family and extended family to ensure both Volodya and Andriy returned to school on a regular basis. Six months on and the case was closed. The family is intact.

Conclusion

The gatekeeping system has several essential characteristics that promote the protection of children's rights and decision-making in the child's best interests:

A management tool of social assistant services at rayon level. As the gatekeeping system develops, it is able to identify the social needs of the most vulnerable people from the community, to determine the capacity of the social assistance system to meet these needs and to formulate the longer term direction and scope of social assistance development for the region. Since the system brings together several statutory bodies it can influence decision makers on the allocation of resources for the development and strengthening of the social services needed for the community. Gatekeeping is a system which enables those responsible for planning service provision to create a better balance between demand and supply and to ensure a more effective and appropriate targeting of resources.

A tool for decreasing reliance on institutional care. The procedure for ensuring a thorough review of any request for institutionalization blocks unnecessary admission into institutions for children, whilst at the same time ensuring support for the child and family, by referring them to community based social services. At the same time, if the decision is to place a child outside of their family, it ensures that the period of child's separation from the family is as limited, as possible.

A tool for monitoring the efficiency of social assistance system. The gatekeeping system keeps track of decisions made, whether decisions have been implemented and ensures that services meet quality standards. This latter is done via announced and un-announced visits made by members of the gate-keeping Commission.

A tool for protecting and promoting children rights. The gatekeeping system is an alternative way of monitoring the resolution of complaints from beneficiaries of social care system and by promoting the interest of the child and family, via community representatives invited to decision making sittings.

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EveryChild is an international development charity working in 15 countries around the world. Our vision is a world where every child has the right to grow up in a safe and secure family, free from poverty and exploitation.



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Annex 1

Recommendations to Committee (max 5)

- The number of children in public care becomes a key indicator measured by UN (split between institutional care and other types of care) as part of reporting on UNCRC and should be introduced into the Human Development Index as key development indicator as it carries considerable weight with States
- States required to report on expenditure on public care of children and on preventative social services as part of reporting on implementation of UN Convention on Rights of the Child
- UN guidelines issued on how to measure costs of public care provision and standardise definitions for counting of children in public care across all countries
- States reflect appropriate workforce planning and implementation of standards for recruitment, training and education of child and family social workers in UNCRC reporting
- States should identify a central policy and planning body which has responsibility and authority to coordinate the movement of resources between Government departments to prevent resource reallocation from becoming a barrier to States' meeting the best interests of children.