



## Too little support for children

NIK about performance of childcare and education tasks in children's homes

**Children staying in the audited children's homes did not receive tailor-made or sufficient support. The institutions focused mainly on satisfying basic living needs of their residents. Most of the children's homes covered by the audit did not adhere to new statutory requirements: the numbers of admitted children were exceeded and the age thresholds were not kept. Also, there was a shortage of carers. Disabled children were placed in unprepared childcare and education facilities, which had an adverse effect on the level of services provided. It also happened that the facilities' employees behaved reprehensibly towards children.**

Since 2015, the Act on Family Support and Foster Care limited the possibility of admitting children below 7 years of age, and since 2020 – below 10 year of age. By 31 December 2020, children's homes were supposed to adjust to the limit of 14 children per facility. It means that local government units running children's homes had eight years to transform their facilities to meet the required standards. But most of them lingered, leaving the transformation to the last minute.

Because of the COVID-19 epidemic, children's homes struggled with numerous problems when discharging their statutory tasks. The problems were related to guaranteeing 24-hour care and satisfying children's basic needs, providing education, also remote learning, taking benefit of medical and therapeutic services. The carers – apart from everyday tasks related to education and care – looked after the children, while frequently arranging online classes at the same time, doing homework, shopping, mitigating conflicts, organising quarantines.

**In each facility children were provided with 24-hour care. Their basic living needs were met but the performance of education and care tasks did not meet the statutory assumptions.**

In line with the law, children should be given individual support to manage their own emotions and the ones of other people. Though, in as many as 8 facilities, children were not provided with tailored specialist measures, either in children's homes or external entities. One specialist and therapeutic facility failed to discharge its tasks defined in the statutes or its charter. Thus, the children were deprived of their right to complex assistance, tailored to their needs.

Only in 3 facilities children were provided with the assistance of psychologists, pedagogues and therapists, and residents of 10 children's homes were referred to therapy to external entities. There, however, the children were not provided with ongoing support they would receive from specialists working in their facilities.

In the majority of facilities children were not properly diagnosed in terms of psychological needs as obligatory documentation in that respect was often not prepared.

Mental and physical diagnoses as well as child assistance plans should be a solid base for individualised childcare and education activities. They were not prepared as they should, though. Some of them were developed by unauthorised persons, some with significant delays (even up to 1021 days after admitting a child).

The child assistance plans were developed with significant delays (up to 189 days after the diagnoses were prepared) or significantly long before the deadline (in 8 children's homes it was even 6 months before the diagnoses were prepared).

Most of the audited childcare and education facilities (unprepared to provide specialist care) admitted the total of 76 children with the disability certificate. The reason was the shortage of specialist and therapeutic facilities, the lack of vacancies or the need to avoid separating siblings.

The reform of foster care was to further the development of family care and the reduction in the number of facilities. That was not the case, though, as many districts decided to formally divide children's homes into smaller ones to meet the standards without changing their working methods. Starting 1 January 2021, pursuant to the Act on Family Support and Foster Care, the number of children staying in a childcare and education facility, may not exceed 14. That requirement was complied with only in 6 facilities. In others the limit was exceeded even by 16 children.

Twelve facilities were divided into smaller ones, which were located in the same buildings. As a result, there were up to five facilities sharing premises in one location. Only three children's homes were located in a separate building each, which was in accordance with the law.

Most of the audited facilities did not observe the statutorily defined age of their residents. They admitted one-month, or even one-week old babies who required more care and attention. As a consequence, the level of childcare and education classes conducted with other children declined. Only three children's homes admitted exclusively children above 10 years of age. In 15 facilities younger children were admitted with elder siblings (statutory requirement), whereas 3 of them failed to meet that requirement.

Only in 8 audited facilities employees complied with all statutory requirements, both in terms of education and work with children. Persons hired in 3 facilities as a director, pedagogue, therapist and child carer did not have required education.

As many as 10 facilities lacked documents confirming e.g. that an employee is not validly convicted by the court or that they have no contraindications to work. Besides, in 10 children's homes the employees' data in the sexual offender registry were not verified.

There was a shortage of carers in 8 facilities. As a result, too many children participated in childcare and education classes (the statutory limit was exceeded even by 12 children). During longer absences carers were replaced by unauthorised persons.

In 3 children's homes unacceptable and reprehensible behaviours of employees were reported (improper, abusive conduct, mental and physical abuse of children). In one case legal proceedings were in progress and another case was reported to the prosecutor's office.

Only in few childcare and education facilities reintegration programmes with active and conscious participation of biological parents were implemented. The facilities rarely motivated parents to take efforts to change their life situation. All the other facilities did was stay in touch with biological families. Parents were sporadically encouraged to participate in important events in their children's lives.

All facilities adhered to the procedures applicable in relation to the COVID-19 epidemic. Each children's home received sufficient material and financial support to counteract consequences of the COVID-19 epidemic, which facilitated organising the remote learning. All facilities – except one – used the support as intended.

# Recommendations

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## To the Minister of Family and Social Policy to:

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- propagate good practices in terms of implementing effective reintegration measures,
- take efforts to pursue an increase in the number of specialist and therapeutic childcare and education facilities, as part of the Act on Family Support and Foster Care.

## To founding bodies of childcare and education facilities to comply with the provisions of the Act on Family Support and Foster Care, the following in particular:

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- stick to the limit of children referred to those facilities;
- meet the requirement related to the age of children placed in children's homes;
- increase the number of specialist and therapeutic childcare and education facilities.

## To the heads of childcare and education facilities to:

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- stick to the limit of children referred to those facilities and obtain the governor's consent to admit another child above the limit, in line with the Act on Family Support and Foster Care;
- meet the requirement related to the age of children placed in children's homes, as laid out in the Act on Family Support and Foster Care;
- hire persons in childcare and education facilities who meet all requirements laid out in the Act on Family Support and Foster Care and in the Sexual Assault Prevention Act;
- guarantee children the right to protection against humiliating treatment and punishment, in line with the Act on Family Support and Foster Care;
- make periodic assessments of the children's situation, in line with the Act on Family Support and Foster Care;
- organise work of facilities in a way making sure children are safe and taken care of, both during the day and at night, tailored to the children's needs and the type of classes they participate in, in line with the Ordinance on Institutional Foster Care;
- document work with children, in line with requirements set out in the Ordinance on Institutional Foster Care, particularly in case of classes run by psychologists, pedagogues and therapists hired by external entities;
- diligently develop mental and physical diagnoses and assistance plans for new residents;
- make sure children have access to regular and comprehensive services tailored to their needs and adequate for the condition of psychological, pedagogical and therapeutic care, in particular when such specialists are not hired in a given facility.

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