Innovative practices with marginalised families at risk of having their children taken into care (Venice, 11-12 December 2014)

Comments paper: Eurochild¹

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1. Introduction

This short assessment has been developed by SOS Children’s Villages International² and the Netherlands Youth Institute³, on behalf of the European network Eurochild, of which they are both members⁴.

We want to thank Nobody’s Children Foundation (Poland), the Central Union for Child Welfare (Finland), the National Network for Children (Bulgaria) and One Family (Ireland)⁵ for their valuable input and Agata D’Addato from the Eurochild Secretariat for her overall coordination and insights.

We welcome the opportunity to contribute to this Peer Review on the Italian Programme of Intervention for Prevention of Institutionalisation (P.I.P.P.I.).

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² SOS Children’s Villages International is the umbrella organisation of more than 130 affiliated national SOS Children’s Village associations worldwide. SOS Children’s Villages is a non-governmental and non-denominational child-focused organisation that provides direct services in the areas of care, education and health for children at risk of losing parental care, and those who have lost parental care. The organisation also builds the capacity of the children’s caregivers, their families and communities to provide adequate care. SOS Children’s Villages advocates for the rights of children without parental care and those at risk of losing parental care. Founded in 1949, its operations are guided by the spirit of the UN Convention on the Rights of the Child and the UN Guidelines for the Alternative Care of Children.

³ The Netherlands Youth Institute (Dutch: Nederlands Jeugdinstituut) is the Dutch national institute for compiling, verifying and disseminating knowledge on children and youth matters, such as child abuse, youth work, youth care and parenting support in Holland. Its main aim is to improve the development of children and young people by strengthening the quality and effectiveness of the services rendered to them and to their parents.

⁴ Eurochild is a network of more than 160 organisations and individuals from 35 European countries. Its mission is to promote the rights and well-being of children and young people in Europe. Its work is underpinned by the United Nations Convention for the Rights of the Child.

⁵ The organisations are member of Eurochild’s Thematic Working Groups ‘Children in Alternative Care’ and ‘Family & Parenting Support’.
2. Assessment of the policy debate at EU level

Latest Eurostat figures estimate that more than one in four children are experiencing poverty and social exclusion.\(^6\) Recent research demonstrates that poverty and social exclusion are still among the main reasons of separating children from their family of origin. For instance, SOS Children’s Villages International’s country assessments based on the UN Guidelines for Alternative Care of Children show that this is still the case in Croatia, Hungary and Kosovo.\(^7\) Among the children in need of alternative care, more than 1 million children live in institutional care across Europe.\(^8\) Poverty, social exclusion and ultimately the need for alternative care are risk factors that prevent children in accessing adequate income, protection, services and support. This leads to a restriction of respecting the rights of children and enabling them to reach their full potential. As a response, the European Union (EU) has stepped up efforts to protect the rights of children and to combat child poverty and social exclusion in the EU. Specific attention has been given to the promotion and protection of the rights of children without (adequate) parental care.

The Lisbon Treaty that entered into force in 2009, explicitly refers to ‘the protection of the rights of the child’ within the list of general stated objectives of the EU (article 3(3) TEU). It also elevated the legal status of the Charter of Fundamental Rights of the EU\(^9\), giving the Charter equally legal force as the Treaties. The European Commission’s Communication on an EU Agenda for the Rights of the Child requires that all internal and external EU action integrates the principles enshrined in the UN Convention for the Rights of the Child (UNCRC).\(^10\)

It should be noted that all EU Member States ratified the UNCRC. Article 20 of the CRC specifically deals with children deprived of their family environment. Other specific rights contained in the UNCRC that are related to (adequate) parental care are outlined in art 7.1, 9.1, 18.1, 18.2 and 27\(^11\). The UN Guidelines for the Alternative Care of Children, which were formally endorsed in 2009 by the UN General Assembly, aim to enhance the implementation of the UNCRC specifically for children who have lost parental care or who are at risk of losing it. The UN Guidelines are based on two key principles, namely necessity and appropriateness.

In addition, the EU and a majority of Member States have ratified the UN Convention on the Rights of Persons with Disabilities (UNCRPD), of which art. 23 of provides a clear framework of reference concerning children and alternative care.

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\(^7\) SOS Children’s Villages International’s Snapshot Reports of Alternative Care Arrangements carried out in several countries, including Croatia, Hungary and Kosovo can be accessed here: http://www.sos-childrensvillages.org/insights/quality-care/care-for-me/care-for-me!

\(^8\) EUROCHILD (2010), Children in alternative care. National surveys.

\(^9\) Article 24 of the Charter of Fundamental Rights of the EU outlines that children have the right to such protection and care that is necessary for their well-being. Amongst others, it stipulates that every child has “the right to maintain on a regular basis a personal relationship and direct contact with both of his or her parents, unless that is contrary to his or her interests”.


In 2013, the European Commission adopted the Recommendation ‘Investing in Children: Breaking the Cycle of Disadvantage’ (hereafter the Investing in Children Recommendation), as part of the Social Investment Package (SIP). The SIP emphasizes the importance of reforming social protection systems with a view of preventing risks, responding as early as possible and helping people at different stages in their lives. The Investing in Children Recommendation, which explicitly promotes a child rights based approach, proposes a common European framework to tackle child poverty and promote child well-being. It specifically calls on EU Member States to enhance family support and the quality of alternative care settings.

The European Structural and Investment Funds Regulations 2014-2020 also make further commitments to children without (adequate) parental care by identifying the transition from institutional to community-based care as an investment priority.12

3. Relevance of the Italian policy

We welcome the Italian Programme of Intervention for Prevention of Institutionalism (P.I.P.P.I), as its main aspects are a step in the right direction to prevent placement in alternative care (and thus as well in institutional care). Furthermore, it reflects several elements that are put forward in the Investing in Children Recommendation.

We specifically recognize the importance of the following elements:

- The P.I.P.P.I. contributes to the implementation of the necessity principle of the UN Guidelines on the Alternative Care of Children, as its main aims are preventing child placement out-of-home by balancing risk and protective factors and responding to problems connected to poor parenting, which may produce child neglect. In line with the Investing in Children Recommendation, it ensures a focus on children who face an increased risk due to multiple disadvantages.

- It applies integrated, multi-dimensional strategies at local levels to address the complex situation of vulnerable families, in which children are at risk of being neglected. The P.I.P.P.I. promotes a cross-field approach of care protection and family & parenting support and coordinates the action of all the people involved in the child’s environment (the team around the child). The collective and integrated action to prevent family separation is realised through a combination of various forms of activities, including home care intervention, parents group, family helpers and cooperation between schools, families and social services. This combination of activities gives a necessary complexity and allows flexibility to determine to most suitable form of support. A crucial element to ensure the integrated and coordinated approach is the development of an assessment and care plan, for which ‘the team around the child’ shares responsibilities.

- The programme promotes active participation of families and children in assessment and care planning. According to our experience, this will increase the motivation of families and children involved, as they will be able to take active decisions and will not have the perception that the most important decisions about their lives are taken for them.

- A performance based approach is taken, as the programme attempts to collect and use both quantitative as qualitative evidence. In that regard, the creation

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12 See art 5 of the European Regional Development Fund (ERDF) Regulation and art 8 of the European Social Fund (ESF) Regulation.
of a web-based tool that provides a space for building the care plan for each child seems to be an innovative method. We welcome the strong links between practice and research, allowing an evidence-based evaluation of programme outcomes.

There are also a number of outstanding challenges regarding the P.I.P.P.I.:

- It is unclear how the programme is connected to national legislation and policies that promote and protect the rights of children, in particular children without (adequate) parental care. In our opinion, success relies on effective top down - bottom up policy and practice. A rigorous policy framework needs to be coupled with effective intervention and professionalism of the service providers.

- Effective and real partnership between different actors working with the child is only possible through the promotion of a culture of cooperation among professionals working with vulnerable families. On a governmental level, there needs to be a political will to work together, for instance to agree on common goals for public policies and spending, to use comparable and/or complementary indicators, reporting forms, etc.

- Meaningful participation of families and children comprises that professionals working with the families and children should be trained to foster real participation. A key element for success is building respect and trust between the professionals and the families with whom they work. Instead of using an authoritarian ‘I know better’-approach, professionals should encourage families in identifying and proposing solutions that will help them in overcoming the problems that they face. In order to reach sustainable effects, families should be in the ‘drivers seat’ of the process.

- As many actors and agencies are involved in the programme, special attention should be given to respecting confidentiality and privacy of the families and children involved.

Open issues that remain after reading the case study include:

- What are the selection criteria and procedures to identify families who are eligible to be supported by the programme? What is the role of medical and other universal services in that regard?

- Does the programme take into account cultural differences, as for instance families with a migrant background? Does the programme comprise specific measures to deal with children with disabilities or mental health issues?

- Are the criteria used for intervention the same for all children or are there, amongst others, differences per age category? For instance, families with infants face different problems than families with teenage children.

- Is there a leading care professional in the team around the child that coordinates the work of all professionals and keeps them accountable?

4. Key issues at stake

**What kind of service framework needs to exist?**

As outlined in the Investing in Children Recommendation, we believe that EU Member States should apply a child rights based, integrated approach to prevent family separation. This approach should tackle the root causes of the risk of out-of-home placement and should address structural barriers and inequalities. In order to ensure that family and parenting support is provided in a non-stigmatising and empowering way, we promote the principle of progressive universalism. This means
that a predominantly universal approach is adopted, based on a strong belief that it is more efficient and effective to prevent problems arising and to ensure equal opportunities for all children. Within this broader universal approach, additional support should be given to children in vulnerable situations, such as children living in vulnerable families, enabling them to overcome barriers and access mainstream services and opportunities.13

The approach taken by the UN Guidelines for the Alternative Care of Children for tackling the wide spectrum of causes of family separation is based around the three basic levels of preventive action14:

- At its primary level, prevention is achieved by ensuring the rights of children in basic services grounded in a wide range of UNCRC provisions, from health care (art 24) and education (art 28) to birth registration (art 7), social security (art 25) and non-discrimination (art 2, art 30). The overall aim is to enable and empower parents to care for their children so that families can remain together.

- Secondary prevention is the 'safety net’ and is targeted at individuals and families (and sometimes groups) who are identified or have declared themselves as being vulnerable, and for whom, for whatever reason, primary prevention measures have proved inadequate. The children concerned here include those who are at risk of being relinquished and those whose removal from the parental home on protection grounds may have to be considered. The P.I.P.P.I. is an example of measures of secondary prevention.

- Tertiary prevention comprises actions taken in cases where neither primary nor secondary prevention have succeeded, making – in this instance – entry into the alternative care system unavoidable. Efforts at this stage focus on securing conditions that enable a positive re-start and prevent a return to alternative care. It should be noted that effective tertiary prevention is only possible if:
  - Alternative care is provided as close as possible to the child’s habitual place of residence (§ 11 Un Guidelines) so that contact with family is facilitated;
  - The suitability and necessity of the placement is regularly reviewed (§ 67 UN Guidelines and art 25 UNCRC) so that reintegration can take place at the earliest appropriate time if that corresponds to the best interests of the child.

Effective social welfare and child protection systems are based around these three levels of prevention.

**How to foster an integrated approach to combat child poverty and promote child well-being?**

The report of the Network of Independent Experts on Social Inclusion15 identifies six key elements in the development and provision of integrated strategies to combat child poverty and promote child well-being:

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All relevant government departments and agencies should include the fight against child poverty and the promotion of child well-being in their objectives and assess the impact of their policies on child poverty and social exclusion.

Cross-governmental coordinating arrangements should be put in place. Integrated approaches at national level should be broken down into integrated approaches at regional and local levels, ensuring synergies between national and sub-national policies for children.

Overall objectives should be underpinned with objectives related to specific policy domains, objectives related to the most vulnerable groups, including children without (adequate) parental care, and process objectives.

Actions should be identified and work plans implemented to achieve each objective.

Progress should be regularly monitored and reported on.

Good examples on how an integrated approach can be provided at local levels include:

- SOS Children’s Villages’ Family Strengthening Programmes (FSPs) aim to prevent the separation of children from their families of origin (secondary prevention) and to reintegrate children back in their family of origin ensuring a proper follow up (tertiary prevention). The main principle of the FSPs is to provide services taking into account a holistic approach towards child development and the individual needs of children and their families. In doing so, each FSP supports children and families to access essential services (tailored universalism) and helps families in building their capacity to protect and care for their children. In the FSPs, children and families are treated with respect and trust and recognised as experts in their lives. An FSP case worker coordinates, delivers, monitors and reviews progress of the family, making use of an FSP database. Importantly, partnerships and networks are developed with local authorities, service providers and other relevant stakeholders. Such an approach ensures that a comprehensive package of services is available to meet the diverse needs of the individual child and his/her family while simultaneously making sure that services that already exist in the location are complemented and strengthened.

- In 2015, a major child and youth care reform will be implemented in the Netherlands. The main element is the decentralisation of the care system to the level of the municipalities, including all domains and integrated financial responsibilities. Within the new system, it is the local government’s duty to help a child within the range of its possibilities, in such a way that it can grow up safely and healthy. The reform aims to have a bigger focus on prevention, early support, youth’s and parents’ own capacities, a better cooperation between professional that work with the same family and care made to measure. Municipalities should work around the ‘one family, one plan and one director’ principle, which means that every child should have only one assistance plan for all kinds of support related to the upbringing of children. One professional should coordinate the care provided. Several Dutch municipalities experiment with the development of generalist teams, which are networks of professionals from different preventative and specialised services.

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One generalist professional coordinates the support that a family receives with input and advice from the team. This approach should contribute to a stronger connection between universal, preventative and specialized services for children.

**How to engage with children and children’s organisations?**

Following comment nº 12 of the UN Committee on the Rights of the Child, all processes in which a child or children are heard and participate must be: transparent and informative, voluntary, respectful, relevant, child-friendly, inclusive, supported by training, safe and sensitive to risk and accountable.

In the experience of SOS Children’s Villages\(^\text{17}\), promoting child participation in decision making processes that affect their lives means that children should be empowered in a meaningful way. This is particularly important for children with a vulnerable and marginalized background, who feel ‘isolated’ and ‘trapped’ in economic and social poverty. Participation should be considered as a long term process, ensuring that children and young people are involved in a meaningful way, considering the time needed toward their empowerment, structured processes of involvement and shifting the focus from passive recipients to interaction with the community, their peers and non-isolated practices, actions and projects. Needed resources, efficient planning and consideration of the childhood nature should be taken into account. Professionals working with children should be trained in order to ensure quality and meaningful participation.

The participation of children should be appropriate, taken into account the age of the child. Children should be included to the extent that it is realistic, meaningful, and empowering. Actions and initiatives should not be taken up if they are not followed or if they do not ensure a targeted change that will be known to children (a child fearful of not speaking out is a child that is fearful that nothing will change, which is particularly the case for children and young people from a disadvantaged background). Participation should not stop in the process of participation per se, but should aim to reach a real change in the lives of children. Children should be able to count on necessary resources and people of trust. Platforms for intergenerational debate should be put in place.

Service environments should respond to children’s nature, shifting from a “hierarchical” parenting approach to an equal approach of hearing and inviting. Concretely, this means that there should be: a child and youth friendly physical environment, trusty relationships, appointed and skilled resources to interact with children, platforms of exchange and community-like environments where children feel invited to come (not only necessarily for getting the service on a periodic basis, but also for social and integrative support for their development).

Child organisations should invest in programmes and practices that foster participation. Child friendly processes and tools for participation should be made available. Good practices and evidence based approaches should be collected and shared.

**When working with high-risk families what is the desired balance between empowerment and control?**

One of the key elements to success in preventing family separation is building trust and respect between professionals and the family based on open and clear communication. Families should be recognised as experts in their lives. All families should be represented in making decisions about their care.

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\(^{17}\) See SOS CHILDREN’S VILLAGES INTERNATIONAL (2013c), *I Matter – Leaving with Care and Support*. 
have internal and external strengths or resources that can serve as a foundation for reducing the underlying causes and risk factors, strengthening the protective factors and building a resilient social network around them. Families should be supported in identifying problems and challenges that they face. They should be encouraged to propose solutions instead of being imposed by decisions made without any input of the family. Concretely, professionals work together with the family to set goals to overcome the family’s difficulties and agree on ways and periods to monitor progress in achieving these goals. This approach will increase the chance that the family will take more ownership of its problems and will be more motivated and involved in seeking possible solutions. This approach assumes a lot of skills and effort to build such relations and cooperation with high-risk families. It might even be more difficult if the family had previous negative experiences in working with care professionals and agencies.

5. What is the role of the EU?\(^\text{18}\)

The Investing in Children Recommendation should be fully integrated into Europe 2020 and the European Semester:

- The Growth Survey should be a holistic reflection of progress made on all Europe 2020 headline targets, consistently recalling them and encouraging Member States to deliver ambitious actions in all areas, including on child poverty and well-being.

- All Member States should be requested to dedicate a specific section in the National Reform Programme, outlining their key priorities for implementing the Investing in Children Recommendation and reporting on progress made. In that regard, children without (adequate) parental care should be one of the focus areas.

- The European Commission’s Country Specific Recommendations (CSRs) should prioritise the fight against child poverty and social exclusion. Countries that face problems in providing prevention and adequate care services, should also receive a specific recommendation on this issue.

- Consideration should be given to define an EU target on child poverty and social exclusion as part of Europe 2020. EU Member States should be encouraged to set national (sub-)targets on child poverty and social exclusion.

- The European Platform against Poverty and Social Exclusion should regularly review and report on the implementation of the Investing in Children Recommendation.

- The governance and reporting mechanisms of Europe 2020 should be strengthened particularly by ensuring more transparent and direct involvement of stakeholders including children and young people. More stakeholder engagement will help to bring greater coherence between and within CSRs so that children’s well-being becomes a core priority of the EU rather than an add-on.

\(^{18}\) The Recommendations in this part are based upon the positions and press releases of the EU Alliance for Investing in Children (see Sources) and FRAZER, H. and MARLIER, E. (2014) Investing in Children: Breaking the Cycle of Disadvantage, A Study of National Policies.
Child poverty and child well-being should be a key part of the social dimension of the Economic and Monetary Union (EMU) and of impact assessment of austerity measures:

- The indicator of children at risk of poverty or social exclusion should be included in the scoreboard of social and employment indicators. The scoreboard should become binding in order to deepen the social dimension of the EMU.
- The European Commission should request Member States to carry out ex-ante and post-ante impact assessment of austerity measures to ensure that they do not negatively impact children’s rights and well-being.

The implementation of the Investing in Children Recommendation should be a key element of the Social Open Method of Coordination (OMC):

- A roadmap on the implementation of the Investing in Children Recommendation should be developed. Regular reporting and monitoring on progress should be part of this.
- All EU Member States should be requested to report on policies and programmes that support the implementation of the Investing in Children Recommendation in their National Social Reports (NSRs). This should be linked and form the basis for the EU Member States’ reporting to their NRPs. The NSRs could become the basis for a peer review process under the auspices of the Social Protection Committee (SPC).

EU Funding should support the implementation of the Investing in Children Recommendation and the transition from institutional to community-based care:

- The European Commission should ensure that Member States use at least 20% of the European Social Fund (ESF) to promote social inclusion and the fight against poverty, in particular for children.
- The European Commission should ensure that Cohesion Policy supports a holistic approach to de-institutionalisation through the development of prevention, gatekeeping and family and community-based care and services.
- When EU Member States spend European Structural and Investment Funds (ESIF) on promoting social inclusion, poverty and discrimination, the European Commission should ensure that EU Member States have in place a national strategy for poverty reduction that, inter alia, includes measures supporting the transition from institutional to community-based care. The European Commission should also monitor that EU Member States fulfil the general conditionality that encompasses the existence of administrative capacity for the implementation and application of the UN Convention on the rights of persons with disabilities.
- The European Commission should ensure that stakeholders, including CSOs, are involved in the monitoring and implementation of the European Structural and Investment Funds (ESIF), in line with the partnership principle of the Commission Delegated Act (EU) No 240/2014 of 7 January 2014 on the European code of conduct on partnership in the framework of the ESIF.

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19 See also EUROPEAN EXPERT GROUP ON THE TRANSITION FROM INSTITUTIONAL TO COMMUNITY-BASED CARE (2012a), Common European guidelines on the transition from institutional to community-based care and EUROPEAN EXPERT GROUP ON THE TRANSITION FROM INSTITUTIONAL TO COMMUNITY-BASED CARE (2014), Toolkit on the use of European Union funds for the transition from institutional to community-based care (updated version).
Efforts should be made to support the collection of comparative data and research and sharing of good practices among Member States:

- The Commission should promote the use of the European Platform for Investing in Children (EPIC) as a mutual exchange and learning initiative on the implementation of the Investing in Children Recommendation. The inclusion of good practices on family support and the provision of quality alternative care should be promoted. We are concerned, however, that EPIC uses a too narrow interpretation of what is to be considered ‘evidence-based practice’ and believe that the categorisation of practice (emerging, promising and best) currently used by EPIC is misleading as only randomised control trials (RCT) evaluations qualify as best practice. We believe that the EPIC could be relatively easily adapted to provide a tool through which to publicise the Investing in Children Recommendation and document its implementation at Member State level, and to ensure transparent and systematic engagement of stakeholders.

- Mutual learning via peer review on child poverty and well-being, in particular on the situation of children without (adequate) parental care, should be further encouraged.

- Member States should be further encouraged to improve the collection of statistical data on children, including on children without (adequate) parental care.

**Sources**


EUROPEAN EXPERT GROUP ON THE TRANSITION FROM INSTITUTIONAL TO COMMUNITY-BASED CARE (2014), Toolkit on the use of European Union funds for the Transition from Institutional to Community-based Care (updated version).


