

# Decentralization of social protection system in Romania



An analysis focused on social assistance in the benefit  
of most vulnerable children and their families

2010

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*The findings and interpretations expressed in this paper are those of the author and do not  
necessarily represent the views of UNICEF*

## List of Acronyms

<b>CASB</b>	County Agency for Social Benefits
<b>CBS</b>	Community-Based Services
<b>CC</b>	County Council
<b>EC</b>	European Commission
<b>EU</b>	European Union
<b>FPSIA</b>	Family Policies, Social Inclusion and Assistance (Directorate)
<b>GDSACP</b>	General Directorate for Social Assistance and Child Protection
<b>GD</b>	Government Decision
<b>GEO</b>	Government Emergency Ordinance
<b>LC</b>	Local Council
<b>LI</b>	Labour Inspection
<b>LI-SI-C</b>	Labour Inspection, Social Inspection at county level
<b>MLFSP</b>	Ministry of Labour, Family and Social Protection
<b>NAEO</b>	National Agency for Equal Opportunities
<b>NAPFRC</b>	National Agency for the Protection of Family and the Rights of the Child
<b>NAHP</b>	National Agency for Handicapped Persons
<b>NAPRC</b>	National Agency for the Protection of the Rights of the Childs
<b>NASB</b>	National Agency for Social Benefits
<b>PSSA</b>	Public Service of Social Assistance
<b>SI</b>	Social Inspection
<b>SPF</b>	Social Protection Floor (Initiative)



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# Executive Summary

Romania has reached a point where the focus is placed, among other priorities, on decentralization-oriented state reform. The social protection of the most vulnerable is following the same decentralization trend, with ever increased focus on the **role of local stakeholders** for the implementation of the best adjusted and most efficient measures.

This analysis seeks to **identify the existing shortcomings and gaps of the social assistance system**, with an emphasis on local communities, while trying to find potential solutions to the identified problems as well as the means of putting them into practice.

The analysis relies on the basic principles of **equity, effectiveness and efficiency** and, most of all, of the **rights of the most vulnerable**, especially of children and their families. Of all the components that make up the social protection system (basic social services, social benefits and social insurance), the analysis concentrates on those specific to **social assistance – prevention and protection services and social benefits**.

To understand and spot the main shortcomings of the social protection system, with regard to social assistance in particular, the analysis needs to consider a number of conceptual and organisational tiers that this system is built on. These are:

- i) the legal framework regulating the system;**
- ii) the institutional framework and implementing entities;**
- iii) the resources allocated to keep the system running; and**
- iv) the regulatory mechanisms** (ensuring the efficient running of the system through monitoring, evaluation, control and inspection mechanisms).

At some point, the area currently covered by the analysis (social assistance) is intended to expand to the fields of health and education as crucial ingredients of a coherent social protection system adjusted to complex needs. Besides this, we need to bear in mind the fact that this analysis will be backed up by a field quality analysis to document as realistically as possible the way in which the social protection system actually works on the ground.

**The main findings** of this analysis lead to the idea that improvements are needed on each tier of analysis not only in terms of efficiency, but also of effectiveness. Dysfunctions concern the institutional construction, on the one hand, and the accountability, responsibility and authority schemes, on the other. The tendency is to inequitably manage the already insufficient resources.

Regulatory mechanisms, both monitoring and evaluation, and control and inspection, work well in theory, but in practice they hit against the same authority and accountability distribution schemes, and the improvements that these mechanisms may suggest are therefore not always easy or possible to implement.

All these make us believe that the **social protection system needs to be reconsidered** from a legal and a functional perspective, which means that field experiences, best practice models and the latest in global system-rethinking trends should feed into this rethinking process.

In terms of recommendations and potential solutions to the identified issues, some practices and concepts developed by UNICEF and its partners are suggested: i) **minimum package of basic social services**, and ii) **the Social Protection Floor initiative**, both aiming at identifying the most vulnerable groups and ensuring social equity.

The means to implement these solutions are technical assistance and support provided to strategic projects, as well as by encouraging debates on and rethinking the social protection system to get it as close to realities on the ground as possible.



## Preamble

With one of the most centralised societal systems from Eastern Europe during the communist era, in the 90's, Romania timidly started to prepare the ground for what it is still being called the "unfinished or partial decentralization".

Enhancing the efficiency of public government organisation, from central level to local level, was the recurrent theme of a thick legislation which repeatedly tried to advance every decentralization stage in Romania in the areas concerned (administration, home affairs, finances, etc.).

The major landmark years that are worth mentioning are 1991, when the Constitution of Romania talked about decentralization for the very first time, and 2003, when the revised Constitution set forth that "the public government established in administrative-territorial units shall be founded on the principles of decentralization, self-government and public service de-concentration". In between these two moments, we could also mention Law 215/2001 on local government.

This is the base on which decentralization started in Romania in the late 90's and intensified in 2000. It emerged, on the one hand, from the need to comply with acquis-communautaire provisions – especially those concerning regional development and justice, administration and interior chapters, as well as other chapters, like those regarding the environment or social protection, etc.

Another landmark year was 1997, when Romania passed the Law 199/1997 ratifying the "European Charter of Local Self-Government" which states that "the local authorities are one of the main foundations of any democratic regime" and that through them "the right of citizens to participate in the conduct of public affairs" "can be most directly exercised".



*This entails the existence of local authorities endowed with democratically constituted decision-making bodies and possessing a wide degree of autonomy with regard to their **responsibilities, the ways and means by which those responsibilities are exercised and the resources required** for their fulfilment.*

The local government took over, one by one, the responsibilities for the pre-school and pre-college education system – first the property, then the teaching and non-teaching staff wage payments –, health, child protection, social protection, computer-based population registers, community police, etc. As to service provision, a turning point was the GEO 26/1997 marking the establishment of the first decentralized public service providers within the organisation of county councils, which were thus no longer subordinate to the related ministries (as de-concentrated services) but to county authorities.

Maybe the most important event from this brief history is the Framework Law No 195/2006 on decentralization defining, among many other concepts and principles on which this process is based, the concept of decentralization as "the transfer of administrative and financial competences from central government to local government or to the private sector".



*Nonetheless, in the area of education, health and social services, we have reached the point of **partial decentralization**, where local authorities hold both exclusive responsibilities and responsibilities shared with the central government and even delegated ones (under the above-mentioned law) which leads to **authority overlap** as well as **financial shortage**.*



# I. Premises for Analysis

In order to understand the main shortcomings of the social protection decentralization process, a few terminological explanations are needed and some definitions should be given to establish from the start the theoretical framework of this analysis.

The main concepts tackled in this chapter are “social protection” and “basic social services”. These concepts are considered central as they get a different understanding depending on the area in which they are dealt with and, because this document will address a diversified audience from complementary lines of work and agencies that don’t necessarily have the same understanding of them, the definitions will render the message coherent and unitary.



Within the meaning of this document, social protection refers to a set of characteristic features from the following three areas and fields of interest: i) social insurance (including life and property insurance, but mostly health insurance), ii) social benefits (in cash and in kind), and iii) basic social services to be defined hereunder.

As far as “basic social services” are concerned, it is important to start by saying that the Romanian term “*servicii sociale de bază*” is translated from English – a term that encompasses social assistance as well as education and health.

An important explanation is required with regard to the “social” nature of services, namely the fact that it concerns all the services delivered by the state to its citizens for free or at a low price<sup>1</sup>. Obviously, the services provided by the state for free or at a low price concern other areas too besides those mentioned above, such as culture and arts, transportation, physical education and sports, and some of these may even include social protection features (such as free public transportation for the aged).



Within the meaning of this document, basic social services stand for the set of social assistance, education and health services meant to ensure, under the UN Convention on the Rights of the Child, that the rights to development<sup>2</sup> of all Romanian children are fulfilled through more<sup>3</sup> than just primary social services, generically called “prevention services”.

If these two definitions are unanimously endorsed, we can already talk about a complex analytical framework seeking to give an idea about where social protection stands in Romania. In order to do so, as it will be mentioned in the methodological chapter later on, several levels of analysis are taken into consideration in order to answer apparently simple questions that actually have very intricate implications:

- a) Is there the essential and coherent legal framework in place for social protection in Romania?
- b) Are there responsible players capable of implementing this framework?
- c) Are the resources needed to ensure the application of this framework available?
- d) Are there the social control<sup>4</sup> mechanisms needed to ensure efficiency and effectiveness?
- e) Are there best practice models to consider for dissemination and replication?

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<sup>1</sup> More information can be found in “The Place and Role of Nongovernmental Organisations on the Social Services Market in Romania” (the revised and completed edition), FDSC, 2007.

<sup>2</sup> For more information, go to: <http://www.NAPFRC.ro/content.aspx?id=114>

<sup>3</sup> For objective reasons relating to public government organisation, this analysis will also include specialised social services (maintenance, recovery or development of individuals’ and families’ social functioning capacities).

<sup>4</sup> “(...) it refers to the process whereby an entity (person, group, association or organization) regulates, guides, changes or influences the behaviours or actions of another entity (...)”, for more information, go to: [http://www.dictsociologie.netfirms.com/C/CTermeni/control\\_social.htm](http://www.dictsociologie.netfirms.com/C/CTermeni/control_social.htm)

Consequently, this analysis starts from the premise that each of the questions above entails some conditional interdependency, thereby leaving the impression that the Romanian social protection system works partially and inequitably.

If this is true and will be demonstrated by the syntheses in this report, the social protection system will have to be reconsidered and readjusted so that it should be capable of efficiently and effectively covering the needs of all the citizens of the country, in particular the needs of the most vulnerable groups, especially children and their families.

For now, some hypotheses that we started from to analyse social protection in Romania are prevailing and they will be discussed in the following chapters. These hypotheses emerged during various events, activities or projects in which UNICEF was and is involved, such as:

- The meetings between GDSACP representatives and central authorities organised with UNICEF support in 2009, focusing on the GDSACP role in rendering the decentralization of social services more efficient;
- Field evaluations and consultations with relevant local/communal, county and central stakeholders, carried out in 2008 and in 2009 as part of the Community-Based Services Programme;
- The findings and recommendations of baseline papers and reports in the field, in particular: Country Reports to the UN Committee on the Rights of the Child and its recommendations, as well as the Report of the Presidential Commission for Social and Demographic Risk Analysis.

Although, throughout time, the findings and hypotheses did not emerge in a systematically organised manner, in this report they are based on the levels of analysis mentioned above, namely:

#### ***a) Social protection legislation***

Benefiting from support in the form of technical and financial assistance and expertise throughout the entire EU pre-accession process, Romania managed to create a comprehensive legal framework, based on Western models and experiences, which, at least in theory, meets all the relevant requirements that the “Social Europe” may currently lay down.

As key element of the community acquis, social legislation has significantly developed in recent years. Consultations have revealed that legal texts, as comprehensive and complex they may be, do not meet certain requirements that we list below as first hypotheses for this analysis:

- Not all institutions and their mandates are clearly defined;
- The framework needed to ensure complementary and coherent players and roles does not always draw from the best adjusted cooperation procedures and mechanisms;
- The resources, in particular financial and human ones, and the possibilities to access them are not always clearly specified;
- The social service financing mechanism is insufficiently explained;
- The principle of compulsion and the relevant system of positive and negative sanctions associated with this principle are still wishful thinking in the area of social assistance;
- The respect for the rights of all people in need is not strong enough and it has hindered the universal and discrimination-free access to services.

#### ***b) Social protection institutions***

Under the current legislation and mostly in virtue of the commitments that Romania made during the EU accession process, a series of institutions are being set up to best serve social protection principles.

Among these institutions, there are, on the one hand, those that provide social services and benefits, and, on the other hand, the ones in charge of evaluation, control and inspection, thereby regulating the functioning of social protection components.

All these institutions are placed on different public governance tiers<sup>5</sup>, based on two authority delegation principles: de-concentration and decentralization. Hence, we have:

- At central level, ministries and agencies/authorities with regulatory and financing role;
- At county level, county councils and prefectures with regulatory and financing role;
  - Also at county level, decentralized or de-concentrated agencies / authorities / departments, with regulatory role and service and benefit provision duties;
- At local level, based on the principle of self-government and citizens' election, the mayor and the local council play the regulatory and financing role;
  - They become implementing entities, service providers respectively, through dedicated institutions.

The hypothesis that our analysis is built on is that, both vertically and laterally, the institutional setting features certain incongruence translated mostly into incoherence and/or redundancy. Thus, this may lead to conflicts or overlapping competences and duties or to cases where the lack of explicit duties for certain institutions generates authority, decision-making and action vacuums.

### ***c) Resources allocated to social protection***

Social protection resources, just like in every area of the society, are made up of material and financial assets needed for a system to work effectively. These resources may split into three big categories to which we assign the following hypotheses:

- The financial resources, apart from their well-known insufficiency, are allocated inequitably between the various levels and areas of social protection. This applies mostly to inequity between county and local social protection levels and between county specialised protection and local prevention.
- The human resources involved in social protection are predominantly concentrated at the level of county institutions, especially in the area of social assistance and health, which means that local government has to deal with lack of professionals in these two areas. In addition, HR training and specialisation do not always fit the positions occupied.
- Material resources follow the above-mentioned pattern both in terms of property and equipment needed to run the activities.

### ***d) Social control or regulatory mechanisms***

In this case, social control mechanisms refer to the capacity of various institutions to ensure law application through a fair and coherent system of positive and negative sanctions, as well as to their capacity to contribute to a fair and developed social protection system through monitoring, evaluation, and inspection mechanisms available to them.

As for these mechanisms, the hypotheses we start off from in this analysis concern two areas: the definitions and understanding the meaning of the terms used, on the one hand, and the performance of activities needed to ensure the constructive social control, on the other hand. We should add that field experiences have revealed a “subjective” perception of self-government, in the sense that central level inspection and control actions don't always translate into real measures meant to eliminate law infringements, especially if that law does not prescribe some form of sanction or another.

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<sup>5</sup> As far as social protection is concerned, there is no regional organization at the moment (like in the case of Regional Development Agencies for example) although, in the past, the Inspectorates for Handicapped Persons used to be regional bodies.

- A first hypothesis would be that the terms “monitoring”, “evaluation”, “inspection” themselves, although very often used in current practice and legislation, are not always understood to their true value and meaning, which means that the goal reaching activities are most often tautological (e.g. “monitoring through monitoring activities”<sup>6</sup> without having the required tools and methods and often carried out for purely bureaucratic figure reporting activities);
- Probably because of the communist past, where control and inspection were tools of oppression, these terms have gained a double meaning which is curious to say the least: on the one hand, these terms are blasphemed or avoided because of this very past, and on the other hand they are invoked as necessary in a country where rules are no longer respected;
- In real terms, these may translate into: redundancy of actions, incomplete or superficial activities, authority vacuum or too much authority, lack of impact of some actions, accountability and/or responsibility vacuum.

#### **e) *Best practice models***

Finally, the best practice models may be a cornerstone in the construction of any system provided that they are reflected as objectively as possible and that they embed lessons learnt through specific and real practice on the ground. These models come both from the public sector – local initiatives or projects from National Interest Programmes – and from the private sector or what different NGO’s have experienced and achieved in time.

The hypothesis we are starting from in this case is that not everything that was good was also capitalized (into new approaches, projects, including legislation) and the disparate efforts would need a more comprehensive approach for being eventually scaled-up to the whole society and to benefit all those who need it.

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<sup>6</sup> This was found during field evaluations (2008/2009) on the CBS Programme carried out by UNICEF Romania, mostly in the PSSA activities from the 20 rural communities that were assessed.

## II. Scope, Field of Coverage and Methodology

The goal of this analysis is to identify, first in theory, based on the legal and document analysis, **the most significant shortcomings in the Romanian social protection system** in terms of legal provisions, institutional construction and functionality, allocated resources and social control mechanisms required to ensure efficiency and effectiveness.

Besides all these, this document tries to also consider a series of relevant experiences already undertaken within various projects that fall under the “**best practices**” category, completed by a series of current thinking **epistemological approaches**, that reconsider the social and economic environment and the way it fits into the needs of social groups, especially those of the most disadvantaged.

Therefore, the final goal of this document is to identify **the most relevant strategies and implementing means** to correct systemic shortcomings and to reduce existing gaps in the current social protection framework, relying on the principles of equity, effectiveness and efficiency and, especially, on the respect for the rights of the most vulnerable, in particular of children and their families.

The **field of coverage** of this report is **social assistance**, defined as “the non-contributory component of the social protection system that comprises all the institutions and measures used by the state, the local authorities and the civil society to prevent, mitigate or eliminate the temporary and permanent effects of situations that may lead to the marginalization or social exclusion of people”<sup>7</sup>.

In tackling these issues, we started from marking off the elements to analyse, both from a legal and a conceptual perspective, while we later identified the types of expertise needed for drawing up such an analysis – in the legal department, social sciences and social work practice.

Therefore, the frame of reference for this analysis regards social assistance as “a component of the national social protection system, which comprises the social services and the social benefits granted to develop individual or collective capacities in order to meet social needs, increase the quality of life and promote the principles of cohesion and social inclusion”<sup>8</sup>.

In relation to this frame of reference, the following stages were travelled:

- a) Identify, run an inventory of and analyse all legal provisions regarding social protection, within the meaning of the previously mentioned definitions;
- b) Analyse the main legal provisions regarding decentralization, bearing in mind the current stage of decentralization and their real applicability;
- c) Document analysis of a series of reports and studies currently available in the area of social protection, with a focus on social assistance;
- d) Draw up analysis reports per areas of interest, create working and analysis groups comprised of the experts involved in the project;
- e) Final synthesis of available documents and formulation of recommendations.

Finally, in order to render recommendations more pertinent, best practice examples and the new approaches of social protection systems worldwide were considered with a desire to make the Romanian system more efficient and to open the way for new debates and analyses that will bring about the needed improvements, especially in times of economic and social crisis like the one we have been experiencing since the end of 2008.

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<sup>7</sup> “The 2007/09 Institutional Strategic Plan. The Management Component”, The Ministry of Labour, Family and Equal Opportunities, [http://www.mmuncii.ro/pub/imagemanager/images/file/Domenii/Politici%20publice/090707plan\\_strategic.pdf](http://www.mmuncii.ro/pub/imagemanager/images/file/Domenii/Politici%20publice/090707plan_strategic.pdf)

<sup>8</sup> “Legal Analysis of Social Assistance in Local Communities”, T. Coman, UNICEF, 2009

### III. Legal Analysis of Social Protection

The legal analysis of social protection seeks, in a first stage, to approach the common features of social assistance, namely the social services and benefits that are currently regulated by law, by looking at the provisions that regard the set of institutions, of regulatory mechanisms and of resources allocated to social protection on this level of analysis.

This analysis tries to see the extent to which the package of laws governing social assistance is coherent, complete and without redundancy or lacks that could lead to its inapplicability. Thus, the main legal gaps that could be identified relate to i) clear definitions, ii) duties and responsibilities, iii) regulatory and interagency mechanisms, and iv) allocated resources.

#### III.1. Institutional Framework and Regulatory Mechanisms

##### *Presumptions*

1. The national social assistance system has been governed by a unitary law since 2006, and, being unitary, this framework law No 47/2006 is expected to harmonise and clear up the definitions of institutions and their mandates, both centrally and locally, in order to guarantee the coherent application of social protection policies.
2. Moreover, this unitary framework is expected to ensure, besides the existence of some absolutely necessary institutions, complementary and coherent players and roles with a view to avoid any systemic disruption which often translates into accountability and responsibility vacuums or, on the contrary, redundancy of similar duties assigned to often overly diversified institutions.
3. Last but not least, the legal framework must set the base for the social control mechanism that makes everything work not only in an effective and efficient manner, but also in the spirit of equity, fairness and respect for the rights of all, especially of the people most in need.

##### *Findings*

1. Generally, social assistance players are well-defined, starting with the ministry and the related central agencies, continuing with county de-concentrated or decentralized entities, and finishing off with local government players. This way, **social assistance benefits from a complex set of institutions, where, at least theoretically, the strategic functions** (i.e. social policies) **and the functional ones** (i.e. effective implementation, monitoring, etc.) **are fulfilled by specialized institutions from each level of decentralization.**

Some confusion may arise from the use of some designations mentioned in old legal provisions, such as county PSSA which practically no longer exists and which is currently represented by the General Directorate for Social Assistance and Child Protection. However, this confusion is unlikely as the term PSSA is associated with local authorities, at the level of municipal city, town or commune.

The capital city of Romania is however an exception as the GDSACP from each district takes the role of local and county authorities, overlapping with the General Directorate for Social Assistance of the city of Bucharest in the provision of some primary services.

Besides the implementing entities (providing services and managing some part of the social benefit provision process), financing, coordinating and regulating entities can also be spotted at county and local levels.

As for the financial aspects of social benefits and social services, they will be discussed in the next chapter centred on the resources allocated to social protection, whereas the coordinating and regulating roles of social assistance are worth being thoroughly analysed in this chapter. This is why a first table regarding these roles is presented below to serve as an analytical base for all the theses included herein.

		Coordinating role	Regulating role	Implementing role
Central level	MLFSP	✓	✓	✓
	Family Policies, Social Inclusion and Assistance (FPSIA)	✓	✓	✓
	NAPFRC	✓	✓	✓
	NAHP	✓	✓	✓
	NASB	✓	✓	✓
	NAEO	✓	✓	✓
	Labour inspection (LI) – Social inspection (SI)	✓	✓	✓
County level	County Council (CC) / CC Chairman	✓	✓	✓
	GDSACP + services + benefits (decentralization)	✓	✓	✓✓*
	Prefecture	✓	✓	✓
	CASB + benefits (de-concentration)			✓✓*
	LI – SI – C (de-concentration)			✓
Local level	Local Council (LC) / Mayor	✓	✓	✓
	PSSA + services + benefits (decentralization)	✓		✓✓*

**Note:** the light blue ticks in the implementing role column concern the responsibilities related to the implementation of social policies in the area of social assistance, while the other ticks concern the effective implementation of social services or benefits.

\* This will be detailed in the chapters regarding the players and social control mechanisms.

2. As for complementary and coherent players, we notice some **unbalance** between local-county-national levels **as regards the dispersal of social assistance institutions**. Thus, as we go down to the local level, their number decreases, while the number of roles increases.

This unbalance may be perceived as inequity especially in terms of responsibilities as long as the few local players, especially PSSA or the social assistance officer, have an array of tasks to achieve, tasks that fulfilled by at least two major institutions at county level: GDSACP and CASB. Moreover, there is also poor collaboration between GDSACP and PSSA (or the mayoralty or the social assistance officer).

Although the fact that the few local structures are charged with multiple roles should not be a problem in absolute terms, but a closer look shows that there is huge pressure on local social assistance structures deriving mostly from the lack of all kinds of resources and the lack of clear legal provisions.

As regards the **roles** these institutions have, we notice **an increasingly higher specialization as we go central** while, in the opposite direction, **an increasingly higher generalization as we go local**.

We are thus witnessing the **segregation of duties and responsibilities and the specialization of institutions, in particular at central level** and partially at county level, whilst the local level is expected to be able to answer through its few structures to the multifaceted requests from “high-up”. More precisely, the **local government should**, according to legal provisions, **unitarily provide what all the other county and central players are providing in a segregate manner**, maintaining the quality of services despite the limited number of resources, be they human, material or financial ones.

As for the effective implementation of social services and benefits, we notice once again that **local social assistance structures are the most disfavoured**, all the more so that the **coordinating and regulating roles are preponderantly in the charge of county and central structures**. Hence, another **responsibility inequity** is created **between decentralization levels**, in which case a multitude of roles with little responsibility in the effective implementation come to counterbalance the major implementing role of local social assistance structures.

**3.** An extremely important aspect of this analysis is the social protection regulation through a set of measures and mechanisms ensuring efficient social control, based on the principles of effectiveness, fairness and social equity. A first finding would be that, **in the area of social assistance, the social protection system lacks coherence of the means to ensure an efficient social control**. This goes both in terms of **institutional accountability** and in terms of **regulatory mechanisms applying** positive (rewarding) or negative (constraining) sanctions.

The assertion about the incoherence of the means needed to ensure efficient social control draws from the premise that, on the one hand, in order to talk about accountability the obligation to fulfil a task needs to be clearly prescribed by law. On the other hand, beyond the clear prescription by law, a sanction-applying regulatory mechanism, fitting into realities on the ground, is also needed as it ensures effective compulsoriness. In concrete terms, we identify as major shortcomings:

- The obligation for Local Councils to set up local needs-adjusted social services, including PSSA, in local communities, in the absence of a control and sanction system in case of failure. The same applies to County Councils as they also have to set up social services;
- Lack of generic frameworks ensuring uniform functionality: lack of mandatory organisational charts/minimum structures<sup>9</sup>, both at local and county levels, to ensure the required number of services in line with legal provisions;
- Confusion generated by the inspection role both at the level of local decision-makers (Mayors, County Council Chairmen) and of specialized entities (Social Inspection);
- Lack of regulating mechanisms between decentralization levels due in particular to the self-government statute<sup>10</sup>: lack of resources may be invoked in real-life cases and in cases where (although resources are available) there is no political and administrative will.

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<sup>9</sup> The legislation provides framework regulations (duties, framework organisation and operating rules) for GDSACP and PSSA, but these are not framework organisational charts which are therefore defined by LC and CC. This is not a real problem, but the reality on the ground reveals their huge diversity, which means that some legal provisions are being applied differently from one county to another: an example would be the setting up of a PSSA Relations Department within GDSACP, which exists in very few locations across the country.

<sup>10</sup> (CBS) Field evaluations revealed that some mayoralties had the funds needed to provide specific social work services (often thanks to political factors), while other mayoralties, of similar communities in terms of social and economic indicators, pretended they didn't have any financial resources which was also the reason why social work services were lacking.

## ***III.2. Resources Allocated to Social Protection***

### ***Presumptions***

1. With such an intense development in recent years and substantial support from EU during and after the pre-accession period, the national social assistance system is expected to benefit from clear, explicit and firm provisions regarding the main resources it uses in order to work well, both in terms of sources and ways to access them and in terms of quality.
2. Under these circumstances, it is expected that the resource provision mechanisms be sufficiently developed to avoid any syncope: with regard to financial mechanisms and to human resources adjusted to real needs.

### ***Findings***

1. When it comes to resources, we can make the distinction between two trends in the social assistance legislation: on the one hand, **central structures benefit from a detailed description of the resources they use and of the sources they access**, and on the other hand county structures (to a smaller extent) and **local ones (to a great extent) are given only some guidelines** which hardly ever offer a real answer to the questions “from where?” and “how much?”.

Another distinction that comes out from legal provisions refers to the major source of income or where the **funds** of social assistance structures effectively come from. In the case of **central institutions, they entirely come from the state budget** (except for programmes with external reimbursable funds and grants), while as regards **county structures** (less) and **local ones** (more), **the provisions call upon “local budgets”** (or the money raised from local taxes and levies) **which are most often very reduced** (especially in rural areas) and implicitly state budget allocations will once again cover or not the needed local funds.

With more impact on institutional construction, the demarcation of organisation and operating rules governing the institutions follows the same trend as mentioned in the previous examples and it has a direct effect on resource provision. More exactly, **any central institution will have a well-defined organisational chart, with clear roles and responsibilities, including the quality of human resources that will fill in the respective positions.**

At the other end, **local social assistance structures** “may” employ various professionals, “may” have a certain number of specialists, etc., which entails a **clear inequity in the social assistance HR distribution** at national level, all the more so as financial resources are much less consistent at local level than at central level.

2. As regards human resources adapted to the real needs, we notice (just like in the case of the institutional pattern) their higher **specialization at central and county levels** in coordinating, regulating and implementing institutions altogether, while in the case of **local structures, the laws do not always and explicitly prescribe the need to hire specialists** in the area of social assistance.

The legislation, in particular the framework law on decentralization, is hardly regulating financing mechanisms, as it generally stop at principles and makes reference to the law on local public finances and to annual budget laws. In its turn, the law on local public finances refers to the financing mechanisms, although very generically.

This is probably the most illustrative argument for stating that social policies cannot be effectively and efficiently implemented solely until they reach the level of local communities. More precisely, these social policies don't have their own funding mechanism, but the one

established in public financing specific regulations. The main reason for which these issues arise is the fact that public finances specific legislation is, although very precise in terms of public finances, quite generic in defining social assistance and the way it is funded. Therefore, the funding of social benefits is ensured coherently from central level to county level to local level, while the funding of social services, especially of prevention ones, depends on a series of factors to be detailed in the resource analysis.

Thus, we keep in mind that legal provisions in the area of public finances and those (of financial nature) from the area of social assistance do not necessarily act in a convergent manner.

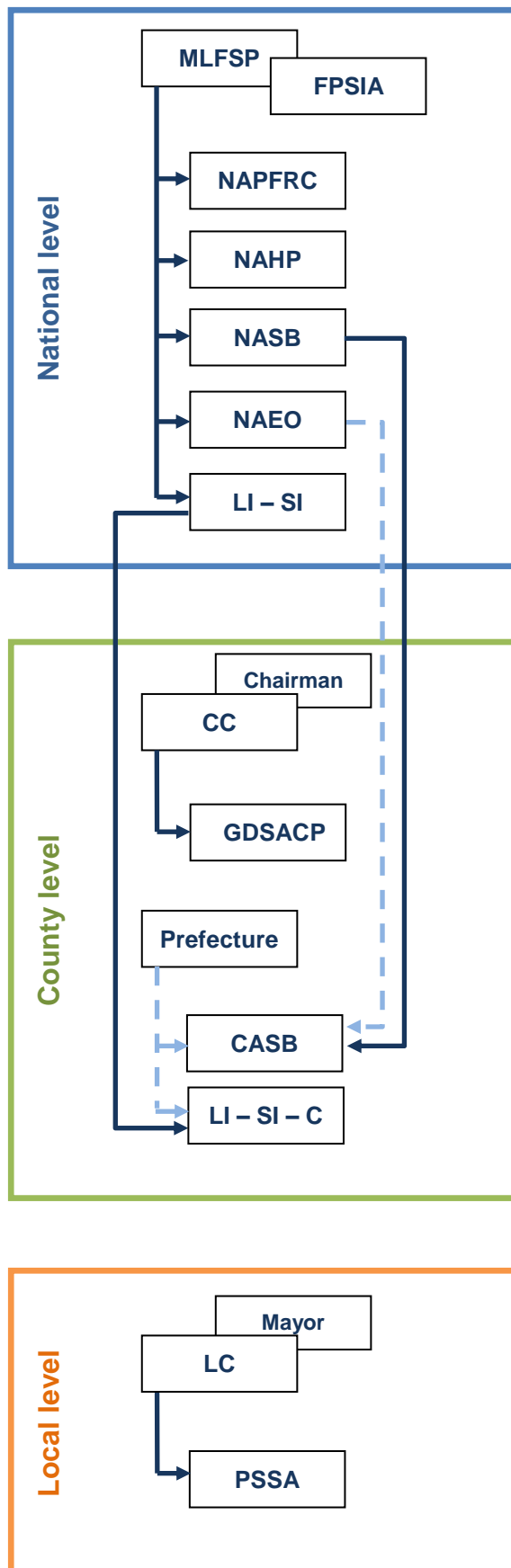
This is also the greatest challenge for the experts in charge of social assistance budget planning, both when it comes to financial policies aiming at **providing resources for the functioning** of the social assistance system, and to financial policies **on efficient spending of funds** allocated to social assistance. We could indicate here two UNICEF actions which are convergent with these principles:

- First of all, UNICEF seeks to make sure the state guarantees a minimum package of basic social services at community level for which it also provides the resources needed for an optimal functioning. The goal of this service package, apart from its direct impact on beneficiaries and their equitable access, is to ensure appropriate and uniform budget allocations that the state makes independent of the capacities and features of the local authorities from the Romanian communities, so different one from another;
- Second of all, UNICEF wants efficient service budget planning, starting from a “zero” budget based on which, while meeting the standards of quality and implicitly of efficiency, the funds needed to ensure the equitable rights fulfilment are allocated in a transparent manner.

Before passing on to the legal chart of social protection, a few more explanations are needed as a conclusion to make it easier to read:

Central level:	County level	Local level
The institutions are clearly defined and demarked,	The institutions are clearly defined and demarked,	The institutions may be the mayoralties/PSSA/social assistance officer
Each social protection/social assistance level has an institution in charge,	Idem, less in the case of GDSACP which is in charge of family/child/disabilities,	All levels converge towards a single responsible entity: PSSA, in charge of social services and benefits
The duties and responsibilities are distinct at the level of each institution,	Idem,	Mayoralty/PSSA/social assistance officer with responsibilities in all areas
The institutions are responsible for the coordinating and regulating roles,	Idem; GDSACP provides services and benefits and CASB manages benefits,	Mayoralty/PSSA/ social assistance officer are in charge of providing services and benefits
The resources and the financing sources are the state budget which seems to be reliable. Clearly specified specialization of professionals,	Idem, plus county budgets. Clearly specified specialization of professionals	In general, local budgets, based on tax collection and state budget allocations, less reliable. Specialization of professionals not clearly specified,
Clear organisational charts, specific roles,	Organisational charts/framework rules, specific roles,	Organisational charts/framework rules, specific roles,
Control on lower levels via inspection	Idem	
They are accountable only to the same level	De-concentrated institutions are accountable to the central level	They are accountable only to the same level

### III.3. Legal Chart of Social Protection



- The Directorate within MLFSP and the authorities are directly reporting to the ministry/minister
- The latest legal amendments (Government Decision 728/2010 of 21/07/2010) stipulate the transformation of the authorities into directorates, which in principle does not affect the county and local level in any way
- Continuous lines denote the link of direct subordination.
- Under the law, NASB has de-concentrated county units (CASB) (continuous line). The same goes for LI-SI.
- As to NAEO, at county level, there is only one social assistance officer (dotted line).
- County level subordination refers to GDSACP, which is directly reporting to CC (continuous line) and to de-concentrated units which are not subordinate to the prefecture but they are coordinated by it as government representative in the territory (dotted line).
- It is worth noticing that, based on the principle of decentralization, local institutions benefit from autonomy (no subordination lines).
- The only subordination at local level is the one of PSSA to the mayor and to the local council.

## IV. Main Social Protection Players

After setting out the guidelines in the previous chapter, we need to mention that, from this chapter on, the analysis will focus on the detailed and thorough analysis of all the aspects which have been generically cited in the legal analysis.

Therefore and considering the initial hypothesis that, both vertically and horizontally, the institutional setting was incongruent which triggered the redundancy or lack of duties (that, in turn, generated authority, decision-making and action vacuums), in the analysis from this chapter, we intend to illustrate the main shortcomings of the institutional setting that can effectively lead or have led to dysfunctions on two functional levels:

- i. Horizontal cooperation/interrelations (within the same level of decentralization) and vertical cooperation and interrelations (between decentralization levels) – *subchapters IV.1 and IV.2*,
- ii. Distribution of capacities to act based on the authority and decision-making power held by each institution – *subchapter IV.3*.

### IV.1. Horizontal Approach

#### *Presumptions*

The horizontal approach seeks to analyse **the way in which the same decentralization level institutions cooperate with each other** or, in a non-academic language, effectively cooperate as “peers”. A well-known child protection example would be that of the former NAPRC which, due to its institutional positioning (state authority run by a secretary of state who is a junior minister), could not cooperate as “peers” with the Ministry of Education or the Ministry of Health (both run by ministers).

Secondly, it should be mentioned that a horizontal analysis is much more pertinent when it compares **institutions from different social protection sectors**, in other words social assistance, education and health. Nonetheless, even if the analysis is less relevant at central level, **at county level, social assistance institutions obey different operating rules**, which raises the interest in a horizontal analysis.

#### *Findings*

On any decentralization levels – central, county and local – inter-institutional cooperation cannot be equitably achieved mainly due to the **segregation of duties and responsibilities and to the lack of a harmonising capacity or vision**.

More exactly, at central level, the agencies, authorities, directorates and the inspection are all placed under the coordination of the Ministry of Labour. Their organisation is different, especially by virtue of their field of action. Still, **the cooperation between them could be easily influenced by the players’ goodwill and not by real mechanisms determined by the corroboration of social policies**, as long as the legislation does not prescribe their effective corroboration.

At county level, GDSACP implements both policies and services and benefits, and **this role partially overlaps with** the one held by CASB after legal amendments abolished DLSP. Thus, both institutions are in charge of managing social policies, benefits, evaluation, monitoring and control, whereas CASB<sup>11</sup> are the only ones to grant accreditation to social services and GDSACP to implement them. Moreover, overlaps arise in relation to SI (evaluation, control).

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<sup>11</sup> Under GD 1285/2008, “CASB is in charge of the accreditation of social service providers and of the technical secretariat for the social service provider accreditation commission”.

At local level, the only institution with social assistance duties is PSSA. The problem starts when mayoralities fail to set up PSSA and the entity in charge of social assistance remains the mayorality itself. The law allows for PSSA to be replaced with a “social assistance officer”, who is in general responsible for managing social benefits. In addition, there are **redundancies** as regards social policy formulation and implementation similar to the case of GDSACP, but this time between PSSA and the mayorality.

## ***IV.2. Vertical Approach***

### ***Presumptions***

Considering that county and local de-concentrated and decentralized institutions are in place, a vertical approach allows seeing in particular how much **coherence there is from one level to another** with regard to **accountability and responsibility, as well as the actual capacities to act** (which will be detailed in the next chapter).

### ***Findings***

Without a doubt, **de-concentration maintains the hierarchy relationships** and thereby inter-institutional relations work fine between central and county levels. **Decentralization principles are different** and county authorities, in particular GDSACP, responsible to CC, do not answer to any central institution. This does not necessarily translate into a malfunctioning relation, but only into a different kind of relation, based on a different principle.

We should also mention that the hierarchy relationship between de-concentrated structures and central ones implies that the former answer to all the requests, whereas the latter take measures which are not always adjusted to local needs; this also leads to the lack of local/county social policies in the area of benefits for example. As for SI, even if county inspectors work in the territory, they are employees of SI, which is basically a central structure, while the county unit does not hold any legal personality.

In terms of social policies, there are several cases specific to different decentralization levels:

- The national social policies are managed centrally by MLFSP, NAPFRC and NAHP, and implemented by GDSACP at county level and by PSSA at local level;
- In its turn, GDSACP develops county social policies fitting into the context, which are implemented at county and local levels by PSSA;
- PSSA develops with the mayorality and implements local social policies that fit into the local context.

The sequence of responsibilities above shows once more that, under the law, local social assistance institutions hold a series of numerous and complex duties, managed by very few organisational and human resources.

Besides this, a multitude of factors act concomitantly:

- The National Child Protection Strategy, for example, developed by NAPFRC, will have to be assumed at county level by GDSACP and fitted into the context so that in the end, at local level, PSSA is able to adjust their interventions in order to meet their own requirements and those set out by GDSACP and NAPFRC;
- As for the resources involved in the process, this is how things look like: in the example above, a group of central level experts will draw up the strategy, allocating the implementing means and getting other social protection players involved; at county level, local experts will draw up the local strategy and will allocate the needed resources;

- At local level, the social assistance officer, who is rarely specialised, will have to know not only how to implement the key elements of the strategies above but also how to identify a needs-adjusted local strategy and to allocate the means required for its implementation;
- Taking into account the fact that, for the previously mentioned reasons, the local capacity to act is poor, the accountability cannot be fully taken, which gives rise to potential considerable risks of policy implementation failure;
- Moreover (see also the chapter on social control mechanisms), the accountability leverages are also missing although in reality there are some examples that could act as a catalyst for a high-scale makeover: more precisely, if mayoralty X can allocate Y funds for Z services, how could this influence a similar mayoralty A to allocate B funds to C services if the latter does not have any funds? Which is the real leverage mechanism that could lead to effective allocation?

One last idea that is worth mentioning in this chapter is the **disproportional number of institutions between decentralization levels** (for each social protection area there is a central and a county institution, whereas at local level, one institution single-handedly deals with all the areas).

As real leverages between decentralization levels are missing, this could once again **make local social policy application impossible**. Normally, monitoring, evaluation and control should act as leverages, but these systems and procedures are in fact deficient.

### ***IV.3. Authority, Decision-Making and Capacity to Act***

#### ***Presumptions***

Inter-institutional relations are definitely directly linked, horizontally and vertically, to the authority and decision-making power of the institutions as well as to their capacity to act. Understood as “legitimate power”<sup>12</sup>, the authority of institutions and implicitly their decision-making power in a specific area should rely on a system of sanctions to encourage and strengthen its acceptance<sup>13</sup>.

Within this context, every social institution is expected to benefit from **sufficient horizontal and vertical authority**, backed up by the **decision-making power in the given area**, which will effectively reflect in the **capacity to act coherently and harmoniously**, from social policy decision-makers to social policy beneficiaries.

#### ***Findings***

At central level, child and family protection falls under the responsibility of NAPFRC that, unfortunately, has lost its regulating role that was transferred to MLFSP. Moreover, the regulatory functions are fulfilled by MLFSP through FPSIA. This evidence leads to the conclusion that **child and family protection authority and decision-making are diffuse at central level** and that there is no single coordinating forum responsible of implementing social policies in the area.

Moreover, the recent legal amendments (GEO 68/2010) set forth that the four authorities under MLFSP shall be abolished and become directorates within the ministry, which means that the “authority” in those areas will go to the ministry. This however is not the subject of our analysis and that is why it is only briefly cited.

<sup>12</sup> <http://www.dictsociologie.netfirms.com/A/Termeni/Autoritate.htm>

<sup>13</sup> Ibid.

Nonetheless, things are different when it comes to **equal opportunities or people with disabilities** where NAEO, NAHP respectively, hold **authority and decision-making power**. Still, it needs to be said that the activities related to the protection of children with disabilities falls under the responsibility and coordination of NAPFRC.

At the same time, it is also important to mention that, **as concerns social benefits and social inspection, things are well regulated** although the legislator could be criticised for the very high number of NASB duties or for a certain dissolution of social inspection duties at the level of LI-SI, including overlapping control duties with NAHP and NAPFRC. In real terms, after DLSP was abolished, NASB/CASB were assigned a series of duties that have nothing to do<sup>14</sup> with the benefit management responsibility for which they were set up.

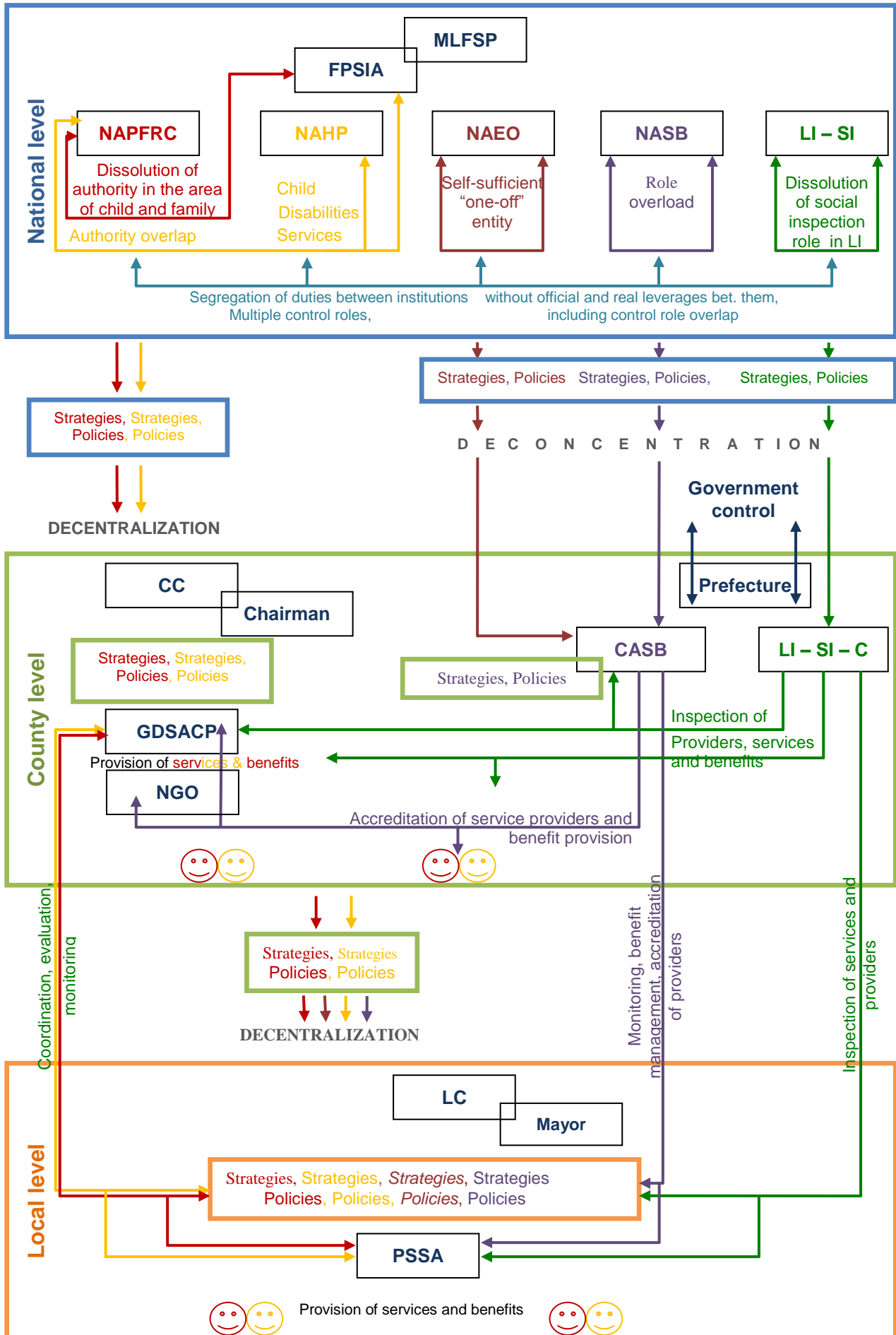
This organisation will project directly onto county and local governments, while suffering the effects described in the horizontal and vertical analyses from the previous chapters:

- The dissolution of authority in the area of child and family protection will impact on the capacity to act at county level where the primary authority goes to the CC and the implementing institution is GDSACP. The same will happen at local level where the mayor is the decision-maker, and PSSA is the implementing agency while the mayor is strongly influenced in his/her decision-making by the priorities set by CC and LC.
- In relation to equal opportunities, basically there is a single central entity as its representation at the level of CASB is quite symbolic and totally inexistent in local communities.
- As regards people with disabilities, the central organisation will directly reflect on the county level where the same GDSACP will have to associate child and family protection work with those relating to the protection of children and adults with disabilities.
- In terms of social benefits, the mechanism is quite functional as long as the central policy is implemented by CASB at county level, which also manages the process at local level through direct monitoring of PSSA/mayoralities which does not necessarily means that it works in a correlated manner with the social service system.
- Finally, as concerns social inspection, there is genuine coherence where inspection recommendations are effectively implemented to improve the system. This will be tackled in the chapter on social control.

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<sup>14</sup> GD 1285/2008 as amended and completed by GD 1384/2009 whereby duties such as “social dialogue”, “collective labour contracts”, “accreditation of social service providers”, “authorisation of professional training providers” and many others were added to the initial duties of the agency.

### IV.4. Institutional Chart of Social Protection



## V. Resources Allocated to Social Protection

Financial, human or material resources are the ones determining, based on their quantity and quality, the good or bad functioning of a system, all the more so of the social protection system which is meant to support and later change and improve the situation of the most vulnerable groups.

Field experiences and research work<sup>15</sup>, including at European level, show that our country allocates the smallest percentage of GDP to social expenditure (16.4% compared to the European average of 31.9%). The percentage allocated strictly to social protection is 13% compared to the European average of 26.7%.

These findings reveal that the allocation of resources – at least of financial ones – is insufficient and that, in addition to that, the Romanian social protection system has to deal with inequity in the allocation of resources for different decentralization levels or even different areas. A good example is the fact that funds are allocated for social benefits and protection services, but not for prevention services.

Therefore, in this chapter, we would like to analyse how resource allocation – per categories (financial, human and material) and per levels (central, county and local) – impacts on the functioning of the social protection system creating disruptions as regards:

- i. The functioning of social services and benefits;
- ii. Fund allocation between central, county and local levels;
- iii. Human resources typology as a feature of social protection professionalization.

### V.1. Social Services and Benefits

*NOTE:*

*The set of laws, the institutional construction, the social protection system financing and professionalization are established for the services and benefits that the state provides to the beneficiaries of social protection measures.*

*Some approaches might want to include social services and benefits in the “institutional construction” component rather than in that of social protection “resources”. Our premise for placing this subchapter in this chapter is based on the reality that without resources one cannot develop either services, or social benefits and that, besides financial ones, human resources also play a huge role.*

*At the same time, the quality of these services and benefits will directly impact on the quality of life of those who need them, and for this reason, in addition to the previous argument, placing this subchapter here will help to make an easy shift to the next chapter (social control mechanisms).*

#### **Presumptions**

In order to effectively analyse how decentralization has influenced social services and benefits, we first need to relate to central institutions. They were all created during the EU pre-accession process, and the biggest pressure from the European Commission concerned child protection, where the most significant progress has been made.

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<sup>15</sup> “ICCV’s Social Report – 20 Years On: Options for Romania”, Romanian Academy, 2010, p.16

This has also led to some services being developed on the next decentralization level – the county level – where all the child and adult protection services are being concentrated and where areas like child protection, fight against violence or care for people with disabilities are developed through a series of institutions set up in the last 13 years. At the next level, the local one, where service development should entirely focus only on prevention in the above-mentioned areas, things are different.

An optimal functioning of the social protection system should be based on **unity and coherence, and the social services aiming at protection and prevention and social benefits should be complementary elements of social protection measures, provided with equity** at every decentralization level and most of all as close to beneficiaries – vulnerable groups, children in particular.

### *Findings*

As for social services, we must make the distinction between prevention services and protection services – the former placed under the responsibility of PSSA and the latter under the responsibility of GDSACP. The real effects of the findings from the other chapters are:

- **The poor development of local prevention services**, due mostly to the lack of all kinds of resources and to the **local incapacity to develop tailored services**;
- As a direct effect, **great pressure is exerted on county protection services as there is no local filtering**;
- **The blend of service types (prevention and protection)** at local and county levels (under legal provisions) makes it impossible to have a clear distinction between protection-related duties and prevention ones for the respective institutions;
- The county and local players are **implementing as well as developing social policies and social services in the absence of a real mechanism connecting decentralization levels** – local, county and national; and
- Finally, although this will be detailed in the social control chapter, we must say that **the coordination mechanisms, especially between GDSACP and PSSA, are currently quasi-inexistent**.

As for social benefits, apart from the two players mentioned above, there is a third one, CASB, which is the main social benefits manager and the field representative of NASB which makes the related payments, but not all of them<sup>16</sup> like we would have expected after the establishment of a “single” agency, but only some of them although most of them.

Consequently, in reality the duties are either concentrated within some institutions or overlapping between various institutions. In concrete terms, at local level, the benefit reception and monitoring process is entirely managed by PSSA or by the mayoralty.

CBS Programme experiences show that social assistance officers within mayoralties spend most of their time<sup>17</sup> on managing social benefits-related tasks (70% use more than half up to the entire time for such business) to the detriment of field work or service work.

On the other hand, at county level, the payment of various allowances is managed, according to on benefits and beneficiary categories, by several institutions through the duties assigned to GDSACP and CASB under the laws.

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<sup>16</sup> The disabled child-rearing allowance, Disabled child placement allowance, Monthly disabled child-rearing aid, Disability (HIV/AIDS included) living allowance for the child, Food allowance for a child with disability including HIV/AIDS, Payment allowance for the carer of severely sight-impaired adult and the Allowance and personal budget for the disabled adult are managed and paid by GDSACP, under Law 448/2006, GD 268/2007 and Order 432/2007.

<sup>17</sup> “Blueprint for Basic Social Services Development” – UNICEF CBS Programme, Magheru, 2009, p.16

## V.2. Financing and Financial Circuits

### Presumptions

One of the major aspects regarding social protection financing is the funding source. As regards setting up, improving, maintaining and developing social services or allocating funds for social benefit payment, **the budget source needs to be clearly and explicitly specified for each of these areas in order to avoid confusions or system dysfunctions.**

In parallel with the social service and benefit funding source, it is also necessary to explicitly mention the mechanism used for the funds to get where they are destined under legal provisions. So, **financial circuits offer financing coherence** to the social protection system, **eliminating, at least in theory, the risk of any potential bottlenecks.**

### Findings

As far as **social benefits** are concerned, **they are predominantly covered by state budget funds through MLFSP.** The Ministry approves the social budgets that are managed by NASB, which delegates authority to CASB for the effective management of social benefits at county level. The reverse mechanism (annual budgets for real needs) follows the same trend.

**Some social benefits are managed by GDSACP and paid from county budgets.** The benefits that are funded and managed this way are exclusively destined to the direct beneficiaries of the specialised protection system – children, families or persons with disabilities.

The whole process of managing access<sup>18</sup> to benefits takes place at local level through PSSA or the social assistance officer or directly through the mayoralty. This actually means that the interface between the allocated amounts and their beneficiaries is **PSSA**, which manages the **whole process** of identifying, monitoring and checking social benefit beneficiaries.

The social benefit management process works coherently between central and county levels based on the de-concentration principle (CASB is directly subordinate to NASB). The same goes for county and local levels, which can also be confirmed by field evidence on PSSA work. Generally, **the work of PSSA or of the social assistance officer, mainly in rural areas, is centred on managing the files related to social benefit access and payment.**

**The fact that this system actually functions does not mean that it functions efficiently:** we currently don't have data indicating that the benefits target the most vulnerable the best way possible or that they are corroborated with tailored social services. This should be identified through an impact analysis and through an analysis checking the way in which these entitlements were granted.

Another key element is the fact that **the funding source of these aids is the state budget** which annually sets the amounts needed to pay the benefits. In addition, as previously mentioned, the financial circuit is well explained which avoids (except on rare occasions<sup>19</sup>) benefit payment bottlenecks.

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<sup>18</sup> With the exception of the benefits managed by GDSACP, for which the Directorate is also in charge of managing the beneficiaries' effective access to benefits and entitlement provision.

<sup>19</sup> During CBS Programme field evaluations conducted in 2008 and in 2009, it came up on different occasions that due to the high number of welfare beneficiaries under Law 416/2001 on the minimum guaranteed income, sometimes state budget funds are insufficient to pay these all year round, for which reason some mayoralties make LC decisions to pay these aids during the cold season, "hoping" that during the warm season the beneficiaries can find work easier including day labour in agriculture.

However, we can't say the same about **social services**, especially that their diversity comes, on the one hand, from **their typology** (local responsibility for prevention services and county responsibility for protection services), and, on the other, from the fact that the **funding sources** are extremely diversified.

Although it plays a clear role in protection services, GDSACP often develops prevention services too thanks to the financial resources available and also due to legal inconsistencies. As to PSSA, prevention service development consists often solely in setting up day care centres mainly in urban areas. Thus, there is some **service development inequity, including a scarce county level contribution to local service development.**

Without clear allocations from the state budget, like in the case of social benefits, social services could be developed by **accessing sources like: local budgets or various projects.** Problems may arise in relation to both sources: local budgets may be reduced or may not include funds for social assistance or the capacity to write relevant projects may be underdeveloped or quasi-inexistent. We still have to mention that the state budget can provide full or partial funding to county and local governments. Another means of financing could be through: National Interest Programmes, state subsidies, including pilot projects, and the direct financing of the functioning and operation of subordinate institutions (in the case of de-concentrated entities).

At every decentralization level, "**other sources**" may be used, referring to own income, donations, sponsorship, etc. Even if funding sources seem numerous, in practice, state budget financing through clear and solid annual budgets remains the most reliable form of financing. Where this kind of resources are barely available, the funds needed to develop social services will most probably be missing as receiving funds depends on the skills to access them (through project proposals, various agreements) and on a real desire to develop social services.

## V.3. Social Protection Professionalization

### Presumptions

The human resources issues and typology is rather complex, all the more so as human resources specialized in social professions are needed in the social department to provide services and benefits rather than to make decisions.

In order to understand this complexity, the human resources approach needs to take into account at least three analysis components referring to: i) **clear description and definition of human resources**, ii) the functional setting, **organisational charts with explicit roles and responsibilities**, and, last but not least, iii) a needs-adapted **HR typology** supported by **professionals' ongoing upgrading**.

### Findings

Social protection professionalization refers directly to the term profession understood as “a permanent occupation that one exercises based on appropriate qualification; a wide set of theoretical knowledge and practical skills that define one’s training”<sup>20</sup>. Social protection professions are diverse, but in this case, the emphasis is placed more on professionals like social workers, psychologists, sociologists, in other words professionals who work more or less directly with the beneficiaries, at the bottom of the social protection system – the local level.

A first idea that comes out regards the **local professionals' role and responsibility overload**. This derives from the fact that each legal provision, regardless the area concerned, will “turn” to this local level human resource, which in most cases, in rural areas in particular, consists of only one person (the trends identified in other studies<sup>21</sup> show that the great majority of Romanian communes – over 65 per cent – have only one employee holding roles and duties in the area of social assistance).

**Social protection professionalization is, at the same time, conditioned by the allocated financial resources**, which in the case of local communities is once again poor. This is probably why there is no wonder that the legal provisions refer to specialized professionals at the level of county services and to social assistance officers at the level of local services. This results in the **poor quality of human resources at local level** due to **professionals' under-specialization**, as opposed to county or national levels<sup>22</sup>.

Finally, a defining element of social protection professionalization is the organisational framework. This reflects in the **organisational charts of social protection institutions** which, as shown in the legal analysis, tend to be **well-defined and with explicit roles and responsibilities at central level, whereas at county and local levels they are replaced by framework rules with overly generic roles**.

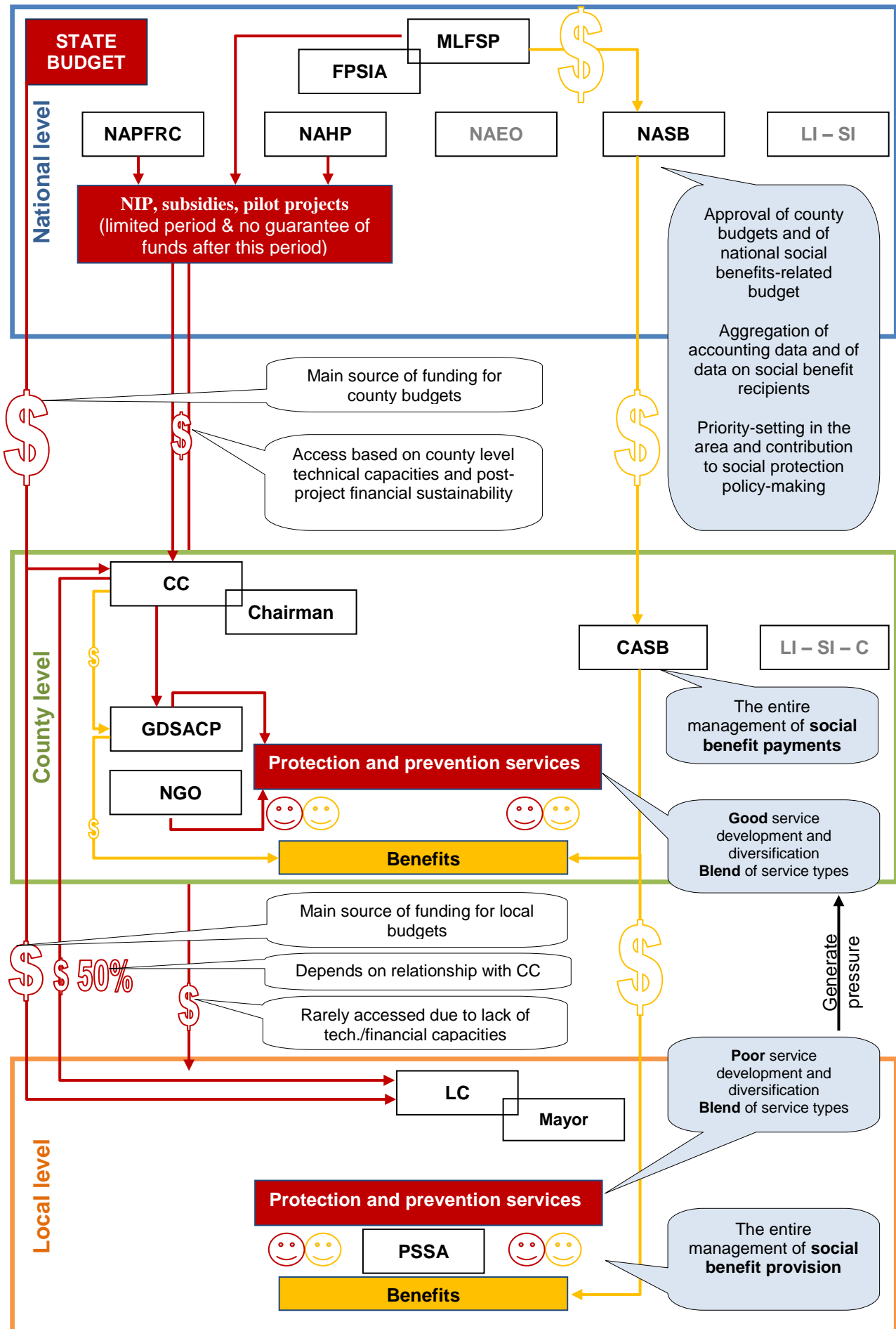
In addition, we notice that **GDSACP organisational charts**, drawn up and approved by every CC, **are quite diversified** compared to, for example, the organisational charts of de-concentrated institutions which are uniform. As regards **PSSA organisational charts**, the ones from towns and municipal cities follow relatively the same rules as GDSACP, but in rural areas, the **term organisational chart itself is unsuitable**, as they often refer to just one person.

<sup>20</sup> <http://www.dictionar.ro/dex/dex-profesie>

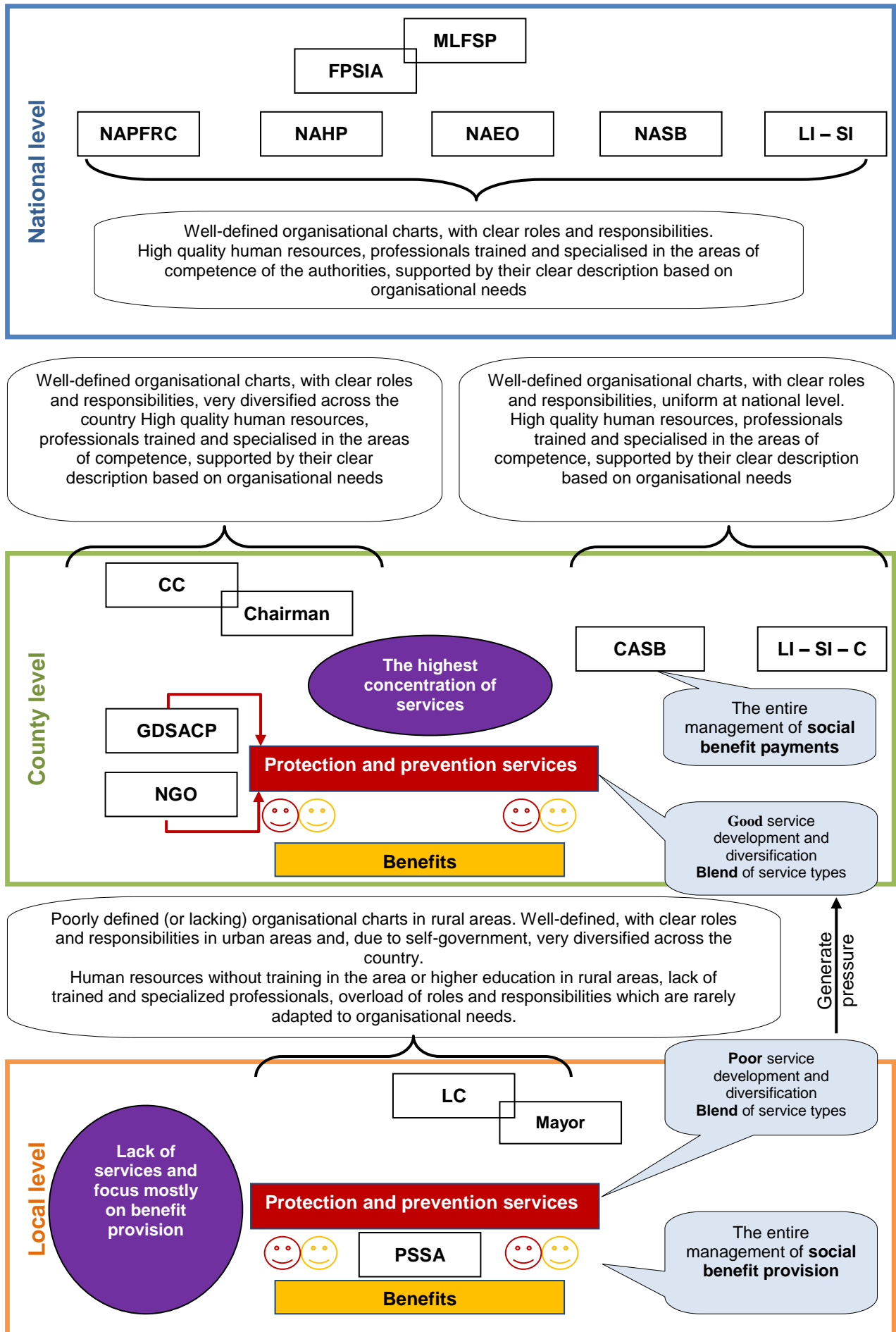
<sup>21</sup> “Identified Practices in the Area of Child Abuse, Neglect and Child Labour Prevention at PSSA”, USAID, ChildNet, MLFEO, authors: Ștefan & Daniela Cojocaru, 2007. p. 88.

<sup>22</sup> Ibid. 72.83% of the human resources involved in local prevention work don't hold higher education degrees in social work.

### V.4. Chart of Financial Resources Allocated to Social Protection



## V.5. Chart of Human Resources Allocated to Social Protection



## VI. Social Control Mechanisms

As we have said in the very beginning of this report, social control mechanisms are those that regulate the functioning of the social protection system. Either mechanisms meant to ensure the optimal system functioning – such as mechanisms targeting quality improvement through monitoring, evaluation, control and inspection –, or mechanisms contributing to system coherence – such as mechanisms ensuring the system players’ right degree of authority and responsibility/accountability –, social control mechanisms contribute to a higher system effectiveness and efficiency.

To make the analysis easier, we opted for a three-step approach illustrating pairs of regulatory functions in the social protection system. In addition to this, it is important to keep in mind that the multitude of cases and interdependences specific to the social protection system makes the great part of this report more theoretical, while the effective interrelations are embedded in specific charts and in a separate findings subchapter:

- i. Process tracking through monitoring, followed by evaluation;
- ii. Exercising check and control functions, supported by inspection;
- iii. Structuring authority schemes and expressing responsibility/accountability.

### VI.1. Monitoring versus Evaluation

Monitoring<sup>23</sup> refers to tracking either i) the change or lack of change of a condition or set of conditions – in which case, we are dealing with **situational monitoring**, or to ii) the measurement of progress against results – in which case we are dealing with **performance monitoring**. Monitoring processes are usually prior to the evaluation stage and they don’t aim at setting the value of an intervention, but rather the stage it is in.

Evaluation<sup>24</sup> concerns the exercise establishing, as objectively and systematically as possible, the **value or the purpose of an intervention, strategy or policy**. In order to do so, it relies on a series of criteria meant to make reliable, on the one hand, and, objective, on the other.

We can identify several types of monitoring, based on the level on which it is conducted and on the area in which it is run. The level on which the monitoring is conducted indicates the players involved, while the area in which it is run indicates the types of actions needed to ensure a coherent monitoring process. All these are showcased in the table below:

Level		Area
<b>Central</b>	Ministry and authorities Central commissions	Central coordination of the monitoring process of overall strategies and policies (social work, inclusion, at the level of ministry) and special ones (child and family protection, protection of persons with disabilities, etc. at the level of authorities).
<b>County</b>	County council GDSACP CASB/SI County commissions	Monitoring of compliance with quality standards Monitoring of the respect for the principles and rights stipulated by law Monitoring of the application of key measures at county level Monitoring of service and social benefit provision
<b>Local</b>	Local Council Mayorality PSSA	Monitoring of compliance with quality standards Monitoring of the respect for the principles and rights stipulated by law Monitoring of the application of key measures at local level Monitoring of all activities directly linked to services and social benefits

<sup>23</sup> According to UNICEF’s “Programme Policy and Procedure Manual”, February edition, 2007.

<sup>24</sup> Ibid.

To avoid any confusion when reading the table, we must mention that the “area” elements stand for the duties of only some “level” institutions, more exactly:

- The county council does not monitor quality standards or benefit provision activities;
- The benefits are monitored by CASB;
- The overall quality standards used to be monitored under Order 383/2005 approving the overall quality standards for social services and methods of evaluation of their respect by providers, labour and social protection departments;
- In principle, this duty has been passed on to CASB, but this has not been clearly prescribed in GD 1285/2008;
- Hence, GDSACP does not monitor the overall quality standards either, only specific ones;
- In addition, GDSACP does not monitor benefits;
- Commissions do not monitor benefits or quality standards.

The same thing applies to local level:

- The mayoralty does not monitor quality standards or benefits provision;
- The benefits are monitored by CASB;
- PSSA does not monitor the overall quality standards either, only specific ones;
- In addition, PSSA does not monitor benefits.

As concerns evaluation activities, things are similar to monitoring, with the difference that evaluation is also the first step of social inspection, carried out mainly through the Social Inspection agency. Evaluation methodologies are approved on each level and area via various legal acts, mostly government decisions and ministerial orders. Evaluation implies the existence of more complex means, tools and procedures than monitoring.

Besides the evaluation of the activities run by some institutions (including strategy and policy evaluation), a great part of the evaluation process refers to service beneficiaries and social benefit recipients, and it is achieved by assessing how many of their needs are met.

## ***VI.2. Control versus Inspection***

According to MLFSP and Social Inspection<sup>25</sup>, control “checks the social rights of citizens and relevant legal provisions, the way benefits, social services and social assistance funds are provided, administered and managed, and provider performance and social service quality”.

Control functions are not exclusively fulfilled by Social Inspection, but also by all the bodies involved in social protection activities, through internal control processes and through regulatory mechanisms specific to institutional subordination. What is interesting when analysing control mechanisms is the extent to which institutions can be controlled by other institutions to which they are not subordinate.

Another major aspect that should be mentioned about control is that it is just an inspection process stage. More exactly, in order to run a real inspection process in the social department, we need i) relevant **control** to check the compliance with various provisions, ii) relevant **evaluation** diagnosing a situation and capable at the same time to suggest, through iii) **counselling**, recommendations for improvement

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<sup>25</sup> <http://www.inspectiasociala.ro/media/pdf/plan-7-1.pdf>

### **VI.3. Authority versus Responsibility and Accountability**

It is necessary to go back<sup>26</sup> to the topic of authority understood as legitimacy acceptance, not only because various social protection fields in Romania are managed by central “authorities”, but also because their authority is not always fully accepted, which entails authority vacuums. All these impact on the institutional responsibility schemes, which should reflect acceptance and bear the consequences of different actions, especially in accountability schemes, which relate directly to the legitimate and official nature of duties.

It results that both monitoring and evaluation, and control and inspection will be carried out or achieved in an optimal manner only if authority, responsibility and accountability schemes are functional and coherent. Consequently, we identify several situations:

- Internal and external monitoring should be run with accountability and responsibility;
- Evaluation should follow the same trend, but it also needs the authority of outside players in that area for it to be effective and objective;
- Control and inspection need the authority of the one who is exercising them, and the recommendations they suggest will be implemented only if the right responsibility and accountability framework is in place.

### **VI.4. Main Findings**

#### **Findings about monitoring mechanisms**

Of all social control mechanisms, the monitoring ones seem to be the most complex, both within the same level and between the three levels of decentralization. One of the reasons for this could be related to the lack of major implications (in terms of effects) of monitoring as long as reporting information without much accountability can be done without any hindrance.

As concerns **top-down decentralization**, the central level, more precisely the competent authorities in the respective areas, monitors **quality standards, principles and rights stipulated by law and social service provision as well as variations in the number of benefit recipients or types of services in order to draw up relevant policies.**

The authority of these central bodies is rather informally acknowledged as county institutions are not responsible in any way to them.

Going local, things are pretty much the same, but we can also spot the local government’s “non-accountability” to the county level, even if GDSACP should be a methodological forum and the coordinator of the prevention services implemented by PSSA.

In terms of **de-concentration**, things are much simpler as the county institutions are directly subordinate to and implicitly accept the higher authority to which they are responsible. Although at local level PSSA reports directly the way in which benefits are being managed, it is not subordinate in any way to county institutions, but it is responsible of the way in which the filed related to social benefit access are being managed.

Monitoring **lateral decentralization** is however much more complex. GDSACP receives accreditation from CASB as service provider, which means that the CASB authority in the area is recognised (just like in the case of DLSP).

This is not true when it comes to CASB duties in the area of social inclusion, where GDSACP also plays a role especially as local social strategy and policy maker, which entails the poor

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<sup>26</sup> Already tackled in the institutional construction chapter

acceptance of CASB authority in the area all the more so as the institution itself should be mandated to handle only social benefits.

At local level, even if CASB does not have a local correspondent, we notice that PSSA is subject to CASB monitoring for its accreditation as service provider and as a service that is directly in charge of identifying and providing entitlements to social benefit recipients. Similar to the case of GDSACP at county level, CASB authority in the area of inclusion cannot be recognised as long as the mayor and PSSA are local social strategy makers and implementing structures.

### ***Findings about evaluation mechanisms***

Social protection legislation often makes reference to **beneficiaries' evaluation** – either to the effective evaluation of their conditions, in which case the references are so as to regulate the work of the professionals' dealing directly with beneficiaries, or to (complex) evaluation services, absolutely crucial for coherent social services.

On the other hand, references to **evaluation**, in terms of “determination of the worth of events, phenomena, processes, by relating the status quo to a set of criteria (standards) used as benchmark and scoring them based on their concordance with the latter”<sup>27</sup>, are fewer and they are usually mere terms **of a sequence including monitoring and control**.

Given the fact that internal evaluation is less relevant for this analysis, we could identify several types of interaction in the evaluation of social protection system, which can be found between levels and within the same level of decentralization.

Certain legal inconsistencies<sup>28</sup> confer the role of “evaluator” both to central and county authorities, creating **overlaps and redundancy**. Such an example can be found in the area of social services and service provision, where NAPRC (which has become NAPFRC and more recently a directorate within MLFSP) as methodological forum plays the role of evaluator just like CASB, which grants accreditation to providers through county commissions.

Nevertheless, these overlaps are not only vertical. Horizontally, at county level for example, both SI and CASB have the role to evaluate if social services comply with quality standards. Moreover, the social inclusion commission within the prefecture, which theoretically has a clear role at county level – to evaluate the application of social inclusion measures –, is practically partially functional as it does not hold enough authority and evaluation tools or legal personality to have a real impact.

The county level also features commissions in charge of direct beneficiary evaluations: as regards children and protection measures – The Child Protection Commission, as regards persons with disabilities – The Disabled Person Evaluation Commission (both under CC), and as regards social mediation – The Social Mediation Commission within CASB (which used to be part of the social dialogue departments).

The player with the clearest evaluation duties remains SI, but as concerns both social services (as previously seen) and benefits (duties shared with CASB), SI runs evaluation activities that overlap with those of other institutions.

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<sup>27</sup> <http://www.dictsociologie.netfirms.com/E/Termeni/evaluare.htm>

<sup>28</sup> For more details, see “Legal Analysis of Social Assistance in Local Communities”, T. Coman, UNICEF, 2009. Law 705/2001 abrogated by Law 47/2006, both regarding the national social assistance system and the laws on NAPRC, NASB, etc. In addition, we should mention that the inconsistencies have to do with the fact that the legislation features certain parallelisms, overlaps, redundancies, and legal vacuums, but neither real term contradictions, nor legal technical errors were found in legal provisions.

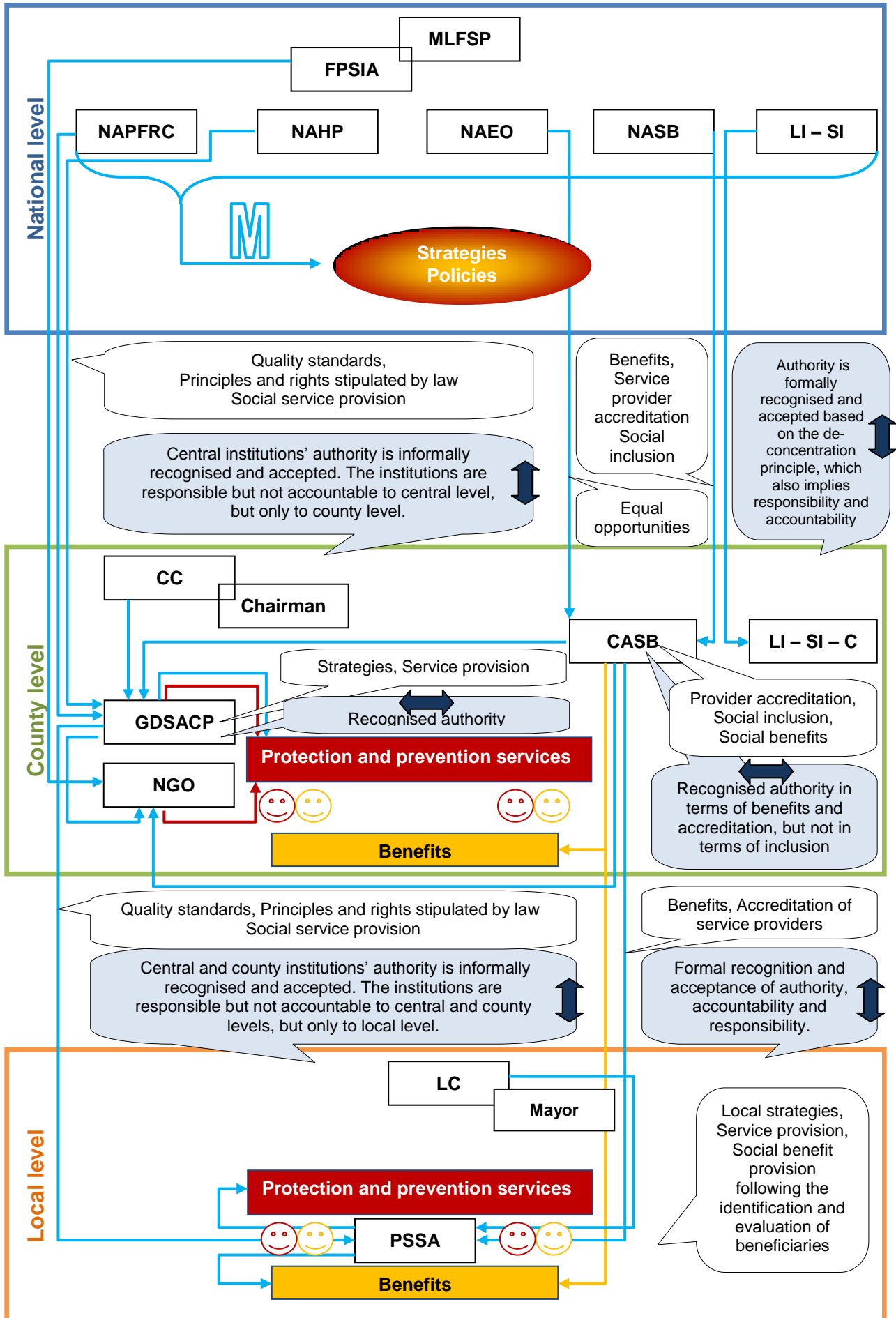
## ***Findings about control and inspection mechanisms***

As far as control and inspection are concerned, things are obviously easier. On the one hand, control is a strong internal feature – which is absolutely essential to any institution. In addition, institutional control may be run by appropriately recognised institutions, but the nature of control itself does not fall within the interest of this document (e.g. sanitary, financial control, etc.).

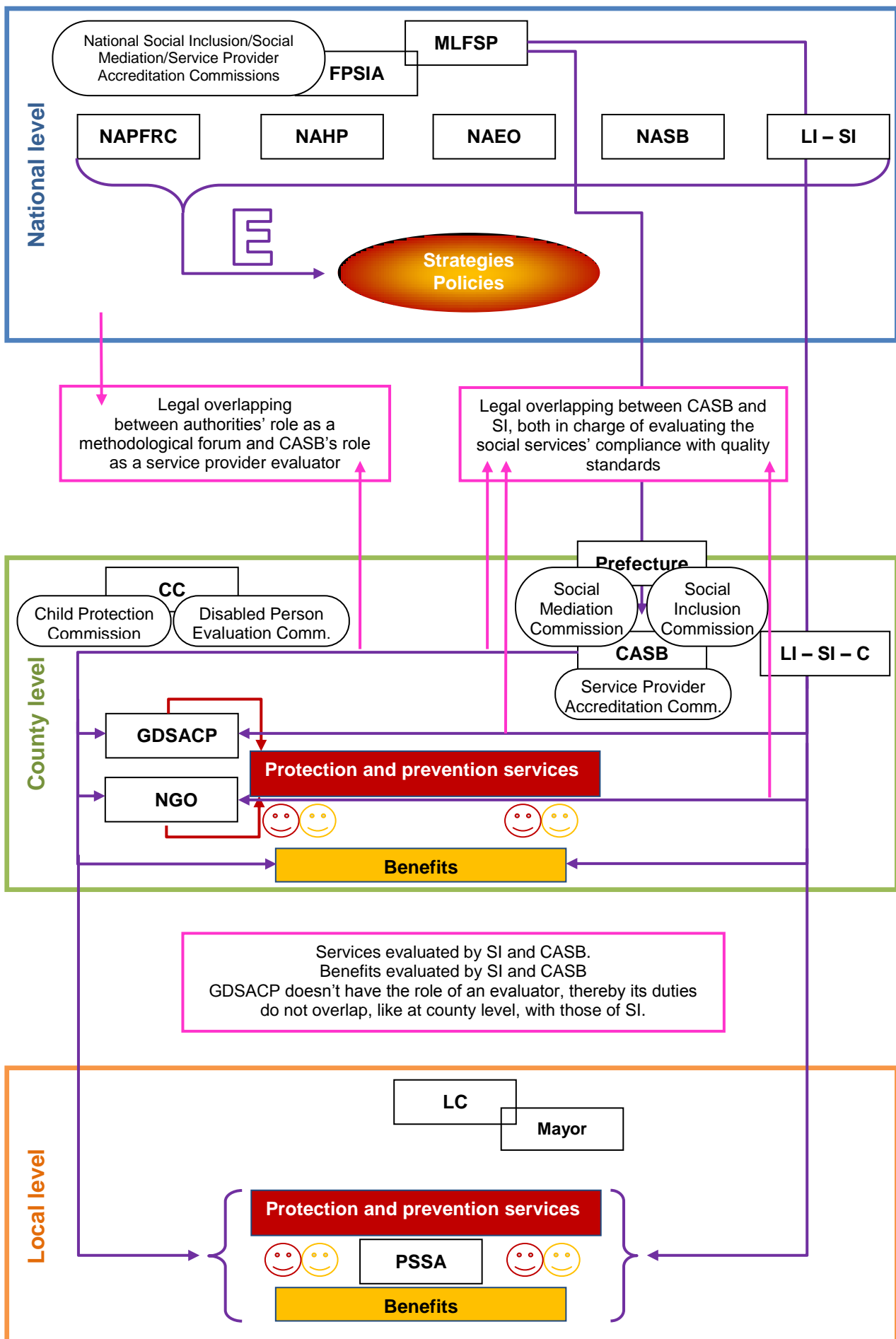
As for inspection or the work relating to control, evaluation and counselling, a single institution is allowed to do it, namely SI. This runs the inspection of services, service providers, benefits and benefit providers, thereby holding a comprehensive social protection mandate. Many things could be said on the work of this institution in relation to other institutions and to the effects of post-inspection recommendations:

- At county and local levels, decision makers (county council chairman and the mayor, respectively) hold inspection duties. This is in our opinion a purely **semantic overlapping**, especially that their duties concern social control rather than effective inspection;
- Although it does not apply direct sanctions, SI has the role to **establish infringements and to notify competent authorities** in order to solve the problems. In some cases, SI does have the possibility to apply sanctions stipulated by law in the area of benefit inspection, although the provisions stipulated by law are not mentioned at all;
- Hence, SI seems to hold the mechanisms needed to ensure effective social control and it seems to be the institution benefiting from the most explicit legal provisions in the area of social protection;
- Nonetheless, considering the inconsistencies mentioned at the beginning of the chapter on players, it is difficult to accept, for example, the fact that SI could sanction a local entity for non-compliance with quality standards when that entity is financially dependent on an authority that does not have the resources needed to comply with the required standards. As a result, the institutional incongruity may be remedied/addressed by social inspection.

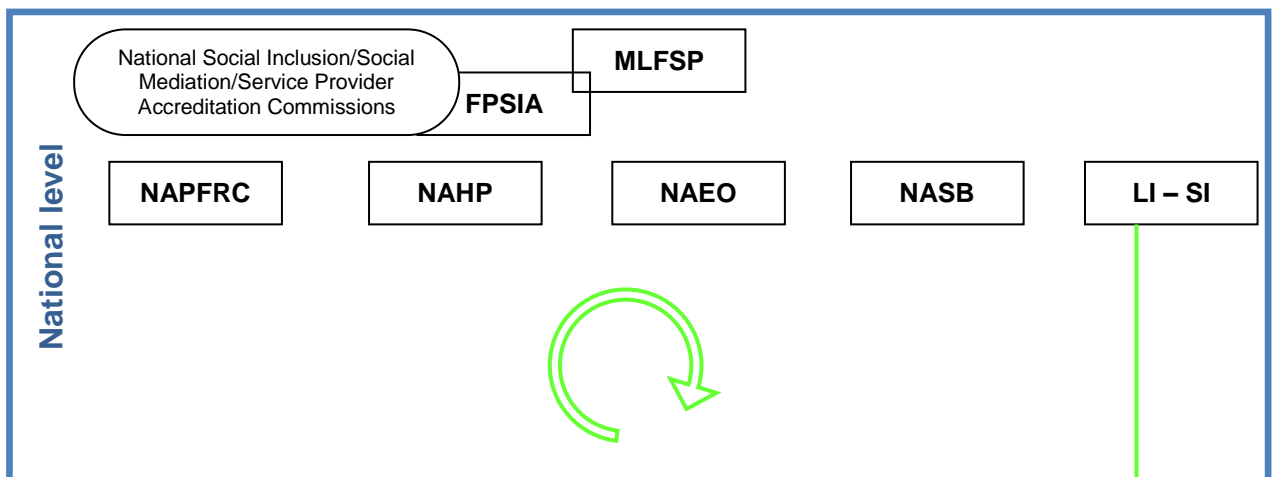
## VI.5. Social Control Chart – Monitoring



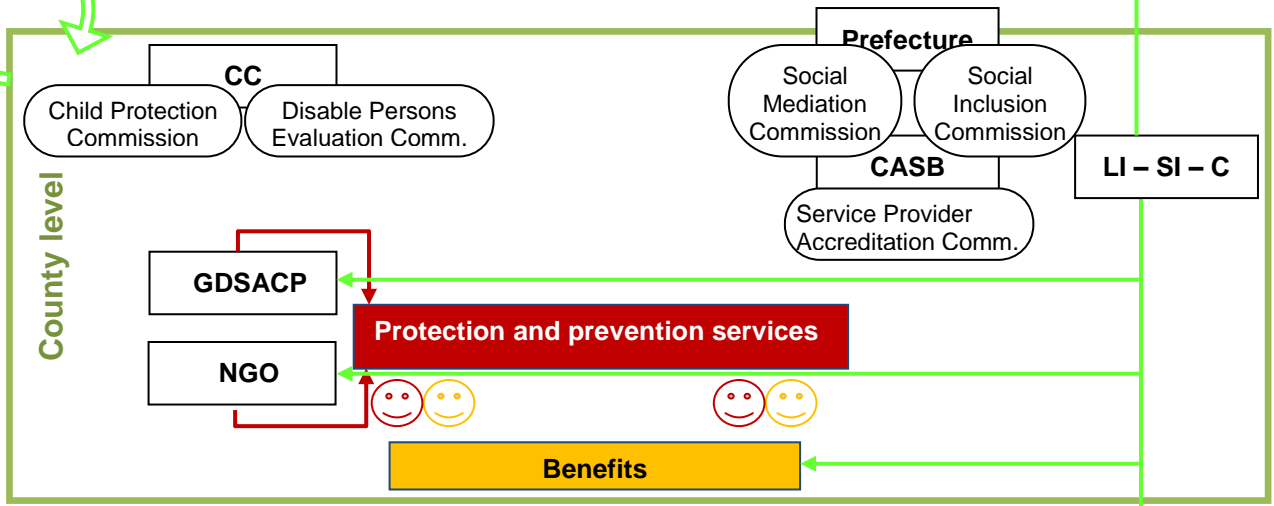
## VI.6. Social Control Chart – Evaluation



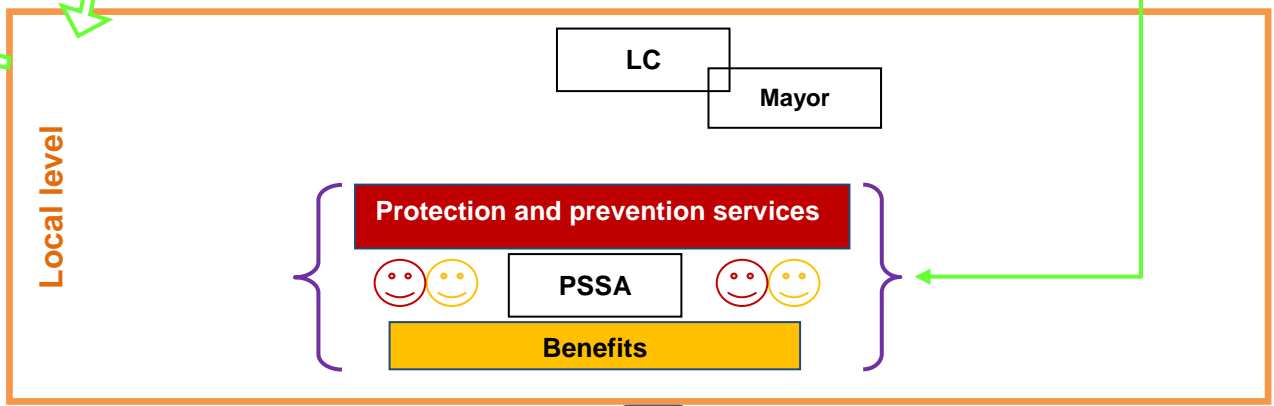
## VI.7. Social Control Chart – Control and Inspection



SI's formal authority recognised by county institutions. Apparently confusing terminology as the CC chairman also runs inspections on social services (specific to internal control). Mechanisms in place to ensure the application of inspection recommendations in almost all areas, less so with regard to institutional incongruity.



SI's formal authority recognised by local institutions. Apparently confusing terminology as the Mayor also runs inspections on social services. Mechanisms in place to ensure the application of inspection recommendations in almost all areas, less so with regard to institutional incongruity.



## VII. Conclusions and Recommendations

This report didn't aim at running a negative criticism on the social protection system in Romania, but at identifying some shortcomings and dysfunctions that we believe could improve.

These findings are influenced also by the latest legal amendments, especially those induced by the economic and financial crisis and the austerity/reform measures<sup>29</sup> taken by the Government of Romania, in particular the readjustment and makeover of some public government institutions. These changes are underway, which means that they might not reflect in this document. This is another argument in favour of focusing on **overall principles**, even if some aspects would deserve a more detailed approach.

Generally, this report wants to shed some light mainly on **local issues**, as the social protection system appears to be most **vulnerable** at local level due to certain legal provisions, to some conditionality regarding institutional construction, to resource allocation, and to regulatory mechanisms – monitoring, evaluation and inspection in particular.

Basic social services, individually and as social protection component alongside benefits, are directly influenced by the conditionality mentioned throughout this entire report, and, as they are the closest to beneficiaries, they should get the spotlight when trying to improve the social protection system.

### VII.1. A More Effective Social Protection Reform

This report reflects the dysfunctions and shortcomings on all four levels of analysis. Generally, they could schematically be presented as follows:

#### **Legal provisions:**

- A complex institutional framework, featuring great density and specialization at central level as opposed to (very) few specialized institutions at local level;
- The coordinating and regulating roles are concentrated at central government level, while the implementation of services and social benefits are assigned to local institutions;
- Funding sources, including their dimension, are clearly explained at central level – the reliable state budget –, whereas locally the funding source and dimension depend on uncertain local budgets;
- The human resources are specialized and organisational charts are explicit at central level, whereas locally, especially in rural areas, organisational charts are quasi-inexistent, too different at county level and the human resources under-trained;
- The institutional responsibility is poor, inter-institutional relationships are not regulated, and regulatory mechanisms are fragile, especially because of the fact that the positive and negative sanction system is also quasi-inexistent.

#### **Main social protection players:**

- The roles and responsibilities are segregated on each level of decentralization, but it lacks a harmonising vision or authority to facilitate lateral cooperation. There are role overlaps with regard to monitoring and evaluation mechanisms, social policy and social inclusion duties;
- The vertical inter-institutional cooperation mechanisms are coherent in the area of de-concentration, but they place a great burden in terms of roles and responsibilities on the shoulders of PSSA in the area of decentralization;

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<sup>29</sup> The package of reforms in administration, pensions, salary policy, education <http://www.gov.ro>

- The authority and decision-making power are the basic ingredients of ensuring good interrelations and this works coherently in the area of social inspection and benefits, but not in that of social services, especially as concerns child and family services.

### **Resources allocated to social protection**

- At local level, we notice the lack of social services or their very poor development, as well as low capacities, thereby exerting a greater pressure on county protection services;
- Moreover, the duties for protection and prevention service development, although theoretically separate, are equally shared by county and local institutions;
- The most coherent and best working financing dimension regards social benefits where the source is clear and explicit. As to social services, their financing is less coherent and even completely missing in the area of prevention. Local budgets are called upon for financing as reduced as they may be, while the local capacities to access other funds, like social projects, are underdeveloped;
- Local government features lack of professionals, scarce resources, poor professionalization and lack of organisational charts, mainly in rural areas. County government features more diverse organizational charts, while central institutions have trained and specialized professionals and explicit organizational charts.

### **Social control mechanisms**

- Monitoring and evaluation concerns quality standards, governing principles and citizens' rights as well as social service provision. The report findings reveal a greater focus on monitoring, more in de-concentrated entities and less in decentralized ones. Efforts most often go towards monitoring to the detriment of evaluation;
- Control is rather internal and rarely perceived as part of the inspection process alongside counselling. Social inspection has a clear mandate in quality evaluation (e.g. of social services) but it is unable to address systemic dysfunctions;
- Vertical and lateral lines of authority are not very clear. Accountability remains an informal feature or attribute of institutions as long as there is no regulatory mechanism of positive and negative sanctions.

In April 2010, the Ministry of Labour, Family and Social Protection drew up a note<sup>30</sup> on efficient social spending, which aims at:

- Drawing up the Social Assistance Code to establish principles, forms of organisation and the structure of benefits and social work services;
- Reviewing the social benefit system by targeting the most vulnerable, families with children, and reviewing the welfare programme ensuring the minimum guaranteed income;
- Setting the framework for effective and efficient distribution of financial and human resources in the social assistance system.

The way in which UNICEF seeks to help to address the systemic shortcomings identified in this report is mainly by offering technical expertise as regards:

- ***Efficient and equitable distribution of resources, standardization of social services and related costs, training of human resources suitable in numbers and quality;***
- ***More coherent institutional framework through standardization of GDSACP organisational charts and clearly specified links between them and PSSA;***
- ***Increased institutional capacities to develop effective and efficient local social services tailored to the real needs of the population, mostly of the most vulnerable;***
- ***Articulation of the child's best interests into legal provisions and development of the minimum package of basic social services guaranteed by the State.***

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<sup>30</sup> MLFSP, Minister's Cabinet, Note on the Reduction of Social Spending through Better Targeting Social Assistance Beneficiaries, No 2088 of 20 April 2010.

## VII.2. Improving the Quality and Efficiency of Basic Social Services

Apart from interests in the formulation of the Social Assistance Code, UNICEF is also interested in scaling up some already tested practices that showed good results at the recent successive evaluations. This can be done through the appropriate use of structural funds.

Consequently, the results of the field experiences from the CBS – Community-Based Services Programme will be made available to national stakeholders, with the aim of scaling up (as number of counties and as number of communities within these counties) the methodology and principles applied in this programme.

Aiming at improving the quality and efficiency of public social service provision, with a focus on decentralization, the project starts from the premise that basic social services – social assistance, education and/or health – need to be coherently, effectively and efficiently developed at community level so that the most vulnerable social groups, especially families with children, can access them equitably.

As means identified by UNICEF to help to address the systemic shortcomings described in this report and as guiding principles for accessing structural funds targeting the most vulnerable, the quality and efficiency improvement of basic social services through CBS Programme experiences is based on:

- ***The relevant and evidence-based design of the minimum package of basic social services that the State must provide at community level;***
- ***Increased institutional capacities to develop services that meet local needs, using reliable data on the most vulnerable groups at community level and professionals who are aware or made aware of the issues specific to the locations where they work;***
- ***Improvement of institutional cooperation and collaboration mechanisms, both laterally (between same-level decentralized authorities) and vertically (between authorities from different decentralization areas and levels);***
- ***Increased local accountability and sense of ownership and responsibility;***
- ***Complementary actions to those from associated areas (UNICEF's "The Future Starts at School" is a good example of two types of actions that are convergent, and provide mutual supportive and strength).***

## VII.3. Examples of Actions

### ***Minimum package of basic social services***

Regardless the approach – relating to rights, target group, types of risks, their degree of intensity, etc. –, we need to talk about a minimum package of basic social services for at least one reason: the need to **uniformly and equitably ensure**, across the country, a **minimum amount** of social protection to every potentially vulnerable group.

This chapter will not argue for an approach or another as the debate stays open and the relevant stakeholders will soon take action to effectively debate on the **need to set a minimum package of basic social services**. This chapter will illustrate however some steps that have already been taken, on a conceptual and a practical level, in order to expand the scope and to offer highly diversified examples that can later feed into relevant decisions.

We need to mention that, when analysing the functionality of the minimum package from a conceptual perspective<sup>31</sup> and a practical one<sup>32</sup>, some of the issues brought forth in this report have been identified, though partially. Despite the fact that, in terms of resources<sup>33</sup>, these interventions received project-specific financial support (different from the one normally available in the respective communities/situations), they should be taken into account for several reasons:

- The lessons learnt in these projects could serve actions meant to bring about legal changes with the final purpose of improving them;
- Rendering institutional construction more dynamic and increasing the role of some informal institutions comes to complete the scheme needed to improve social protection entities;
- The best use of existing local resources, supported by professionals’ training in the field may be one of the complementary approaches that can enhance resources;
- Implementation of local mechanisms to identify, monitor and evaluate, vulnerable groups in particular, can serve as a starting point for drafting a national model.

***Practical approach – the minimum service package of the CBS Programme<sup>34</sup>***

The CBS programme-specific services are social assistance prevention services which, according to the definitions given at the beginning of this report, are not the only basic social services. Some principles however are worth considering as they address some of the systemic issues previously mentioned and can ease improvement efforts later on.

Largely, the prevention service package specific to the CBS Programme proposes: i) Identification, monitoring and evaluation as elements of the “functional” dimension of prevention services, ii) Reporting and referral as elements “linking” or “relating” the functional dimension to effective service provision<sup>35</sup>, and iii) Information, training, counselling, support and accompaniment as elements of “effective service provision”.

The interest in such a package, from the perspective of this report, arises from the fact that it offers possible scenarios for addressing the issues identified in the social protection analysis:

**a) Improved real actions:**

- Measured efforts and real adjustment to needs;
- Draw up relevant local social policies;
- Efficient use of resources and increased opportunities for accessing new ones;
- Increased local capacities to act;
- Contribution to a more efficient monitoring and evaluation system;

**b) Legal improvements:**

- Institutional articulation, including the clear role of informal structures;
- HR training;
- Resources efficiently directed to the needs;
- Building up a national monitoring mechanism, including rights monitoring.



<sup>31</sup> Working groups have recently been set up to tackle this issue.  
<sup>32</sup> The projects implemented in recent years have been the subject of successive evaluations followed by transformation and readjustment.  
<sup>33</sup> This has been mentioned because any reform or change will have to stand the “test of potentially additional costs”, which is difficult to handle especially in times of recession, although it mainly seeks to render the social protection system more efficient, and the reorganisation costs will pay off in time through the implementation of cost-efficient services adapted to realities on the ground.  
<sup>34</sup> See the documents “Guidelines to Basic Social Service Development” – UNICEF’s CBS Programme, November 2009 and “The Position Paper on Prevention Policy Development”, January 2010.  
<sup>35</sup> Referral is also made to protection services which are not included in the following category in order to keep the distinction between local prevention services and county protection services.

## **Complementary, including theoretical, approach of minimum service package**

The minimum service package of the CBS Programme focuses on social assistance services. A minimum of basic social services should also consider education and health in order to fulfil the rights to development, but this will be later addressed when the analysis will extend to these sectors.

Considering that the “minimum package of basic social services” is directly linked to the entire social protection system, it has to meet some needs as regards the fulfilment of essential (child) social protection functions: i) Prevention of the risk of separation, violence and exploitation, ii) Family support and early interventions, iii) Administration of justice and of the gate-keeping mechanism<sup>36</sup> for protection services, iv) Detection and reporting, including cross-sectorally: police, school, health unit, guardianship agencies, etc., and v) Respond to the need for effective protection through tailored protection services and reintegration, according to possibilities.

The interest in such an approach is that it includes both the rights perspective (the rights of the child in particular, and human rights in general) and the social protection perspective, namely its complementarity with the other social protection elements, such as social insurance and social benefits:

### **a) Rights perspective:**

- Right to grow in a family, (art.9)
- Right to best possible education, (art.28)
- Right to good health, (art.24)
- Right to a standard of living allowing for his/her physical, mental, spiritual, moral and social development (art.27).
- Right to social assistance/insurance, (art.26)
- Right to rest and holidays. (art.31)

### **b) Social protection perspective:**

- Correlation with the social insurance system, including health insurance, life insurance or employees' social insurance;
- Correlation with the social benefit system, comprised of support or recovery allowances, financial and/or material aid, one-off aids, vouchers.

## **The UN Social Protection Floor**

The idea of a social protection floor was launched on April 2009 at the meeting of the UN Chief Executives Board<sup>37</sup> as the response of the UN System to the impact of the global financial crisis. It comprises nine initiatives:

1. Additional financing for most vulnerable;
2. Food Security;
3. Trade;
4. A Green Economy Initiative;
5. A Global Jobs Pact,
- 6. A Social Protection Floor;**
7. Humanitarian, security and social stability;
8. Technology and innovation;
9. Monitoring and analysis.

In principle, the Social Protection Floor initiative (SPF) promotes universal access to essential services and financial-social transfers/allocations. Having these specifics, while contributing to social justice and economic development, it also promotes an extremely beneficial principle for the society as a whole: not only it prevents needy and vulnerable people from falling further into poverty, but it also limits the contraction of aggregate demand thereby curtailing the potential depth of the recession.

<sup>36</sup> Which allows the inclusion into protection services only after efforts have not been put in to prevent separation.

<sup>37</sup> <http://www.socialsecurityextension.org/gimi/gess/ResShowResource.do?resourceId=12603>

Given the crisis environment in which the SPF initiative was born, it is important to say that social security benefits and public services (social assistance, education, health) act as social, health and economic stabilizers, mitigating the potential economic and social depth of the recession, by avoiding poverty, ensuring continuity of services and stabilization of the aggregate demand.

Hence, a social protection floor could consist of two main elements that help to realize human rights:

- a) **Essential services:** ensuring the availability, continuity and access to public services (water, sanitation, health, education, family-centred social assistance), and
- b) **Social transfers:** a series of basic social benefits, in cash and in kind, paid to poor and vulnerable populations to provide a minimum income security and to facilitate access to essential services, in particular social assistance, education and health care.

Based on the overall principles above and corroborated with the findings and recommendations from the minimum service package subchapter, keeping in mind that each country has different and specific needs, development goals and fiscal capacity to achieve them and that it will choose a different set of policies to address local issues, the following 8 steps are suggested for SPF implementation.

1. Identify key stakeholders/institutions responsible at national level;
2. Setting up of national SPF task forces, composed by representatives of governments, social partners and other stakeholders, and supported by UN SPF teams;
3. Raise awareness (political will – integrate SPF in national, regional and global planning processes);
4. SPF current situation mapping (status quo);
5. Identify viable policy options and recommendations for real progress;
6. Evaluate the impact and costs of policy options versus status quo and identify financing sources and priorities;
7. Implement a monitoring, evaluation and reporting mechanism;
8. Identify the technical and financial support needed to increase capacities.