
Monitoring and auditing of child welfare facilities



Advancing children's wellbeing in alternative care



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Increased investment in monitoring and auditing of child welfare facilities

Monitoring is an important component of national child welfare and alternative care policies as it aims to ensure that national child welfare laws and regulations are implemented and followed up in practice. Monitoring contributes therefore to promoting children's wellbeing in alternative care. Clearly defined procedures and institutional responsibilities are necessary to ensure that the monitoring of child welfare facilities makes a meaningful contribution to the continued development of child welfare services, including alternative care facilities. The political attention to the rights and needs of children in alternative care and child welfare services in the Baltic Sea Region is high. There is currently also an increased awareness of the importance of investing in monitoring and auditing of child welfare services and facilities for the benefit of children.

AudTrain is the name of a programme developed by the Council of the Baltic Sea States, which applies a child rights and a system-based auditing methodology in child welfare facilities. The methodology and auditing model was first developed and used in Norway and later introduced in the Baltic Sea region. While the Council of the Baltic Sea States Secretariat has a long-standing history of promoting the auditing of child welfare services and facilities in the region, it formally initiated the AudTrain programme in 2011. In 2015, the programme was revitalised with national partners and practitioners in order to continue strengthening professional capacities and promoting a standardised method for monitoring child welfare facilities.

The monitoring process of AudTrain starts with listening to the children in the child welfare facility and continues with a system-based audit of the facility. AudTrain guides auditing teams in assessing how the relevant national laws and regulations are translated into practice in the day-to-day work of the child welfare facility and to which extent the internal procedures and activities are in compliance with the national law. The audit is carried out in cooperation with the staff and management of the facility and is informed by the children staying at the facility. At the end of the process, the auditors discuss the findings with the management and staff of the facility with a view to improve the practice. In the context of the AudTrain programme, auditing tools have been developed, tested and refined and professionals have been systematically trained in the Baltic Sea Region and beyond.

Professionals making a difference for children in alternative care

The rights of children in alternative care are safeguarded under international and national law. In practice, there are however many challenges for children in care as well as for professionals and officials working with the children and their families. It can, for instance, be difficult for child welfare facilities to ensure that the individual situation and story of a child is fully understood and that the services are tailor-made to the needs of each child. The quality of the services provided at a child welfare facility can be improved if children are engaged in a meaningful way and participate in decision-making processes concerning their situations and placements.

Certain groups of children might struggle more than others to have their specific needs understood and addressed in alternative care. They might include children with disabilities, children belonging to minority groups including sexual minorities and children having an immigration background. Children may also experience disruptions when they are moved to other facilities without due consideration to their best interests, views and needs.

These challenges can be remediated by the staff and management of child welfare facilities who are committed to the rights and needs of children in care and who have appropriate qualifications and skills to promote their best interests. An essential qualification for professionals working with children in alternative care are communication skills in talking with children, even on difficult and sensitive themes, and knowing how to take the views of the children into account in a meaningful way. Complaints mechanisms offer an important safeguard for children in alternative care and need to be child-sensitive and easily accessible.

Residential care for children in the Baltic Sea Region

The Baltic Sea Region offers a diversity of alternative care settings for children, such as different types of small-scale or larger residential child welfare facilities, family-like placements and family-based care. The countries in the region are Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, Norway, Poland, the Russian Federation and Sweden. In all countries, the public and private sector are involved in providing alternative care for children and operating residential facilities. Residential care is available for short- or long-term placement and includes child welfare facilities for children deprived of parental care, emergency placement for children who have been removed from their homes by the social services or child welfare services due to acute violence or risk, facilities for children in conflict with the law, for children with mental health issues, substance abuse or violent behaviour, as well as boarding schools.¹

The Baltic Sea Regional Report on Family Support and Alternative Care indicates that there was a total population of 302,314 children under 18 years of age in alternative care throughout the region in 2013. The percentage of children in alternative care ranges from 0.8 percent of the total child population under 18 years of age in Iceland to 2.3 percent in Latvia, with a medium of 1.2 percent in the region. All countries resort to placements in residential settings and in family-based care. It is notable that in most countries of the region more than half of the children deprived of parental care are placed in family-based care. The ratio of family-based versus residential care ranges from 47 percent family-based care in Germany to 88 percent in Norway. On average in the region, 58 percent of placements are made in family-based care. These data suggest that family-based and residential care co-exist in the region and efforts to enhance the quality of care are called for across all types of placement.²

¹ Council of the Baltic Sea States, *Family Support and Alternative Care, The Baltic Sea States Regional Report*, 2015, p. 15.

² Council of the Baltic Sea States, *Family Support and Alternative Care, The Baltic Sea States Regional Report*, 2015, pp. 21-22. Data refer to the CBSS Member States excluding the Russian Federation. See also: Council of the Baltic Sea States, *The Warsaw Roundtable on Deinstitutionalisation and Foster Care in the Baltic Sea Region: Promoting new efforts to ensure the best interests of children*, Council of the Baltic Sea States Polish Presidency and Polish Ministry of Family, Labour and Social Policy, 2016, accessed from <http://www.childrenatrisk.eu/public/Iceland/WarsawRoundtable2016Report.pdf> on 18 April 2017.

International standards concerning children in care

The UN Convention on the Rights of the Child provides a right to alternative care and special protection for all children who are temporarily or permanently deprived of parental care (Article 20). Under Article 3.2, States have to ensure the child the protection and care that is necessary for his or her wellbeing, taking into account the rights and duties of the parents, legal guardians, or other individuals legally responsible for the child. Article 3.3 provides further that States shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, the number and suitability of staff as well as competent supervision.

Boys and girls in alternative care enjoy the same rights as other children. In particular, Article 19 of the UN Convention on the Rights of the Child protects children from all forms of violence, abuse, exploitation, neglect and maltreatment. Article 3.1 makes the best interests of the child a primary consideration in all matters concerning a child. Article 2 provides for the right to non-discrimination and Article 12 affords that all children have a right to have their views heard and taken into account in all matters concerning the child, including in judicial and administrative proceedings. Article 6 provides the right of the child to life, survival and development. Article 5 recognises the evolving capacities of the child and Article 13 provides for the right of the child to seek, receive and impart information as a precondition to forming and expressing an opinion. Article 15 affords children the right to assembly and freedom of association.

Children in alternative care placements have a right to maintain family relations and contact, as far as this is not contrary to their best interests (Article 9.1). Children must not be subjected to arbitrary or unlawful interference with their privacy (Article 16). They have the right to maintain their identity and to practice their own culture, religion and language (Articles 8 and 30). They enjoy the same rights in relation to standard of living, health and education as all children do (Articles 24, 27-29). Article 31 provides the right of the child to rest, leisure, recreational activities and play.

Article 25 affords that the treatment provided to a child in care and all other circumstances relevant to his or her placement need to be reviewed periodically. Monitoring and auditing of residential care facilities can therefore be guided by the Convention as well as relevant international guidance on quality care for children.

Internationally, the UN Guidelines on Alternative Care for Children are the main point of reference for quality standards of alternative care. They formulate more concrete and operational standards of quality care for children, based on the rights afforded under the UN Convention on the Rights of the Child.³ The Council of Europe Recommendation on the rights of children living in residential institutions elaborates on these standards specifically for the European context.⁴ Additional standards, recommendations and guidance for childcare, social and child welfare services and family support in the European region have been developed in the framework of the Council of Europe and the European Union, as listed below.

³ United Nations General Assembly, *Guidelines for the Alternative Care of Children*, Resolution adopted by the General Assembly on the report of the Third Committee (A/64/434) 64/142, 24 February 2010, accessed from http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/64/142 on 1 April 2017.

⁴ Council of Europe, Committee of Ministers, *Recommendation Rec(2005)5 of the Committee of Ministers to member states on the rights of children living in residential institutions*, adopted by the Committee of Ministers on 16 March 2005, accessed from <https://wcd.coe.int/ViewDoc.jsp?id=835953> on 1 April 2017.

Key reference documents defining standards of quality care for children

- UN Guidelines for the Alternative Care of Children (2010)
- Council of Europe Committee of Ministers
Recommendation on the rights of children living in residential institutions (Rec(2005)5)
- Council of Europe Committee of Ministers
Recommendation on children's participation in family and social life (R(98)8)
- Council of Europe Committee of Ministers
Recommendation on the participation of children and young people under the age of 18 (Rec(2012)2)
- Council of Europe Committee of Ministers
Recommendation on children's rights and social services friendly to children and families (Rec(2011)12)
- Council of Europe Strategy for the Rights of the Child 2012-2015
- Council of Europe Committee of Ministers Guidelines on child friendly health care (2011)
- Common European guidelines on the transition from institutional to community-based care (2012)
- Quality for Children Standards (2007)
- The Hague Convention of 29 May 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption
- The Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children

Quality care for children

Although there is a broad based consensus that family-based care leads to better outcomes for children than residential care, the quality of care is the primary determinant of good outcomes and is generally more important than the type of placement. Monitoring and auditing are essential to ensure that the care standards and legal requirements are met in practice.

Alternative care for children generally has to ensure the safety, wellbeing and development of the child in line with the human rights of children afforded under the UN Convention on the Rights of the Child. Quality care is understood as a continuity of care and permanency of placement that enable the child to form stable and long-term attachments based on mutual trust, respect and affection. The stability of placement and relations with caregivers, social workers and peers are considered a pre-condition for the emotional wellbeing, educational achievements and personal development of the child. In order to ensure permanency, stability and continuity of care, there is a need to consider a number of issues at all stages of the placement, including a thorough assessment of the child's situation and best interests before placement, finding the most appropriate placement for each boy and girl, and ensuring continuous monitoring and review of the placement and the child's situation.⁵

Quality care can only be provided when the child is considered as a person with a unique story and as a holder of inalienable human rights. Opportunities for boys and girls in care to express their views and to have them taken into account are therefore essential determinants of quality care. The participatory rights of children need to be guaranteed at all stages and at any moment of placement and in accordance with the evolving capacities of the child. The participatory rights include not only the right to be heard but also, in particular, the child's right to seek, receive and impart information in a language that the child understands, the right to freedom of thought, expression and freedom of assembly, and ensuring access to child-sensitive reporting and complaint mechanisms.⁶

⁵ United Nations Committee on the Rights of the Child, *General Comment No. 7 (2005), Implementing child rights in early childhood*, CRC/C/GC/7/Rev.1, 20 September 2006, par. 36 (b), accessed from <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/GeneralComment7Rev1.pdf> on 1 April 2017. Rygaard, Niels Peter, *Research, Technology, Child Policies and Caregiver Education, A description of non-profit, open source online caregiver education programs worldwide*, undated, p. 2. Department for Education, *Children in Care, Research priorities and questions*, United Kingdom, March 2014, pp. 8-9.

⁶ Council of the Baltic Sea States, *Family Support and Alternative Care, The Baltic Sea States Regional Report*, 2015, p. 16.

Monitoring as a support measure for children, service providers and authorities

Child welfare services are governed by national laws and regulations that are binding to all actors involved. Legislation determines what type of services should be in place, regulates the relevant procedures, bestows obligations on service providers and sets out the rights and entitlements of children as service users.

Monitoring is one of several measures to ensure that these national laws are implemented and applied and that child welfare facilities operate in compliance with relevant laws and regulations. Monitoring contributes to ensuring that the available services are appropriate and relevant, that they reach the children effectively and are targeted to their needs. Monitoring contributes further to ensuring that services are provided in a professional manner, it helps to prevent shortcomings or gaps in service provision and that any shortcomings are duly identified and addressed. In addition, monitoring plays a role for the cost-effectiveness of service provision as it helps to ensure that services are designed and delivered in an efficient and effective way.

Professionals involved in monitoring can make a significant difference for children in care and support them to ensure that their individual needs are met and their rights are respected. Monitoring should be conducted internally by the management of child welfare facilities, by the supervising authority within the state administration and by independent bodies.⁷

Irrespective of whether monitoring is conducted within the public administration or by an independent body, the professionals involved in monitoring bear several important responsibilities. They need to be impartial in the sense that their monitoring role is primarily guided by national law and oriented at the best interests of the child. They need to be competent and qualified to carry out their monitoring task in compliance with child rights standards as afforded under national and international law. Monitoring also has

⁷ See: Council of the Baltic Sea States, *Family Support and Alternative Care, The Baltic Sea States Regional Report, 2015*, accessed from http://www.cbss.org/wp-content/uploads/2013/01/Family_Support_and_Alternative_Care_Report.pdf on 1 April 2017.

a guidance function for child welfare facilities. Only when the results and conclusions that derive from a monitoring activity are solidly grounded in national law, the child welfare organisation can trust that following the directions provided by the monitoring body will improve the service delivery and practice. Monitoring bodies are therefore accountable for the results and outcomes of their activities.

Monitoring of child welfare facilities can take place as a regular or periodic activity (planned monitoring) or in response to events (event-based surveillance). The methods used are inspection and system-based audit.

Monitoring of child welfare facilities is carried out with respect for all parties involved, the children, the management and the staff. Good monitoring benefits children while it also supports the management and staff in ensuring that they are working in compliance with national laws and regulations. Monitoring aims to improve the practice and to create an environment that enables positive change. Change is only possible if the management and staff of the facility understand and recognise the need for it.

Monitoring of child welfare facilities: Methods

- **Monitoring** refers to the control activities of the monitoring authority or other competent bodies that aim to ensure that the national legislation regulating child welfare facilities is implemented in practice.
- **Inspections** are carried out by inspectors from the state monitoring authority. An inspection is a simpler form of controlling the implementation of the national legislation. It focuses on the outcomes and to which degree they are in compliance with the legal requirements. An inspection identifies gaps or shortcomings, however without assessing the underlying causes of the identified gap or shortcoming.
- **System-based audit** is a systematic assessment to make sure that the activities, measures and outcomes in child welfare facilities comply with the requirements under the relevant national laws and regulations. A system-based audit focuses on the management system of a child welfare facility and aims to check whether the facility's activities are planned, organised, performed and maintained in accordance with the law.

Roles and responsibilities in monitoring of child welfare facilities

National governance systems have different actors with specific tasks and competences in relation to monitoring. They include state authorities, service providers and the monitoring authority.

State authorities

State authorities are responsible for developing relevant laws and regulations and defining minimum standards for child welfare facilities. They are also responsible for different degrees of supervision or oversight and, in some countries, for budget allocation.

Public and private service providers

In most countries, public and private service providers are involved in running child welfare facilities and taking care of children. Public and private service providers have to check and review their activities regularly through internal control and management systems in order to ensure that the services they provide comply with legal requirements and are in the best interests of children.

The state monitoring authority

Monitoring authorities are responsible for monitoring how national laws and regulations are implemented and whether the service provision complies with the standards afforded under national laws and regulations. The state monitoring authority is the authority appointed by the state to conduct monitoring of services and it holds therefore the official mandate and responsibility for monitoring child welfare facilities. The state monitoring authority should also control whether the national legislation serves its actual

purpose or if it has to be revised. The monitoring competence at the state level might be assigned to a department of the relevant ministry, a state inspectorate, a directorate or another state agency at the central or regional level of a state, depending on the specific institutional structures of the state.

Audit team

In many countries, the monitoring authorities establish auditing teams responsible for the auditing of child welfare facilities. The audit team consists of an audit leader and the auditors. An audit has to be conducted by a team of two auditors as a minimum. Two types of skills are essential for the team: knowledge and understanding on how child welfare organisations work and function; and professional knowledge on running child welfare services. The audit leader is a person with a higher level of knowledge and expertise than regular auditors. The audit leader is responsible for composing the audit team and leading the audit process from the beginning to the end. Trainee auditors might also be involved in the audit team in order to train and prepare them for their role as professional auditors.

Support system for auditors

A support system for auditors is important in order to keep the state's monitoring system effective and dynamic and to ensure high standards of quality. Countries may establish a structure for the education of auditors and professional support to auditing teams. They might convene regular meetings with auditors and provide training in order to standardise working methods and to keep them up to date with new developments and knowledge.

Effective monitoring and internal control in the child welfare facility

There are many different methods and instruments for monitoring child welfare facilities. In traditional monitoring approaches, inspectors from the supervisory authority visit the facility to check if laws and regulations are respected. Any deviations that the inspectors note must subsequently be addressed by the facility.

Traditional monitoring approaches have however shown to have weaknesses. In particular, it is resource-intensive to control all operations of a facility and difficult to identify shortcomings or gaps during a single inspection.

In light of these limitations, a system-based control method has been developed, as for instance the ISO standard 90001 *Quality Management Systems - Requirements*.⁸ This ISO standard emphasizes that organisations should be able to demonstrate that they have established systems to guarantee that relevant laws and regulations are respected. Audits that follow this standard target the regulatory activity and documentation of the organisation itself, which is referred to as internal control.

In a child welfare facility, as in any organisation, it is important to ensure that all measures and activities are managed and run in accordance with general management rules. Internal control enables the facility to ensure that there are no deviations from these rules.

Internal control gives attention to the systems, procedures and responsibilities that an organisation has put in place in order to ensure that the relevant regulations and requirements are duly respected in the daily operations of the facility and the services it provides. Internal control is a regular activity of an organisation to ensure that the requirements laid down in laws and regulations are met. Public and private actors have a duty to ensure through internal control that they are operating in line with the relevant legal requirements.

⁸ International Organization for Standardization, *Standards, Popular Standards, ISO 9001 Quality Management*, accessed from <https://www.iso.org/iso-9001-quality-management.html> on 1 April 2017.

Communicating with children

All children have the right to be heard. This right has to be respected also in the monitoring of child welfare services. Talking to children is an important part of the preparation for the audit as the children contribute valuable information to the audit that would otherwise be missed. The main objective of the participation of children in the audit is to give them the opportunity to have their views heard and taken into account and to gather information from the children. The audit team should seek to interview as many children as possible before conducting the audit at the facility. Children should always be interviewed individually and not in a group.

When conducting interviews with children, the auditors have to behave professionally and ensure that the best interests of each child always is a primary consideration. Interviews with children must be conducted with care and respect and the interviewer should show empathy towards the child, which is particularly important when interviewing vulnerable children. Confidentiality is important and the child has to be informed that the information will be treated strictly confidential. If a child discloses during an interview any act of neglect, violence, sexual or physical abuse or other infringements against the law, the interviewer has to observe reporting obligations to the competent authorities (police and/or child protection services). In many countries and contexts, mandatory reporting obligations of acts of violence or abuse of children override rules of confidentiality.

It is important that the auditors have some knowledge of child development and that they are prepared to interview children with disabilities. Developmental disabilities can hinder the ability of a child to understand and communicate effectively. Many children with disabilities are however competent to communicate their views and experiences if interviewed properly. Therefore, it is important not to exclude children with disabilities from the audit.

Another important group of children placed in alternative care are migrant and asylum-seeking children. They often have religious, cultural and language backgrounds that are different from those of the auditors. It is important to be respectful towards their backgrounds and not to show any prejudices. Some of these children may have experienced traumatising events such as war and violence, seen people they know and love killed, many have travelled on long and dangerous routes, and many have been exposed to violence or high risks while travelling. Auditors need to be prepared and trained to interview these children, which might require the cooperation with an interpreter or cultural mediator.

The AudTrain method and procedure

The AudTrain method is based on the principle that auditing shall contribute to safeguarding children's rights. This monitoring method aims to control whether the facility complies with the relevant legal provisions. It has always a thematic focus, such as the protection of children from violence, ensuring children's right to education or to health. After the selection of the focus theme for the audit, the relevant provisions in national laws and regulations are identified. The purpose of this type of thematic monitoring is to assess if the rights of children are respected in the child welfare facility.

AudTrain is based upon *inspection* and *system-based* audit. While a system-based audit focuses on the management system and the processes that lead to a specific outcome, the inspection focuses on the outcome and to which degree it is in compliance with the legal requirements. An inspection identifies gaps or shortcomings, however without assessing what leads to an identified gap or shortcoming. Through the system-based audit, it is possible to identify the causes and contributing factors of shortcomings and to correct them. This type of monitoring holds a large learning potential, both for the facility and the supervisory authority.

In the AudTrain method, the inspection is conducted as a visit to the child welfare facility some weeks before the system-based audit itself starts. The purpose of the inspection is to interview the children who are staying at the facility in order to assess the situation of the children and to collect information on how the facility is run from the children's perspectives. The information gathered from the interviews with children is used in the audit of the management system. In this way, children are given the opportunity to have their voices heard and to inform the audit.

In a system-based audit, the monitoring authority collaborates with the child welfare facility in a manner to create trust with all involved to improve the practice. System-based audits are based on the principle that the organisation is responsible for ensuring that the operations and activities are compliant with national law. In system-based audits, single employees are not held accountable for the performance of the organisation.

AudTrain provides for a comprehensive process of monitoring as the procedure starts with the interviews with children, a review of the legal provisions relevant for the selected theme and a review of the facility's internal documents. These preparations are necessary elements of the monitoring process before the system-based audit starts. It is essential to follow this procedure in order to ensure that the audit results are valid, that the best interests of the children have been respected and in order to use public resources effectively.

The AudTrain Programme⁹

A Ministerial Forum held in Oslo in 2005, inspired the Council of the Baltic Sea States (CBSS) through its Expert Group on Children at Risk to develop a programme including training for professionals in system-based auditing of child welfare facilities. The AudTrain programme was developed under the auspices of the Norwegian Ministry of Children and Family with the support of the Hordaland County Governor. It is based on the child welfare laws, regulations and practice of Norway as well as international standards. The Council of the Baltic Sea States Secretariat continues to operate and coordinate the AudTrain programme as a training and capacity building initiative in the Baltic Sea Region.

AudTrain trains professionals in system-based auditing of child welfare facilities in line with national laws and regulations as well as international and European standards. The AudTrain method helps to improve the quality of care and services in residential care settings and the wellbeing of children. AudTrain was piloted and tested in a series of training courses and it has been reviewed by leading experts in the region.

The Council of the Baltic Sea States Secretariat formally established the AudTrain programme in 2011 and in 2015, it launched AudTrain II by commissioning an update of the training manual and the development of a train the trainers' tool.

The CBSS Expert Group on Children at Risk coordinated AudTrain II in collaboration with the project partners, SOS Children's Villages in Lithuania, SOS Children's Villages Association of Estonia and the Ministry of Welfare of Latvia as well as SOS Children's Villages of Croatia.

AudTrain II builds on experience and practice of monitoring and auditing child welfare facilities and the AudTrain materials aim to harmonise approaches and methods to ensure compliance with national laws and regulations and international standards. The programme responds to gaps and challenges by providing a set of monitoring and auditing tools that can safeguard the rights and needs of children in care. Furthermore, AudTrain gives guidance on how to conduct audits and how to communicate the conclusions and recommendations to management, staff and authorities.

The AudTrain material provides a set of manuals and tools that support the auditing of child welfare facilities, and which guides professionals in applying international standards on children's rights and alternative care when auditing child welfare facilities. The material describes the requirements that are to be monitored, the division of roles and responsibilities of the involved stakeholders and the monitoring procedure.

⁹ Council of the Baltic Sea States, Expert Group for Cooperation on Children at Risk, *AudTrain*, <http://www.cbss.org/safe-secure-region/eg-on-children-at-risk/>.