



GOVERNMENT OF MALTA

Government response to the consultation on *Social
Regulatory Standards for Children in Alternative Care*

13th September 2019

Ministry for the Family, Children's Rights and Social Solidarity
310, Palazzo Ferreria Republic Street
Valletta VLT 1110

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Executive Summary

Introduction and overview

1. A brief introduction about the subject.

Two sets of Social Regulatory Standards for children living in alternative care were developed by the Social Care Standards Authority so as to ensure that children in alternative care receive the best possible care, have the best possible experience and the best possible outcomes. The Social Regulatory Standards for Residential Services for Children in Alternative Care identify the responsibilities of the service providers of the residential care services towards the children who are living in alternative care.

The Social Regulatory Standards for Children in Alternative Care are based on the basic principles of the United Nations Convention for the Rights of the Child.

2. The public consultation date.

Include the objective and purpose of the public consultation.

On the 11th July 2019, the Social Care Standards Authority launched the Social Regulatory Standards for Children in Alternative Care for public consultation. The purpose of this public consultation was to collaborate with stakeholders and the public in general through the gathering of feedback on the Social Regulatory Standards for Children in Alternative Care. Through this consultation process the objective of the Social Care Standards Authority was to reach out to the public especially to the professionals in the field and to foster a collaborative framework. The data gathered throughout this consultation process was analyzed and recorded into an internal excel sheet, this database includes information such as which entity provided such feedback and puts forward our decision following the feedback received.

3. This consultation sought views on:

- *Standards*
- *Quality Indicators*
- *Performance Indicators*

Responses to the consultation and process used to seek stakeholder views

This document is the Government Response to this consultation and sets out the Government's decisions on these matters.

4. The closing date of the public consultation. Which methods were used to receive the feedback? The total amount of responses. From whom you received the feedback.

The consultation process closed on the 12th August 2019. The Social Regulatory Standards for Children in Alternative Care were available for viewing on the official public consultation website and the Social Care Standards Authority's website. The public had the option to send its feedback either by e mail, phone, post or meetings if requested. Most of the feedback was received via e mail and meetings.

During the consultation process the Social Care Standards Authority received feedback from:

- 1) Foundation for Social Welfare Services
- 2) Malta can
- 3) Fondazzjoni Sebħ
- 4) St. Joseph's Home
- 5) St.Patrick's Residential Services
- 6) Maltese Association for Social Workers
- 7) National Institute for Childhood
- 8) Commissioner for Children
- 9) 4 individuals

5. Include (if any) meetings with stakeholders and list who the stakeholders were.

The social regulatory standards for Children in Alternative Care were also discussed with the main stakeholders from government entities, non-government entities and church entities during one-to-one meetings.

- 1) Aġenzija Appoġġ
- 2) Fondazzjoni Sebħ
- 3) St. Joseph's Home
- 4) St. Patrick's Residential Services
- 5) Commissioner for Children
- 6) Maltacan

Furthermore, the Social Care Standards Authority collaborated with Aġenzija Appoġġ to set up a consultation meeting with children living in alternative care. A focus group was set up with children between the age of 9 and 15 to gather their feedback on the easy to read version of the Social Regulatory Standards for Children in Alternative Care.

Summary of responses and decisions

The following is a summary of the consultation responses received. We would like to thank all those who took the time to respond to the consultation and participate in stakeholder meetings around the consultation exercise.

6. Statistics.

- Total feedback received: 12
- Total feedback received by individuals: 4
- Total feedback received by organisations: 8
- Total feedback received through email: 12
- Total feedback received through online form: 0
- Total feedback received by post: 0

7. Summary of feedback received.

The feedback received during this consultation process mainly revolved around the following issues:

- 1) The term ***permanency*** is used in the Social Regulatory Standards for Children in Alternative Care to explain that children in care should be provided with a stable care environment rather than constantly being transferred from one residence to another due to the unavailability of placements. The feedback brought forward in this regard was that in case of reintegration with their biological parents a placement cannot be considered as 'permanent' or in case of placement breakdown it is not in the best interest of the child if the placement is a permanent one.
- 2) The standard '***Healthcare needs for Children in Alternative Care***' was initially included in the Office Based version of the social regulatory standards for children in alternative care. A recommendation received from the feedback was to add this standard to the residential services version of these social regulatory standards.
- 3) The term '***young adults***' was being used to refer to teenagers. The feedback received suggested that 'adult' means a person who is over the age of 18. It was recommended that this term is replaced with 'young persons'.
- 4) The term '***best interest of the child***' is one of the basic principles of the Social Regulatory Standards for Children in Alternative Care. The feedback brought forward suggested that 'best interest of the child' is added to a number of performance indicators so as to ensure that anything which includes the participation of the child or a decision which concerns the child is done only if it is in the best interest of the child.
- 5) The Social Regulatory Standards for Children in Alternative Care safeguard the wellbeing of the children in alternative care. According to the UNCRC a child is anyone below the age of 18. Feedback suggested that a standard regarding '***aftercare***' is included in the standards.
- 6) The Social Regulatory Standards regulate social welfare services. Feedback questioned why the standards do not include responsibilities towards the state.

- 7) Several issues were linked to the **lack of resources** which exist in the sector such as the lack of placements. Comments revolved around the fact that children cannot always be involved in the selection of the care placement given that placements are limited.

8. Your assessment and the Government's decision (list the Government's decisions).

After a thorough assessment of the feedback received from the consultation process the Social Care Standards Authority amongst other things concluded that:

- 1) **'Permanency'** – reference was made to the definition of permanency in the Minor Protection (Alternative Care Act) (Cap 602). The issue of permanency is vital for the child to be able to develop a strong sense of belonging and attachment. In situations when the placement is not matching the needs of the children in alternative care then it is in the child's best interests to select an alternative placement.
- 2) The standard **'Healthcare needs for Children in Alternative Care'** was included in the set of standards for Residential Services.
- 3) The term **'a young adult'** was replaced with 'young persons'.
- 4) Given that the **'best interest of the child'** is one of the basic principles of the Social Regulatory Standards for Children in Alternative Care, there was no need to make reference to it in the quality indicators and/or performance indicators.
- 5) **'Aftercare'** was not included in these set of standards because this set of standards safeguards children under the age of 18.
- 6) The Social Regulatory Standards for Children in Alternative Care regulate social welfare services not the state.
- 7) The aim of the Social Regulatory Standards for Children in Alternative Care is to safeguard the best interest of the children in alternative care. If we had to base these standards on the available resources then these standards would not fulfil the best interest of the children living in alternative care.

Implementation

9. When you intend to implement the decisions

The changes were implemented right after we analysed the feedback received from the public consultation.

Contact Details

If you have any questions regarding this response, please contact: feedback.scsa@gov.mt

Detailed overview of responses and the Government's response

Consultation Proposal

- a. During the launch of the draft regulatory guidelines for Social Regulatory Standards for Children in alternative care, the SCSA opened a public consultation process aimed at giving the general public and the stakeholders the opportunity to submit any feedback on the guidelines in question.

Post-consultation analysis / Final decision

- 1.2 During the post-consultation period, the necessary and relevant feedback were thoroughly analysed. The feedback will be applied to other tools at the disposal of the Authority so as to continue to enhance services for children.

