

# Comparative Analyses of Educational assistance in Europe

**A comparative evaluation of the reactions of the welfare state based on two case studies taken from the Child and Youth Welfare System**

Project on Youth Welfare Assistance and Social Change – Performances and Structures



Mamier, Jasmin; Pluto, Liane; van Santen, Eric;  
Seckinger, Mike; Zink, Gabriela

Comparative Study of Educational Assistance in Europe

A comparative evaluation of the reactions of the welfare state based on two case studies taken from the Child and Youth Welfare System.

The main task of the project “Youth Welfare Assistance and Social Change – Performances and Structures”, supervised by the German Youth Institute (Deutsches Jugendinstitut) and financially supported by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, is to investigate at regular intervals the governmental and non-governmental organisations in the field of child and welfare services. In this project the organisational, political and educational changes taking place in the child and youth welfare assistance sector are to be documented and evaluated. A further aim is to describe the results of the changes affecting those who are recipients of these services. These analyses and evaluations are based on internally collected, repeatedly registered empirical data obtained at regular intervals on a national level, ie. throughout Germany (ref. van Santen & Seckinger 2003; van Santen, Mamier, Pluto, Seckinger & Zink 2003).

Furthermore, the project “Youth Welfare Assistance and Social Change”, conducted interviews at European level in 2001 and 2002 with a view to gaining insight into the practise of providing help to children and young people in various European countries. The methods applied were: collection of data from youth welfare offices and independent organisations based on standardised questionnaires, qualitative regional studies with guided interviews, document analyses and observations.

©2003 Deutsches Jugendinstitut e. V.  
Nockherstr. 2, 81541 München  
Telefon +49 (0)89 62306-213  
Fax +49 (0)89 62306-162  
santen@dji.de

# Contents

<b>1</b>	<b>The European perspective – a necessary mind-broadening exercise 6</b>
1.1	Who responded? 8
<b>2</b>	<b>Two case descriptions 10</b>
2.1	First case history: <i>Anna</i> 10
2.2	Second Case history: <i>Manuel</i> 10
<b>3</b>	<b>Categories for response systematisation 11</b>
3.1	Basic Institutional Framework 12
3.2	Assistance Target 12
3.3	Types of Assistance 13
<b>4</b>	<b>Description of Results 13</b>
4.1	Basic Institutional Framework 13
4.1.1	Basic National Framework 13
4.1.2	Funding Agencies 19
4.1.3	Legal Basis 20
4.1.4	Summary of the Institutional Framework Conditions 21
4.2	User groups for Assistance 21
4.2.1	Which Groups Receive Assistance? 22
4.2.2	Age Limits 23
4.3	Participation Orientation 24
4.3.1	Summary on the User groups for Assistance 26
4.4	Types of Assistance 26
4.4.1	Spectrum of Assistance Forms 26
4.4.2	Is there an Assistance Contract available? 30
4.4.3	Intervention Orientation 31
4.4.4	Summary on the Types of Assistance 33
<b>5</b>	<b>Overall Conclusion 34</b>
5.1	Structural Integration and Chains of Responsibility 35
5.2	User groups of the Assistance 36
5.3	Multi-Professional Teams 36
5.4	Rights of Recipients 37
5.5	The Planning of Assistance 37
<b>6</b>	<b>Literature 39</b>
<b>7</b>	<b>Appendix 41</b>
7.1	Accompanying Letter 41
7.2	Figure1 43

# 1      **The European perspective – a necessary mind-broadening exercise**

In the course of the European unification process, the need for governmental und non-governmental providers of social services, in order to get acquainted with other approaches in member countries, and to open up to new ideas has become imperative. Hitherto, however, only little systematised knowledge has been acquired – at least in Germany – about the existing forms of assistance for children and young people in the European Union and elsewhere. (ref. Bendit & Winzen 2002: 135).

One problem in generating this kind of knowledge lies in the fact that both the assistance for children and young people and the professions involved in such tasks (ref. e.g. Kornbeck 2001) have evolved from very different directions. From a historical point of view, social work in the European context is characterised by two contrasting philosophies:

Very much discernible on the one hand, is a trend towards the standardisation of formal educational patterns and working methods. On the other hand, we have to deal with a constant quest for more differentiation and diversity (ref. Hesse 2001).

The structural framework conditions, and with it the methods and strategies employed in the practice of providing social assistance services to children, young people and families differ widely. Therefore, any comparison will result extremely difficult, even though the problem analysis levels of children and young people often seem to be similar.

This research project aims to provide a modest contribution to reduce this gap using the application of the chosen research approach (ref. below) in order to test new ways in the conduction of European studies. A good example of a comparative perspective is the European Children's and Youth Welfare Report. It furnishes a framework which provides information on priorities and identifies the directions taken by the respective national youth policy institutions, however, as an instrument to enable comparisons between the respective strategies at the problem execution level it seems to be quite insufficient (IARD 2001). With its attempt of presenting two case constellations, the study under current review represents to a certain extent a supplement to the European Youth Report. To date, political institutions have given little consideration or no consideration at all to the differences in support for children and young people in specific problem situations in Europe. Due to advancements in the European unification process, it will become increasingly important to pay more attention to central assistance structures applied in the member states and to extend knowledge thereof.

With regard to the discussion on the harmonisation of the support services of the welfare state, and looking at the discussions on questions dealing with services of general interest and their competitive evaluations (ref. e.g. *Blätter der Wohlfahrtspflege* 3/2002; BMWi 2002; Schulte 2002), it appears that the attempt to maintain the currently practised German system with its respective standards can no longer be considered self-evident. Throughout Germany and elsewhere there is an increasing questioning of the rationale behind the necessity and even the functionality of a century-old system which demands a

close subsidiary interplay between non-profit organisations and state bodies. Maybe an analysis which focuses on single case investigations of support services could provide a contribution towards a less emotional debate.

The range of assistance for children, for young people and for their respective families differs greatly in the various European countries. We have therefore limited ourselves in this investigation (from a German point of view) to the section dealing with educational assistance to children, to the youth and to their legal guardians. The structural comparisons of child and youth assistance systems existing till now tend to be made at a relatively high abstract level (van Unen 1995; Walther, Stauber et al. 2002), i.e. they are youth-oriented, hardly bear any relationship with the support systems (Bendit; Gaiser & Marbach 1999), and often limit themselves to specific fields of action (Höynckh, Soisson, Trede & Will 2002; Colla, Gabriel, Millham, Müller-Treusler & Winkler 1999). They offer only little concrete evidence of practical procedural plans, action strategies and basic orientations of social education.

This report is the outcome of a different approach to these tasks. Two case studies, with a description of the prevailing conditions existing within and without family situations, were worked out (ref. to the two case studies in the next chapter). These situations could occur in every European country, in Germany, they would fall under the responsibility of the Child and Youth Welfare system. The intention of the questionnaires, the reactions of the assistance and support systems in respective countries should enable to undertake an adequate description of the current situation.

Due to the varying nature within the structure of the systems providing educational support to assist children, young people and their legal guardians in the various European countries, field access was one of the issues the investigation project had to deal with:

Who can provide internationally relevant comparative information on the various systems?

We sent the case descriptions we developed to twelve representatives of the International Social Services in Europe. Prior to postage, the two case descriptions were translated into the respective languages of the countries involved. Access via the International Social Services was chosen in order to assure a professional approach to the subject.

The International Social Service is an independent association (NGO) founded in 1924, which works globally as a non-political, non-religious organisation applying new approaches in the area of social work and legal reforms, providing grass-roots support and single-case assistance. The aim of the individual countries' institutions is to serve as liaison office between independent agencies engaged in social work, youth welfare and social authorities, guardians' and family courts on a national and international basis (ref. International Social Service, 1998; *Deutscher Verein für öffentliche und private Fürsorge o.J.*). We chose the International Social Service for the project development, an organisation with no direct responsibility in the provision of assistance. Consequently, this option is associated with various disadvantages, i.e. information on procedural methods might be less concrete. Otherwise, however, this is the best possibility to get collaboration in the completing of our questionnaires from people who have a broader view of the social and youth assistance services in the related countries, and that responding agencies

dispose of the same organisational level.

For this presentation, the individual countries' responses describing the concrete measures applied with regard to the present two case constellations were summarised into a single report. All responses obtained from co-operating countries were compared to each other.

In cases where the methods applied differ widely in one or both case constellations due to drastic regional differences within a particular country, the persons completing the questionnaire were asked to mention this fact, in order to identify the region of the country under reference.

By comparing the reports, it was firstly hoped that this would help in generating new ideas for the further development of skilled practical work in Germany. If this could be applied to other countries, too, the better. Alongside the case studies, indicative professional orientation and methodological procedures are explicitly provided. The answers given should be considered as ideally typical, but not as the only possible description of practical work in the countries under investigation.

German studies (van Santen/Mamier/Pluto/Seckinger/Zink 2003; van Santen 2002; IKO 1999) with representative outcome showed that – even within similar legal frameworks – great differences exist in practical procedures due to different interpretation possibilities, especially, however, due to the development of different estimation philosophies at the decision-making level (ref. Hansbauer 1996). In addition, certain case constellations can lead in one Youth Welfare Assistance Office to a "X" assistance form, whereby in another Youth Welfare Assistance Office the same case constellation can result in a "Y" assistance form (van Santen 2001).

## 1.1 Who responded?

Out of a total number of twelve questionnaires sent, we received seven responses: from France, Ireland, Italy, The Netherlands, Austria, Portugal and Sweden. In the majority of cases, namely Italy, France, Ireland and Sweden, it was the representative office of the International Social Services which responded.

In Sweden, the national representation of the International Social Services is delegated to a private organisation, to ISS Epikur, Consultant Correspondent Sweden. Similar to other divisions of the International Social Services, their duties comprise decisions within the area of international custody right, and the provision of recommendations for acceptance criteria of foster families, among others. Another service offered is their function as contact for the community social authorities and the The Legal Secretariat (Ministry of Health and Social Affairs ).

As regards the three remaining countries, the International Social Services passed our request to other agencies, because they themselves did not feel competent or responsible enough to provide answers. For a better appraisal of the responses provided from these three countries, it is important to dispose of a certain knowledge with respect of the perspective taken into account when responding the questionnaire.

In The Netherlands, for example, the responses we received were provided



by an independent organisation, the *Nederlands Instituut voor Zorg en Welzijn* (NIZW). The NIZW has set itself the aim of reforming social life by providing information, innovation and support to issues regarding social affairs, including any questions related to child care and youth welfare.

In Austria, the responses were compiled by the Austrian Federal Children's and Youth Welfare Advocate, an employee of the Federal Ministry for Social Security and Generations, who only reports to the Federal Minister. This authority was created in 1989 when the Austrian Youth Welfare Law came into force, both at federal and federal-state levels. Its main task is to provide comprehensive counselling and assistance on specific issues involving the under-aged and their legal guardians (...). This means that the problems of the under aged, especially their family socialisation, is to receive particular attention" (ref. <http://www.bmsg.gv.at>).

Also in Portugal, the response was provided by a governmental office, the General Directorate for Solidarity and Social Security (*Direcção-Geral da Solidariedade e Segurança Social*). It consists of a department of the Portuguese Ministry of Labour and Social Welfare, which is subdivided into decentralised departments. This General Directorate was recently created on the basis of the General Directorate for Social Security and the General Directorate for Social Action.

In fact, we were unable to pursue our original strategy, which sought to seek responses from the national representations of the International Social Services in each of the countries. As it soon became apparent, this organisation differs in its infrastructure according to the various countries. Some countries have national representations, others have branches, i.e. they dispose of weak human resources. It can, however, be assumed that all agencies which responded possess a good insight into the structures and the methods applied to provide assistance in their respective countries.

If we take into account our questionnaire, the responses received comprise many different approaches in the handling of descriptive details and the orientation methods used. We did not obtain adequate information on every question from all countries. For instance, we received only general answers from France, but no special information on our problem cases. Nevertheless, the answers provided supplied a lot of vital information on the type of assistance provided in the French system.

The answers from the colleagues in Ireland were very detailed. Their responses consisted of detailed descriptions of the reactions to the two case studies, as well as general information on the type of assistance offered and the respective governmental programs.

The answers, which were provided to a large extent in the respective language of the countries involved, were not translated into German by a third party, but were directly processed by us.

In addition to the information which came from the responses provided on the case histories – as far as available – reference was also made to other sources of information, for example, descriptions of the particular country's child and youth welfare systems. Reference to these sources is made where appropriate.

## 2 Two case descriptions

The following pages contain a description of two case histories which were sent to the offices of the International Social Services of the various countries and which served as the basis for the responses received. In the appendix you will find the questionnaire, including the accompanying letter sent to the respective country representatives.

### 2.1 First case history: *Anna*

Anna is 8 years old and lives with her family in the suburb of a big city with accumulated social and economic problems (high unemployment rate, alcoholism, separation and divorce). Anna's family is also affected. Even though her father always manages to find casual jobs, he never succeeds in finding a permanent employment and tends to indulge in excessive consumption of alcohol. One of her teachers and a neighbour suspect that Anna is often beaten by her mother and is sexually abused by her father.

*Which authority could Anna's teacher and neighbour contact? Which institution(s) get involved in the case after that first step? What is the legal basis and who is to discharge the responsibilities?*

Two scenarios on the further development of this case history:

1. Though the situation in Anna's family is considered to be bad, however, it is not deemed to be hopeless. The suspicion of sexual abuse turns out to be unfounded.

*Which are the possibilities to support Anna and her family?*

*As a guideline, which agencies are concerned with this type of assistance, and how are they financed?*

2. Anna herself, considers the situation as untenable. The suspicion of sexual abuse by her father is more and more corroborated. For Anna's mother, however, separation from her husband is no realistic alternative.

*Which possibilities are available for protecting Anna? Which persons and institutions are involved in the decision about what has to be done due to the current situation? Can institutions act against parental will? What is the legal basis and who is to discharge the responsibilities? As a guideline, which agencies are concerned with this type of assistance, and how are they financed?*

### 2.2 Second Case history: *Manuel*

Manuel is fourteen years old. He lives with his family in a village, approximately 40 km away from the next big city. For some time, Manuel has only been attending the village school sporadically. One reason is Manuel's increasing contact to a clique, which meets daily at the central railway station of the nearby city. Manuel's new friends also refuse to go to school and seldom go

home to see their parents. The consumption of cannabis and other drugs has become a normal ritual of the clique's daily life.

Manuel's family is confused, because Manuel seldom comes home to spend the night with his family. His father is very upset about the fact that Manuel no longer goes to school and looks increasingly unkempt. After discussions on Manuel's behaviour, his father throws him out of the house and forbids him to return. His mother, especially, is very distressed by this development.

*Is there any institution in the village or in the vicinity which Manuel's mother can ask for assistance? Which forms of assistance are possible for Manuel's family? What is the legal basis and who is to discharge the responsibilities? Are there e.g. any legal claims for a particular type of assistance in this case? Which form of assistance is available in the social environment of Manuel's city clique? Who are the persons Manuel could contact? Are there any forms of social work he could contact, are there any corresponding counselling or contact points? Which persons decide on whether something should happen, and if yes, what? As a rule, who are the providers of possible forms of assistance and how are they financed? What is the legal basis and how are the responsibilities ruled?*

Assuming Manuel does not want to return home under any circumstance and continues to refuse to attend the village school.

*Which housing and school attendance possibilities are available? Who decides on this questions? In which way Manuel and his parents are involved in the decision-making process and in the future procedures to be taken? What is the legal background underlying such decisions? Who bears the costs for the type of assistance decided upon? Which enrolment conditions or selection criteria exist for the housing and pedagogical surveillance outside the parental environment? Up to which age could Manuel stay there?*

According to estimations of social workers, Manuel will not be able to lead a wholly independent life, even after coming of age. The casual jobs which he occasionally takes up are not adequate to warrant hiring an own apartment. If the assistance granted hitherto is terminated without any alternative, it can be assumed that the positive development reached so far will be endangered. It can be assumed that Manuel would revert to the streets getting confronted again with all its risks and dangers.

*Which type of assistance is available, now that Manuel has reached adulthood. Are there any changes due to coming to age? Is there any continuity in the measures adopted so far? Who decides in this matter? Will Manuel's opinion be taken into consideration when taking such a decision? If so, in which form and on which legal basis? Which financial arrangements exist for this kind of special assistance, who assumes the costs? What is the parents role in this current situation (rights, obligations)? Are they still allowed to influence the situation?*

### 3 Categories for response systematisation

As already mentioned, the responses provided by the various countries differed in detail. Some questions were not answered and sometimes the answers had no direct relationship to the case histories. In order to allow a general description of the provided material, we developed on the basis of the reactions received the following ten categories of description. According to this procedure, we elaborated a result description. The description categories can be subdivided into three thematic aspects:

Institutional framework conditions, aspects involving the user groups and aspects involving the type of assistance.

The presentation of these dimensions cannot reproduce the situation in its entirety but is meant to provide a close similarity to reality in the respective countries. We can state that, especially with regard to the institutional framework, structural reality (including the legal framework) and financial sources depend on each other.

For our evaluation, focus was not placed on the structures and the basic legal frameworks, since information on these has already been provided under other topics (e.g. B. IARD 2001, van Unen 1995). Emphasis was rather placed on the effects, creative contributory possibilities and the consequences for the user groups.

It cannot be assumed that processes that have proven successful in one country would also yield the same positive results in another country, since such results are determined by their particular context. Cultural and social relationships, political and institutional structures depend on a mutual interplay. Especially this fact shows the importance to present existing institutional frameworks.

### 3.1 Basic Institutional Framework

This dimension serves to describe the differences in the organisation of the various types of assistance systems. This topic deals with questions concerning the distribution of responsibilities, the division between governmental instances and independent agencies, as well as financing and legal aspects thereof.

Attention shall be focused on the following aspects:

a) What kind of information is obtained on the competencies in general? What information is obtained on the competencies related to our case histories? Are there any differences between different governmental levels, public and independent or private agencies? Which is the responsible body for providing services? And, who takes action on-site?

b) Who bears the costs?

c) Basic legal principles: At which governmental levels are there any laws and regulations (national, regional, local)? Which governmental departments are responsible, i.e. will there be a consultation of various laws from various sectors in our concrete case? Are there any political aims documented in the legal framework of child and youth welfare assistance programs, and are there any statements with respect to the infrastructure for children and young people?

### 3.2 Assistance Target

Due to the existence of very different opinions about the term welfare state in the respective countries, it is also legitimate to ask who is the recipient of help

services in the described cases. Is the assistance directly aimed to support children or young people, shall it be employed for an overall help to the respective families as far as their problem-solving competence is concerned, or is the assistance meant primarily for those parents whose educational competence has to be supported? Depending on the user groups of this assistance, various concepts for the offered aids and interventional measures will be necessary.

The following aspects are examined in detail:

- a) Who is the entitled subject for assistance? To whom is it directed? To what extent education is of importance in families?
- b) Which are the age limits for granting assistance?
- c) In which form and how intensive is the user groups involved (conditions, limitations, differentiation according to case constellation, voluntary or governmental intervention, legal regulations, alternative possibilities)?

### 3.3 Types of Assistance

The third dimension is meant to record and describe the forms of assistance and aids mentioned in the responses received. An evaluation of properly arranged and related data is only possible if the results of the two preceding dimensions is also taken into consideration. For instance, it became obvious that a high degree of intervention in family life necessarily implies a relatively weak status of the family itself. This fact is reflected in the structural reality of countries (for example Sweden) where a large offer of child day care centres is available.

Hereinafter, again some of the key questions related to this dimension:

- a) What does the range of different assistance types look like? Are there any examples for concrete assistance? Are there any limitations on available or requested assistance programs? How differentiated are the offers made (upbringing, punishment, educational qualification, groups)?
- b) Is there any assistance agreement? What are the reasons for its establishment, what is regulated in it, who is involved? What are the formalisation levels of such an agreement, its prerequisites and contents? Is there any regular review or does the contract even contain information setting an end to the assistance program?
- c) Intervention orientation, eligibility, obligation: when are governmental measures of compulsion justified (suspicion, proof)? Which intervention possibilities do exist? Who is responsible for the taking of decisions? Which forms of intervention are available? What does the term „protection of crime victims“ (removal of the child or young person from the family) imply?

## 4 Description of Results

### 4.1 Basic Institutional Framework

#### 4.1.1 Basic National Framework

To be able to better evaluate the various reactions to the case constellations in the respective countries, an overview of the basic framework, responsibilities and legal regulations is helpful. However, this information will only be examined to the extent the basic case constellations of the present investigation are concerned, or, if reference is made to general structural differences or common characteristics, that are in any relationship with the material provided with the answers.

The differences in the area of distribution of responsibilities varies widely: extensive responsibilities of the communities to guarantee the child and youth welfare assistance services, e.g. in Germany or Sweden, federal state responsibility, e.g. in Austria, and centrally organised responsibility, e.g. in Ireland.

In Ireland, the authorities in charge are sub-departments of the Ministry of Health and Children. The distribution of responsibilities reflect the wide range of different welfare concepts applied in the countries under study including the universalistic model as well as the model of a rudimentary welfare state, in which the family is regarded as a central social instance (ref. Bahle/Pfenning 2001: 13).

The role of non-governmental organisations within the respective assistance systems show similar and extreme differences. For example, in part of the responses, it is pointed out that non-governmental, church-run organisations offer support in areas which official departments do not consider to be responsible for (e.g. special offers for young people who live on the streets in Italy). This means that in this country there exists an explicit grading of governmental and non-governmental assistance.

Non-governmental organisations fill the gaps in the range of services offered, without receiving any governmental subsidies. In another part of the responses received, a pronounced subsidiarity with appropriate clear rules related to the costs assumed by the state (e.g. Germany, Austria) is described. In Austria, the respective federal states are responsible for the implementation and financing of youth welfare programs, they run the Youth Welfare Offices at the district level (several communities form a district).

The district level is positioned between the communities and the federal states, it is not a statutory body with democratically elected representatives, but a governmental department under the authority of the particular government of each federal country. This organisational model enables a substantial degree of close cooperation with the local council authorities. However, it has no communal autonomy when fulfilling the tasks interesting under this study as this is the case, e.g. in Germany.

When it comes to the implementation of federal regulations on the welfare of young people, there are regional differences between the various federal states in Austria. For the concrete processing of the first case history (Anna), it was necessary to contact a whole lot of different offices, e.g. child protection centres, counselling offices, children's telephones, children' and juvenile lawyers. The centrally responsible office is, however, the local Youth Welfare Office. It contacts the family, clarifies situations and seeks for solutions.

In Case 2, the local Youth Welfare Office is the responsible authority, too. Like in Germany, in Austria the responsibility is entrusted to an authority which carries the name "youth" in its title; with the aforementioned difference

that in Germany this authority is located at the community level, whereas in Austria it is the federal level. The responsible at the national level in Austria is the Federal Ministry of Social Security, Generations and Consumer Protection. In Germany it is the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth.

In Italy, two differently structured local services work together on the cases described: a service agency with communal responsibility, which supervises all public assistance, housing and home support, and a subdivision of the national health service, which takes care of family counselling, including preventive health measures and socio-psychiatric services.

The socio-psychiatric department is multi-professionally staffed (social educationists, logopedians, psychologists, child psychiatrists) and is also responsible for under-aged, families and schools. Thus, in Italy, there exists no specialised service for children and young people comparable to the German Youth Welfare Office.

In terms of support in cases to sexual abuse, clubs and specialised services that operate at the national level have been created in recent years (*ref. Centro Nazionale di Documentazione ed Analisi per l'Infanzia e l'Adolescenza* 1998: 82).

Especially in Ireland, but also in Italy, the assignment to the national Health Services is obvious. In Ireland, at the national level, this matter is under responsibility of the Ministry of Health and Children. It prepares laws, and is in charge of the national policy and strategy in this field, and sets the budgetary limits of the regional Health and Social Services.

Irrespective of which level is responsible for children, young people and families, the regional offices still possess individual flexibility with respect to their activities.

In Sweden, for example, the contact partners for families with problems are the local social authorities. These officials supervise that – according to the individual case - assistance is provided. As far as we understood, these authorities do not provide any assistance by themselves. Since the social services are legally and financially controlled by local governments, there are regional differences in the reactions and services provided. The social services for children, the youth and families are partly controlled by sub-units of the social services, and partly by schools (*ref. Hessle/Vinnerljung*, 1999: 9).

Also in Ireland, the governmental subdivision of the Ministry of Health leads to different strategies in problem solutions, depending on the region concerned.

There are 10 regional health boards (established in accordance with the Health Act, 1970), which differ in size and population and also lead to differences in the offers provided and the working methods applied. Furthermore, every region is divided into community care areas, 32 of which are in existence. There are various departments within the Health Boards: hospitals, psychiatric centres, assistance for families and children etc.

The regional Health Boards in Ireland are obliged to create a counselling body to fulfil the tasks outlined in the Child Care Act. In order to fulfil this task, any instructions of this body must be taken into consideration. The body is composed of individuals who have a special interest or specialised expertise in „Child and Youth Welfare assistance“, and explicitly includes representatives of independent agencies (voluntary bodies providing child care und family

support services), elected (regional) parliamentarians and a small number of persons and employees of the Health Boards appointed by the Ministry. Membership is on honorary basis. The Minister may give instructions to the body. It is also possible to subdivide the area of responsibility of the Health Board and form an own counselling body for each district. The constitution of this body is similar to the Child and Youth Services Committees in Germany, in which experienced men and women from governmental and non-governmental organisations cooperate. In contrast to Ireland, no German Minister is directly empowered to give any instructions to the body. Besides the responsible Health Boards, the individuals contacted by the neighbour in Anna's case probably would have been teachers, policemen, doctors, priests; so-called play group leaders. The Health Board bears the overall responsibility and cooperates with general practitioners, school employees, staff of youth or play groups, housing welfare officers, health specialists in different institutions, employees of Child Abuse Assessment Centres and Child Guidance Clinics. The police concentrates on prosecuting of criminal offences.

In the second case, as a rule, for Manuel and his family all individuals involved in youth and social work would have been the first contact point. Special reference should be made to the Citizens Information Centres, which provide general information on social and health assistance issues. Local police stations are indicated as first points of contact. They dispose of experience in such situations, are able to offer support and contact to social services.

In other countries, too, multi-professional teams are consulted when problems of the type described in the case histories crop up. In the Netherlands, for example, schools, teachers, neighbourhood centres/community centres, children' centres and others can be involved in the processing of such cases. In schools, teachers are supposed to act as „internal companions (IB-er)“ (one or more teachers, depending on the size of the school) and report signals of problems involving school children. They are responsible for investigating the necessity and possibilities of assistance. There are two types of teams which deal with the cases we presented: some of them are initiated from the Youth Welfare Offices („*Bureau Jeugdzorg*“). They are equipped with more far-reaching decisive powers, have a higher status and, in particular, dispose of more educationists and psychologists working in the team. Others are initiated by social workers, their main purpose is the exchange of expertise knowledge. These teams only offer suggestions, there exist no binding legal regulations. 400 neighbourhood networks form part of the Youth Assistance Organisation (BNW JHV). They comprise representatives of various organisations and serve as direct contact persons whenever problems arise within families. Help can be found contacting neighbourhood care personnel, kindergarten staff, IB teachers, school doctors, social workers in schools, street social workers. Sometimes also the police, the youth welfare office and school inspectors, that means community civil servants (which are not part of the school) are involved. Their task focuses on parents' visits informing them that their children are playing truant, in addition they are authorised to punish parents for not supervising the schooling of their children. Cooperation takes place and decision is taken whether help should be sought and if yes, respective plans are implemented. „Consultation Teams“, „Youth Assistance Council/ suggestion teams“ and expert teams are organized



forms providing similar support. In cases where such teams do not exist, the problems are discussed with a school social worker or school doctor. Generally, assistance can be provided by the Youth Assistance Organisation (*Jugendzorg*) or the Child Protection Agency (*Childrenbescherming*).

Also in France, immediately after a case of sexual abuse is suspected, a *réunion de synthèse* takes place. In this meeting of experts, various social workers connected with the case (also in the past) are present: social workers responsible in this matter or dedicated to various school levels, childrens' nurses, employees of youth protection agencies, experts, specialized in medical and psychological consultations. When a case is considered to be less urgent, it is passed on to the *commission technique enfance* (CTE).

The function of the CTE is to provide counselling and orientation and consists of various members: the head of the social services of the *département*, the head of AEMO (*action éducative en milieu ouvert*), the head of ASD (which finances the AEMO) as well as other appointed persons (social workers of the region, childrens' nurses, doctors). The Ministry responsible in France is the *Ministère des affaires sociales, du travail et de la solidarité*. For the case histories of our study, the *Direction Général de la Solidarité et de l'Action Sociale* is responsible at the national level. Responsibility for child protection is organised at the level of the French *départements*.

In Portugal, the responsible institution is the „Commission for the protection of endangered children and young people“ (*comissões de protecção de crianças e jovens*); potential contact partners are the public health departments, social services of the local councils, independent agencies and security personnel. The most important point of contact is the local service of the „System for Solidarity and Social Security“. As soon as the child is removed from the family because of acute danger, the initiative and procedural authority is determined by the department of public prosecution. The commission is composed of: representatives of all services and offices with responsibility for children and young people, i.e. local council representatives, social security agencies (including social action), educational institutions, the health services, the IPSS (*Instituições Particulares de Solidariedade Social*) and independent organisations dedicated specially to children, sport, culture, leisure time, youth organisations, security personnel, furthermore there are four members appointed by the local council, experts on social services, psychology, health and law, as well as citizens with special interests in the problems of children and young people.

#### 4.1.1.1 The Importance of Non-Governmental Organisations

In all European countries under investigation, NGOs offer an important contribution towards the functioning of the social offers for children, the youth and families. Normally, the local social authorities or the governmental sub-departments commission non-governmental providers with the duty of delivering the required assistance. Whereas in Germany governmental help agencies are called public agencies, non-governmental agencies are so-called non-profit organisations. There is a clear structural difference between these two, a difference that has repercussions on the role of the independent agencies. While public agencies must fulfil both assistance and control

functions for the protection of children, independent agencies limit their duties to providing support for their clients only. The designations for non-governmental agencies vary from country to country in Europe. In Germany, the most predominant legal form for non-governmental organisations in the provision of assistance to children, to the youth and to families, is namely a recognised non-profit organisation, often in the form of a registered association. In other European countries this is less known. Mostly known in all European countries are non-governmental organisations working in the area considered under this study that involve church agencies, purely private initiatives, parents' initiatives, associations etc. In other European countries, these organisations do not often have the same legal coverage as in Germany. They do not receive any subsidies guaranteed by the state and are recognised for only those areas in which the state has no interest or does not want to invest. The difference made in Germany between independent agencies (non-profit) and private commercial agencies (profit-oriented), is very seldom applied in all countries.

In Ireland, for example, independent agencies (voluntary bodies) can be commissioned by the health board to make particular offers. They form a very important part of the social services. Voluntary bodies are financed through donations, fund-raising, governmental subsidies, inheritances or estates.

In Austria for instance, concrete assistance, e.g. stationary educational help is provided by private agencies with governmental permission. It can however be assumed that private bodies in Austria correspond rather to the non-governmental organisations in Germany (non profit organisations) than to the private commercial agencies. Scheipl (1999) makes a clear statement that in Austria the division into non profit agency in social work does not exist as such. Both are private agencies. In the field of stationary assistance, responsible, supra-national organisations are SOS-Childrens' Villages, Pro Juvente Childrens' Villages, the Churches or agencies affiliated to political parties, e.g. *Caritas* or *Volkshilfe*, as well as regional agencies (organised in the federal states).

In Sweden, all agencies, apart from those in the local councils, consider themselves as „private“. These include parents' cooperatives, societies and associations. The term „private“ is thus used in the sense of „non-governmental“.

Also the response from Italy draws attention to the cooperation between public and private initiatives. Let us put it this way: Cooperation between governmental and non-governmental organisations.

In the Italian response, notice is also made of the modifications that have taken place since the seventies: regional responsibilities have been created, the *Servizio Sanitario Nazionale* (National Health Service) was established. These modifications have also brought along the decentralisation of the administration and the introduction of the principle of self-government. Thanks to this regionalisation, a number of programs were started *in situ*, which enabled cooperation with non-governmental organisations, leading to the expansion of provisions of the youth welfare services (ref. European Commission, 1995): In at least two regions (Venetia and Campania), an inter-sectoral working group (Culture, Tourism, Vocational Training, Health, Welfare Policies, Sport and Leisure), a regional administration office

responsible for the coordination and implementation of youth policies and a permanent monitoring unit (a kind of Youth Welfare Assistance Planning Department) have been introduced. In addition, there are regional action programs and regional youth councils. Furthermore, reference is made to private and confessional providers.

These summary extracts on some of the predominant support structures for children, the youth and families existing in the investigated countries of Europe, do not supply any comprehensive picture of the situation, but give exemplary information and provide an insight into the structural realities of today.

Putting everything together, it can be concluded that the distribution of authority stretches from extensive powers for the local councils in some countries, to a centrally planned execution of responsibility.

As seen in Ireland, for example, all countries have at the regional level possibilities to individually administer their assistance offered. Multi-professional teams often become very important, whereby their composition sometimes varies greatly. In France for instance, experts who had been involved in a case in the past are invited to participate again. Another salient result points to the fact that, like in Germany, non-governmental agencies play an important role in the provision of assistance. Fig. 1 is a tabular illustration of the structural conditions as far as collated from the responses given.

#### **4.1.2 Funding Agencies**

In most cases the funding agencies are the local councils (for example in Germany). However, it also happens that a form of mixed financing takes place between the federal state and the local council, as for instance in Austria, or that the national level is responsible for the financing (Italy, Portugal) or that, *inter alia*, parents have to cover part of the financing, depending on the level of income (Germany) or depending on whether the assistance given was due to parental or governmental request (Sweden).

In Italy (at least as far as housing is concerned), the local council is responsible for funding. In The Netherlands it's the local Youth Welfare Office, whereby part of the funding comes from school support funds. The same applies to Sweden, where local councils are the funding agencies. However, it was not very clear whether the local councils are the sole funding agency for all forms of assistance in Sweden. In the field of child care centres, e.g. mixed financing from the national and local council budgets is applied. When a young person chooses to be accommodated in a non-parental home in Sweden, parents must pay a small contribution until the age of 21. They are exempt of payments if the housing is due to forced commitment.

In France, families can request the assistance of the *Service de l'aide sociale à l'enfance* if these families do not dispose of adequate resources for health assistance, social security, education and maintenance of the child. A counsellor for financial affairs can become active within the family environment. The funding agencies are the *départements*, which receive money from the national level. In addition, money is also provided at the local level.

In Austria, financing takes place at the federal-state level. In some federal states (not all), parents can also be called upon to contribute to the costs. In

the case of some particular offers (which would apply to the second case study), funding agencies are the local councils and the public assistance associations.

In Ireland and Portugal, finally, financing takes place mainly at the national level. In Ireland, the state is the funding agency via the health boards, whereby in case of the second case study, apart from the financial support received from the state, voluntary groups make additional donations. In Portugal, most of the costs are borne by the system for Solidarity and Social Security (i.e. central government level). Otherwise, every social service bears its own costs. Also, private organisations are inspected and financed by the Ministry of Labour and Solidarity.

This survey shows clearly how varied the question of service financing is dealt with within Europe. Differences exist from country to country as to which governmental level acts as funding agency. It also shows how different possibilities can be practised; from the local council level to the national level. Furthermore, it has also become manifest that non-governmental financial sources such as parents or donations are applied up to varying extents. Clear is also the fact that funding methods are closely interrelated with institutional structures and their respective competencies.

#### **4.1.3 Legal Basis**

In all countries there exists legal provisions at the national levels which determine the relationship between public and private education and define parents' rights as well as the tasks and obligations of the state, including concrete assistance in form of legal claims. In Germany, these aspects are chiefly laid down in the Child and Youth Services Act (KJHG). General statements on the relationship between family and state are also outlined in the Constitution, the school laws and the German Civil Code.

In contrast to Germany, the assistance provided in the other European countries is spelled out in several laws. In The Netherlands, for example, these are found even in school laws. The duties of the already mentioned companions (IB-er), e.g. are contained in the school laws. Furthermore, where no central regulations exist, regional and local offices take charge, leading to the existence of different regional laws and approaches.

In Ireland, several laws at the national level apply to the case constellations described. In the case of „Anna“, these are: The Child Care Act of 1991, the Domestic Violence Act of 1996, the Protection of Persons Reporting Child Abuse Act of 1998, the Non-Fatal Offences Against the Person Act of 1997 and the Freedom of Information Act of 1997. In the second case history (Manuel), the Child Care Act of 1991 also applies in addition to the School Attendance Acts.

The protection possibilities for children in France are complex and concern the fields of medical protection (free health assistance in schools etc.), administrative and legal protection, for which the state, the *départements*, the public services and associations are responsible. These include the law of 10 July 1989 on child abuse, the ordinance of 2 November 1945, the decree of 6 August 1992 concerning the administrative protection of the *Code de la famille et de l'aide sociale* (currently called *Code de l'action sociale et des familles*) and,

concerning the legal protection of the youth, Article 375 ff. of the Code Civil and Article 1181 ff. of the *Nouveau code de procédure civile*.

In Portugal, there are laws on the various services and a national law, the *lei tutelar educativa*, which deals with the protection of endangered children and youth. This law comes into effect whenever any situation can be regarded as being dangerous for health, security, education, upbringing or development, no matter who or what is responsible for this danger.

In The Netherlands, the Youth Services Act (*Wet op de Jeugdhulpverlening*) demands that investigation is conducted by the support and coordinating office (AMK) as soon as child maltreatment is suspected. The law stipulates that experts need to break their professional secrecy in case of (supposed) child abuse and report the case to AMK. Based on the child protection laws, the children/young people can be removed from their families, even against the will of their parents. The function of teachers in primary schools in the Netherlands (considered as internal companion (IB-er), is anchored in the school regulations/ordinances.

In Austria, there is a federal Youth Welfare Act (JWG) at the national level and associated state laws specifying this JWG. Also in Sweden, the cases described fall under the Social Services Act and the Care of Young Persons (Special Provisions) Act, which regulate all assistance forms for the responsible local council offices.

The responses supplied from Italy, unfortunately, did not make any references to legal provisions.

#### **4.1.4 Summary of the Institutional Framework Conditions**

The present description shows that in all countries investigated, legal regulations exist at the national level to deal with the two selected situations; in Germany these cases would call for a reaction from the Child and Youth Welfare Office. The names of the responsible organisational units or ministries, however, vary greatly.

Whereas in Germany the word „Youth“ is contained in the „Federal Ministry for Family Affairs, Senior Citizens, Women and Youth“, the proximity to the health services becomes apparent in Ireland and Italy: (Ministry of Health and Children).

In Austria, it is the Ministry for Social Security, Generations and Consumer Protection and in Portugal it is the Ministry of Social Security and Labour (*Ministerio da Seguranca Social e do Trabalho*), and herein included, the General Directorate for Solidarity and Social Security. However, a close relationship exists between the Ministries and the funding agencies for assistance. Wherever the responsibility is decentralised and seated at the local level, as in The Netherlands, Sweden or Italy, the local councils are also the funding agencies. In Austria, where the federal states bear full responsibility, the financing is located at the federal-state level (and the local councils) and there exist governing legal regulations at the federal level. In Ireland, with its central governmental organization responsibility, funding agencies are situated at the national level (as well as in Portugal).

## **4.2 User groups for Assistance**

Comparative Study of Educational Assistance in Europe (Hilfen zur Erziehung im europäischen Vergleich)  
Deutsches Jugendinstitut 2003

#### 4.2.1 Which Groups Receive Assistance?

In all countries under investigation, it was stated that the types of assistance are directed both to the child/the youth and parents. However, varying accents are placed on the methods applied.

Whereas in Sweden the child is at the focus of the assistance granted, in Portugal it is the family. In Germany, parents are the recipients of the services; the granted *Hilfen zur Erziehung* (Assistance for Education) are meant to strengthen parental capacity to raise children, and consequently focus on the sustainability of the family. In Ireland, reference persons such as doctors, teachers etc. are named. In Austria and France, the assistance is always directed at the parents, since understanding has to be reached with them on the assistance to be granted. The perspective of the action taken is not always educational, it can also have a therapeutic orientation, as shown by the Italian example. An attempt is made to define the conditions which lead to the particular conflict. From the information at hand, it is impossible to determine in detail how strong these therapeutic perspectives in the respective countries are. In all countries which provided answers, there are legal regulations which enable the government to take action on behalf of children, even against the parents' will. In any such case, the corresponding legal instance is consulted. However, the threshold limits for measures taken against the parents' will are located at very different levels in the individual countries.

The respective definition of the user groups with respect to the types of assistance and support services has tremendous effects on the assistance offered and the preferred strategies taken for action. The responses at hand show that there are European countries in which the family *per se* already represents a positive value which must be protected from external interference, be it governmental or otherwise. There are also countries, however, in which the governments see themselves primarily as the custodians of population groups which are not in a position to protect themselves. For these countries, the protection of children or young people from possible psychical or physical damage principally has a higher value than the categorical inviolability of the family. While the Swedish family, in comparison to the German situation, receives less attention and is prone to governmental control, the significance of family orientation in other countries is strongly emphasised. Sweden, which generally places high significance on public child care (ref. Johansson/Norén, 2001: 1f.), appears to be an exception to the rule.

In Portugal, for example, remaining in the „natural environment“ or in the prevailing social environment is favoured, the user groups of the assistance is the entire family, which ought to be preserved. Even in case of sexual abuse within the family, everything is done to keep the child or young person in the family, and to work with the parents. In France also, everything is done to keep children in their familiar milieu and to cooperate with the parents of the child. Only in cases where this is not possible removal from the family (with parental consent) is considered.

The same procedure can be assumed for Italy, since before further measures can be taken, any suspicion of sexual abuse must be confirmed.

Ireland is another country, where child education within family bounds is considered to be the best for the child. The tasks and obligations of parents

and the protection of the family are enshrined in the constitution, consequently, a specially strong orientation towards the family is at hand (ref. also § 3 (2c) Child Care Act).

In Austria, no direct statement on the significance of education in the family was found in the response letter, but judging from such formulations like „third party housing ... probably unavoidable“, it can be assumed that, here too, education within family bounds is highly esteemed. Even in the second case study, there is i.a. a concrete tendency to aim at returning the child back to the family fold. According to Scheipl (1999), assistance procedures in Austria are run parallel to the Child and Youth Services Act in Germany: primarily, the aim is to strengthen the educational competence of the family, whereby the basic principle is to intervene as little as possible.

In The Netherlands also, there is the will to possibly leave the child in the family and, as a first step, to provide ambulant rather than stationary assistance. Parents are to be supported in their educational responsibilities. The maxim is: assistance should take place as soon as possible, as quickly as possible and as close to the family as possible.

#### **4.2.2 Age Limits**

As a rule, the type of assistance and offers in the countries under review were for young people under 18, an age which in all countries implies the attainment of adulthood. A prolongation until the age of 21 is possible.

In Italy and Sweden, assistance ends with the attainment of adulthood but can be extended, if necessary, to the end of the 21<sup>st</sup> year. There is no difference in Sweden between children and young people, everybody under 19 years is considered a child (ref. *Socialstyrelsen*, 2002: 13).

In France, assistance begins as of the birth date and is granted up to the age of 18 years. If necessary, assistance is also provided to so-called *jeunes majeurs*, meaning young people up to the age of 21.

In Austria, where the age of adulthood was reduced from 19 to 18 in 2001, extensions beyond the 18<sup>th</sup> year are possible, if success with the measures applied is deemed probable. „To ensure success“ is an interesting formulation, since it suggests that seen from the perspective of the Austrian lawmakers, there can be no more need for educative measures, apart from what has been already initiated. On the attainment of adulthood, any agreement entered into with people with parental control becomes irrelevant.

In Portugal, for example, young persons older than 14 have to grant their approval to any support or protection arrangements. Assistance is given till the end of 18 years. If help was begun within this period, it can be continued till the end of the 21<sup>st</sup> year.

The Child Care Act in Ireland also refers to children under 18. If necessary, the regional health board can order the continuation of already granted assistance, however, a new project cannot be begun. The probability that help measures are continued is best, when the young person is still in full-time vocational training. How long such assistances continue depends on the degree of need, the progress made and the availability of financial means.

### 4.3 Participation Orientation

Not every response we received allows to make conclusions on the required participation of the user groups and persons having a child's care and custody, when decisions regarding the award of assistance are taken. We registered a wide range of differences in the role parents and persons having custody of children play when it comes to the participation of the user groups.

In Austria, for example, the question of participation orientation only takes children into consideration. After the age of ten, the child is to be involved in the decision-making process, it is to be consulted personally. Of prime importance at this juncture is an agreement on the granting of voluntary assistance. At the political level, the importance of an intensive participation of young people in the decision-making process is emphasised; this led to the creation of a Federal Youth Welfare and Youth Service Office, which includes youth associations and representatives of youth clubs. The Federal Youth Welfare and Youth Service Office is equipped with far-reaching powers of a legal interest group, and disposes of the same status as the legal interest groups of the service recipients, businessmen, farmers and the Austrian Senior Citizens' Council (ref. BMSG 2002).

In Sweden, legislation requires children to be consulted and their life situation taken into consideration whenever decisions affecting them have to be taken. The social services are expected to respect the will of children, taking into account their age and maturity (ref. *Socialstyrelsen*, 2002: 13). What became apparent in answering the question was the Swedish practice of making force or voluntary action a precondition to participation. The young person must be asked, if he consents to a particular form of assistance. If the assistance is for the family and the young person is accomplished on a voluntary basis, both the parents and the young person are given more possibilities for participation. In a forced regime, there is no room for personal contributions. There is no right of appeal against a decision to help on a voluntary basis. As a matter of principle, a plea for assistance from parents and young people cannot be rejected. If the social authorities do not agree with the wishes of the parents, they must make alternative suggestions for assistance. This regulation reminds of the German Child and Youth services Act which respects the will and the choice of parents. With regard to Germany, it becomes manifest that there is indeed a difference between existing norms and their implementation. For example, the will and the choice of parents are often watered down by financial prerequisites and by the lack of information of the families about alternative options. There is no reason to suppose that these differences do not exist in other European countries, too.

A relatively strong emphasis on the participation of parents was found in the responses from Ireland and France. In France, parents are to be consulted in every decision, no decisions on assistance can be taken in their absence. Parents decide for their children, social service agencies are expected to assist them in their decision-making process, but are not supposed to replace them. Parents must agree to decisions, an exception are emergency cases (the papers make no clear statement when a case is to be treated as an emergency case). Children, however, have the right to express their opinions and be heard. Parents and children have access to their files. In France Assistance can be



granted for a maximum period of one year. In addition, parents have the right and the possibility to prematurely terminate assistance. Parents may also bring along a trustworthy person to support them at meetings with governmental departments.

The laws in Ireland require that parents and children are basically and as far as possible consulted when taking a decision. In the response from Ireland, a special attention was paid to the constellations mentioned in the case histories. At case meetings, during which a suspicion on sexual abuse is confirmed, as in the first case, parents must be heard in order to reach an agreement by consensus. In the second case, likewise, in which Manuel refuses to go to school and stays away from home, decisions on assistance are also expected to be taken together with those seeking the help. In the response obtained project evaluations are indicated, evidencing the importance of parental participation.

The response sent by NIZW makes no statements related to if and how children and young people in The Netherlands should be consulted. In two places, however, comments about parental participation are made. First of all, problems dealing with „conspicuous children“ are discussed in the neighbourhood networks of the youth welfare assistance offices only with parental permission. Secondly, when a child or young person is remanded in custody, it depends in some cases upon the attitude of the mother, whether the child or the young person will receive support from the youth assistance program or from the child protection agencies. This reveals a relatively strong position of the parents or their guardians.

In Portugal also, support and protection regulations require consultations with the families and their approval. If the young people are older than 14, their approval is also required. The assistance plan is drawn together, it is only when parents, the young people (if over 14 years) and the commission cannot come to agreement that a court must decide. A decision against the will of the parents or the young person over 14 can only be taken by a court. The measures to be taken to support and protect children and the youth are then presided over in court. With regard to practice in other European countries, it would be interesting to investigate which effects this formal, relatively high hurdle has on normative concepts and the definition of need or indigence.

The participation aspect, as it seems, is emphasised in different ways, which reveals the respective importance attached to it. This can also be an expression of normative prerequisites, which are discussed in the expert community of a country.

It has become apparent in other research issues that there is often a gap between the expressed importance of participation of the user groups and the real implementation of the desired consultation. It is often not clear, up to which degree consultation should be sought or implemented. Legal conditions, public and expert discussions are one side of the medal, the other side is the practical translation into action. Meanwhile, first attempts at discussing the question of how to assist children and young people in education at the European level are being made (for example at an expert meeting in The Hague 2002). As it turns out, despite differing situations in the various countries, the problems seem to be similar everywhere. More detailed investigations are necessary in this regard. The fact that this topic was not discussed at all (e.g. Italy)

can lead to the conclusion that this topic has little or no practical significance in the provision of assistance.

#### **4.3.1 Summary on the User groups for Assistance**

The responses provided show that children and young people, as a rule, can receive assistance up till adulthood at 18, if this assistance, where necessary or suitable, it may be continued till the end of the 21<sup>st</sup> year. There are countries in which the provision of assistance up to the age of 21 is conceived to be a continuation of assistance already begun (see the Austrian example). The Portuguese example shows that the approval of young people to the planned assistance can be linked to a particular age limit. Normal practice, as shown in all countries introduced, is that children, young people and parents or their guardians are the targets of all assistance offered.

Judging from the material at hand, it cannot be said for all countries whether the restoration of parental educational capacity (as in Austria) or whether the therapy-oriented attempt of a problem-solution (for example Italy) is the prime aim of action. It becomes clear, however, that the family as such is of great importance, although there exists certain range of nuances within the respective societies.

While the responses show that in certain countries the user groups participation plays no role (Italy), this is emphasised strongly or is only referred to as a one-sided affair involving the consultation of parents (e.g. The Netherlands) or children and young people (e.g. Austria). This can be viewed as indicating factor how strongly the precept of participation is anchored in the general discussion of the countries concerned. However, there can be no definite conclusion as to whether the instrumentalisation of this aspect is merely a normative precondition or whether real participation orientation is available, and if yes, to what extent or how far consultation is possible and how it is practised.

### **4.4 Types of Assistance**

#### **4.4.1 Spectrum of Assistance Forms**

The description of the various types of assistance offered was done with differing degrees of detail. Against the background of the often very individualistic or family-centred conception of the pedagogical and therapeutic assistance method, emphasize has to be put on the other variant involving the creation of a strong network of assistance possibilities as seen in Ireland and Italy.

The Italian response to the question, which type of assistance is practised, states the point of view of the government's Youth Welfare Assistance Department. This is made obvious by the statement that no more room for action exists when the reintegration attempt for Manuel in the second case history fails, and from the brief remark that and non-governmental organisations confessional agencies try to fill these gaps. In Italy, Anna's case brought up the following suggestions for assistance: were the suspicion of sexual abuse not to be corroborated, the parents would be contacted with the network composed of other social services (because of the father's unemployment or alcoholism e.g. the Labour Office, the Alcoholics Anonymous), with a view to

transforming the current crisis stage into a state of détente. Anna herself would begin a therapy. Where the suspicion of sexual abuse is substantiated, the case would be reported to a juvenile court. Together with state lawyers, measures for the protection of the girl would be planned. The staff of the social services need, however, first to confirm and provide proof of the allegations before the statements are recognised as being credible. Unfortunately, no explicit mention is made about which steps are to be taken. It is made clear, however, that the judiciary plays a central role.

In the case of Manuel who refuses to return to his family and also refuses to go to school, the Italian system attempts to solve the problem with therapeutic measures. An attempt is made to reintegrate him into school or to let him continue with vocational training in case he completed school. If Manuel has come of age, the reintegration attempts have failed and he is on the streets again, there is nothing that can be done, according to the statements from the Italian International Social Service Office. Meant are governmental possibilities, since mention is made of the presence of non-governmental in the big cities which fill this gap.

In the response from Austria, it is pointed out that assistance offers are better in the larger cities than in other places: Street work, follow-up social work and manned emergency hostels are likely to be found there. In Austria, the focus is placed on family support assistance, including placement in foster homes, with emphasis on the strengthening of the educative capacity of the family. Educative assistance should be applied only when parents or guardians are no longer in a position to take care of children and young people.

In Sweden, certain offers for assistance, for example, consultative social work must be provided by the local social authorities. This is a requirement of the Social Services Act. According to the statements of ISS Epikur, the local authorities do not always fulfil this prerequisite. If the suspicion of sexual abuse were to be confirmed in the Swedish context, Anna would be placed in a Swedish family home. For Manuel, living in a family or a youth home would be unusual, a boarding school would rather come into question. But other assistance offers such as family therapy, extra classes at school, counselling, public assistance and help for parents have been mentioned as possible reactions.

In the response from Ireland, it is pointed out that the focus was placed on Dublin and the surrounding district, whereby the difference in comparison to other regions should not be too big. The following reactions were described in case the suspicion of sexual abuse against Anna is not confirmed:

- educational counselling (child or family-related, couple-related) therapeutic play group, therapeutic holiday arrangements (summer camp);
- support from relevant adults (teachers, general practitioners) within the child's environment (i.e. the helpers are supported, a remarkable form of real-life orientation);
- family support workers (support and leadership);
- networking with the mother, in order to involve her more strongly in local life and to create possibilities for the development of friendly relationships;
- connection to self-help groups (Alcoholics Anonymous, relatives of alcoholics, parent educational groups (peer support));
- assistance in home budgetary affairs;

- attempt of integration with back-to-work programs.

In case the suspicion of sexual abuse by the father is confirmed, and the mother is not prepared to separate from him, the following reactions could result:

- case conference including all relevant persons;
- family group conferences;
- removal of Anna from the family, whereby placement in the extended family is preferred. Foster family is preferred to a children's home, placement in a home takes place only as a transitional arrangement, i.e. until a foster family is found;
- the staff of the health board try to maintain contact between child and family;
- a treatment program is possibly arranged for the father.

In the meantime, a new law has come into force, the Children Act, which contains regulations on „Special Care Placement“. According to it, placement for a defined time period is possible, until the required care plan for stationary measures has been established.

If a young person like Manuel in case history 2 joins a clique on the street and refuses to go to school, his family will receive counselling from the Health Board (with or without the young person) on how to deal with the situation and obtain orientation on remedial offers and support possibilities. The counselling concentrates on how the young person can be persuaded to return home and resume schooling (eventually with support from the Department of Education's Statutory School Attendance Service or the Department of Education's Home/School Community Liaison Service). Assistance can also come through the acquaintance with the „Spring board Project“, a new local council assistance service financed by the Department of Health and Children, which offers life or social environmental help („providing help for young people in their own locality“) and which involves families in the activities and in the development of the project. In Dublin itself, apart from this, there is a youth information centre (Department of the Environment) where young people can inform themselves. If the young person refuses to return to his hometown, contact of the social workers of the city (Dublin) and in his hometown will be established. Both parents and the respective offices in Dublin are informed about the situation. In case of school truancy, there are legally sanctioned punishment regulations, the application of which is not encouraged according to the information from the International Social Service, since it is deemed more important to maintain the contact with the young person and motivate him to seek alternative educational programs. The highest priority is given to the stabilisation of the parental relation.

The young person could also contact the office responsible for homeless youth. It is an voluntary facility (Focus Ireland) with a number of inexpensive offers for street children (e.g. a café). Additionally to this offer, there is a social crisis service and a housing service for the youth. These services operate outside office hours in close contact with the police. The assistance offered includes emergency lodgings and the establishment of contact to the Health Board the morning after. The aim is to integrate young people as quickly as possible into the regular assistance system, i.e. day care programs, educational

opportunities, reintegration into the labour market through the learning of certain skills, e.g. computer literacy, car repair etc. On reaching 18, the young person is legally entitled to social welfare benefits. But even under 18 he can receive public assistance, if he is living on the streets and is apparently without any means of living.

The response from The Netherlands related to the reactions resulting from the presented case constellations was rather brief in comparison. In the case „Anna“, the child could be brought to a foster family or housed in a stationary facility. While the culprit is remanded in custody, a decision could be taken as to whether the child or the young person should receive assistance from the Youth Welfare Assistance program or from the child protection agency. Unfortunately, little detail was provided on the type of assistance to be provided. However, help for parents could also be provided by the social service (e.g. therapy).

In France, various crisis programs are described as help measures. In case of abuse („Anna“), the assistance offered includes prevention, case solution and the urge to cooperate with the child and juvenile protection agencies. These measures are implemented by: *le service de l'aide sociale à l'enfance en liaison, le service départemental de protection maternelle et infantile, le service départemental d'action sociale*. One of the measures of the *action éducative en milieu ouvert (AEMO)* implies child and parents assistance at home. Approval from the parents is always sought for the assistance offered. If the parents reject the offers made and a judge deems an intervention in the family to be necessary, assistance can also be ordered by a court. In case of sexual abuse or pornography, a toll-free national telephone service to the *Brigade des Mineurs* (Police) is available to transfer information to the *Traitement des Signalements de l'Urgence* or the *Parquet des Mineurs* (a (fast-track) court).

In Portugal, assuming the suspicion of abuse were to be confirmed in Anna's case, there would be an attempt to sign a (voluntary or court-ordered) support and protection agreement. This document contains provisions that – should Anna remain in the family – her mother learns to better protect Anna and that her father begins with rehabilitation measures (here, reference is probably made to the father's alcoholism in the case history). Should this not be possible, Anna would be housed by relatives or placed in a foster family. It can be concluded from this formulation that a stationary facility represents the last resort. The range of possible assistance is however much broader and stretches from psycho-social care of families, alcoholism therapy and psychological help, including financial assistance (minimum income), school and leisure time supervision, street projects, foster families, stationary offers with inter-disciplinary teams and access to vocational training.

Though responses came at various detail levels and different country-specific focal points have been established, it is obvious that for the case studies presented, psychological and therapeutic assistance is available in all countries. It has also become apparent that the support offered is not only directed at the child or young person, but also involves the entire family. Other aspects, such as city-country differences in the assistance offered or the interplay between various offices and actors in order to solve problems are often only mentioned in the answers of individual countries but it can be assumed that other countries have to confront the same situation.

#### 4.4.2 Is there an Assistance Contract available?

In Austria, concrete measures for educational assistance must be agreed in written form. If the parents are not willed, the only alternative is the trusteeship court. In case of an acute endangerment to the child, as assumed in Anna's case, there is the possibility of custodial charge, which must be confirmed by a court decision within 8 days.

In Portugal, the measures taken are described in a support and protection agreement. This agreement is subject to a quarterly review. If need be, the review can also take place at an earlier date. The question remains unanswered, whether this short duration expresses an attempt at a pin-pointed expert control, whether this is a somewhat short-sighted assistance effort (for example the idea that family problems can be solved quickly), or if this is a fiscally motivated attempt to influence issues for some other reason. In a support and protection agreement, the following themes are treated and settled: feeding, hygiene, health, well-being, visits to the doctor, schooling, psychological counselling and economic support for the family. Apart from that, Gersao, for example, points out that the *Ministério Público* is entitled to draw up a plan to regulate the measures to be taken on behalf of the young person. For example, it can be determined that the young person expressly regrets actions, pays a monetary fine from his pocket money or does social or school work during his or her leisure time (ref. Gersao 2000: 39ff.).

In the Swedish report from ISS Epikur, there is no information on the necessity to establish an assistance plan. According to information supplied by the *Socialstyrelsen* (National Authority on Health and Social Welfare), the Swedish Social Service is required to complete an assistance form with effect from 1<sup>st</sup> January 2002, if children and young people are housed away from home. This plan must contain the requirements of the children and the youth, the aims of the measures agreed upon and the various groups responsible for implementing the plan. An assistance plan ought to be always supplemented by a treatment plan, which practically shows how the measures agreed upon shall be implemented. The plan represents the basis for the cooperation between the Social Services, the user groups and other departments (ref. *Socialstyrelsen*, 2002: 16).

According to the response from The Netherlands, it is obvious that there is close cooperation between schools and Youth Care Centres. There are assistance plans compiled with the participation of schools, the Police and others. Children, young people and parents concur to the plan only when it is passed further on to other institutions, too. The documents of the *Dienst Justitiële Inrichtingen* (DJI), state clearly that each young person in a treatment centre receives a treatment plan, in which the aims of the specific treatment are defined. Strict attention is paid to the day-to-day program, which spells out the educative aims and the work programs to be followed. Among others, the day-to-day program also includes school attendance (ref. DJI, 2002).

In Ireland, a care plan is compiled only in case of stationary housing. This was confirmed on inquiry by the International Social Service in Ireland. This care plan contains the aims and measures adopted, as well as regulations regarding parental contact. A first plan supervision has to be carried out after two months. For the following year supervision will take place twice a year and

thereafter they will be made on a yearly basis. The children/young people, parents or guardians and the heads of the services are asked to participate when compiling the plan. Thereafter, all contributing parties receive a copy. If children or young people are endangered and require protection, a child protection plan is drawn up.

The laws in France require that the life situation and the assistance requirement of a child or young person be regularly reviewed together with the *aide sociale à l'enfance* (ASE), so that protection can be guaranteed. In the interest of the child/young person, the family is expected to be present. The measures taken are limited to a year's duration. The contract for assistance is not (always) formulated in written form and can therefore not always be signed by the user groups. However, negotiations regarding the type of assistance with the user groups are usual.

No information is available from Italy about an assistance contract. The compilation of a help plan ought to be seen as a formalisation of the offered assistance. Though the existence of such an assistance plan was rarely mentioned in the responses given, it is obvious that such plans exist in various forms. Partly, such plan must be drawn up only in case of stationary housing. Fixing the aims and the appointed measures in writing for each case is a central element of the entire plan. Since the assistance plan can be an instrument that enables a formal support guarantee of the user groups, the fact that this procedure is seldom mentioned shows that the participation of the user groups is of little importance in the respective countries.

#### **4.4.3 Intervention Orientation**

Information on the possibilities of intervening in the family are given varied emphasis. In Sweden, there are comprehensive laws governing the removal of a child from the family or for mandatory housing. In Portugal, there does not seem to exist any pronounced orientation towards intervention. Also in Italy, the staff of the social service must first confirm and prove the suspicion before a claim of abuse is considered credible. This shows that there is no pronounced intervention orientation for such cases. The information provided reflects the number of institutions and actors playing a role in case of any intervention: beginning from the various responsible offices of the judiciary and the courts (e.g. juvenile court), including the Police and specialised social educational agencies.

The fact that in Portugal assistance in case of sexual abuse of a child is limited to the strengthening of the mother's protective possibilities, and that there is a tendency to keep the child in the family, reflects that in this country no pronounced intervention orientation seems to be available. If it comes to removal of the child from the family, this is performed within the framework of a court proceeding, presided over by the state prosecution. If an abuse is confirmed, the regional commission can contact the state prosecution for the commencement of proceedings. All measures must be reviewed by the court within a period of 48 hours and modified, if need be.

In Sweden, on the suspicion of sexual abuse (case description 1) and during the investigation of the case, the child is in any case separated from the family and housed in a family home. In accordance with the Social Services Act, the

social services are however expected to check, if the housing with relatives or with another person with close contact to the child is possible. It is a legal stipulation that whoever has a suspicion that a child requires the protection of the Social Welfare Committee must report this issue (ref. *Socialstyrelsen*, 2002: 14 f.). A suspicion is enough for the removal from the family. From the information given in response to the described case history, it can be determined that a forensic doctor is to be consulted to examine the child. The decision for removing the child is taken by the magistrate's court and must be reviewed every half year. Such removal from home may only last for six weeks, after which there must be clarification over the assistance to be given. Also in the case of Manuel (second case description), forceful removal from home is possible, if danger for the person involved or for others is expected. In such a case, also a decision of the magistrate's court will be required.

In the response of the ISS, notice is given that a mandatory measure usually leads to a disturbance of the cooperation between the social authority and the family, since no confidence can be established. This could point to the fact that in the daily work of the institutions, actions against the will of parents or young people are to be avoided, if possible.

The responsible authority for an intervention in Austria is the trusteeship court. The culprit, in case of sexual abuse or malpractice, as according to the law on protection from violence, can be thrown out of the house by the police. This is also possible in Germany, since the law on the improvement of children's rights came into effect in April 2002.

In Austria, the youth welfare agency may apply for such an interim injunction on the under-aged child's behalf. If the child or the young person is to be housed alternatively, the right to visit one's own child can be suppressed on the agency's application. In Germany also, if a child or young person is removed from the family, in certain cases contact may be not permitted for a certain time.

In Ireland, the child or young person in acute danger can be placed in a stationary facility / or outside the family environment on court orders, if not consensual solution takes place, initially for a provisional period of eight days. This period can be extended. At completion of the case conference, the court can decide on a longer placement period outside the family. In the Child Care Act, Explanatory Memorandum (S.2), it is stipulated that a child in an emergency case can be taken away from his family by the Police and be taken care of by the Health Board for a maximum of three days without a judicial order. When it comes to court decisions on issues dealing with the right of custody and the right of stay, parents are entitled to be assisted by a lawyer, whose expenses, depending on the financial situation, may be borne by the state. There is a law to protect people who suspect and report child abuse. Every person who suspects the abuse of a child is obliged to report this issue to the Health Board. This applies especially to teachers, youth welfare workers and the employees working for the health authorities, whose work brings them into regular contact with children. There is no obligation to report child abuse in Ireland to date. This topic is, however, being discussed at the governmental level.

In the response from The Netherlands, the reaction to the case description regarding „Anna“ could take two possible courses: either a criminal proceeding



through the courts or the solution to establish protection measures for the child. Both are often applied. A criminal proceeding involves the summoning of the culprit responsible for the abuse to the Police and his summary arrest. During the remand custody of the culprit, it can be decided, whether the assistance for the child or the young person should be organised through the Youth Welfare Assistance Program or through the Child Protection Scheme. The Support and Report Centre for Child Abuse (AMK) represents the institutionalisation of observation. The AMK is entitled to interfere in family affairs reported to it, or where there is adequate reason to assume that a child is being maltreated. Upon receiving a report, the AMK is legally obliged to investigate the suspicion reported. It may employ experts who have contact to the family in order to collect information. In case of child abuse, experts are bound by law to break their professional secrecy and report any such case to the AMK. Should there be any urgent reason to take action, the AMK places a request to the Council for the Protection of Children (*Raad van de Childrenbescherming*) to begin investigational activities and, if necessary, on the basis of the child protection laws, take the child out of the family, even against its will, give the child to a foster family, or place him or her in a stationary facility.

In France, if a suspicion of sexual abuse of a child arises an experts meeting, a so-called *réunion de synthèse* takes place, during which all social workers involved in the case must be present: Social workers responsible for the area, or for different school levels, child care nurses, employees of the youth protection department, experts who conduct the medico-psychological consultations. If the case is adjudged to be serious, the *Procureur de la République* (Attorney General) is contacted. He can either arrange for a supplementary meeting or can order the immediate relocation of the child. The administration (*aide sociale à l'enfance*) cannot take up a child without the approval of its legal guardians. An exception is always possible in emergency cases. If after five days the child can still not return to his or her family, or should the guardian not give his approval to a stationary relocation, he loses his right of custody for the child. From the descriptions provided, it was not clear, which criteria must be fulfilled, before an emergency case can be deemed as such. It remains open who is responsible to determine an emergency situation.

This overview of the situation in different countries makes it clear that the tendency to intervene in a family from outside is handled quite differently in Europe.

In Sweden, where, in contrast to Germany, family orientation is comparatively weak, suspicion of sexual abuse is enough to warrant the removal of a child from the family. The same is also true in case of The Netherlands.

In the two Southern European countries under review, the situation is different: In Italy, any suspicion must be substantiated. In Portugal, even after confirmation of suspicion, everything is done to keep the child in the family and to cooperate with the parents.

#### **4.4.4 Summary on the Types of Assistance**

The procedures applied at the incidence of the situations described under this study are very similar as far as some aspects go, but also very different in other

aspects. In both Anna's and Manuel's cases, therapeutic assistance was often cited. In Anna's case, there was frequently a tendency to involve the parents in finding solutions. If it came to a stationary relocation, there was a tendency to transfer the child to relatives or a foster family. The last possibility considered was the transfer to a children's home (e.g. Ireland, Sweden). Though no strict difference was made between the two case histories, Manuel's case showed a stronger bias for educational or vocational training aspects. Marginally, there was also a preference for street work or placement in an emergency or crisis home. This becomes immediately understandable, due to the structure of the case histories.

While describing the types of assistance possible, differences became apparent in the description of the extent to which recourse was taken to judicial measures or police actions. In the question of intervention orientation, however, reference was always made to the role of the judiciary. There were not only differences in the period necessary to activate external intervention, leading to the removal of a child or young person from a family, there was also a difference in the obligation to report the case to external agencies.

## 5 Overall Conclusion

Using the selected method of constructing two case histories and requesting representatives from European countries to respond to the questions posed to them made it possible to gain a profound insight into the procedures of offering assistance to children and young people in Europe. Even if the responses of the respective countries differed widely, the investigation now under review gives information on how extensive the spectrum of assistance and the award of assistance is and how the various forms of assistance relate to each other, enabling us to get a good impression of the methods applied in the various countries. The discussion on the activities of the welfare state in Europe has now primarily shifted to a concentration on the various framework conditions surrounding the topic.

Schulte (2002: 135) points out in this context that there has hitherto not been any „vigorous attempt to harmonise the national social protection systems“, but realises that there are indeed a lot of common principles governing the idea of the welfare state.

With the selected method, it has also been possible to bring to attention the various types of implementation practices in Europe. The question to be answered in future will be how to deal with this situation in a unified Europe.

Before delving in detail into the areas of inspiration potential for German child and youth services, arising out of the descriptions of the methods of action in other European countries, we would like to point out again the discrepancy between law enactment, directives and regulations on the one hand and their implementation on the other.

Even when some of the methods applied in other European countries appear to be worth emulating, looking at it from a professional point of view, it has to be kept in mind that the question still remains to be answered definitively, whether the real implementation in the respective country, its practicability and its transposition on German reality are possible. Rather, the differen-

ces to the German practice, as cited here, give an opportunity to look critically at the question. The aim is to depart from the trodden paths, to question some of the things that are taken for granted in the German child and youth welfare assistance system and to broaden the horizon.

Looking at it from the German point of view, the responses from the European countries have produced a number of interesting news on the course of action to be taken in the face of certain case constellations, cases which fall under the responsibility of the youth welfare youth services office in Germany. It is for this reason that aspects of the structural integration and competencies, as well as the question of which public the assistance is targeted at, which multi-professional teams to engage for networking, the rights of the user groups and the procedures for planning assistance, are addressed here.

## 5.1 Structural Integration and Chains of Responsibility

By comparing the systems in Europe, the relationship between institutional and structural identification of problem processing and the work input during the problem processing phase becomes clearer.

For example, in Italy, the national health service is subdivided into agencies responsible for counselling families, taking health precautionary measures and solving socio-psychiatric problems. But there are no specialised services for children and young people. With these facts in mind, it then only appears logical that the reactions to the two case histories are given a more therapeutic orientation than as in Germany.

The example in The Netherlands shows, how closely child and youth services and the school cooperate, when it comes to the recognition of problem cases and the requirement of care for children, young people and their families, and when it comes to further counselling and care provision or the implementation of measures. In this question, teachers play a central role, informing on the one hand the social services, and seeing to it that there is adequate attention paid to the children and young people during school time. The support for children in problem constellations is also anchored in the Dutch law dealing with primary schools. This means that, unlike in Germany, concerning one's self with this problem constellation is considered to be among the primordial tasks of the school. The Dutch example can serve as an inspiration for a closer interplay between the school and the child and youth welfare services in Germany.

In the responses from Portugal and Austria, for example, a close connection was established between „social security“ and the social services for children, young people and their families. This connection can be related to the respective global theory underlying social life and the particular conception of the welfare state in a particular country. Since there is obviously no public assistance system in Portugal that could be compared to that of Germany, it becomes apparent that in times of crisis intervention, the responsible instance bases its assistance on the existential security of the family. Interesting in this context is both the intensity of work and the effect of a stronger emphasis on monetary, and in a way, overall approach that is taken to the support of

families. And this, in contrast to the reigning paradigms in Germany about the strict differentiation between monetary and socio-pedagogical assistance. The reference to the term social security may imply two different meanings: On the one hand, it refers to the need to provide care to children and young people who require assistance, on the other, it can also mean protection of the society from individuals or groups. This thus strikes the bow back to the judiciary, which in certain cases is also located at the interface to the assistance to child and youth welfare assistance in Germany. This is also an aspect that has proven to be a source of frequent irritation in Germany. Cooperation between the various institutions in the different countries can perhaps increase the transparency, but does not lead to a complete integration of the different ways of handling problems (ref. also van Santen & Seckinger 2003).

The decision on the structural integration of problem processing thus leads – at least implicitly – also to a decision based on the way of going about the problem. From the experiences of the other countries, which due to different competencies, have other conditions for cooperation and are differently organised, there could possibly be a practical lesson to be learned in German

## 5.2 User groups of the Assistance

We have observed that in the various countries the help aids are directed towards totally different groups of persons. These vary between the two poles „Family Orientation“ and „Children Orientation“. At one pole, the emphasis is placed on the special esteem for the family as the nucleus of the state and community, a fact requiring the special protection of the private sphere and the family. At the other pole, of vital importance is the shift of emphasis rather to the conception of the state as the protector of the weak and therefore of the under-aged. Seen under this premise, the tendency is to downplay, too often, the private sphere of a family than to hesitate for too long before taking action on behalf of an endangered child. How such differences affect the quantitative utilisation of stationary accommodation, for instance, did not form part of the analysis, even if this question excites interest.

## 5.3 Multi-Professional Teams

Inspirations for the German situation have also been offered by the descriptions of multi-professional teams in a series of responses from countries which have dealt with the situation and investigated the requirements of the recipients of help aids whose staff have been exchanging ideas. The descriptions partly show a structural similarity to the constitution of Child and Youth Services Committees in Germany (e.g. Ireland).

In a couple of countries, however, teams made up of people with varying professional backgrounds exist more at the grassroots level, which are on the lookout for the exchange of expertise and provide suggestions for better help aids. These groups are not made up of bodies with a legally stipulated status. A more stronger institutionalisation of these teams, as found in such countries, could certainly lead to an increased exchange of expert information across

professional boundaries.

*Networking* whole different perspective on possible investigative forms regarding cooperation between various social fields is provided by the examples coming from Ireland. In the Irish Republic, help is also provided to those parents and contact persons who are able to provide daily support to children and young people. The „Helpers“ themselves receive help, so that they can keep close contact to the world of the children and young people, in order to help them. Thanks to this policy, teachers or general practitioners, for instance, can obtain help from people with socio-pedagogical competence. With this method, they are placed in a better position to assist those they want to help within their own living environments. In some circumstances, this instrument can be used to avoid transfers of helpers, something that can often not be understood by the recipients of help.

Also interesting is the reference to the French documents which say that experts who have in the past had experiences with a similar case can be consulted. In certain cases, the retrospective consultation of not only recipients but also of experts can be obviously useful.

## 5.4 Rights of Recipients

The presented material has clearly produced evidence that the legal position of recipients can be regulated in totally different ways. An example with inspirational character for practical work in Germany is the right of recipients to fall back on persons they consider trustworthy. Even though in Germany, too, the user groups sometimes enjoys this possibility, this happens first of all on the initiative of the user groups, as a rule, and secondly, this possibility is not codified.

In France, decisions on assistance are only taken in the presence of parents. This strengthens the position of the parents. Even if in Germany help is normally not granted without the formal approval of parents, the French practice demands parental participation in the process and goes beyond just formal approval. In addition, parents are given the right to terminate any approved assistance prematurely. This rule can often lead to increased involvement with the parental perspective, since their position in the assistance process is relatively strong. Another strong position is also the right of parents to have access to the files of children and young people, or the regulation that the user groups automatically receives a copy of the assistance plan. In Portugal, the legal position of young people in comparison to Germany is much stronger, since assistance to juveniles over 14 only takes place with their mandatory approval. In Germany the age limit for mandatory approval is pegged at 18.

## 5.5 The Planning of Assistance

In other countries, the process of planning assistance is done in many more different ways than is the case in Germany. There are countries in which the assistance is granted for a maximum period of a year. Also, the continuation modalities for assistance plans in many countries are fixed and are much shorter (e.g. quarterly or initially more frequent and later at longer intervals) than is

usually the case in Germany. This touches on the question of directing and controlling the assistance procedures. Even if the danger of „excess control“ is real, these examples offer suggestions for the discussion of the question, if a revision of the decisions taken on the type of assistance should not take place at shorter intervals and at more regular intervals than has been the case hitherto in Germany.

The investigation has also supplied evidence that the theme spectrum and the degree of concretisation of assistance plans could be spelled out more precisely, so that help plans could more and more attain the function of an (controllable) itinerary, and not become a document of commonplace generalisations.

In this context, there exist in Europe also models which differentiate between an assistance plan and a treatment plan. Whereas in the assistance plan the needs of the user groups are fixed and the aims of the approved assistance and the responsibility for its implementation are described, the treatment plan concretely shows how the approved plan should be implemented.

A close analysis of Anna's case history reveals that contrary to what has been valid in Germany hitherto, there are regulations in other European countries which protect persons who report suspicion about sexual abuse to the responsible authorities. In some countries, it is explicitly stated that suspicion of sexual abuse permits the abrogation of the legally fixed right to professional secrecy of certain trade groups (professional discretion). Altogether, the responses from the various countries gave the impression that the combat of cases of abuse is taken seriously and has led to the creation of special services. To date in Germany, however, there has only been a limited and unsystematic institutionalisation of forms of reaction to (suspected) cases of sexual abuse.

The present descriptions also indirectly let Germany shine out positively, in comparison to the other countries. For example, the descriptions on the spectrum of the types of assistance that can be applied show that Germany has a comparatively broader spread of types of assistance possible. The position of non-governmental organisations in Germany is structurally anchored very strongly (legally fixed participation procedures, financial security etc.).

The aim of the present investigation was not to conduct a systematic comparison of the systems and procedures regarding educational assistance in Europe. The main aim was to use the provided descriptions from other European countries to gain inspiration for a broadening of perspectives in the internal German discussion on the theme. Even at the danger of having misunderstood a lot of what goes on in the neighbouring countries, the information received has been rather helpful. The method we have chosen has permitted us to gain insight into the various ways different countries have taken to handle specific problems and to recognise which tendencies are considered important at every step.

What we have at hand, however, is no comprehensive picture of the situation in the various countries; in some places questions remain open. Based on the results at hand, it would be a good opportunity to organise expert meetings with the aim of deepening the knowledge accumulated till now, and examining the question of how far certain procedures and regulations can be adapted to

the German situation.

## 6 Literature

- Bahle, Th. /Pfenning, A. (2001): Angebotsformen und Trägerstrukturen sozialer Dienste im europäischen Vergleich. Arbeitspapiere – Mannheimer Zentrum für europäische Sozialforschung; 34
- Bendit, R. /Winzen, G. (2002): Opportunities and limits of European comparative social research on youth. In: German Youth Institute (ed.) Growing up in Germany. Living conditions, problems and solutions. Research and development at the German Youth Institute, 131 - 142.
- Bendit, R./Gaiser, W. /Marbach, J. H. (Hrsg.): Youth and Housing in Germany and the European Union. Data and Trends on Housing: Biographical, Social and Political Aspects. Opladen: 1999
- Blätter der Wohlfahrtspflege Themenheft Daseinsvorsorge in Europa 3/2002
- Centro Nazionale di Documentazione ed Analisi per l'Infanzia e l'Adolescenza (eds.) (1998): Secondo rapporto del governo italiano. Sulla Convenzione delle nazioni unite sui diritti del fanciullo.
- BMSG (Bundesministerium für soziale Sicherheit und Generationen) (2002): Bundes-Jugendvertretung. In: <http://www.bmsg.gv.at/bmsg/relaunch/jugend/content/jugendpolitik/jugendvertretung.htm>
- Bundesministerium für Wirtschaft und Technologie (Hrsg.) (2002): „Daseinsvorsorge im europäischen Binnenmarkt. Gutachten des Wissenschaftlichen Beirats beim Bundesministeriums für Wirtschaft und Technologie vom 12. Januar 2002, Nr.: 503
- Deutscher Verein für öffentliche und private Fürsorge (o.J.): Arbeitsfeld VII. Grenzüberschreitende Sozialarbeit - Internationale Sozialdienst. <http://www.deutscherverein.de/portal/verein/7-arbeitsfelder/07-af7>
- DJI, Dienst Justitiële Inrichtingen, 2002: Behandelinrichtungen. Ref. [http://www.dji.nl/over\\_dji/behandelinrichtungen.html](http://www.dji.nl/over_dji/behandelinrichtungen.html)
- Gersao, E. (2000): As novas leis de protecao de criancas e jovens em perigo e de tutela educativa – Uma reforma adequada aos dias de hoje. In: Ministério da Justica, Instituto de Reinsercão Social: Infância e Juventude. Revista do Instituto de Reinsercão Social. Abril-Junho 2000.S. 9-47
- Hessle, S. (Hrsg.)/Lorenz, W./Payne, M./Zaviršek, D. (2001): International Standard Setting of Higher Social Work Education. Stockholm Studies of Social Work 17. Stockholm University, Department of Social Work. Akademityck AB, Edsbruk.
- Hessle, S./Vinnerljung, B. (1999): Child Welfare in Sweden – an overview. Stockholm Studies of Social Work.15.
- Höynckh, Soisson, Trede, Will (2002): Youth Care – Youth Punishment. Approaches to Juvenile Delinquency: a European Perspective. Frankfurt
- Colla, Gabriel, Millham, Müller-Treusler & Winkler (ed.)(1999): Handbook Residential and Forster Care in Europe. Neuwied Kriftel.
- Hansbauer, P. (1996): „Mikrorationalitäten“ im Verwaltungsalltag. Dargestellt am Beispiel der „Hilfen zur Arbeit“ (§§18ff. BSHG) in einer Sozialverwaltung. In: Social Welt, Jhg. 47, Heft 1, 68-91.

Comparative Study of Educational Assistance in Europe (Hilfen zur Erziehung im europäischen Vergleich)  
Deutsches Jugendinstitut 2003

39

- IARD (Ed.) (2001): Study on the State of Young People and Youth Policy in Europe. Vol 1. Final Reports: Executive Summary and Comparative Reports. Milano, January 2001. In:  
<http://www.Europe.eu.int/comm/education/youth/studies/iard/iard.htm>  
 1
- International Social Service (1998): Europe, Branches, Germany. In:  
<http://www.protestant.ch/ong/ssihome.nsf/e11046861a013ab900256416005da776/3bb395c0ad075c7fc12567590069d64b?OpenDocument>
- Johansson, S./Norén, P. (2001): Care Work in Europe. Current understandings and future directions. National Report, Sweden. WP 3. Mapping of Care Services and the Care Workforce. Umea University, Sweden;  
<http://144.82.35.228/carework/reports/Sweden.pdf>
- Kornbeck, J. (2001): Sozialpädagogische Inhalte, unterschiedliche Formen. Drei Ansätze zum Standort der Sozialpädagogik in Europe. In: Standpunkt: sozial, 3 (2001), S. 80-88; [www.haw-hamburg.de/sp/standpunktheft0301/Kornbeck%203\\_01.pdf](http://www.haw-hamburg.de/sp/standpunktheft0301/Kornbeck%203_01.pdf)
- Ministério da Seguranca Social e do Trabalho: Seguranca Social. Ref.  
<http://www.seg-social.pt>
- Scheipl, J. (1999): Heimerziehung in Österreich (Residential Care in Austria) In: Colla, Gabriel, Millham, Müller-Treusler & Winkler (ed.) (1999): Handbook Residential and Forster Care in Europe. Neuwied Kriftel, 71-84
- Schulte, B. (2002): Europäische Probleme der Trägerschaft und der Leistungserbringung in der Kinder- und Jugendhilfe. In: Sachverständigenkommission 11. Kinder- und Jugendbericht (Hrsg.) Migration und die European Integration. Herausforderungen für die Kinder- und Jugendhilfe. München: DJI-Verlag, 127-182
- Socialstyrelsen, 2002: The Social Services Act (Socialtjänstlagen) – What are your rights after January 2002? Artikelnummer: 2002-114-9;  
<http://www.sos.se/FULLTEXT/114/2002-114-9/2002-114-9.pdf>
- van Unen, A. (1995): New legislation on care for children and young people in England, Germany and The Netherlands. Amsterdam
- van Santen, E./Mamier, J./Pluto, L./Seckinger, M./Zink, G. (2003): Kinder- und Jugendhilfe in Bewegung. Aktion oder Reaktion? *Eine empirische Analyse*. DJI-Verlag München.
- van Santen, E./Seckinger, M. (2003): Kooperation: Mythos und Realität einer Praxis. Eine empirische Studie zur interinstitutionellen Zusammenarbeit am Beispiel der Kinder- und Jugendhilfe. DJI-Verlag München
- van Santen, E. (2001): Interkommunale Vergleichsringe – eine Außenperspektive.  
 In: Institut für Sozialarbeit e.V. (Hrsg.): Sozialraumorientierte Planung in Gebieten mit besonderem Entwicklungsbedarf. Münster, 68-75 (Download über [www.eundc.de](http://www.eundc.de) möglich)
- van Santen, E. (2002): Regionale Disparitäten in der Kinder- und Jugendhilfe – Angebote, Inanspruchnahme, Konzepte. In: Forum Erziehungshilfe, Jhg, 8, Heft 4, 214-222
- Walther, A./Stauber, B. et al. (ed.): Misleading Trajectories. Integration Policies for Young Adults in Europe? Opladen: 2002.



## 7 Appendix

### 7.1 Accompanying Letter

*Ladies and Gentlemen,*

*Within the framework of a research work, we are looking for experts who are committed to social work in selected European countries. In your capacity as a member of staff of ..... we kindly ask you to help us in obtaining information on which forms of assistance and support could be granted to children and their families within certain social problem zones in ..... (name country).*

*As a result of the European unification process, it has become imperative for governmental and non-governmental providers of social services to get acquainted with the kind of approaches adopted in other European countries, so that the way for new inspirations can be paved.*

*Hitherto, very little systematic knowledge has been available on the forms of assistance for child and youth welfare in the respective countries of the European Union (EU). The main problem has been the fact that help for children and the youth have evolved in different ways. For this very reason, it has been very difficult to compare them with each other. Often, however, the kind of problems facing children and the youth are quite similar. This is the point where we want to start off with our work: We have compiled two case studies which could be reality in every European country.*

*We would now like to call upon you to use the provided questionnaire to describe the likely reactions from the welfare and support systems in your country. Should a case involve taking specific regional characteristics into consideration, please take these particularities within your working environment into account, while letting us know what exactly these are.*

*We intend to summarise these descriptions, juxtapose the reactions of the various countries to the problems in question, in order to clearly find out the types of reactions in the various countries and if they are comparable.*

*The aim of this research project is to use the report to supplement the first European Children's and Juvenile Report, which has been commissioned by the EU. Envisaged is the plan to publish the results of the comparative country enquiry in the English and German language.*

*Please find in the Appendix important items of information on the German Youth Welfare Institute.*

*The information provided in the following pages give a brief insight into our project „Youth Welfare Assistance and Social Change.“*

*The aim of the project is to investigate at regular intervals the governmental and non-governmental support offers for children and the youth in Germany. We would like to document and evaluate organisational and educational changes involving children and the youth.*

*On top of that, we would like to record what kinds of changes take place on those who make use of these help aids. The basis for these analyses and evaluations are our own, repeated, empirical data collected supra-regionally (i.e. throughout Germany) at regular time intervals.*

*The results of these analyses are of singular interest, especially to workers in the social sciences, who will use them to obtain insight into the current situation and the changes taking place in their working fields.*

*Together with our contracting agency, the Federal Ministry for Family, Senior Citizens, Women and Youth, we are of the conviction that it is not only important to focus our attention on German welfare structures, but also on the central welfare structures of our European neighbours.*

*If you do not consider yourself to be the right contact address for what we intend to do, please suggest a likely candidate in ..... (quote country) or send the papers directly to a suitable person or institution.*

*Kindly send us your reply possibly by 9th March.*

*Thank you very much for your cooperation. Should you have any further questions, please feel free to contact any of the addresses stated below per telephone, fax or e-mail.*

*Yours sincerely,*

Fig 1:

Country	Who answered?	Responsibility	Ministry	Teams/Regional Distinctions	Funding by	Legal Basics	Assistance Plan	User Groups Familyorientation(FO) Intervention Orientation (IO)
France	ISS	départements	Ministère des affaires sociales, du travail et de la solidarité (for education: Ministère de la jeunesse, d'éducation nationale et de la recherche)	réunion de synthèse	départements	among other things Law from 10th of July 1989 about mistreated children ordinance of 2th Nov. 1945 décret of 6th Aug. 1992 Art. 375 ff. des Code civil Art. 1181 ff. des Nouveau code de procédure civile	partly written agreements	also parents FO high
Ireland	ISS	national level	Department of Health and Children	health boards	national level and donations	Child Care Act 1991 Domestic Violence Act 1996 Protection for Persons Reporting Child Abuse Act 1998 Non-Fatal Offences against the Persons Act 1997 Freedom of Information Act 1991 School Attendance Acts	assistance plan (especially for residential care)	and other relevant persons FO high
Italy	ISS		Ministerio della Salute - Servizio Sanitario Nazionale (national health service)		national level, local level (at least for residential care)	no answer	no answer	FO high IO low
The Netherlands	NIZW		Ministerie van Volksgezondheit, Welzijn en Sport	neighbourhood center, IB-er, consultatiesteams	local youth policy, funding of schooladministration	Wet op de Jeugdhulpverlening Child protection acts School acts	assistance plan	FO high
Austria	Kinder- und Jugendanwaltschaft des Bundes	national and federal level	Federal Ministry of Social Security, Generations and Consumer Protection	Youth offices on supra local level	federal and local level (and parents)	Youth services act (JWG) plus several acts on federal level	written agreement	also parents FO high
Portugal	Direcção-Geral da Solidariedade e Segurança Social		Ministerio da Segurança Social e do Trabalho	Commission for protection of endangered children and young people: local services for solidarity and security	national level	Lei tutelar educativa	agreement about support and protection	family FO high IO low

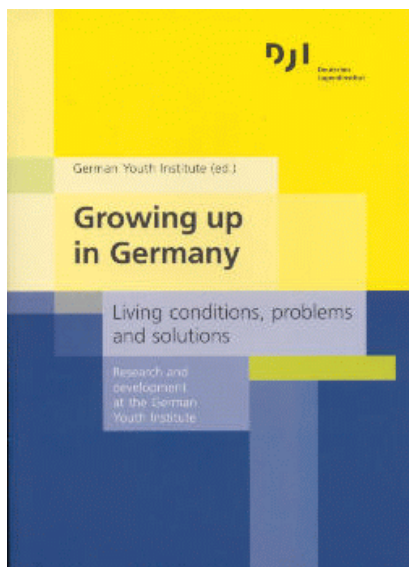
Sweden	ISS-Epikur	local level	Ministry of health and social affairs	National Board of Health and Welfare; community administrative boards; social welfare committee	local level (and parents); child day care services; national and local level)	Social Services Act Care of Young Persons (Special Provisions) Act	assistance plan (especially for residential care)	child FO low IO high
Germany		local level	Federal Ministry for Family Affairs, Senior Citizens, Women and Youth		local level	Child and Youth Services Act (KJHG)	assistance plan for non-residential support and residential care	parents

ISS: International Social Service  
 NIZW: Nederlands Instituut voor Zorg en Welzijn





## ***New Publications***



German Youth Institute (Hrsg.)  
Growing up in Germany  
Living conditions, problems  
and solutions München: 2002  
167 S.

order via e-mail: [spoerl@dji.de](mailto:spoerl@dji.de)

### **Contents**

*Ingo Richter*: Foreword

*Ingo Richter*: New organisational structure of the German Youth Institute

*Hans Rudolf Leu*: "Patterns of mutual recognition" as "social capital" of families

*Wolfgang Gaiser, Martina Gille, Winfried Krüger, Johann de Rijke*: Satisfied -critical-

detached: Attitudes of young East and West Germans towards democracy

*Waltraud Cornelißen, Martina Gille, Holger Knothe, Petra Meier,*

*Monika Stürzer*: Situation and perspectives of young Germans: A secondary analysis of available survey data

*Horst Hackauf, Gerda Winzen*: Health trends in young people within the unified Europe

*Claus J. Tully*: Young people: Communicative and mobile per se?

*Klaus Wahl*: Xenophobia: The deep roots of extreme emotions - A new perspective in social research

*Monika Schröttle*: Information Centre for Child Abuse/Child Neglect (ICC)

*Gabriele Gabriel, Bernd Holthusen, Heiner Schäfer*: Projects to prevent juvenile delinquency: Between the wish to help and the call for punishment

*Frank Braun, Gabriele Gabriel, Heiner Schäfer*: Model projects: A way out of "pedagogical resignation"? Youth: Defying school, unemployed and homeless

*Hanna Permien, Gabriela Zink*: Preliminary experiences with life on the street, first attempts to live on the street, and what this means for youth-care organizations

*Annemarie Gerzer-Sass*: Family skills as a potential source of innovative human resources development

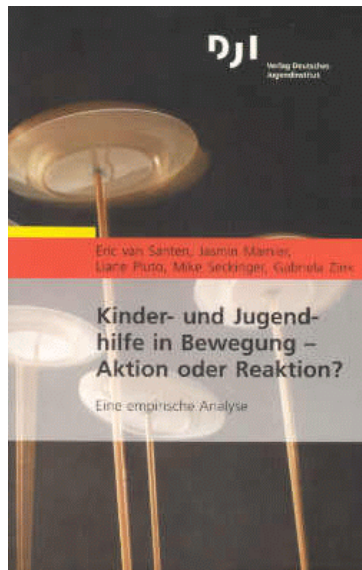
*Iris Bednarz-Braun*: Measures to bring about vocational equality for women in the USA, Great Britain and Germany

*René Bendit, Gerda Winzen*: Opportunities and limits of EUROPEAN comparative social research on youth

### **Appendix**

*Gerda Winzen*: Basic structures of child and youth social services in Germany

*Jutta Müller-Stackebrandt*: The Federal Government's Child and Youth Reports



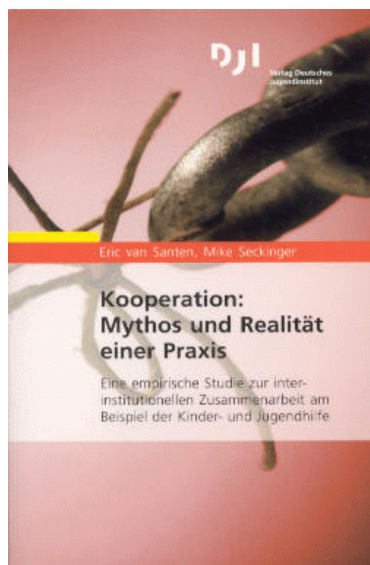
München, DJI Verlag 2003  
512 S., EUR 28,-  
ISBN: 3-87966-406-4

van Santen, Eric; Mamier, Jasmin; Pluto, Liane; Seckinger, Mike; Zink, Gabriela:

**Kinder- und Jugendhilfe in Bewegung - Aktion oder Reaktion?** Eine empirische Analyse

Die Kinder- und Jugendhilfe steht immer wieder in der Kritik; von ihren eigenen Adressaten auf der einen, von Politik und Medien auf der anderen Seite. Wie ist es um die Leistungsfähigkeit öffentlicher und freier Träger in der Bundesrepublik wirklich bestellt? Was für einen Bedarf und welche konkreten Angebote gibt es im Bereich flexibler Hilfe? Wie wirkt sich die schwierige Finanzlage des Sozialbereichs aus? Welche Konsequenzen haben Geburtenrückgang und Migration u.a. für die Personal- und Bedarfsplanung sowie die Aufgabenstruktur? Welchen Fortbildungsbedarf gibt es angesichts neuer Anforderungen und Aufgaben? Welche Kooperationsbeziehungen gibt es zwischen öffentlichen und freien Trägern?

Der Vergleich mit den früheren Ergebnissen und der amtlichen Kinder- und Jugendhilfe-Statistik zeigt, dass sich in der Kinder- und Jugendhilfe insgesamt viel zum Positiven hin bewegt hat. Zugleich weist das Buch auf Probleme, Defizite und konkreten Handlungsbedarf hin und gibt Anregungen für die fachlich-inhaltliche Weiterentwicklung vor Ort.



München: DJI Verlag 2003  
451 S., EUR 26,-  
ISBN: 3-87966-402-1

van Santen, Eric; Seckinger, Mike:

**Kooperation: Mythos und Realität einer Praxis**

Eine empirische Studie zur interinstitutionellen Zusammenarbeit am Beispiel der Kinder- und Jugendhilfe

Alle reden von Kooperation und Netzwerk, doch herrschen unterschiedliche Auffassungen, was darunter zu verstehen ist. Sind Menschen in Gemeinschaft oder in Konkurrenz leistungsfähiger? Ist Kooperation eher eine Belastung, die Zeit und Personal kostet, die im Alleingang besser eingesetzt werden könnten? Bedeutet Kooperation nicht zwangsläufig auch Autonomieverlust? Den Skeptikern stehen die euphorischen Befürworter gegenüber: Für sie bedeutet Kooperation, Verantwortung zu verteilen, Wissen und Ressourcen zu steigern und Problemlösungen zu optimieren. Damit aber werden Kooperationen unter einen Erwartungsdruck gesetzt, dem sie in der Praxis nicht standhalten können.

Die Autoren haben dazu Kooperationen öffentlicher und freier Träger der kommunalen Kinder- und Jugendhilfe untersucht. Zugleich liefern sie damit einen umfassenden und empirisch fundierten Beitrag zu einer Theorie über Kooperation im Allgemeinen, über Kooperation sozialer Dienste im Besonderen.