

# **PORTUGUESE CHILD POLICY SOCIAL SECURITY**



PORTUGAL 2007

# CONTENTS

<b>PREFACE</b>	<b>5</b>
<b>CONTEXT</b>	<b>6</b>
<b>LEGISLATIVE REFORM</b>	<b>7</b>
<b>CHILDHOOD AS A NATIONAL PRIORITY THROUGH...</b>	<b>8</b>
• NATIONAL ACTION PLAN FOR INCLUSION (NAPinc)	8
• GOVERNMENT PROGRAM (XVII)	9
• NATIONAL STRATEGY FOR CHILDHOOD AND ADOLESCENCE (NSCA)	10
<b>CHILD POLICY MEASURES IN PORTUGAL IN THE AREA OF THE SOCIAL SECURITY</b>	<b>11</b>
• PROMOTING ACTIVE CITIZENSHIP AND SOCIAL INCLUSION	11
• IMPROVING THE BIRTH RATE AND SUPPORTING FAMILIES WITH A LARGE NUMBER OF CHILDREN	12
• PROMOTING THE CONCILIATION OF WORK AND FAMILY LIFE	13
• SUPPORTING FAMILIES IN EXERCISING PARENTAL FUNCTIONS	15
• STREAMLINING ADOPTION	16
• PROMOTING THE DE-INSTITUTIONALIZATION OF CHILDREN	17
• IMPROVING SOCIAL RESPONSES	17
• IMPROVING THE SYSTEM OF PROTECTION OF CHILDREN AND YOUNG PEOPLE IN DANGER	18

## PREFACE



In recent years Portugal has taken a very firm stance with regard to defending children's rights. The present Government, in its commitment to this, has some decisive challenges ahead which it faces with great determination and ambition.

We are committed to an integrated global strategy which will bring effective change in the relationship between institutional partners and society, altering the paradigm of respect for children's rights. We are committed to adopting policies and measures which support and improve families' conditions and the role of the parents with their children, within a corrective, but above all preventive approach. We want to provide the best conditions for the well-being of children, helping their parents to exercise positive parenthood.

We have already come a long way on the path of modernization and in improving the system of social protection in Portugal, especially with regard to promoting children's rights, and particularly of the most vulnerable. But there is still much more to be done.

Ensuring well-being for all children is the only way to grant them respect for the Right to the effective exercise of their citizenship.

This document sets out to be a reflection of what we have been doing and of the direction we are taking. And it reflects on the way we are assuming our commitment to families and our children. We hold this commitment to be the national goal of a generation.

Minister of Labour and Social Solidarity

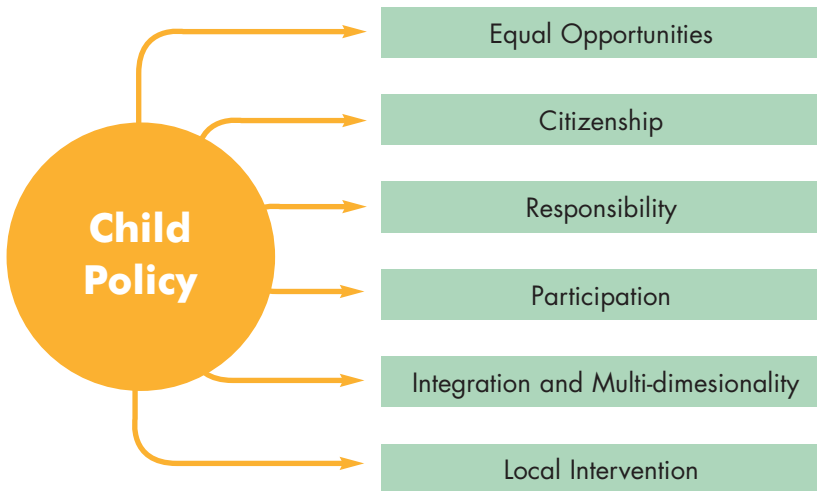
A handwritten signature in black ink, which appears to read "José António Vieira da Silva".

**José António Vieira da Silva**

## CONTEXT

Over recent decades concerns about childhood had a major increase, mostly on the natural changes in Portuguese society, in terms of national demography, but above all, due to the profound changes in values and attitudes which gives children a new and important role in the social organization of families.

In terms of **Child Policies, intervention** is now oriented by the following **principles**:



Sustained on the most recent international /European guidelines on childhood, intervention in Portugal over the last decade has been based also on fundamental strategic reforms and documents:

## LEGISLATIVE REFORM

The reform of Children's Rights implemented at the end of the nineties was geared towards a new child policy, which main objective is to promote and ensure the effective exercise of children's rights, based on prevention and protection. This reform came into law as the Protection of Children and Young People in Danger (PCJP) (Law no.147/99 of 1 September), and as the Educational Guardianship (EG) (Law no.166/99 of 14 September), which consolidate the perspective of Community intervention with the recognition of the right to be heard and the right of opposition for children and young people.

The **PCJP** is based on the principle that children and young people are full social actors, whose protection should mean the promotion of their individual, economic, social and cultural rights. The State and the community undertake to organise themselves in such a way as to provide the models for action which can satisfy the individual developmental needs of each child and young person, with respect for the universality of their rights, seeking to ensure:

- the higher interest of the child and of the young person;
- the right to privacy;
- a timely and minimum intervention, proportionate to the situation;
- parental responsibility and the prevalence of the family;
- the requirement to inform the child/young person and the family on their rights and about the intervention;
- the obligatory hearing of the child/young person and of the family in the actions and decisions which affect them;
- the subsidiary intervention, first by community entities or, in its absence or impossibility, by courts.

The **EG** has the principle that Justice should only intervene in cases where the minor offends, in an intolerable manner, essential legal property, thereby leading to the (non-punitive) accountability of the minor in relation to his/her role in society, based on the education of right.

# CHILDHOOD AS A NATIONAL PRIORITY THROUGH ...

## \* NATIONAL ACTION PLAN FOR INCLUSION (NAPINC)

The NAPinc, based on the Open Method of Coordination, which brings together common objectives, national action plans and a community program aimed at promoting cooperation in terms of social inclusion, commits Portugal to implementing a global strategy, identifying the main strategic areas of intervention and the policy measures in hand and to be implemented.

One of its central objectives is *“to tend towards the elimination of situations of social exclusion which affect children and provide them with every opportunity for good social insertion”*, and the priorities defined regarding childhood within this Plan aim to:

- promote the rights of children and young people and to prevent, or put an end to risk situations;
- promote measures in order to eliminate situations of poverty or social exclusion which children and young people may be subject to;
- ensure the availability of day care structures for children, up to the age of obligatory school attendance;
- promote early response systems, enabling situations of infantile and juvenile risk to be prevented;
- promote incentives for keeping children/young people within their natural living environment, providing the family with the conditions which enable parental responsibilities to be assumed;
- promote de-institutionalization;
- promote the adoption process;
- tackle the trend of young people entering the labour market too soon.

## GOVERNMENT PROGRAM (XVII)

In general, the various government programs have taken into account the need to develop a specific policy for the area of childhood and youth. One of the actual priorities for intervention of the program of the 17th Government is childhood, within a transversal perspective over the various sectors: Education, Health, Social Security and Family.

### a. More and better education

- Progressively extend pre-school education to all children and to consolidate the universality of nine years of primary education;
- Change the way of conceiving and organising the educational system and resources, adapting them to the interest of the public in general and, specifically, of children and families.

### b. Tackle poverty and social exclusion

- Map out the bases of a new model of financing which prevents negative discrimination in access to childcare centres and child-carers for children of families with fewer resources;
- Promote the de-institutionalization of 25% of children living in care;
- Consider the single-parent status as an added factor of vulnerability, through bonus in the allowance granted to families;
- Set up a system of monitoring and regular evaluation of the State's institutions for children residential care.

### c. Family support

- Increase by 50% the places available in childcare centres;
- Consolidate a National Network for Family support;
- Use social dialogue to promote the conciliation between work and family;
- Fight domestic violence, focused in a preventive way, specifically by introducing this content in the education system.

## \* NATIONAL STRATEGY FOR CHILDHOOD AND ADOLESCENCE (NSCA)

As a major policy priority, the Government is developing the NSCA which aims to define an action plan to defend children's rights universality, supported by a scheme of global planning, which sets out the major common guidelines for intervention for everyone who converges on the process of child development and socialization, from birth until reaching adulthood.

NSCA also aims to mobilise and construct a culture of cooperation between institutions and civil society, which are responsible for and committed to defending children's rights, during their whole development process.

NSCA will be implemented through the conception of a plan that crosses over the main priorities in intersectorial policies and measures, both proactive and corrective in nature, specifically aimed at children and adolescents and oriented by the following principles:

1. Children's Rights improvement / reinforcement
2. Coordination of diverse services and entities
3. Up-to-date diagnosis and information systems
4. Family support policies reinforcement / improvement
5. Equal opportunities in access to quality health care
6. Access to quality education
7. Promotion of healthy life-styles
8. Awareness of cultural and artistic heritage and preservation of the environment
9. Promotion of quality criteria in spaces, structures and services used by children
10. Safety the physical and virtual spaces used by children
11. Ease of transition into active life



# CHILD POLICY MEASURES IN PORTUGAL IN THE AREA OF THE SOCIAL SECURITY

The implementation of policies related to childhood in Portugal, under the responsibility of the Social Security, requires the promotion of measures and programs, oriented by major objectives.

## PROMOTING ACTIVE CITIZENSHIP AND SOCIAL INCLUSION

Although fight against social exclusion is a common denominator to the different priorities assumed by the Social Security related to childhood, in Portugal there are specific instruments to promote inclusion aimed at the whole population but which prioritize children and young people.

### MEASURES/PROGRAMMES:

- **Born Citizen Program** – aims to promote universal child's right to a name and social protection, providing official record services on health units straight away after the birth, registration in the Social Security and in the National Health Service and, at the same time, to trace risk situations. This program is being implemented over stages and in articulation with several ministries (Health, Social Security and Justice).
- **Programmes for the Prevention and Elimination of Social Exclusion:**
  - **PROGRIDE** – intends to promote the development of projects aimed at places where serious levels of poverty and social exclusion justify priority intervention and which is also aimed at specific groups particularly affected by situations of persistent marginality and poverty, in which children are considered a priority.

- **CHOICES** – promotes social inclusion of children and young people from under privileged and problematic socio-economic territories.
- **Social Development Agreements** – on a local basis, these agreements aims to promote the social inclusion of citizens in a multi-sectorial and integrated manner, by means of actions to be carried out through partnerships in the areas of employment, training and qualification, family and parental intervention, empowerment of the community and institutions, information and accessibility, with particular emphasis on territories identified as being the most vulnerable.
- **Social Integration Income** – special monetary benefit designed to meet the household’s basic needs and promote social integration. Associated to an insertion program, and which aims to create conditions to facilitate access to social and economic autonomy. Priority is given to family units with children, with pregnant minors or where children are at risk, establishing immediate articulation with the competent entity in the matter. In order to provide a local approach and a closer intervention with beneficiaries mostly household’s with children and young people, State Protocols have been established with Private Institutions of Social Solidarity.

## IMPROVING THE BIRTH RATE AND SUPPORTING FAMILIES WITH A LARGE NUMBER OF CHILDREN

### MEASURES/PROGRAMMES:

- **Pre-natal family allowance** – a monetary benefit for pregnant women who reach the 13th week of pregnancy, awarded according to income and the number of children living in the family unit.
- **Bonus in family allowance after the birth of the 2nd child and following children** – a monetary benefit for families with more than 2 children, awarding the benefit, in doubled or tripled according to the income range of the family unit, per child between 12 and 36 months old.

## PROMOTING THE CONCILIATION OF WORK AND FAMILY LIFE

With a focus on the network reinforcement of day care structures for children up to school age. This network can be developed through the public, private profit and solidarity sectors. The solidarity sector has a subsidiary involvement through Social Security cooperation agreements, through non-profit making social institutions and essentially sets out to prevent situations of deprivation, dysfunction and social marginalization, providing special protection both to children from more vulnerable families and those from families with greater economic or social needs.

### MEASURES/PROGRAMMES

- **Childcare Centers** – day care social equipments for children aged between 3 months and 3 years old, during the period that the parents are at work.

There are 2 programs in hand aimed at extending this network of equipment:

- **Social Services and Equipments Network Extension Programme (PARES)** – aims to create 37 000 new places, in the Welfare Network (Private Social Solidarity Institutions) with priority implementation in areas of the country where the cover rate is low. With this Program the cover rate in Portugal will reach 33% by 2009.
- **Support Program for Investment in Social Equipment (PAIES)** – aims to create 5750 new places in childcare centers through support for private profit-making initiative.
- **Day Carers** – aims to provide child-care for children from 0 to 3 years old in the period that the parents cannot due to professional reasons. The arrangements for legal rules applicable to this activity, is considered as a priority on Social Security, proposing an increase in this response with the availability of services in flexible working hours in order to help reconciliation between family and work life.
- **Pre-School Network** – for children aged between 3 years old up to the age of entering primary education, ministered in pre-school education equipments. Recognising that children education is primarily up to the family, attending pre-school education is

facultative, although being up to the State to actively contribute towards making the availability of pre-school education universal, mostly for children with 5 years hold.

- **Free Time Activities Centre** – provision of leisure activities for children and young people from 6 years old, in the free periods between school and parents work responsibilities, implemented through different models of intervention, mainly focused on social inclusion activities.
- **Family Direct Financing Model** – provides direct support for families, using a positive differentiation approach, allowing families to select the social response they wish. Initially this financing model will refered to places in child care centers.
- **Early Intervention Program** – strategy to minimise risk / danger situations in close association to the promoting of health and well-being of disabled children or those who run a serious risk of retarded development due to biological or environmental reasons. Its advantages and results arise from the fact that the first years of a child's life provides the ideal opportunity for improving parental skills and reducing future risks in their development. It is, therefore, a vital component of any integrated approach towards children at risk and promoting social competences.

## SUPPORTING FAMILIES IN EXERCISING PARENTAL FUNCTIONS

### MEASURES/PROGRAMMES:

- **Positive Parenthood Programme** – aims to help families to establish a healthy and positive relationship with their children, focused on the exercise of authority, dialogue, respect and education through love and the acquisition of competences of this nature. With the collaboration of 5 universities, work is under way to prepare the contents for the “positive parenthood training”.
- **Training Program for More Vulnerable Families** – aims to develop a model of a programme(s) for parents of children at risk and/or for whom protection measures are applied. This Program seeks to guarantee the efficacy and quality of intervention, following conceptual and operative questions raised in relation to the scope of application of the measures of promotion and protection in the natural living environment, specifically in support measures for parents or other family member.
- **Monetary Support for Families with Children and Young People covered by legal measures in a natural setting** – includes support for parents, for another family member or support for independent living (when referred to youngsters).
- **Family Support and Parental Counselling Centre** – social response for the study and prevention of situations of social risk and to support children and young people in situations of danger and their families, carried out in their community by multi-disciplinary teams.
- **Criminalization of corporal punishment** – Article 152 of the Penal Code aims to dissuade parents and other carers from pursuing educative methods which are very harmful to children physical and psychic health.

## STREAMLINING ADOPTION

Considering de-institutionalization of children one of the major priorities of Child Policy, there is a major investment in the area of adoption, implemented through various instruments.

### MEASURES/PROGRAMMES:

- **Immediate Intervention Plan<sup>1</sup>** – considered as a diagnosis instrument, enables a description and analysis of the evolution of life projects to be made of all children and young people in residential and foster care. Based on its results, strategic guidelines for action are drawn up for the benefit of:
  - these children, in order to ensure their right to live, as quickly as possible, on a family environment (in their family of origin or another alternative family),
  - care providers (institutions and foster families) responsible for the well-being and all-round development of the children and young people they take in and for the definition and implementation of life projects.
- **National Adoption List** – kept on a computerised database, aims to identify the candidates selected for adoption with the conditions which best fit the profile of the child / young person who can be adopted and to identify the children/young people in this situation. The priority of this measure is to provide permanently up-to-date information on the number of children who are ready for adoption and the number of candidates selected in order to reduce the period of time between the definition of a situation of adoptability and adoption.
- **Improvement of technical intervention** – In order to improve / reinforce intervention related with child adoption process.

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<sup>1</sup> Undertaken by the ISS, I.P., with the involvement of the Santa Casa da Misericórdia de Lisboa, Casa Pia de Lisboa, Instituto de Acção Social dos Açores and the Regional Social Security Centre of Madeira.

## PROMOTING THE DE-INSTITUTIONALIZATION OF CHILDREN

This objective covers all social responses providing permanent shelter for children and young people in danger and the measures adopted which lead towards the de-institutionalization of the children taken in.

### MEASURES/PROGRAMMES:

- **DOM – Challenges, Opportunities and Changes** – plan designed to improve Children’s Homes Network encouraging the continuous improvement in the promotion of rights and protection of children and young people taken in. The central axis for the execution of this Plan is the promotion of active intervention in institutions, aimed at building up the life projects of the children and young people taken in, at their de-institutionalization in good time and their consequent return to a family environment, adoption or support for an independent life. Providing the technical capacity of the human resources allocated or to be allocated to these Children’s Homes is also one of the priorities of this Plan.

100 Protocols will be established by 2008 with the consequent de-institutionalization of 25% of children/young people. 100% of children’s Homes Network will be evaluated and specific measures will be implemented for those which are considered to require improvement.

## IMPROVING SOCIAL RESPONSES

The improvement of social responses is part of the priority strategy to provide citizens with access to quality services, adapted to satisfy their needs.

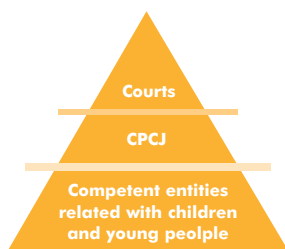
### MEASURES/PROGRAMMES:

- **Quality Management of Childcare Centres, Children’s Homes and Temporary Residential Care** – aims to define requirements for the evaluation of quality, to support the conception of key processes and to support the development of evaluating the degree of client satisfaction. The concrete outcome of this program will be a

Quality Management Manual, which includes a model of evaluation designed to be the main reference of standards that will make it possible to evaluate the quality of the services provided and, consequently, to positively differentiate the social responses. Another objective of this Program, in terms of buildings, is to establish a series of minimum requirements for the construction of new social responses and the adaptation of existing buildings, ensuring their safety and quality.

## IMPROVING THE SYSTEM OF PROTECTION OF CHILDREN AND YOUNG PEOPLE IN DANGER

Intervention for the promotion and protection of the rights of children and young people in danger is covered by the Protection of Children and Young People in Danger Law (viz. already mentioned) and is implemented by the competent public or private entities related with infancy or youth by Children's and Young Person's Protection Commissions (CPCJ<sup>2</sup>) and, in the last resort, by the Courts. Technical monitoring related with the protection of children and young people in danger and the Courts is the responsibility of the Social Security implemented through Multi-disciplinary Court Counselling Teams (EMAT).



### MEASURES/PROGRAMMES:

- **Improving the model centred on the Children's and Young Person's Protection Commission and improvement of technical intervention**
  - Strengthening intersectorial partnerships.

<sup>2</sup> Non-judicial official institutions with functional autonomy which aim to promote the rights of children and of young people and to prevent or put an end to situations of danger which might affect their safety, health, training, education or all-round development. The current 279 CPCJ exercise their competence in the area of the municipality where they have their headquarters and which operate under inter-institutional and inter-disciplinary partnerships.



- Adoption of structural instruments of intervention with focus on the creation of a computerized data base with all child promotion and protection processes.
- Provision of specialised training for the Commissions, members and technicians.
- Technical capacity improvement through the provision of technicians with multi-disciplinary training, including the seconding of teacher-tutors.

## Alternative Care of children at risk or without parental care

### 1. Residential Care System:

- **Emergency Units** – ensure immediate shelter for children and young people in situations de serious, real, actual or imminent danger, for a period which should be no longer than 48 hours.
- **Temporary Residential Care Centres** – provide urgent and temporary shelter of children and young people in danger, for a period which should be no longer than six months, based on the application of promotion and protection legal measures, with the central objective of making child and familial diagnoses and defining life projects (Case Plan developed in order to reach a main goal: return to family environment / adoption / Independent Living).
- **Children’s Homes** – provide shelter for children and young people in danger situation, for more than 6 months, based on the application of promotion and protection measures, with the generic principle of providing living structures as close as possible to those of families.
- **Autonomy-building Apartment** – social response developed on local communities intended to support the transition into an autonomous life on a safe environment, for young people leaving care.

**2. Foster Families** – qualified and technically prepared families that provide children/young people the right care for their needs, while biological family cannot guarantee. The priority for this response is based on the regulation of the “Foster Care”

Legal System which strengthens the need to improve the process of selection and the existence of a major component of initial and continuous training of foster families and the need for a greater investment in the creation of specialized family shelters intended for children with special needs (social, educational and psychological).

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