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EDUCATIONAL CARE CENTERS IN THE SYSTEM OF FOSTER CARE IN POLAND

Placówki opiekuńczo-wychowawcze w systemie pieczy zastępczej w Polsce

W artykule została podjęta próba określenia podstawowych zmian organizacyjnych i prawnych dotyczących funkcjonowania placówek opiekuńczo-wychowawczych, co pozwoliło na wskazanie głównych kierunków deinstytucjonalizacji systemu pieczy zastępczej nad dzieckiem w Polsce. Nowe rozwiązania wprowadzone od 2012 roku ukazują wyraźną zmianę paradygmatu polityki prorodzinnej w tym obszarze: prymat pracy z rodziną naturalną w celu wyeliminowania dysfunkcji – przed opieką zastępczą. Wskazuje to na nową perspektywę w opiece nad osieroconymi dziećmi – odchodzenie od instytucjonalnych na rzecz rodzinnych form pieczy zastępczej.

Słowa kluczowe: placówki opiekuńczo-wychowawcze, piecza zastępcza, rodzina, dziecko.

Introduction

Educational care centers constitute the institutional form of foster care, to which children are being sent for 24-hour a day stay by virtue of the court decision in the situation of their parents being restricted in or deprived of their parental authority. Recently observed tendencies to reduce the amount and sizes of these institutions point out to the new perspectives on the care of orphaned children – moving away from institutional centers to family forms of foster care. In the context of the latest solutions introduced in 2012, it is possible to talk about the distinct paradigm shift to

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the pro-family policy in this area: protecting children from putting in the foster care and preference given to the work with the natural family in the local environment.

The main purpose of the article is to present the characteristics of the institutional foster care with particular reference to the changes implemented in functioning of educational care centers in the course of a dozen or so last years in Poland – since the administrative transfer of these institutions from the educational system to the welfare system. An attempt will be made to determine basic legal and organizational changes in functioning of those centers, as well as establishing, how the number of institutions developed and how many children stayed in them in the analysed period. These findings will allow us to determine the main trends in the deinstitutionalization of the foster care system.

Kinds and objectives of educational care centers

In January 2012 an act on supporting the family and the system of the foster care came into effect¹. Assumptions determining the new working practice with the family that finds it difficult to perform functions of care and education were adopted. It constituted the separate element of the family policy of the state regulated with the systematic legal document, rather than – as it was the case so far – with only a part of the act on the welfare. In accordance with the act, in the case of the parents being unable to provide the care and education for a child, they are put in foster families or family children's homes, as well as at educational care centers, regional therapeutic care centers and emergency pre-adoption centers². Putting the child in the institution should, however, take place only after the possibilities of providing assistance to him in the natural family or putting him in a foster family are excluded. The court is putting the child in the institutional foster care, if there is no possibility to put the child in the family foster care. Moreover, the current preference for family forms of the foster care was replaced with preference for the work with the family in its natural setting.

In the act on supporting the family and the system of the foster care, educational care centers were listed as forms of the institutional foster care of the child (besides regional therapeutic care centers and emergency pre-adoption centers). However, family children's homes were recognised as independent family forms

¹ Ustawa z dnia 9 czerwca 2011 r. o wspieraniu rodziny i systemie pieczy zastępczej [The Act of 9 June 2011. of family support and foster care system] (Dz. U. z 2013 r. poz. 135, z późn. zm.).

² Art. 93 of the Act cited above.

of the foster care of the child (besides foster families)³. Kinds of the institutional substitute care of the child since 2012⁴:

- 1) educational care centers including the following kinds: emergency, socialization, specialist-therapeutic, family;
- 2) regional therapeutic care centers;
- 3) emergency pre-adoption centers.

Pursuant to the provisions of the act, educational care centers are obliged to provide the 24-hour care and the upbringing for children. The aim of the institutional foster care is to protect the good of the child as well as possible if it cannot be put in the family foster care. The creation of the institution requires obtaining a permit from the competent province governor on account of the place of its location⁵.

Amongst main objectives of educational care centers we should mention⁶:

- providing 24-hour a day care and bringing up for the child as well as satisfying his/her essential needs (in particular emotional, developmental, health, welfare, social and religious);
- implementation of the aid plan prepared in cooperation with the family assistant;
- enabling the contact of the child with parents and other close persons (unless the court rules differently);
- taking action to facilitate the return of the child to the family;
- providing the child with access to education suitable for his/her age and development potential;
- providing the child with therapeutic care;
- ensuring that the child may have access to health benefits, to which he/she is entitled.

Distinct limiting of the role of institutional care of children deprived of a family is noticed, because an assumption is made that only children above 10 years of age, requiring special care or having problems do adjust to family life (gradually reaching this standard) may be put in about putting in socialization, emergency

³ Art. 40 of the Act cited above.

⁴ Cf. Art. 93 of the Act cited above.

⁵ Art. 106 paragraph 1 of the Act cited above.

Permission is not required for the emergence of city establishments providing support economic and administrative and organizational.

⁶ Art. 93.4. of the Act cited above.

or specialist-therapeutic institutions⁷. The improvement in the standard of care is going to be achieved by reducing the maximum number of children staying in them to 14⁸. The legislator set the dates for next stages in increasing the age limit for children put in the institutional foster care and reducing the number of children in those institutions. It takes into account many negative consequences of institutional upbringing for small children⁹. Gradual implementation of those changes will allow for the adequate organizational and financial preparation of local self-governments. The interim period of reaching the 14-children standard in institutions was set to 1 January 2021¹⁰, however with reference to the age of children – they determined, that since 1 January 2020 the age of children at institutions social and behavioral should not be lower than 10 years¹¹.

We should also emphasize the reinforcement of earlier solutions in the current system – after the foster care tasks were taken over by the welfare department. Those solutions mainly concern standards of provided care services, social standards and care centre facilities, of the realization and documentation of the work with the child and the family as well as, first of all, working with the family of the child. Creating new specialist positions at institutions (the social worker, the psychotherapist) and also new organs (so-called permanent team for the term evaluation of a situation of the child), together with clarifying qualifying criteria for the staff allowed for raising standards of care and upbringing. The reform of institutions aims at building small houses, minimizing the role of the service and administration staff while promoting specialists working with children. More and more emphasis is also being put on the process of young people becoming independent – by means of creating special groups, protected flats, individual independence programs, financial and social support.

⁷ Art. 95 paragraph 1. of the Act cited above.

In the period of 4 years from the date of entry of the Act at the facility children over 7 years old – art. 231.

⁸ Art. 95 of the Act cited above.

⁹ Cf. A. Regulska, *Obszary wykluczenia społecznego dzieci i młodzieży wychowywanych w systemie opieki zastępczej*, w: *Uwarunkowania różnic społeczno-ekonomicznych*, ed. K. Leszczewska, J. Truszkowska, Łomża 2011, pp. 213-222; *System opieki kompensacyjnej w zjednoczonej Europie*, ed. S. Badora, D. Marzec, Kraków 2002, pp. 71-75.

¹⁰ Art. 230 of the Act cited above.

¹¹ Art. 232 of the Act cited above.

Size of educational care centers and the number of children staying in them

The described below statistical analyses concerning the size of educational care centers and numbers of children staying in them will concern the period of last ten years – from 2004 to 2014. At the beginning of this time period, the number of institutions of all types was 725 in the entire country, in consecutive years their number rose slightly (in 2011 amounted to 785). However, in last three years, after the implementation of the act on supporting the family and the system of substitute care, a considerable increase in their number took place – at the end of 2014 there were 1161 institutions. The details are presented in table 1 with the division into individual types of institutions in ten last years.

Table 1. Number of educational care centers with the division into individual types in 2004-2014 years:

EDUCATIONAL CARE CENTRES					
YEARS	TOTAL	emergency type	family type	socialization type	specialist-therapeutic *
2004	725	76	269	380	0
2005	725	55	267	301	102
2006	727	52	263	283	129
2007	735	44	274	263	154
2008	741	37	279	259	166
2009	762	38	267	268	189
2010	771	35	282	277	177
2011	785	31	282	291	181
2012	918	123	267	515	13
2013	1046	149	242	625	30
2014	1161	166	238	712	45

Source: My own study based on the Department of the Family Policy of the Labor and Social Policy Department (from MPiPS-03 reports and the material-financial report on the performance of tasks in supporting the family and the system of the substitute care).

* up to 2011 the multifunctional centers

While analysing the data concerning the number of individual types of institutions of care and education a dominant role of socialization and family centers may be noticed. Moreover, since 2012 clearly a number of socialization institutions has risen (from 291 in 2011 to 712 in 2014).

Emergency institutions constituted the least numerous group. Moreover, their amount dwindled with each passing year (from 76 in 2004 to 31 in 2011), which was certainly related to the intense development of professional foster families in the function of the family emergency service at that time. The considerable increase in the number of emergency institutions has taken place since 2012 – at the end of 2014 there were as many as 166.

To the end of 2011 there functioned multifunctional institutions combining functions and duties of several different types of facilities, most often socialization, emergency and daily support centers. Their number rose with each passing year: from 102 in 2005 to 181 in 2011. In 2012 they were converted into specialist-therapeutic centers. Their amount is meager compared to institutions of other types, but steadily growing (from 13 in 2012 to 45 in 2014).

Amongst 1161 educational care centers functioning at the end of 2014 the majority were socialization centers – 712, then family centers – 238, emergency centers – 166 and the least numerous were specialist-therapeutic centers – 45 (it was the third year of their functioning in the system of the substitute care).

As for number of children in institutional forms of the foster care (institutions of care and education of all types), one should notice that at the beginning of the analyzed period they provided care for 31619 children, which was the 35.96 % of the total number of children raised outside their biological family. In 2014 15753 orphans stayed in the institutional care – 21.46 % of their total number in the country. The reduction of this percentage is in accordance with the guidelines of the reformed system which gives the preference to family forms over institutional ones (i.e. educational care centers).

Those tendencies are reflected in Table 2, which presents the details concerning the number of children at educational care centers, the total number of children raised outside their biological family (including children staying in family forms of the substitute care – the scope of this article does not allow for the detailed analysis of this issue). The table is also showing the percentage of children staying in institutions as compared to the total number of children raised outside their biological family.

Table 2. Number of children staying in institutional forms of foster care (at educational care centers of all types) in 2004-2014 years; and percentage of the total number of children brought up outside their biological family:

Years	The number and percentage of children in institutional forms of the foster care (at educational care centers of all types)		Number of children raised outside their biological family
2004	31619	35,96 %	87937
2005	30627	34,04 %	89972
2006	32026	34,22 %	93580
2007	31619	32,73 %	96618
2008	29815	31,11 %	95841
2009	29712	31,05 %	95688
2010	28617	30,12 %	95024
2011	28133	29,58 %	95104
2012	20525	26,11 %	78607
2013	19949	25,41 %	78519
2014	15753	21,46 %	73404

Source: My own study based on the Department of the Family Policy of the Labor and Social Policy Department (from MPiPS-03 reports and the material-financial report on the performance of tasks in supporting the family and the system of the foster care).

In the course of analyzed years it is possible to observe the process of considerable reduction of participation of educational care centers in exercising the foster care of orphaned children. In 2004, 35.96% of the total number of children raised outside their biological family stayed in the institutional foster care, whereas in 2014 – 21.46%. It means that almost 80% of orphans are put in family forms of foster care.

It appears from the presented data that in the analyzed period the number of children staying in institutional forms of the foster care fell almost by half. In 2004 there were 31619 children in this form of the care, whereas in 2014 only 15753 persons, that is only a half of the initial number.

Foster care – towards family forms

Putting emphasis on importance of the family, there are many arguments against depriving children of this natural environment by sending them to care institutions. Although it is impossible to eliminate educational care centers altogether, in the new regulations, accepted in 2012, the legislator determined the necessary

changes in the format of their functioning. The previous educational care centers were recognized as one of the forms of institutional foster care of the child, but at the same time new care institutions were established to accomplish specialist care and education tasks: therapeutic care centers and emergency pre-adoption centers. It is being postulated and promoted that the child should be put in the institution only after all possibilities of providing assistance to him/her in the natural family or of putting him/her in a foster family are excluded.

In the framework of the gradual deinstitutionalization of the foster care – besides the development of family forms of the foster care – the act on supporting the family and system of the foster care is considerably limiting the role of educational care centers in foster care. In 2014 the 21.46% of the total number of children raised outside their biological family stayed in the institutional foster care, which means that almost 80% of orphans are out in family forms of foster care.

The enforced regulations give the preference to the family over the foster care and to the family forms of the foster care over the institutional forms. Children's rights to be brought up in the natural family were emphasized as well as a duty of social welfare centers to support the family in performing its tasks towards the child. In the case of child's safety being put at risk in his/her family and local environment, the assistance should be based on the early intervention and environmental forms of assistance and therapy.

Neglecting responsibilities towards children on the part of the parents should be met with effective actions of the competent services responsible for the assistance to the child and the family. For that purpose, they should undertake diverse preventive measures aiming at supporting the natural family before the appearance of the crisis that would force the competent bodies to remove the child from dysfunctional environment and put him/her in the foster care.

Self-governments were obliged to organize assistance for families in fulfilling their basic tasks towards the child. Intensification of social work with natural parents of children put in foster families or educational care centers will contribute to the elimination of the dysfunction and the reintegration of the family, which enhances the chances of the return of the child home.

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Agnieszka Regulska: Educational care centres in the system of foster care in Poland

The article attempts to determine basic organizational and legal changes concerning the functioning of educational care centres, which allows to show the main directions of deinstitutionalization of the system of foster care in Poland. New solutions, introduced in 2012, demonstrate a distinct paradigm shift of the pro-family policy in this area: preference for the work with the natural family in order to eliminate the dysfunction before the need for foster care emerges. It points to the latest perspective on the care of orphaned children – moving away from institutional care towards family forms of foster care.

Key words: *institutions of care and education, foster care, family, child.*