**Contribution of Hungary**

**Committee on the Rights of the Child DGD on Children’s Rights and Alternative Care**

**„Lessons learnt about system strengthening or reform and implementation.”**

Since the entry into force of Act 31 of 1997 on the Protection of Children and Guardianship Administration (hereinafter: Child Protection Act), the principle of providing foster care has been a priority in Hungarian child protection policy, based on the right deriving from the Convention on the Rights of the Child.

Prioritization of foster care is served by the Child Protection Act’s regulation, which entered into force on 1 January 2014, according to which a child under the age of 12 must be placed with a foster parent and not in an institution, unless due to the child’s long-term illness, severe disability, the need to accommodate siblings together, or for any other reason the best interests of the child are better served by institutional placement. The legal provisions have been introduced on schedule with adequate preparation time. In addition to ensuring the newly placed children under 12 years of age to be accommodated with foster parents, children under 3 years of age raised in children's homes were placed with foster parents in 2014, children under 6 years of age in 2015, and children under 12 years of age in 2016.

As a result of the measure, the proportion of children cared by foster parents has been steadily increasing since 2014, within which the proportion of children under the age of 12 placed with a foster parent has also been steadily increasing, including the proportion of children under the age of 3 placed with a foster parent. Since 2014, the proportion of children with particular needs (disabled, chronically ill, under 3 years of age) placed with a foster parent has also been on the rise.

As of 31 December 2013, 62.2% of all children and young adults in child protection care, and as of 31 December 2020, already 68.7% of them had received foster care; including

* from 63.8% to 70.2% for minor children,
* from 70.5% to 86.5% among children under 12,
* from 83.2% to 87% of children under the age of 3,
* in the case of children with special needs, the proportion of those placed with a foster parent increased from 62.2% to 69.9%.

In Hungary, since 1 January 2014, all foster parents have been in a uniform foster parent employment relationship, within which we distinguish between foster parents, particular foster parents, who undertake and are suitable for caring for children with particular needs, and special foster parents who cares for children with special needs (severe psychological symptoms, severe dissociation, psychoactive substance), however, this distinction does not affect the content of the legal relationship.

Prior to that, there were two types of legal relationship:

* “traditional” foster parents received a low amount (HUF 15,000 / month / child) of remuneration that did not give rise to health and pension insurance entitlements;
* professional foster parents, who accounted for only about 5% of foster parents, worked full-time, typically with a higher number of children than “traditional” foster parents, with full health and pension insurance benefits comparable to those employed in foster care networks.

With the introduction of the foster care employment relationship, all foster parents receive a foster care fee indexed to the value of the minimum wage, differentiated depending on the number of placed children and the need for care (basic fee: 30% of the minimum wage / month / foster parent, additional fee: 20% of the minimum wage / month / child, surplus fee: minimum wage of 5, then 7% / month / child for a child with different needs than the average). The foster parent's fee also include paid leave, the right to full health and pension insurance, the possibility to take advantage of the family tax and contribution benefit even after the foster children, and the possibility to work outside the foster parent employment relationship. All this means an average fourfold increase in the income of foster parents between 2013 and 2021. From 1 January 2020, foster parents are also entitled to a child care fee according to the general rules for a child under the age of 2 in their care, and from 1 January 2021 to free domestic tickets 16 times a year for each child cared for.

An important change in the legal status of foster parents is that before 2014 foster parents typically provided legal representation for children in their care, but since the introduction of the foster parent employment relationship, the child protection guardian employed by the regional child protection service is the legal representative for all children in care. If the foster parent fulfils different conditions, he or she can still perform certain guardianship tasks, primarily related to the child's health care and education.

According to statistics and experience in sector management, the implementation of foster care is particularly difficult in the following groups of children:

* disabled, chronically ill children - in their case the possibility of foster care decreases in proportion to the severity and accumulation of the disability, illness, self-sufficiency, due to several complex reasons (demanding care needs - lack of adequate additional funding - insufficient coverage of basic social and health services),
* children with special and dual needs - it is difficult to ensure a reasonable level of control in family circumstances for deviant, often addict children or for children in need of psychiatric treatment. These children often endanger the foster family and other children.

Therefore, in order to professionally develop foster care, Hungary is currently considering the expansion of the range of services of foster care networks, especially psychological, mental hygiene, special education, developmental pedagogy, etc. care and services that meet the needs of foster children in order to further develop the placement of children with different needs than average, if possible, to be implemented from the foster parents’ network’s own resources and with its own specialists.

**„Measures taken to address abuse in all forms of alternative care including prevention, intervention, complaints handling and therapeutic support.”**

From 1 January 2018, the investigation and treatment of child abuse cases in institutions providing child protection care and reformatories shall be carried out on the basis of the institutional, maintenance and sectoral methodology approved by the Minister of Human Capacities and published on the Ministry's website.

In order to meet this legal requirement, a professional regulatory material entitled “Institutional, maintenance and sectoral methodology for investigating and dealing with cases of abuse of children and young adults in institutions providing child protection care, foster parenting networks and reformatories” (hereinafter: Methodology) has been prepared. The provisions of the Methodology shall be mandatory from 1 July 2018 in all child protection care institutions, reformatories, regardless of the form of care and the maintainer. The introduction and application of the Methodology provides an opportunity for child protection care institutions and reformatories to act in the same way and with binding force in all child abuse cases.

Since 1 January 2018, the Child Protection Act also stipulates that the person exercising the right of appointment shall request a professional opinion on the performance of professional duties and on the termination of the employment relationship from the previous employer of the person affected by the assignment and from the persons and bodies performing legal protection duties at the previous employer. In the case of re-appointment, the person exercising the employer's authority is informed about the professional opinion of the child rights representative, the child protection guardians, the opinion of the interest representation forum, the board of educators, and the results of government office’s, ombudsman’s and prosecutorial inquiries concerning the institution.

Similarly, a person applying to be a foster parent is required to declare whether they have previously been in a foster, professional foster or foster parent employment relationship with another operator as part of the foster parent's aptitude test. On the basis of this statement, the operator requests a professional opinion from the previous operator of the foster parent regarding the performance of the foster parent's professional duties and the termination of their legal relationship in order to determine the suitability of the foster parent.

The purpose of these amendments was to make the historical information and circumstances related to the previous legal relationship and its termination available to the potential new employer, thus reducing the risks (dangers) related to the information that can be withheld in order to increase the protection of children.

From 1 January 2019, the range of grounds for exclusion from employment was also extended and the period of disqualification from employment was tightened in the child protection system in order to protect children from those who deal with children but who had previously committed crimes.

**„Access to justice for children, including inquiries and reparations for abuse in all forms of alternative care.”**

A great step forward that as of 1 January 2019 the remit of regional child protection services was extended with a service providing investigation and therapy of neglected and abused children, especially those who have been sexually abused, and at the request of an official body, facilitating of hearing of affected children, based on Barnahus model. It aims to protect child victims of sexual abuse from the retraumatizing effects of multiple interrogations during evidentiary and criminal proceedings, and to protect the child from other severely traumatic factors during the proceedings (e.g. confrontation with the abuser, non-child-friendly interrogation). The main goal of the model is that the child abuse procedure should not be dominated by the aspects of proof and criminal law, but by the consideration of the best interests of the child. The new service is also available for children living in a family and in child protection care.

The introduction of the new service complies with Act 92 of 2015 on the provisions of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse on the Assistance to Victims, promulgated by law. The application of the Barnahus method service is governed by Act 43 of 2020 amending the Criminal Procedure Act and other related laws. It was also included in the provisions of the Act on the Interrogation of Victims Requiring Special Treatment during the investigation. Barnahus model, as well as the use of video and audio recordings made in this way can serve as evidence in criminal proceedings.

**The introduction of kindergarten and school social work**

**Why was kindergarten and school social work introduced?**

In recent years social changes have highlighted such problems that become visible when children first get into community. Previously, the increase in negative tendencies was detected by teachers in schools but over the past few years new problems were shifted to younger ages as well e.g. rise in the number of children having problems with social behaviour, aggression and/or children with mental disorders.

**The kindergarten and school social assistant in public institutions as a professional social and child welfare service can provide help in this situation.** The emphasis is put on the daily presence of the social worker having the task of prevention, handling cases of children at risk, developing competences, mediating between parents and children, children and teachers, parents and teachers, making and maintaining contacts with other institutions. **The social worker also participates in contributing to the children’s health development and prevention. The involvement of the social professional can make the life of the public education institutions more balanced in recognizing and solving problems, help in the socialization of children and improve their school performance even reducing the possibility of early school leaving.** **In long term the social work contributes to promoting the upbringing of children in their own families.**

The kindergarten and school social worker helps children, their parents and the public education institutions by social work with groups in prevention, which can be targeted to aggression and bullying prevention and management and the improvement of parental competencies. The kindergarten and school social worker also has to provide community activities or gets involved in school programmes e.g. health day, environment protection, financial awareness programmes.

**The key to the success of kindergarten and school social work is the provision of general and special services easily used and close to the target group, as well as the employment of professionals having third level qualifications who quickly, innovatively and flexibly react to changes.**

The kindergarten and school workers have those skills and knowledge that make it possible for them to early recognize and avert risks in children’s development.

**The countrywide implementation was preceded by the tender construction no. EFOP-3.2.9-16 “Development of Kindergarten and School Social Work” with a HUF 2.07 billion budget.** During the implementation period of the project the content of the kindergarten and school social work, the detection and connection of the measures and the problems and the appearance in public education scenes was determined as primary tasks.

**The aim of the project was to improve the social wellbeing and life quality of kindergarten and school pupils (even the socially handicapped) by reinforcing primary prevention, creating the conditions, professional content and determining human and financial resources of this task.**

**On 1 September 2018, the kindergarten and school social worker service was introduced into the Act XXXI of 1997 on the Protection of Children and Guardianship (Child Protection Act) according to which every family and child welfare centre maintained by the district capital municipality has to provide this service.**

The legal basis for the qualification and staff number of kindergarten and school workers was also determined by 149/1997. (IX.10.) Government’s Decree on Guardianship and Child Protection and Guardianship Procedures. It is compulsory to employ 1 kindergarten and school social worker by every 1000 kindergarten and school pupils in all 197 districts of the country. The kindergarten and school social worker is a supporting person working in a kindergarten, a school or a boarding school.

From September 2018, the comprehensive introduction of social assistance in kindergartens and schools was implemented, for which the central budget provides a resource of HUF 5.6 billion. The tasks will be accomplished by the family and child welfare centres under the operation of the district seat's municipality. One social worker per 1000 children is required.

The kindergarten and school social assistants are working in kindergartens and schools and in dormitories.