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Abstract: The article highlights major changes in systematic approach to family, establishment of institutions for child and family support, recognition of the priority of family-based care, decentralization of administration and financing of childcare institutions in Poland. The government tried to introduce a number of changes in legislation that would significantly improve the condition of the child. Childcare reforms in the 1990's and at the beginning of the 21st century aimed at modernizing local government and local organizations to provide appropriate childcare and social assistance to parents. The paradigm shift in social policy on child and family care determines the priority of family support aimed at creating comfortable conditions for the child. Nowadays the main objective of the family supportive policy of any country is to protect the child from the foster care model.

Key words: child, family, childcare system, childcare institutions, Poland.

Introduction

The difficult socio-economic situation (unemployment, migration of parents, spreading of pathological phenomena, etc.) directly affects the family, its norms and values, child upbringing as well as causes biological and social orphanhood and child neglect. This can be prevented on condition that government agencies and non-governmental organizations actively participate in childcare. This area is usually based on the corresponding national, traditional and international law. The transformation of the social system in Poland has given rise to factors that complicate family functioning, in particular, child care duties constituting the foundation of traditional family models. Social and political changes have had a negative impact on the economic, psychosocial, and moreover, long-term

conditions of many families. These changes go hand in hand with conflicts and tensions that affect core family processes and cause positive or negative changes in the family [Matyjas 2005, p. 53]. Major changes have occurred in the systematic approach to the family, establishment of institutions for child and family support, recognition of the priority of family-based care, decentralization of administration and financing of childcare institutions, prevention and early intervention.

Childcare changes in the 1990s

In 1991 the Law on Education System was adopted which aimed at providing a new effective management of education and parenting systems. The lack of essential ideas and delayed law publication resulted in minor changes in childcare and did not fundamentally transform the system. Basic principles of the system functioning, types of childcare institutions, their structure and competence, financing and childcare services remained unchanged. The increase in the number of foster families was accounted for by new foster family financing principles as well as different mechanisms of foster family formation regulated by the Decree on Foster Families of the Council of Ministers as of October 21, 1993.

On January 1, 1993 homes for young children under 3 were transferred from the Department of Health to the Department of Education to be afterwards customized to serve as homes for children aged 0–18. The name change did not yield any result as children's homes still retained their customary ways of functioning.

The main objectives of childcare institutions were determined in the February 21, 1994 Decree of the Minister of National Education on types, structure and operating principles of public childcare and resocialization institutions. The list contains the following types of childcare institutions: family-type homes, childcare centers, children's homes, special childcare centers, boarding schools, chambers and clubs, socio-therapeutic youth centers and resocialization institutions.

A Polish family of the late 1990's can be called a "modern family". Professional activity of parents and the fear of job loss changed long-established patterns of family life. The contraction and narrowing of social life to micro-groups (friends, acquaintances, and close relatives), a day-to-day existence precept, division between insiders and outsiders evoke a sense of complete selfishness and utmost neglect of the outer world. In this context the so-called shutdown syndrome with regard to existing radical social changes represented by individual families is exceptionally obvious [Matyjas 2005, p. 54].

The financial condition of families deteriorated as the market economy called for a different approach to work and responsibility for the family's living environment. The difficulty in evaluating the financial condition of many families arises from different economic activities of people of different age groups. In the

“Report on the Situation of Polish families”, 1998, it is stated that single-parent families suffer financial predicament but not as adverse as families with many children. In such families 37% of young people are brought up while every third child is acutely affected by tight financial conditions of the family. At least 63% of families having three children and 80% with four or more experience a lack of minimum standards of living [Badora 2002].

The lack of educational impact and a tough financial position are often a threat to the establishment of family relationships that reflect the state of family life. The need for an appropriate psychological climate amid family members is the basis for a sense of security and proper emotional development. The level of socio-cultural environment of the family is of vital importance in this relationship. On the converse, the lack thereof may cause a deficit in shared leisure, common spiritual, moral and religious values and therefore lead to their criticism, loss of faith in their importance for socialization of the individual. The lack of appropriate models of family life poses a threat of developing numerous pathologies. As a result, previously ill-formed family bonds shape a child’s behavior and have a negative impact on the quality of social contacts which define psychosocial family ties of any type [Janke 1988, pp. 23–27].

The reformation of local government and administrative-territorial units helped to remove some limitations of the child and family care system development and its dependence on the central government. However, it was not on the social agenda in new political circumstances. The market was a priority which is why the funds allocated to help families or provide better care were considered less cost-efficient than investments in the economy. The state continued to perform a supporting role and believe it was cheaper and better that way. In the 1990’s *gminas* (Polish municipalities) together with education authorities eliminated most kindergartens and small schools which have not been replaced with new ones up to this date. The child and family care was not of primary importance for the local government and was limited to providing financial support for poor families, free meals for their children in schools, institutional placement of orphans. This policy complied with legal requirements and was state-aided but did not meet local needs.

In 1998 the Polish childcare system being part of the education system followed the example of West European countries and underwent radical reforms. The ratification of the European Convention on the Adoption of Children as well as relevant amendments to Domestic Relations and Custodial Code and the Civil Status Law restricted foreign adoptions and expanded the rights of foster parents and children. The childcare reform launched in 1999 entailed systemic and structural changes. The former covered the concept of childcare and consisted in the transition from institutional to family-based care. Structural changes became

the result of the administrative reform, which was aimed at decentralizing social functions of the state. They occurred in two areas: departmental (transition of custodial rights from the education system to that of social assistance) and autonomous (performance of custodial duties by local authorities). Consequently, childcare had to become integrated in the social assistance system while remaining part of the autonomous family support system. The coordinative task of the locally integral social and family policies was performed by local family care centers [Rymsza 2006, p. 50].

So, the period of 1989–1999 encompasses changes within childcare that heavily affect children. Childcare institutions were in a tough financial condition (lacking money for immediate needs such as payments, purchase of products, etc., let alone investing). In 1999 the foster families' budget deficit prevented many districts from accumulating funds for long-lasting foster families support. Thus, the active law did not provide viable opportunities for the formation of a well-coordinated childcare system under the family support program. The assistance of family experts and counselors was particularly insufficient.

Reforms in the child and family care system (2000–2014)

The situation at the turn of the new century was somewhat different. The adoption amendments to the Act of Social Assistance and the Law on Social Insurance Pensions of February 18, 2000 created a legal basis for the child and family care system. The new section of the Law on Social Assistance guaranteed aid for families which experienced certain difficulties in performing their duties as well as to partially or totally deprived of parental care or socially excluded children. The provisions of these laws defined the principles of family support, financing and control of foster families, adoption and custody centers, and childcare institutions. A new type of childcare institutions, such as a foster family, was introduced. This set new tasks in the family support system.

Under the Law young children under the age of 10, if possible, should be sent to foster families. The Law favored kinship foster families that were believed to ensure proper care, education and development. However, kinship is not the only criterion for granting the status of a foster family. Choosing the right foster family is very important as it is not always possible to return the child to its biological family. During this period it is important for the child not to change families. This situation has nothing to do with a child's ability to communicate with foster parents but may be common as foster parents can fail to perform their duties [Wyrwicka 2000, p. 5].

The above mentioned Law introduced a new category of foster families, the so-called family-type institutions. They make for the provision of care for children, especially young ones, within the foster care system. This is a form of

non-kindred foster family that is granted an allowance for long-term custody of the child. Such institutions were set up in districts to meet local needs. Family-type institutions were an integral part of the local child and family care system. They were set up to quickly provide care for children under the age of 10 in case their parents did not perform parental duties; if family care threatened the health or life of the child; if parents could not provide childcare during a short period of time due to reasons beyond their control.

This type of institutions is meant to prevent placement of young children in educational institutions as well as provide them with care in the vicinity of their place of residence. The district center for families decides if such an institution should be set up. The institution shall perform the following tasks: placement of stressed children, around-the-clock admission of children, and determination of the period of the child's stay in the family which is quite challenging for parents [Wyrwicka 2000, p. 7].

It was hoped that in the future there would be an increase in the number of children living outside their biological families and in foster families rather than in institutions. The vacancies are to be allocated for full-time and semi-full time forms of preventive child and family care.

The Decree of the Minister of Labor and Social Policy recognizes day, family, intervention, socialization and resocialization institutions (Dz. U. z 2000 Nr 80 poz. 900). This document determines the standards of childcare and education as well as services provided by the institutions. It limits the number of pupils to 30 and recommends five-person and smaller rooms for accommodation [Szymańczak 2003].

Family-type children's homes are budgetary units with detailed accounting and financial calculations. Under such circumstances children's homes were unable to take over family functions. Intervention institutions (family-type institutions) often organized classes that rarely lived up to expectations (i.e., the majority of children who received certificates from primary school could not read or write properly). So, teachers initiated the return of these institutions to the Education Department. Under the Law on Juvenile Justice resocialization institutions (educational and socio-therapeutic youth centers) admit children aged 13 to 18. There are 12 day centers and 45 day-night centers of this type in Poland. They do not dispose of enough vacancies for children. Districts are not interested in maintaining them due to high maintenance expenses and the fact that most pupils come from other districts [Szymańczak 2003].

2002 gave rise to a long debate on the operation and financing of resocialization institutions. They had to be subordinated to the Provincial Authorities, accountable to the Department of Education and set forth employment and payment terms. As a result of amendments to the Law on Education System educational and

socio-therapeutic youth centers were transferred to the Department of Education and from January 1, 2004 they began to operate within the education system.

The inclusion of a new section on “Child and Family Care” in the Law on Social Assistance of March 12, 2004 had a positive effect. The new regulation complied with the pivotal concept of the Constitution about the supportive role of the state and relied on the principles of family autonomy and its primacy in the upbringing of the child. In accordance with those principles childcare in foster families is recognized as an essential element of the policy aimed at family support. Thus, the state must use its guarantee system to create conditions for assisting and supporting individual families at the local level. With regard to this the initial provisions of the Law determine various forms of family assistance that do not entail separation of the child from its parents. Such assistance should be provided in critical moments only or when the child is exposed to a threat. An essential requirement is the transition from institutional to family-based care. The factors that facilitate it are: the increase in the number of children who leave their foster families or childcare institutions and return to their biological families, the establishment of institutions to support the reformed system of childcare including adoption centers, foster care centers, crisis intervention centers, specialized family assistance institutions, development of new forms of family care (therapy), reducing the number of children’s homes and wards. Such a policy is intended for establishing institutional forms of family support at the local level, a variety of activities for family reintegration and development of family-based care [Dz. U. 2004 nr 64 poz. 593].

According to the Decree of the Minister of Labor and Social Policy of February 14, 2005 family-type institutions must create conditions for an all-round development of the individual (spiritual needs, personal contacts with family, responsibility for their actions) [Dz. U. z 4 marca 2005]. It regulated the number of children under the care of one teacher during their stay in the institution or outside depending on the work site arrangement and needs of the child, childcare and education standards, psychological and pedagogical skills of the staff.

The Decree of the Minister of Labor and Social Policy of October 19, 2007 amended existing regulations under the Law on Social Assistance. It determined the procedure for admission of foreign children to childcare institutions, processed sample applications for registration of day-night childcare institutions, and specified constituent acts of childcare institutions [Bartosiewicz 2008, p. 19]. Such institutions ensure around the clock childcare and education, meet children’s needs, provide participation in educational, correctional, compensatory, speech therapy and therapeutic activities, prepare for public life, offer adequate rehabilitation and special classes for disabled children, create prerequisites for a child’s return to the biological family or placement in foster families, cooperate with parents, prepare for independent life [Dz. U. 2007 Nr 245 poz. 1810].

Subsequent years showed no dramatic changes in childcare and family support. The Decree of the Minister of Labor and Social Policy of June 4, 2010 determined the scope and mechanism of cooperation of district centers for families with foster families and courts, preparation of candidates for the performance of their functions and foster parent training. District centers for families help foster parents accept children and solve everyday problems. They also inquire about children's health, academic achievements, difficulties in education, foster children missing for over 24 hours, custody issues. Besides they decide on granting a break from childcare for over a month.

Article 103 of the Law on Family Support and Childcare System of June 9, 2011 defined temporary childcare in critical situations (especially when immediate help is needed) as a major function of intervention-type childcare institutions [Dz. U. 2011 nr 149 poz. 887]. It regulated the following issues: preventive assistance to families that experience performance problems; family and institutional forms of care, self-sufficient wards of age, adoption procedure, financing.

The Decree on Institutional Care of the Minister of Labor and Social Policy of December 22, 2011 was adopted on the basis of Article 127 of the abovementioned Act. It regulated the following organizational issues: nighttime care, arrangement of educational work, and psychophysical diagnostics of children [Dz. U. 2011 Nr 292 poz. 1720].

Under the Law on Family Support and Care System the *wojt* (village chief) holds responsibility for supporting families. *Gmina* cooperates with families or provides assistance for them. Family support activities are implemented on the family's consent and active participation. Family assistance should be carried out in difficult situations whereas the child should be temporarily withdrawn. The situation assessment may urge a social worker to recommend seeking help from a family assistant. Assistants can work with 20 families simultaneously. Day care institutions are an important part of child and family care system. They are free of charge and can admit 30 children at a time. Children can attend them voluntarily or in case this should be ordered by the court. A new form of assistance to parents is represented by family support institutions. They assist in care and upbringing of the child, housekeeping, learning, performing basic social roles, cooperation with a family assistant [Luberadzka-Gruca 2011].

Another positive change was introduced in the Act amending the Law on Family Support and Care System and some other laws which came into effect on July 25, 2014. It clearly established requirements for care system workers (the *wojt* and district principal in particular), their duties and functions so that they can provide needed child and family care more effectively and fast. It also determined rights of local and province authorities, identified areas of control and provision of certain services, introduced changes to care workers' qualifications requirements and documentation to improve the childcare system [Dz. U. 2014 poz.1188].

Conclusion

A detailed study and analysis of normative legal regulations of the family support and childcare system suggest that the government has been trying to introduce a number of amendments to legislation that may significantly improve the child's condition. Overall, the child and family care system in Poland has undergone many positive changes for the past 25 years. The reforms in the care system in the 1990's and at the beginning of the 21st century aimed at modernizing the local government and organizations whose main task was to provide childcare and social assistance to parents. Modernization of the entire childcare system as well as expansion of custodial duties had to create a free market of childcare services. The child and family care system bases its values on the principle of assistance and fully complies with the standards of international law. This is due to Poland's entry into the European Union. The pace of changes and general trends in childcare and assistance is quite unsatisfactory. The dominant intervention model is of little help as many children cannot be admitted to childcare institutions due to the lack of vacancies. It should be stressed that each inefficient form of family intervention requires (on the part of the family and the child) compliance with a certain behavior code controlled by social or judicial officers, and often ends up in the institutional placement of the child. So, it is important to fight not the consequences of negative social phenomena but their cause. A paradigm shift in social policy concerning child and family care sets priority tasks which encompass cooperation with the family in order not to separate the child from its parents. Today it is necessary to protect the child from the foster care model which is the main task of the family supportive policy of any country.

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