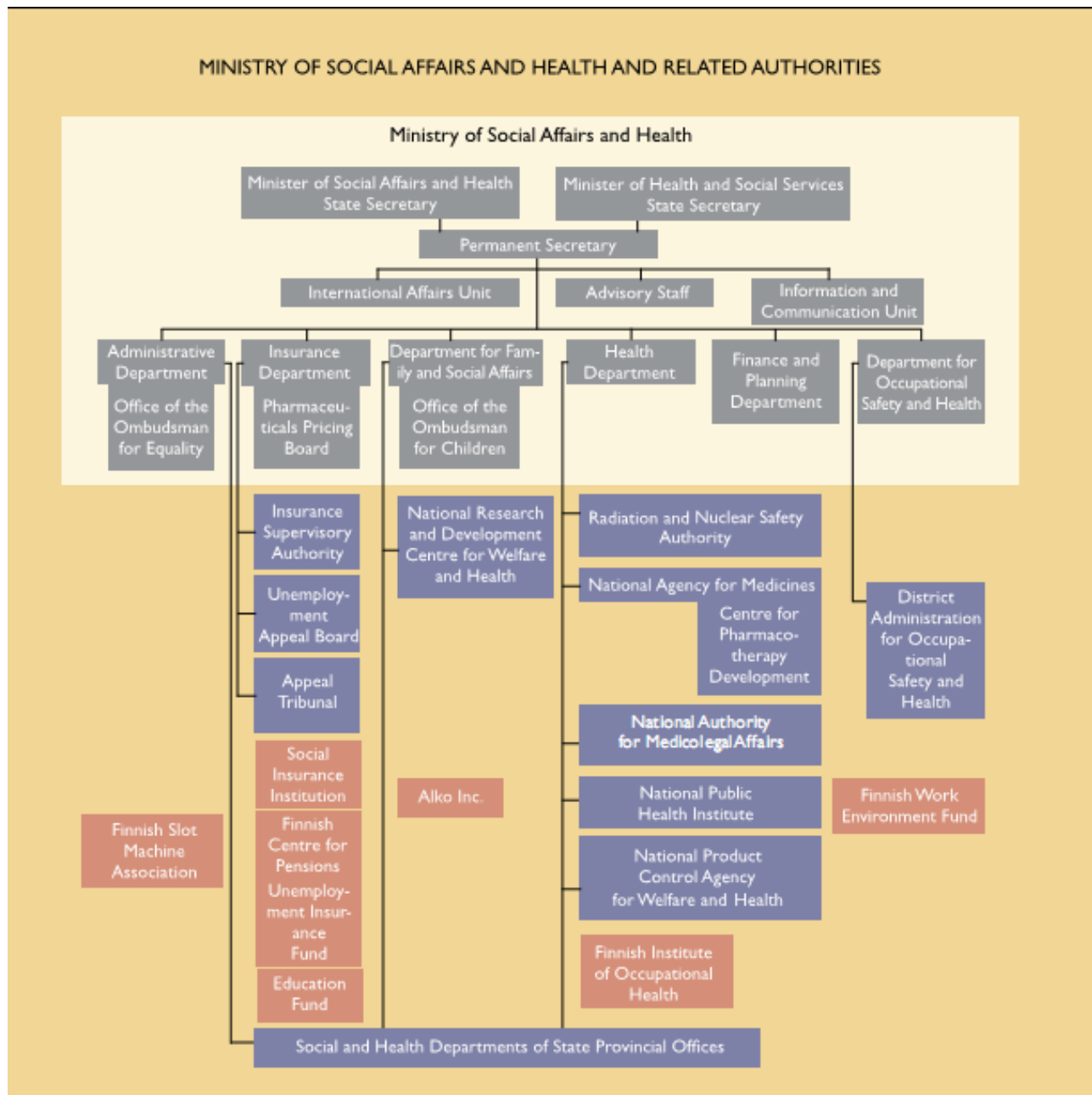


Bijlage 1

Schematisch overzicht van het Ministry of Social Affairs and Health and Related Authorities



(Ministry of Social Affairs and Health (2006))

Bijlage 2

De complete Social Welfare Act 710/1982

Ministry of Social Affairs and Health
Unofficial translation

SOCIAL WELFARE ACT 710/1982

Chapter 1 – Scope of the Act

Section 1

- (1) For the purposes of this Act, 'social welfare' means social services, social assistance, social allowance, social loans and related measures intended to promote and maintain the social security and functional capacity of the individual, the family and the community. (20.12.2002/1134)
- (2) The provisions of this Act shall apply to social welfare except where otherwise provided by law.

Section 2 (3.8.1992/736)

The Act on Planning and Government Grants for Social Welfare and Health Care (733/1992) shall apply to any municipally organized activities referred to in this Act, unless otherwise provided by law.

Chapter 2 – Administration

Section 3 (17.1.1991/73)

- (1) The Ministry of Social Affairs and Health is responsible for general planning, guidance and supervision concerning social welfare.
- (2) Provincial State Offices are responsible for planning, guidance and supervision concerning social welfare within each province.
- (3) Provisions on performance of the functions of State administrative authorities under this Act in the Province of Åland will be issued by decree.

Section 4 (23.5.2001/413)

The National Research and Development Centre for Welfare and Health acts as the expert government agency concerning social welfare matters, and provisions on it are laid down in the Act on the National Research and Development Centre for Welfare and Health (1073/1992).

Section 5

- (1) Municipalities shall see to the planning and implementation of social welfare in accordance with this Act and other provisions of the law.
- (2) Municipalities may organize social welfare in accordance with section 4 of the Act on Planning and Government Grants for Social Welfare and Health Care. (3.8.1992/736)
- (3) The provisions of this Act concerning municipalities and municipal residents also apply to joint municipal boards and the residents of their member municipalities in so far as the social welfare organized by the joint municipal board is concerned, unless otherwise provided by the Act on Planning and Government Grants for Social Welfare and Health Care. (3.8.1992/736)

Section 6 (3.8.1992/736)

- (1) Functions related to the implementation of social welfare under this Act as well as the functions that are according to other acts the responsibility of the municipal social welfare board or a comparable organ shall be the responsibility of one or several multimember organ/s appointed by the municipality. (22.12.2006/1329)
- (2) The organ shall also represent the municipality, assert its rights, exercise its right of action in individual cases concerning the implementation of social welfare, and conclude agreements and enter into other legal transactions on behalf of the municipality in such matters.
- (3) A division of the organ may also be authorized to make decisions on other matters besides those referred to in section 71a, paragraph 1, of the Local Government Act.

Section 7 (3.8.1992/736)

When all the social welfare functions of two or more municipalities are assigned to a joint municipal board, it shall appoint a joint organ as referred to in section 6, paragraph 1, for its member municipalities. The responsibility for the functions of municipal social welfare boards under other acts shall also be assigned to this organ.

Section 7a was repealed by **Act No. 736/1992**.

Section 8 (3.8.1992/736)

State civil servants whose functions include guidance and supervision of social welfare shall not be eligible for membership of organs referred to in section 6, paragraph 1, within their administrative district.

Section 9 was repealed by **Act No. 736/1992**.

Section 10 (3.8.1992/736)

- (1) Each municipality shall have professional staff to deal with functions related to the implementation of social welfare.
- (2) Each municipality shall have access to services provided by such officeholders engaged in client service work who meet the professional qualifications required of social workers. (22.9.2000/813)

Section 11

Each municipality shall maintain adequate and appropriate facilities and equipment for social welfare activities.

Section 12 (22.9.2000/813)

- (1) The decision-making power and the right of action laid down in the law of the organ referred to in section 6, paragraph 1, can be delegated through official regulations to officeholders subordinate to the organ, except for decisions concerning involuntary care of an individual.
- (2) In urgent cases, an officeholder referred to in section 10, paragraph 2, who has been appointed by the organ referred to in section 6, paragraph 1, is entitled, in accordance with criteria adopted and

general guidelines issued by it, to decide in urgent cases on behalf of the organ on involuntary care and related other measures and in those cases also, either personally or by proxy, to exercise the organ's right of action.

Chapter 2a (30.12.2004/1428) – Trial concerning the arrangement of certain functions

Section 12a (30.12.2004/1428)

With a view to forming appropriate entities of social welfare and health care services so as to meet the needs of older people and other client groups municipalities or joint municipal boards can experiment with arranging certain social welfare and primary health care functions by way of derogation from the provisions concerning them as laid down in this Chapter.

Section 12b (30.12.2004/1428)

- (1) The Ministry of Social Affairs and Health approves which municipalities and joint municipal boards take part in the trial based on their applications. If an application concerns changing the internal division of organs in the municipality, the municipality must have examined before submitting its application the appropriateness of uniting the multimember organ in charge of the implementation of social welfare and the multimember organ in charge of the implementation of primary health care.
- (2) A municipality or joint municipal board can be approved for the trial if:
 - 1) the trial will improve co-ordination of the social and health care services for older people and other client groups to be covered by the trial as well as promote the provision of good services; and
 - 2) the trial will not, to any considerable extent, affect adversely the entirety of social welfare or primary health care services.
- (3) The Ministry of Social Affairs and Health announces which municipalities and joint municipal boards are to be covered by the trial. The trial can last up to 31 December 2008
- (4) The municipalities and joint municipal boards taking part in the trial are in charge of its monitoring and assessment. They shall provide the Ministry of Social Affairs and Health with the information it may request about the trial. A preliminary assessment of the trial shall be submitted to the Ministry of Social Affairs and Health by 31 December 2007, and the final assessment within six months of completion of the trial.

Section 12c (30.12.2004/1428)

- (1) In the trial, exception can be made from the provisions of section 6, paragraph 1, of this Act and of section 6, paragraph 1, of the Primary Health Care Act (66/1972) to the effect that social services for older people and primary health care functions regarding older people are wholly or partly in charge of one municipal multimember organ. It can be the organ in charge of the implementation of either social welfare or primary health care, or another organ that is solely in charge of these social and health care services. Corresponding services for other client groups can also be linked to the trial.
- (2) In the trial the home services referred to in section 17, paragraph 1 (3) of this Act and the home nursing referred to in section 14, paragraph 1 (2) of the Primary Health Care Act can be arranged partly of wholly integrated, in the form of *home care*. The provision of home care can also be managed so that municipal home service functions are assigned to the relevant organ of the joint municipal board in charge of primary health care, or so that the home nursing functions that are

managed by the joint municipal board for primary health care are transferred to organs responsible for social welfare of the municipalities concerned.

Section 12d (30.12.2004/1428)

- (1) The unit in charge of home care services is regarded as a social welfare unit if it is subordinate to the organ in charge of the provision of social welfare, and as a health care unit if it is subordinate to the organ in charge of the provision of primary health care. In case a new organ is established for the trial, the home care unit is regarded as either social welfare or health care unit depending on how its functions are focused within the unit.
- (2) For the purpose of this Chapter *home care client* refers to a person applying for or receiving home care.

Section 12e (30.12.2004/1428)

As far as the functions of the home care unit do not constitute health care or medical care, the decision on arranging home care for a client is subject to the provisions of section 6 of the Act on the Status and Rights of Social Welfare Clients (812/2000) regarding authorities' decisions and of Chapter 7 of this Act regarding appeal.

Section 12f (30.12.2004/1428)

- (1) The provisions laid down on patient records are applied to the drawing up, retaining and confidentiality of the home care documents concerning health care and medical care of home care clients as well as to supplying of information from them. The drawing up, retaining and confidentiality of other documents concerning a client's home care as well as supplying information from them are subject to the provisions of social welfare records.
- (2) The staff of a home care unit is entitled to use information from the register on home care as required by their duties.

Section 12g (30.12.2004/1428)

- (1) When a home care patient is cared for at a health centre of the municipality or joint municipal board concerned, the health centre is entitled, notwithstanding confidentiality provisions:
 - 1) to receive and use such information from the home care records concerning the patient as is necessary for organizing or delivering health care or medical care for the patient when the organ in charge of the implementation of primary health care is in charge of home care;
 - 2) to receive such information from the home care records concerning the patient that is necessary for organizing or delivering health care or medical care for the patient when some other organ is in charge of home care; and
 - 3) to receive information from other home care records that is necessary for organizing or delivering health care or medical care for the patient concerned.
- (2) Home care units are entitled, notwithstanding confidentiality provisions:
 - 1) to receive and use such information from the patient records of the health centre of the municipality or joint municipal board concerned that is necessary for organizing or delivering home care for the patient when the organ in charge of home care is in charge of the implementation of primary health care;
 - 2) to receive such information from the patient records of the health centre of the municipality or joint municipal board concerned that is necessary for organizing or delivering home care for the client when some other organ is in charge of home care; and

- 3) to receive information from other authorities as laid down in section 20 of the Act on the Status and Rights of Social Welfare Clients.

Section 12h (30.12.2004/1428)

- (1) Home care units have the right to establish a technical connection to the confidential information in their registers that they are under section 12g(1) entitled to supply to the health centre of the municipality or the joint municipal board concerned. The health centre of the municipality or the joint municipal board has the right to establish a technical connection to the confidential information in its patient registers that it is entitled to supply to the home care unit in virtue of section 12g (2)(1) and (2). Home care units have the right to obtain information referred to in section 12g (2)(3) as laid down in section 21 of the Act of the Status and Rights of Social Welfare Clients.
- (2) The technical connection established on the basis of this section may also be used for searching confidential information without consent of the person for the protection of whose interests the confidentiality duty has been provided. Before establishing the technical connection the authority requesting information shall specify that the protection of the information is ensured appropriately.

Chapter 2a added by Act No. 1428/2004 is in force on a temporary basis from 1 January 2005 to 31 December 2008.

Chapter 3 – Municipal social welfare

Section 13

- (1) Municipalities shall see to the following functions related to social welfare, the content and scope of which shall be as provided by the relevant legislation in each case:
 - 1) organize social services for their residents;
 - 2) provide social assistance to persons living in the municipality;
 - 3) pay social allowance to their residents;
 - 4) organize guidance and counselling on social welfare benefits and other forms of social security and their use;
 - 5) provide information on social welfare and other forms of social security; and
 - 6) organize training, research and experimental and development activities concerning social welfare and other forms of social security; and
 - 7) grant social loans to their residents.
 (20.12.2002/1134)
- (2) In addition to what is provided in paragraph 1, municipalities are also required to take measures to improve social conditions generally and to eliminate social grievances in their area.

Section 14

- (1) For the purposes of this Act, 'municipal resident' means a person domiciled in the municipality as referred to in the Act on Domicile (201/1994).
- (2) If a person has no domicile as referred to in paragraph 1, he/she shall be considered a resident of the municipality where he/she lives.

Section 15

- (1) In urgent cases, or when the circumstances otherwise so require, a municipality shall see to it that institutional care and other social services are also provided for persons living in its area other than municipal residents.
- (2) In cases where institutional care is estimated to be necessary for a period longer than 14 days, the organ referred to in section 6, paragraph 1, shall without delay notify to the corresponding organ of the municipality which would have been responsible for providing the care under section 13 of the provision of institutional care. (3.8.1992/736)

Section 16

- (1) If, in cases referred to in section 15, a person other than a municipal resident has been provided with institutional care estimated to be protracted, an administrative court may authorize the organ referred to in section 6, paragraph 1, to transfer the person to the municipality where the person is resident. (20.12.2002/1134)
- (2) At the request of a person receiving institutional care, however, the organ referred to in section 6, paragraph 1, shall always take the measures referred to in paragraph 1 for transfer of the person to the municipality where he/she is resident. (3.8.1992/736)
- (3) An application for the transfer referred to in paragraph 1 shall be submitted to the administrative court which has jurisdiction over the municipality providing the institutional care. (20.12.2002/1134)
- (4) However, no transfer shall be ordered if it would be unreasonable for the person concerned in view of appropriate care or in other respects.

Social services

Section 17

- (1) Municipalities shall be responsible for organizing the following social services as hereinafter provided:
 - 1) social work;
 - 2) child guidance and family counselling;
 - 3) home-help services;
 - 4) housing services;
 - 5) institutional care;
 - 6) family care; and
 - 7) activities supporting the access to employment and specific work for people with disabilities.
- (2) Municipalities are also responsible for organizing child and youth welfare, daycare for children, special care for the mentally handicapped, services and support for people with disabilities, services related to care for substance abusers, the statutory functions of child welfare officer, other measures related to the investigation and establishment of paternity, ensuring child maintenance, adoption counselling, family conciliation and conciliation concerning the enforcement of decisions on child custody and visiting rights, and provision of support for informal care and other social services, and for the duties laid down in the Act on Rehabilitative Work (189/2001) in accordance with any additional specific provisions concerning these services. (2.12.2005/938)
- (3) If a social welfare client needs rehabilitation that the social welfare authorities are not legally liable to provide or which it is not expedient to provide in the form of social services, the social

welfare authority shall give the client information on other rehabilitation options and instruct the client to use, as needed, the services provided by the health care, employment or educational authorities or the Social Insurance Institution or some other service providers in cooperation with the bodies organizing them. The provisions of the Act on Cooperation on Client Services within Rehabilitation (497/2003) shall also be observed. (13.6.2003/500)

- (4) A municipality may arrange other necessary social services besides those referred to in paragraphs 1 and 2. (27.3.1991/607)

Section 18

'Social work' means guidance, counselling and investigation of social problems by professional social welfare staff and other support measures intended to maintain and promote the security of individuals and families, their ability to cope and the functionality of communities.

Section 19

'Child guidance and family counselling' means provision of expert assistance with child upbringing and family matters and social, psychological and medical research and care promoting favourable child development.

Section 20

'Home-help services' means performance of or assistance with functions and activities related to housing, personal care and attendance, child care and upbringing, and other conventional functions and activities in normal daily life.

Section 21

Home-help services are provided on the grounds of impaired functional capacity, family circumstances, overexertion, illness, childbirth, injury or other similar reasons, to persons in need of assistance in coping with the functions and activities referred to in section 20.

Section 22

'Housing services' mean the provision of service housing and supported accommodation.

Section 23

Housing services are provided in the case of persons who, for special reasons, need help or support with organizing housing or their living conditions.

Section 24

- (1) 'Institutional care' refers to the provision of treatment, upkeep and rehabilitation in a social welfare unit providing continuous care.
- (2) Institutional care is provided in the case of a person who needs assistance, treatment or other care which cannot be provided, or which it is not expedient to provide, in the person's own home by making use of other social services. (3.4.1992/311)

Section 24a (31.1.1995/122)

The Ministry of Social Affairs and Health shall issue orders concerning the specification of institutional care and the relevant negotiation procedure between municipalities and the Social Insurance Institution and the related acquisition of opinions.

Section 25 (3.4.1992/311)

- (1) 'Family care' means the provision of care, upbringing or other 24-hour attendance in the case of persons in a private home other than their own.
- (2) The aim of family care is to give the persons cared for an opportunity for family-like care and close human relationships and to promote their basic social security and social development.
- (3) Family care is provided in the case of persons who are not considered to need institutional care and who cannot be expediently provided with care, upbringing or other attendance in their own home or by making use of other welfare and health care services.

Section 26 (3.4.1992/311)

- (1) 'Family home' refers to a private home that provides family care with permission from the Provincial State Office or approval from the municipality or the joint municipal board, as provided in the Family Carer Act (312/1992). (9.8.1996/604)
- (2) In its health conditions and other circumstances, a family home shall be suitable for the care to be provided.
- (3) Provisions on family carers are laid down in the Family Carer Act. (9.8.1996/604)

Section 26a (3.4.1992/311)

- (1) The maximum number of persons that may be cared for in a family home at the same time is four, including children under school age and other persons requiring special care or attendance that live in the same household with the carer, except in the case of care of siblings or members of the same family.
- (2) Notwithstanding paragraph 1, the maximum number of persons that may be cared for in a family home at the same time is seven if the care, upbringing or other attendance in the family home is the responsibility of at least two persons residing in the family home and at least one of them meets the qualifications laid down in section 1, paragraph 3, of the Family Carer Act and the other the qualifications laid down in section 1, paragraph 2, of the Act.
- (3) If special cause exists, an exception can be made to the provisions of paragraphs 1 and 2 regarding the maximum number of persons cared for at the same time. 'Special cause' primarily refers to a situation where all the persons in family care at the same time are adults and the intercourse between them and the nature of their placement in family care, together with their functional capacity and need for care, make it possible to deviate from the maximum number.

Section 27 (3.8.1992/736)

- (1) Municipalities can establish, acquire or otherwise reserve the number of service housing and supported accommodation units and places for institutional care required to meet local needs.

- (2) Municipalities can, as needed, also acquire or reserve other dwellings to be used by the organ referred to in section 6, paragraph 1, for housing persons referred to in section 23.

Sections 27a – 27c were repealed by Act No. 937/2005.

Section 27d (1.2.2002/68)

- (1) By activities supporting the access of people with disabilities to employment is meant the organization of specific rehabilitation and other supportive measures promoting their placement in employment.
- (2) Activities supporting the access of people with disabilities to employment are organized for persons who have, due to their disability or illness or for comparable reasons, particular long-term difficulties in managing the ordinary functions in everyday life and who are in need of, in addition to the services and measures of the labour administration, the supportive measures referred to in paragraph 1 in order to find employment on the open labour market.
- (3) As a part of the activities to support the access of people with disabilities to employment it is possible to organize work in which the employee is in an employment relationship with the service provider referred to in Chapter 1, section 1, of the Employment Contracts Act.
- (4) The pay for the work referred to in paragraph 3 can be agreed upon by a collective agreement referred to in the Collective Agreements Act (436/1946), which is observed notwithstanding what is provided in Chapter 2, section 7, in the Employment Contracts Act regarding the universally binding character of collective agreements.
- (5) A service provider of services in support of the access of people with disabilities to employment is entitled to give notice to an employee, besides on the grounds laid down in Chapter 7 in the Employment Contracts Act, also when the organizer of the work considers that the employee is not in need of the employment referred to in paragraph 2.

Section 27e (1.2.2002/68)

- (1) By specific work for people with disabilities is meant maintenance of their functional capacity and activities promoting it. Such work is organized for persons incapacitated for work who due to their disability are not able to take part in the work referred to in section 27d and whose income is mainly based on benefits granted on the basis of illness or incapacity for work.
- (2) A person taking part in work for people with disabilities is not in a contractual employment relationship referred to in Chapter 1, section 1, of the Employment Contracts Act with the organizer of the activity or the service provider.
- (3) The provisions on employees' safety at work are applied to the work for people with disabilities also when the person concerned is not in an employment relationship with his/her employer. The organizer of work for people with disabilities shall take out an insurance policy referred to in section 57, paragraph 1, of the Employment Accidents Insurance Act (608/1948) for the person engaged in the provided work. As the annual earnings under the insurance are used the minimum annual earnings referred to in section 28, paragraph 6, of the Employment Accidents Insurance Act. (23.8.2002/753)

Section 28 (3.8.1992/736)

Fees may be charged for social services in accordance with the Act on Client Fees in Social Welfare and Health Care (734/1992).

Section 29 was repealed by **Act No. 736/1992**.

Sections 30 to 38 were repealed by **Act No. 1413/1997**.

Chapter 3a (30.12.2003/1310) – Service voucher**Section 29a (30.12.2003/1310)**

- (1) A municipality approves the service providers within social welfare whose services can be purchased by a service voucher granted by the municipality under section 4 (1)(5) of the Act on Planning and Government Grants for Social Welfare and Health Care.
- (2) A municipality can approve only such private service providers that have been recorded in the prepayment register.
- (3) A client may refuse a service voucher offered to him or her, in which case the municipal authority shall advise the client to use services organized in some other ways.

Section 29b (30.12.2003/1310)

- (1) A municipality can grant service vouchers for purchasing home services provided on a regular basis. The value of a service voucher must be at least EUR 20 per hour if the income of the household does not exceed the income limit determined under paragraph 2. The income exceeding the income limit reduces the full amount of the service voucher by a percentage determined according to the household size from the income exceeding the limit divided by 60. The lowest value of a service voucher is however EUR 5 per hour. The value of a service voucher granted for purchasing temporary home service must be reasonable.

- (2) Household size, persons Income limits EUR/month Reduction percentage

1	445	35
2	820	22
3	1,285	18
4	1,590	15
5	1,925	13
6	2,210	11

- (3) If the number of persons in the household is more than six, the income limit will be raised by EUR 270 and the payment percentage will be reduced by 1 percentage unit per each subsequent person.
- (4) The value of a service voucher granted for purchasing a home service other than care or attendance that is provided in the client's home by a social or health care professional must be reasonable.

- (5) Notwithstanding what is provided in this section regarding the value of a service voucher, the municipality is responsible for paying the service provider at the most the price agreed between the client and the service provider.

Section 29c (30.12.2003/1310)

- (1) The taxable earned income and capital income as well as tax-exempt income of the service user and the person living with the service user in the same household in marriage or marriage-like circumstances is taken into account as the monthly income referred to section 29b. If the monthly income varies, the average monthly income of the previous year is taken into account as the monthly income.
- (2) The paragraph above notwithstanding the corresponding taxable income established in the most recent taxation can be taken into account as taxable income, increased by the percentages that the National Board of Taxes determines in its annual decisions on the calculation criteria for the collection of tax to be prepaid.

Section 29d (30.12.2003/1310)

- (1) Notwithstanding the provisions in section 29c as forest income is taken into account the net income from forest determined for wealth taxation, from which the interest on forestry and 10 per cent of the value of the net income is reduced.
- (2) The forest income determined in paragraph 1 is reduced at the service user's request if the net money value of the annual farm-specific maximum allowable felling is, based on the opinion given by the relevant forestry society or forestry board, at least 10 per cent lower than the forest income referred to in paragraph 1. The reduction is the difference between the forest income and the net money value of the maximum allowable felling referred to in paragraph 1.

Section 29e (30.12.2003/1310)

As the income referred to in section 29c is not taken into account child benefit, child care allowance, child increase under the National Pensions Act (347/1956), housing allowance, disability allowance, costs of medical care and medical examinations payable under employment accident insurance, conscript's allowance, front-veteran's supplement, study grant, adult education grant, housing allowance as a part financial aid for students, premium grant and travelling expenses allowance payable as social assistance, maintenance allowance under the Rehabilitation Allowance Act (611/1991), maintenance allowance under the Act on Public Employment Service (1295/2002), scholarships payable to studies and comparable allowances, compensation for family care costs, or child home care allowance.

Section 29f (30.12.2003/1310)

The maintenance paid and other comparable costs due to actual family relations as well as a benefit payable in connection with transfer of real estate (traditional life-annuity contract) for a fixed period or for life are taken into account as a reduction to the income referred to in section 29c.

Section 29g (30.12.2003/1310)

The municipality decides when there is reason to provide a service purchased by a service voucher outside the municipality to a municipal resident or, in cases referred to in section 15 (1), to those living in the municipality.

Section 39

- (1) Social welfare shall primarily be implemented through measures which promote independence and create the financial means and other potential needed to cope independently in day-to-day life.
- (2) When social welfare is implemented, both individual and family problems shall be taken into account so that social welfare measures to solve them can be co-ordinated.

Paragraph 3 was repealed by Act No. 813/2000.

Section 40 (6.6.2003/430)

- (1) In a unilingual municipality or joint municipal board social welfare shall be provided in the language of the municipality or the joint municipal board. Provisions on the client's right to use and to be heard in Finnish or Swedish and to obtain documents containing a decision concerning him/her in Finnish or Swedish and the client's right to interpretation when using these languages before authorities are laid down in sections 10, 18 and 20 of the Language Act (423/2003).
- (2) Social welfare in a bilingual municipality or joint municipal board whose member municipalities are bilingual or include both Finnish- and Swedish-speaking municipalities shall be provided in both languages of the municipality or joint municipal board, so that clients are provided with services in the language of their choice, either in Finnish or Swedish.
- (3) Furthermore, municipalities or joint municipal boards shall see to it that citizens of the Nordic countries can, as necessary, use their own language, i.e. Danish, Finnish, Icelandic, Norwegian or Swedish, when using social welfare services. In such cases, municipalities or joint municipal boards shall, as far as possible, see to it that citizens of the Nordic countries are provided with the necessary interpretation and translation assistance.

Section 40a (17.2.2006/125)

- (1) In urgent cases the need for social services shall be assessed without delay.
- (2) In non-urgent cases the municipality is responsible for providing persons aged 80 years or over access to an assessment of the need for social services at the latest on the seventh weekday from the date when the client or his or her legal representative or relative or some other person or authority contacted the authority of the municipality responsible for social services in order to obtain services. Correspondingly, the municipality shall provide access to an assessment of the need for social services to those who receive care allowance for pensioners under section 30a (1) of the National Pensions Act.

Section 41

- (1) If absolutely necessary in the interests of a person in obvious need of social welfare on the grounds of severely endangered health, development or safety, and if the need for social welfare cannot otherwise be ascertained, a social worker is entitled, on an order from a senior social welfare officeholder appointed by the organ referred to in section 6, paragraph 1, to gain entry to the dwelling or other place of residence of such person in order to determine the need for welfare. (3.8.1992/736)
- (2) If entry to the dwelling or other place of residence is prevented, the social welfare authority shall ask the police authorities for executive assistance as referred to in section 22 of the Act on the Status and Rights of Social Welfare Clients. (17.2.2006/125)

Chapter 5 – Compensation between municipalities

Section 42

- (1) A municipality that has provided institutional care for a person other than a municipal resident in the cases referred to in section 15 is entitled, on application, to compensation for the expenses incurred in providing the care for at least a period of 14 days from the municipality that would have been responsible for providing the institutional care under section 13.
- (2) An application for compensation as referred to in paragraph 1 shall be submitted to an administrative court within six months of the date on which the provision of institutional care began. If an application is not submitted within this period, the municipality forfeits its right to compensation for the institutional care which it has provided before the application was submitted and which the municipality concerned has not agreed in writing to pay for. (20.12.2002/1134)
- (3) Decisions on claims for the compensation referred to in paragraph 1 shall be made by the administrative court which has jurisdiction over the municipality that provided the institutional care. (20.12.2002/1134)

Chapter 6 - Supervision of private social welfare

Sections 43 and 44 were repealed by **Act No. 604/1996**.

Chapter 7 – Appeal

Section 45

- (1) A decision made by an officeholder subordinate to the organ referred to in section 6, paragraph 1, cannot be appealed. (3.8.1992/736)
- (2) Within 14 days of being notified, persons dissatisfied with a decision as referred to in paragraph 1 are entitled, in accordance with further provisions issued by decree, to have the decision reviewed by the organ referred to in section 6, paragraph 1, if they so demand. The decision shall be accompanied by instructions on submitting the decision for review by the organ. (3.8.1992/736)
- (3) The person concerned can be notified of the decision referred to in paragraph 1 by official posted letter. In such cases, the notification shall be considered to have taken place, unless proven otherwise, on the 7th day following the day on which the decision was submitted to a post office for delivery to the address provided by the person concerned. In other respects, the provisions of the Administrative Procedure Act (434/2003) shall be complied with. (30.12.2003/1360)

Section 46 (3.8.1992/736)

- (1) Decisions of the organs referred to in section 6, paragraph 1 can be appealed to an administrative court within 30 days of notification of the decision. Within this period, the appeal can also be submitted to the organ concerned, which shall forward it and its own opinion to the administrative court. (20.12.2002/1134)
- (2) The provisions of paragraph 1 do not apply if other provisions concerning appeal apply, if appeal is barred or if the decision concerned can be brought before the joint municipal board under the Local Government Act.

Section 47

- (1) A decision by an organ referred to in section 6, paragraph 1, is enforceable regardless of appeal if the decision requires enforcement without delay, or if, for reasons arising from the provision of social welfare, its entry into force cannot be delayed and the organ has ordered that it be enforced at once. (3.8.1992/736)
- (2) When an appeal has been lodged, the appellate authority can prohibit enforcement of the decision or order that the enforcement be suspended.

Section 48

Decisions made by State authorities on a social welfare matter can be appealed under the Administrative Appeals Act (154/1950).

Section 49

- (1) An administrative court decision on provision of a social service, the size of the fee charged for it or the granting or amount of a social loan cannot be appealed. (20.12.2002/1134)
- (2) An administrative court decision on grant of social assistance referred to in the Act on Social Assistance (1412/1997) or its amount or on a dispute between municipalities concerning the duty to provide institutional care or compensation for the costs of institutional care can be appealed if the Supreme Administrative Court so grants leave. (20.12.2002/1134)
- (3) An application for a leave of appeal is lodged to the Supreme Administrative Court. A leave can only be granted if it is important to bring a case to the Supreme Administrative Court in view of the application of the law in other similar cases or due to the uniformity of case law.

Section 50 (20.12.2002/1134)

- (1) When an administrative court decision is appealed to the Supreme Administrative Court, the petition of appeal and its appendices can also be submitted to the administrative court so that it can be forwarded to the Supreme Administrative Court.
- (2) The provisions of the Administrative Judicial Procedure Act (586/1996) on leave of appeal apply to the leave of appeal referred to in section 49. When leave to appeal an administrative court decision is applied for, the application may also be submitted to the administrative court.

Section 51 (20.12.2002/1134)

When action is brought in a case concerning social welfare, otherwise than through appeal, in order to settle a dispute concerning an obligation under public law to provide compensation, payment or maintenance, or a dispute between the parties concerning other legal relationships governed by public law, the dispute shall, unless another forum is prescribed by act or decree, be ruled on by the administrative court which has jurisdiction over the region where the applicant municipality is situated or, if the appellant is not a municipality, over the locality where the applicant is domiciled.

Chapter 8 - Miscellaneous provisions

Section 52

A municipality and an educational institute or institution of higher education providing social welfare personnel with education and training may agree on the employment of social welfare units in organizing social welfare training. The municipality is entitled to full compensation from the institution of higher education or other authority or institution providing such training for the direct costs incurred from organizing the training. Any direct benefit gained by the municipality besides the education and training provided shall also be taken into account when the compensation is specified.

Paragraph 2 was repealed by **Act No. 736/1992**.

Section 53 (28.1.2005/5)

The municipality shall see to it that its social welfare staff, depending on the length of their basic education, work demands and job description, take part sufficiently in the continuing professional education organized for them. The Ministry of Social Affairs and Health may, as necessary, issue further provisions on the content, quality, amount, organization, monitoring and evaluation of the continuing education.

Section 54 (3.8.1992/736)

- (1) As necessary, the organ referred to in section 6, paragraph 1, shall cooperate with other municipal authorities, with neighbouring municipalities and with organs referred to in section 6, paragraph 1, of the Primary Health Care Act (66/1972) and with corporations in the municipality whose operations are related to municipal social welfare functions.
- (2) The organ shall also strive to promote cooperation between institutions operating in the municipality in the field of social welfare, and for this purpose, submit proposals and initiatives as necessary.

Section 55 was repealed by **Act No. 736/1992**.

Sections 56 – 58 were repealed by **Act No. 813/2000**.

Section 59 was repealed by **Act No. 736/1992**.

Section 60

Further provisions on the implementation and application of this Act shall be issued by decree.

Chapter 9 – Entry into force

Section 61

- (1) This Act enters into force on January 1, 1984.
- (2) This Act repeals
 - the Social Welfare Administration Act of January 20, 1950 (34/1950),
 - the Child Guidance Clinic Act of July 2, 1971 (568/1971),
 - chapters 1, 2, 3 and 5 of the Municipal Home Help Act of May 6, 1966 (270/1966), with the exception of section 21, and
 - the Social Allowance Act of February 17, 1956 (116/1956), with the exception of section 5, and all the subsequent amendments thereto.

Section 62

When another act provides that legislation or provisions repealed by section 61 are to be complied with, the provisions of the Social Welfare Act shall be observed.

Section 63

- (1) If a case governed by the legislation referred to in section 61 is pending, or if the period for initiating or appealing such a case does not end until after this Act enters into force, the provisions valid when this Act takes effect shall apply.
- (2) Likewise, the provisions of the Social Allowance Act and the Poor Relief Act concerning recovery shall apply to recovery of assistance granted under said acts.

Section 64

Rules of procedure and regulations confirmed or approved under legislation referred to in section 61, in so far as these do not conflict with the provisions of this Act, shall be complied with until new regulations have been approved. Section 61 notwithstanding, municipal social welfare shall be organized as prescribed in Chapter 2 from the beginning of 1985 at the latest.

Section 65

If a municipal social welfare board has granted a person a benefit deemed continuous under legislation referred to in section 61, the social welfare board shall, ex officio and without application, convert it into a benefit under this Act without detracting from the status of the person concerned as a result of the amended legislation.

Section 66 was repealed by **Act No. 736/1992**.

Section 67

Notwithstanding provisions on qualifications for office issued under section 10, a person holding such an office when this Act enters into force shall continue to be qualified for a corresponding office subject to a municipal social welfare board.

Section 68

Measures necessary for the implementation of this Act may be undertaken before its entry into force.

Entry into force of amended Acts:

1428/2004

- (1) This Act enters into force on 1 January 2005 and is in force until 31 December 2008.
- (2) Previous information regarding home help services and home nursing can, confidentiality provisions notwithstanding, be transferred to the register containing information on home services if that is necessary for the provision of services.
- (3) Measures necessary for the implementation of this Act may be undertaken before its entry into force.

1329/2006

- (1) This Act enters into force on 1 January 2007.
- (2) This Act repeals the Act on Temporary Amendment of Sections 6 and 12 in the Social Welfare Act of 21 February 2003 (155/2003).
- (3) Measures necessary for the implementation of this Act may be undertaken before its entry into force.

Bijlage 3

Finland's Family Policy, brochures of the Ministry of Social Affairs and Health

Brochures of the Ministry of Social Affairs and Health 2006:12eng

Finland's Family Policy

■ MINISTRY OF SOCIAL AFFAIRS AND HEALTH

Helsinki, Finland 2006

ISSN 1236-2123

ISBN 952-00-2148-5 (paperback)

ISBN 952-00-2149-3 (PDF)

Pictures by Mari Soini

Layout and printed by University Printing House, Helsinki 2006

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1 Finland's family policy

Society supports families

The aim of Finnish family policy is to create a safe environment for children to grow up in and to provide parents with the material and psychological means to have and raise children. Ultimately, this comes down to supporting parenthood and family unity. The family is an important basic social unit which provides its members with care deriving from stable human relationships. Society employs various forms of financial support and child care arrangements to even out the costs of children for families.

In recent years, men and women have been starting families at an increasingly higher age. For many, the problem lies in reconciling starting a family with studies or with entering working life. However, increasing demands for efficiency at work and greater uncertainty about job security also put added pressure on parents. Work-related stress, pressure of time and unemployment are all factors that make the lives of families with children more difficult. Reconciling paid employment and family life is one of the major challenges facing Finnish family policy.

Policy decisions on housing, the environment, education and employment also have their impact on the everyday lives of families with children. Hence, these political decisions are also part of family policy.

Finland began to build its family policy support system in 1948 with the introduction of the child allowance system. At the time, the allowance made a considerable addition to the income of families with children, and its impact was seen even on the level of society as a whole. In 1950, when child allowance was the only significant family policy benefit, economic support for families accounted for nearly 4% of GDP.

For a few decades after that, less attention was paid to developments in family policy, as the focus shifted to creation of the health insurance and pension security system. The situation changed again in the mid-1970s, however, when family policy issues began to attract more attention. The child allowance, whose value had dropped in real terms, was gradually raised so that at the beginning of the 1990s its real value was three times what it had been in the early 1970s. The family benefits system was reformed in 1994, with elimination of the main tax deductions previously allowed for families with children and transfer of a cor-

responding subsidy to the child allowance, increasing it substantially for a short while. Because of the general economic downturn in the early '90s, however, it had to be cut again, and also decreased in real value due to rising prices. By the beginning of the 2000s, the value of child allowance in real terms had dropped below the level in the early 1990s, and the Government decided on an increase as of the beginning of 2004. The child allowance is not index-linked to purchasing power.

In services created for families with children, the focus ever since the 1970s has been on developing child care systems for small children. In Finland, both parents of the vast majority of families with children under school age are in full-time employment. Most mothers of small children also work full-time. Under these circumstances, a reliable, safe and reasonably priced daycare system is of vital importance.

The Children's Daycare Act entered into force in 1973. It stipulates that municipalities must organize daycare for children under school age, either at daycare centres or in the form of supervised family daycare. As of 1990, parents have had unconditional entitlement to daycare for children under the age of three either in a daycare place provided by the municipality or by receiving child home care allowance if they care for the child at home. As of 1996, the parents of all children under school age have been entitled to municipal daycare for their children. As of 1997, families have also had the option of receiving a private care allowance for arranging private daycare for their children.

Organizing pre-school teaching became a statutory requirement for municipal authorities in 2001. Pre-school is defined as half-days of teaching for children aged six in order to teach them skills which they will need in primary school. As of 2004, the provision of morning and afternoon activities for children in grades 1 and 2 has been included in the Basic Education Act.

Finland's first Ombudsman for Children took office in September 2005. The Ombudsman's task is to strengthen the position and rights of children in Finnish society. The foundation for this is provided in the UN Convention on the Rights of the Child.

Municipalities provide services

In Finland, municipalities are responsible for providing social and health care services. They may produce the services themselves or form joint municipal boards for service provision together with one or more neighbouring municipalities. The services are funded out of local taxes levied by the municipalities and with government grants paid to them by the central government. Service users also pay a charge. The central government contribution to municipal social and health care is determined by the age structure of the population, morbidity, population density, area and the financial situation of the municipality. In 2006, the central government contribution to social and health care running costs was about 33%.

Municipalities can procure services for families from another municipal authority or from a private service provider. There is no detailed legislation on the extent, content or arrangement of services, and social and health care services may therefore vary slightly from one municipality to another. The basic services required of all municipalities are, however, defined by law.

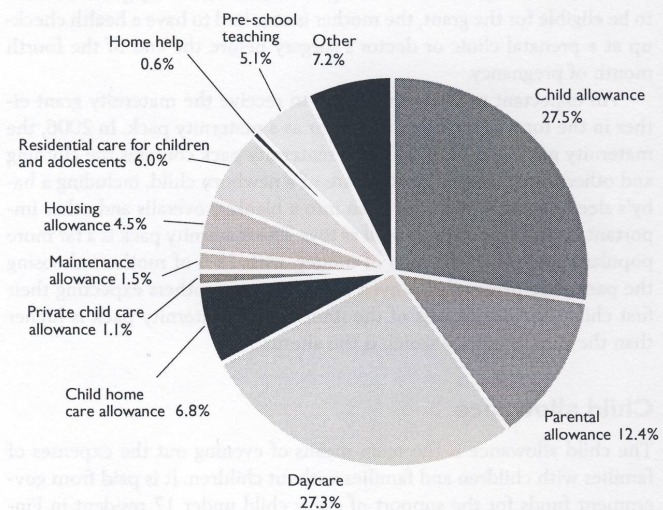
Finland is divided into five provinces, headed by State Provincial Offices. These direct and supervise social and health care services within their province. A resident of a municipality can request the competent State Provincial Office to investigate whether the municipality is providing sufficient social and health care services.

The Ministry of Social Affairs and Health directs and guides the development of social security and social and health care services and of operating policy in the field. Together with the Government and Parliament, it sets the national guidelines for social and health care policy, and prepares legislation and major reforms of social and health care services. It manages practical implementation jointly with the municipal authorities. There were 431 municipalities in Finland in 2006.

Distribution of family benefits

Family benefits cover some of the costs arising from child care. In 2005, family benefits totalled some EUR 5.2 billion, or about 3% of GDP. Families with children mainly receive support in the form of child allowance and daycare services.

Distribution of family benefits in 2005



At the end of 2005, the population of Finland was 5.3 million. There were about 1.4 million families, of which 592,000 were families with children. Of these, 20% were single-parent families. The average number of children in a family living at home was 1.8, and the average number of children in a family was 2.3. The overall fertility rate in Finland was 1.80 in 2005. Altogether 57,745 children were born in 2005.

The average gross earnings of a Finnish wage earner in 2005 were EUR 2,484 per month. In 2004, the average per capita disposable income of households was EUR 15,240.

2 Direct financial support for families

Maternity grant

Every expectant mother resident in Finland whose pregnancy has lasted for at least 154 days is entitled to a government maternity grant. In order to be eligible for the grant, the mother is required to have a health check-up at a prenatal clinic or doctor's surgery before the end of the fourth month of pregnancy.

An expectant mother can choose to receive the maternity grant either in the form of a sum of money or as a maternity pack. In 2006, the maternity grant was EUR 140. The maternity pack contains the clothing and other things needed for the care of a newborn child, including a baby's sleeping bag which zips open into a blanket, overalls and other important items of clothing, as well as toys. The maternity pack is a far more popular choice than the sum of money, with 75% of mothers choosing the pack. The percentage is even higher among mothers expecting their first child. The actual cost of the items in the maternity pack is higher than the sum of money which is the alternative.

Child allowance

The child allowance is the main means of evening out the expenses of families with children and families without children. It is paid from government funds for the support of every child under 17 resident in Finland. Child allowance is exempt from tax, and does not depend on the family's financial standing. The amount of child allowance depends on the number of children in the family. Single parents also receive a supplement of EUR 36.60 for each child.

Amount of child allowance in 2006:

Number of children	EUR / month
1st child	100.00
2nd child	110.50
3rd child	131.00
4th child	151.50
5th and each subsequent child	172.00



Maintenance allowance

Maintenance allowance is intended to safeguard the maintenance of a child in a situation where a child under the age of 18 resident in Finland cannot receive sufficient maintenance from both parents. In 2006, the full amount of maintenance allowance is EUR 118.15 per child per month.

A child is entitled to maintenance allowance if a parent has defaulted on payment of maintenance which the father or mother has undertaken to pay by agreement or has been ordered to do so by a court. Once maintenance allowance has been granted on the basis of defaulted maintenance payments, the municipal authority will manage the collection of the maintenance due from the liable parent. The authority is entitled to collect compensation from the liable parent up to the amount of maintenance allowance paid.

If the amount of maintenance has been confirmed as less than the maintenance allowance because of the liable parent's inability to pay, the child is entitled to receive the difference between the confirmed maintenance and the full amount of maintenance allowance. A child born out of wedlock whose paternity has not been confirmed and a child adopted by a single parent are also entitled to maintenance allowance.

At the end of 2004, there were some 104,500 children receiving maintenance allowance. About 60% of this benefit was paid out on the basis of defaulted maintenance payments.

Housing support

Forms of housing support intended for families with children include the housing allowance, state-guaranteed housing loans and other interest-subsidy measures, and tax subsidies on housing loans. Housing allowances even out housing costs for families with low incomes, covering part of the family's reasonable housing costs out of government funds. The amount of the housing allowance depends on the family's size, income and housing costs, and on the size and age of their home.

Social assistance

Social assistance is last-resort financial assistance under social welfare to ensure a family's income and independent coping. A municipality can pay social assistance in situations where a family has no income or the income is insufficient to cover the essential expenses of everyday life. The amount of social assistance is based on the amount by which the client's eligible expenses exceed income and assets. The purpose of social assistance is to ensure basic subsistence.

Taxation

Finland changed over from family-based taxation to individual taxation in 1976. Even after that, some family-taxation features remained, such as family deductions, although their importance has been declining steadily. In 1994, family policy tax deductions were removed altogether except for the deduction for maintenance liability, while the child allowance was increased correspondingly. The change to individual taxation and the removal of family-based deductions has made taxation simpler and clearer. In Finland, the shift to individual taxation caused an increase in the number of married women in paid employment.

3 The family leave system

The underlying premise of the family leave system is to give both parents equal opportunities to participate in child care. On the basis of pregnancy, childbirth and child care, the mother and father can take maternity leave, paternity leave or parental leave, receiving maternity allowance, paternity allowance or parental allowance, respectively. The maternity allowance and parental allowance are paid for a total of 263 working days. The father is further eligible for paternity allowance.

The maternity allowance period that precedes birth safeguards the health of the mother and the unborn child by enabling the mother to be off work for some time before the birth. The maternity allowance period following the birth allows the mother to recuperate from giving birth and to care for the newborn. The parental allowance period allows the



family to choose whether they want the mother or the father to stay at home to care for the child. The paternity allowance allows the father to participate in caring for the child and supports successful bonding between father and child.

Maternity leave and maternity allowance

An expectant mother can start her maternity leave at the earliest 50 weekdays and at the latest 30 weekdays before the calculated date of birth. Maternity leave is 105 weekdays. For that period, the mother receives maternity allowance, which is earnings-related though with a minimum of EUR 15.20 per day (2006).

An expectant mother in a dangerous job gets special maternity leave and special maternity allowance, unless her employer can assign her to different work. If necessary, special maternity leave can cover the entire pregnancy. Dangerous jobs include occupations where there is a danger of being exposed to chemicals or radiation.

Parental leave and parental allowance

After the maternity leave, either parent may take parental leave. Parents can opt to split the parental leave and either use it alternately or both reduce their daily or weekly working hours while taking turns staying at home to care for the child: for example, one parent can take partial parental leave for two working days a week and the other parent for the other three working days a week. Parental leave is 158 weekdays, and is extended by 60 weekdays per child in the case of multiple births. Like maternity and paternity allowance, parental allowance is earnings-related, though with a minimum of EUR 15.20 per day (2006).

So far, fathers have not used their right to take parental leave very much. In 2005, 9.5% of fathers took parental leave. There is an increasing trend, however.



Paternity leave and paternity allowance

The father may take 18 weekdays (six days per week) paternity leave at the birth of the child while the mother is on maternity leave. This can be split into no more than four segments. He receives paternity allowance for this period. The father may also take an additional 1 to 12 weekdays of paternity leave immediately after parental leave, if he uses at least the final 12 days of the parental leave. The amount of paternity allowance is earning-related, though with a minimum of EUR 15.20 per day (2006).

Paternity leave is becoming increasingly popular. In 2005, 69% of fathers exercised their right to paternity leave.

Care leave

Parents of small children are entitled to leave without pay from their employers to care for a child until the child is three years old. This unpaid leave can be taken by either parent, but both parents cannot take care leave at the same time. After care leave, the parents are entitled to return to their former jobs or comparable work. Care leave is unpaid, but the family can receive child home care allowance for this period.

A parent is entitled to an unpaid reduction in working hours, or partial care leave, until the end of the child's second year at school or, in the case of extended compulsory education, until the end of the child's third year at school. The employer and employee are free to agree on partial care leave and its details as they see fit. Both parents cannot take partial care leave simultaneously, although they can take it in turns (for example, one parent can be on partial care leave for two working days in a week and the other for the three other working days in a week). To be eligible for partial care leave, a parent has to have been employed with the same employer for at least the past six months. Partial care leave is unpaid, but the family can receive partial child home care allowance for this period.

The parents of a child under the age of 10 who falls ill are entitled to four working days of temporary care leave per illness to arrange for care of the child. In order to be eligible for temporary care leave, both of the child's parents or a single parent must be in employment. Only one parent at a time can take temporary care leave. The employer is not required

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