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Këshilli i Përgjithshëm i Shërbimeve Sociale dhe Familjare Generalni Savet Socijalnih i Porodičnih Usluga General Council of Social and Family Services



# MODULE ON MONITORING AND INSPECTION OF SOCIAL AND FAMILY SERVICES

May 2023

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#### INTRODUCTION

Social and family services include protection and provision of services for various categories of persons in need of social protection, as defined in the Law on Social and Family Services and other relevant legislation.

Nevertheless, for the provision of social services for people in need, institutions and entities should be established and functionalized, which would then implement these services in practice.

However, their establishing and functioning is not enough to ensure that services are being offered to citizens in need.

In this aspect, legislation and minimum standards have defined the obligation of monitoring and inspection of these services that are offered by public, private institutions, NGOs or individuals.

Monitoring and inspection represent key link in ensuring accountability and increasing quality of social and family services. Also, they have an important role in implementation of laws and by-laws and they can be considered as guardian mechanisms that oversee the implementation of laws, by-laws and minimum standards in practice. However, implementing the laws in practice is not easy. Implementing laws requires institutions to have a clear mandate, to be well organized and to be responsible regarding the work which they are obliged to perform.

In this aspect, need for capacity building in scope monitoring and inspection is vital to ensure that these laws and standards are being implemented.

This training module and trainings that will follow will undoubtedly contribute to build these capacities.

Module has been developed based on applicable legislation (primary and secondary) and in taking into account standards and work practices from monitoring and inspection scope.

#### **ABBREVIATIONS**

MLSW Ministry of Labor and Social Welfare
MFLT Ministry of Finance, Labor and Transfers

MJ Ministry of Justice

DSFP Department for Social and Family Policies
DHSW Directorate of Health and Social Welfare
GSFSC General Social and Family Services Council

CSW Centre for Social Work

SOP Standard Operating Procedures
NGO Non-Governmental Organization

LCP Law on Child Protection

**CRC** Convention on the Rights of the Child

ToT Training for Trainer
FLK Family Law of Kosovo

LSFS Law on Social and Family Services

**UN** United Nations

**UNCRC** United Nations Committee on the Rights of the Child

<sup>&</sup>lt;sup>1</sup>The Government of the Republic of Kosovo after its formation, within the framework of assigning competencies for Ministries, has transferred competences in the scope of Social and Family Services from the Ministry of Labor and Social Welfare to the competences and scope of Ministry of Finance, Labor and Transfers, and then from them to Ministry of Justice. Therefore, all eventual changes that occurred during this period in the field of social services must be referred to this institutional transformation

MODULE DESCRIPTION					
Title and number	Monitoring and inspection of social and family services	No. 4			
Purpose	Purpose of this module is to increase professional knowledge regarding the role, responsibility and purpose of monitoring and inspection in increasing the quality of social and family services.				
Module duration and credits	40 teaching hours, 2 credits				
Module access requirements	Module is mandatory for respective qualification but it can also be selected as a separate training to follow.				
	content and assessment procedures goals, objectives and types of monitoring and ins	spection			
Content	Evaluation (performance) criteria, knowledge, skills and competencies	Assessment instruments			
What is monitoring, evaluation and inspection; Difference between monitoring, evaluation and inspection; Purpose, objectives and importance of monitoring and inspection of social and family services in increasing the quality of social and family services; Types of monitoring and inspection of social and family services; Reporting hierarchy and reporting periods.	<ul> <li>Testing 60%</li> <li>Individual tasks 20%</li> <li>Individual projects/readings 20%</li> <li>Evaluation criteria:</li> <li>Candidate must attend lectures, min. 80% of the time, submit assignments on time and take the module test.</li> <li>Knowledge acquisition by candidate:</li> <li>Role and importance of monitoring and inspection of social and family services.</li> <li>Difference between monitoring, evaluation and inspection.</li> <li>Purpose and objectives of monitoring, evaluation and inspection</li> <li>Importance of monitoring and inspecting social and family services in increasing the quality of social and family services</li> <li>Types of monitoring and inspection of social and family services</li> <li>Reporting hierarchy and reporting periods</li> <li>Skills acquisition by candidate:</li> <li>Determination of purpose and objectives.</li> <li>Difference between monitoring, evaluation and inspection.</li> <li>Reporting in accordance with hierarchy.</li> <li>Developed competencies by candidate:</li> <li>Increase of professional responsibility</li> <li>Increased level of independence at work</li> <li>Ability to perform tasks competently</li> <li>Correct communication and cooperation.</li> <li>Sense of responsibility</li> <li>Respect for hierarchy.</li> </ul>	<ul> <li>The written test must contain questions regarding the acquisition level for each student, 51% of theoretical part assessment criteria.</li> <li>The written assignment should be individual and refer to issues related to objectives and types of monitoring and inspection.</li> <li>Reflections on individual readings should be forwarded in time.</li> </ul>			

#### Learning outcomes (LO), content and assessment procedures

#### LO2: Candidate describes role, responsibilities and competencies of monitoring and inspection

#### **Content**

#### Role of monitoring and inspection of social and family services, defined according to the legislation; Responsibilities and competencies of monitoring and inspecting social and family services; Evaluation and analysis of findings results during monitoring and inspection process; Purpose of issuing recommendations and issuing measures for implementation, based on findings results during monitoring and inspection; Action plan for implementation of recommendations and measures according to established deadlines.

#### Evaluation (performance) criteria, knowledge, skills and competencies

- Testing 60%
- Individual tasks 20%
- Individual projects/readings 20%

#### **Evaluation criteria:**

Candidate must attend lectures, min. 80% of the time, submit assignments on time and take the module test.

#### **Knowledge acquisition by candidate:**

- Role, responsibilities and competencies of monitoring and inspecting.
- Evaluation and analysis of findings results during monitoring and inspection based on Legislation, Minimum Standards, Standard Operating Procedures and the Code of Ethics.
- Purpose of issuing recommendations and issuing measures for implementation, based on findings results during monitoring and inspection.
- Compiling action plan for implementation of recommendations and measures according to established deadlines.

#### **Skills acquisition by candidate:**

- Evaluation and analysis of findings results from monitoring and inspection.
- Issuing recommendations and issuing measures for implementation
- Compiling action plan.

#### **Developed competencies by candidate:**

- Ability to perform tasks competently
- Fair assessment of professional work
- Fair assessment of professional performance
- Ability for professional supervision of service providers
- Undertaking various steps for changes and improvement based on evaluation and analysis

#### Assessment instruments

- The written test must contain questions regarding the acquisition level for each student, 51% of theoretical part assessment criteria.
- The written assignment should be individual and refer to issues related to objectives and types of monitoring and inspection.
- Reflections on individual readings should be forwarded in time.

#### Learning outcomes (LO), content and assessment procedures

#### LO3: Candidate describes monitoring and inspection system of organizing

#### Content

#### System of organizing monitoring and inspection for social and family services based on legislation in force; Organization and operational method of monitoring system according to the levels of responsibility:

- a. organization level;
- b. local level;
- c. central;

Manner of organization, operation and competencies of inspection at the central level; Coordination and cooperation between the central, local and organizational levels.

#### **Evaluation (performance) criteria, knowledge, skills and competencies**

- Testing 60%
- Individual tasks 20%
- Individual projects/readings 20%

#### **Evaluation criteria:**

Candidate must attend lectures, min. 80% of the time, submit assignments on time and take the module test.

#### **Knowledge acquisition by candidate:**

- System of organizing monitoring and inspection for social and family services based on legislation in force.
- Responsible and legal competencies of central, local and organization level for monitoring the implementation of legislation, minimum quality standards in provision of services and Code of Ethics.
- Responsible and legal competencies of central level for monitoring the implementation of legislation, minimum quality standards in provision of services and Code of Ethics.
- Coordination and cooperation between the central, local and organization levels during the monitoring and inspection process.

#### **Skills acquisition by candidate:**

- System of organizing monitoring, evaluation and inspection
- Responsible and legal competencies of central, local and organization level
- Coordination and cooperation

#### **Developed competencies of candidate:**

- Increase of responsibility and competence at work
- Professional ability to monitor and inspect social and family services,
- Performance assessment
- Evaluation of changes and improvements
- Coordination and cooperation.

#### Assessment instruments

- The written test must contain questions regarding the acquisition level for each student, 51% of theoretical part assessment criteria.
- The written assignment should be individual and refer to issues related to objectives and types of monitoring and inspection.
- Reflections on individual readings should be forwarded in time.

#### Learning outcomes (LO), content and evaluation procedures LO4: Candidate applies monitoring and inspection of social and family services Evaluation (performance) criteria, knowledge, **Assessment instruments** Content skills and competencies Planning, setting objec-Testing 60% The written test must tives and purpose of Individual tasks 20% contain questions regardmonitoring and inspec- Individual projects/readings 20% ing the acquisition level tion of social and family for each student, 51% of services; Monitoring and **Evaluation criteria:** theoretical part assessment Candidate must attend lectures, min. 80% of the evaluation at organizacriteria. time, submit assignments on time and take the tion level; Monitoring at -The written assignment module test. should be individual and local level; Monitoring at central level; Inspection refer to issues related to at central level; Coordi-**Knowledge acquisition by candidate:** objectives and types of nation and cooperation Planning, setting objectives and purpose of monimonitoring and inspection. during the monitoring toring and inspection planning. and inspection process; Implementation of monitoring and evaluation at Drafting monitoring and organization level. Implementation of monitoring at central and inspection report; Issuing monitoring and inspeclocal level. tion recommendations; Implementation of inspection process at central Use of monitoring and inspection results as a Coordination and cooperation during the monitool for advancement of toring and inspection process social services at local Monitoring report drafting method. and central level; Hierar- Inspection report drafting method. chical level of reporting • Implementation of recommendations and action plan. • Using monitoring and inspection results, as a tool for advancement of social services at - local and central level. Reporting in accordance with hierarchy **Skills acquisition by candidate:** Annual work plan draft. Determining objectives and purpose of monitoring and inspection Coordination and cooperation. Monitoring at level of organization work. Inspection from local level. Drafting monitoring and inspection report. Implementing recommendations, measures and

action plan.

	Use of monitoring and inspection results as a tool				
	for advancement of services.				
	Hierarchical level of reporting.				
	Developed competencies of candidate:				
	Ability to work independently;				
	Ability to plan and accomplish professional work				
	Ability to evaluate performance of others				
	Undertaking steps for change and improvement				
	based on evaluation and analysis.				
	Correct communication and cooperation.				
	-Sense of responsibility and respect for hierarchy.				
Instructions to imple-	• This module must be implemented within the qualification "Social welfare man-				
ment the module and	ager" and provides theoretical basis of monitoring and inspection process, that				
to evaluate candidates	enables to understand the organizing of monitoring and inspection system, re-				
	sponsible and competencies of central, local and organization levels, manner of				
	implementing monitoring and inspection process for social and family services.				
Necessary space, mate-					
rials and equipment	vide the following environments, equipment and materials:				
	• Lecture hall with sufficient space that offers conditions for group work.				
	Room with relevant tools equipped with video projectors				
	• Consumable office supplies.				
	Relevant literature for the Module.				
	* Neievant literature for the wiodule.				

#### PART ONE:

### **MONITORING**

#### What is monitoring

The word monitoring is one of the words that professionals of different areas of work use either to indicate actions taken about a process, or to express an attitude to supervise or control others.

There are many various definitions used in literature, depending on the area of work in which they are applied:

"A continuing function that uses systematic collection of data on specified indicators to provide management and the main stakeholders of an ongoing development intervention with indications of the extent of progress and achievement of objectives and progress in the use of allocated funds ". Through monitoring, we regularly track inputs, activities, outputs, outcomes and impact of developments in projects, programs, sectors at local and central levels. (Independent Evaluation Group - World Bank Group based on Organization for Economic Co-operation and Development (OECD) definition https://ieg.worldbankgroup.org/what-monitoring-and-evaluation. Same definition with some minor modifications is also used by several international organizations such as: IOM https://emm.iom.int/handbooks/stage-7-policy-monitoring-and-evaluation/what-monitoring and UNWOMEN https://www.endvawnow.org/en/articles/330-what-is-monitoring-and-evaluation-.html.

Also, in social and family services, as in any other professional sphere and field of work, monitoring plays an extraordinary role in terms of controlling and evaluating provision of social and family services.

Monitoring in social and family services should be understood as a continuous and multi-dimensional process of tracking, controlling and reviewing the services provided to the beneficiaries of social services in relation with the rights of beneficiaries defined in the Law, by-laws and minimum standards.

#### The role of monitoring in M&E concept

Monitoring is a key and irreplaceable part of M&E (Monitoring and Evaluation) process, through which relevant officials have the opportunity to receive and provide information and data regarding the implementation of social and family services, and also, plans and programs defined within these services.

# Monitoring helps us to achieve these objectives, but not limited to:



- Tracking progress: monitoring helps us to track progress towards achieving specific goals and objectives. Monitoring helps track progress towards achieving specific goals and objectives, providing information on what has been achieved and what needs to be improved;
- **Identifying challenges:** monitoring helps to identify implementation challenges that may prevent achievement of intended results. This information can be used to develop strategies to address these challenges and improve the implementation of planned services;
- Evaluation of plans and programs: monitoring helps to evaluate the effectiveness
  of plans and programs and to determine whether they are achieving the intended
  results. This information can be used to adjust the implementation approach to improve the effectiveness of social and family services;
- **Documenting successes and failures:** monitoring provides an opportunity to document and report achievements and identified failures.
- Increasing accountability: monitoring increases accountability and responsibility by
  ensuring that the provision of social and family services is performed according to
  conditions defined in legislation and in main international standards.

#### **IMPORTANT:**

Steps or links must be followed according to continuity concept and must be implemented as a whole without underestimating or overestimating any of them.

#### **Principles and guidelines**

• **Independence and impartiality:** the monitor, during the implementation of obligations and responsibilities defined by law, must be impartial and independent. All decisions and actions undertaken must be independent of political influences, conflicts of interest and motives that impair personal and professional integrity.

The monitor must be impartial, preserving at the same time public interest and interests of the entity which is being monitored.

• **Proportionality of actions:** the monitor undertakes actions in such a manner as to interfere in the activity of monitoring entity only to the extent that it is necessary and suitable in achieving monitoring purpose.

In determining the recommendation or decision to be taken, the monitor, in accordance with the importance of the omissions or violations found, or their consequences, decides on that suggestion or proposal that is necessary and suitable in achieving the purpose of eliminating or correcting the omission or violation, and which infringes less the rights or legitimate interests of the entity of being monitored.

In determining the deadline regarding the correction of detected omissions and violations and elimination of their consequences by the monitored entity, the monitor takes into account the importance of omission or violation, their consequences and concrete circumstances that determine necessary timeframe to carry out actions for this purpose, with maximum efforts from the monitored entity.

- Continuity of monitoring: entity must be monitored regularly and continuously. The
  plan, program and monitoring deadlines must be based on assessment of needs and
  risks that the entity to monitoring may have. Exceptionally, entity can be monitored
  even outside the predetermined program and plans, if the need for monitoring is
  identified.
- **Transparency:** the monitor and the inspector inform the Ministry, the Center for Social Work and the public about the findings from the monitoring, if this is necessary for the protection of the rights and interests of the beneficiaries of social services.

#### **Legal basis**

Monitoring is regulated according to the following laws and by-laws:

- Law no. 04/l-081 on amending and supplementing the Law no. 02/l-17 on Social and Family Services
- Administrative Instruction (MLSW) no. 14/2013 on monitoring and inspection of legal entities /organizations providing social and family services
- Regulation on the unit for monitoring and inspection of social and family services work (prot. no. 999 unit org. SFPD, on 26.04.2014)

#### **Monitoring function**

Monitoring is a continuous and multi-dimensional process of tracking, controlling and reviewing the services provided to the beneficiaries of social services in relation with the rights of beneficiaries defined in the Law, by-laws and minimum standards.

Monitoring also includes identification of professional weaknesses of professional service providers and providing advice on implementation of legislation and minimum standards.

Monitoring function is implemented based on:

- data collection and analysis;
- sight visits;
- comprehensive meetings and visits.

The monitor performs all here above mentioned, according to data management principle based on continuous and mutual cooperation.

#### **Competences**

Monitoring is implemented public, non-governmental and private entities that are licensed to provide social and family services.

Monitoring includes the central and local level, regardless of mandate and geographic area of social and family service providers.

The monitor, during the monitoring of social and family service providers' entities, in performing his function, has the following powers:

- Analyzing the situation of providing social and family services;
- Determining whether the services are being provided according to the terms of the license;
- Identification of problems during the provision of services;
- Complete identification and request data for persons present at their workplaces, seeking evidence of identification;

- Data analysis and comparison in order to comprehend compliance with provisions of laws, by-laws and minimum standards as approved by the Ministry;
- Viewing and analyzing the manner of holding and management of the case, adhering to procedures of case management, filling in forms, entering data into database;
- Providing necessary advices and assistance to find solutions;
- In cases when the Monitor finds that presence of the manager or any official of monitoring entity represents obstruction in his work, he can request that monitoring to be carried out without their presence.
- Monitoring of work environments, related with provision of Social and Family Services;
- Interview and discussion with authorized representatives of the entity that provides social and family services and with beneficiary of social and family services.

#### Types of monitoring

Monitoring can be:

- Regular;
- Repeated;

**Regular monitoring** is implemented against all providers of social and family services, according to a regular work plan aiming at evaluation and finding how much the applicable legislation is being complied with and to which extent the minimum standards as approved for social and family services are being adhered to.

**Repeated monitoring** is a form of re-checking, when following the terms set for the last monitoring, time limit is set for elimination of irregularities, findings which have been found in the minutes.

Repeated monitoring can also happen when inspector requires monitoring of the implementation of recommendations arising from inspection supervision when entity needs professional assistance.

#### **Group monitoring**

In cases where monitoring is carried out in a group of two or more officials, one of the officials must be designated as the group leader.

When the monitoring is carried out from central level, decision to appoint the team leader is done by a special decision from the Director of the relevant Department at the relevant Ministry of Justice. Whereas when monitoring is carried out by the municipality, the decision to appoint the group leader is done by a special decision from the Director of the Municipal Directorate for Social Welfare. When the Monitoring is done by the Center for Social Work, the decision is made from the Director of Center for Social Work, in whose territorial and subject competence the monitoring is carried out.

The group leader assumes the responsibilities of drafting the documents required by law and administrative instruction.

Whereas, other officials as monitors who are part of the group must sign every document drafted by the leader.

In case of disagreement regarding the drafted documents, the official in capacity of the monitor who had a reservation, different view or opinion, must compile an additional document which must be signed and attached to the main document compiled by the leader.

#### **Avoiding conflict of interest**

The monitor cannot exercise his function and powers if there is a well-founded suspicion of any conflict of interest as defined in the relevant law on prevention of conflict of interest in discharge of public functions.

#### **Legitimacy**

The monitor, before and during the monitoring must take care according to the official duty to show his identity by means of an identification card issued by the competent Ministry of Justice or the Municipality.

The form and elements of identification card are defined in details in Regulation of monitoring and inspection work.

#### PART TWO:

# **INSPECTION**

#### What is inspection

Same as for monitoring, also for inspection there are different types of definitions which aim to provide main elements through which the actions during the inspection are identified.

"The act of looking at something carefully, or an official visit to a building or organization to check that everything is correct and legal".

(https://dictionary.cambridge.org/us/dictionary/english/inspection)'

The inspection in social and family services should be understood as a process through which the formal control and supervision of social and family service providers' functions, and services, provided to beneficiaries of social services in relation to the rights of beneficiaries defined in the Law, by-laws and minimum standards.

#### **Principles and guidelines**

**Independence and impartiality:** the inspector, during the implementation of duties and responsibilities defined by law and administrative instructions, must be impartial and independent. All undertaken decisions and actions must be independent of political influences, conflicts of interest and motives that violate personal and professional integrity.

The inspector must be impartial, while protecting the public interest and the interests of the entity which is being inspected.

**Proportionality of actions:** the inspector takes actions in such a manner as to interfere with the activity of the entity of inspection supervision only to the extent that it is necessary and suitable for achieving the purpose of inspection supervision.

When determining the recommendation or decision to be made, the inspector, in accordance with the importance of the observed violations or their consequences, decides on the measure that is necessary and appropriate to achieve the goal of eliminating or correcting the omission or violation, which reduces the rights or legitimate interests of the subject of inspection supervision

In determining the recommendation or the decision to be taken, the inspector, in accordance with the importance of detected violations or their consequences, decides on the measure that is necessary and appropriate in achieving the purpose of eliminating or correcting omission or violation, and that violates less the rights or legitimate interests of inspection subject.

**Inspection scheduling**: a subject can be inspected only according to the schedule and deadlines determined by the relevant Ministry of Justice. Exceptionally, a subject can be inspected outside of the program and deadlines, as is expressly defined in the Law and Administrative Instruction on Inspection.

**The most favorable legal provision**: when the legal provisions, on the basis of which the inspector acts, are unclear or contradict each other, the inspector acts in a manner that least affects the subject of the inspection.

**Transparency:** The inspector informs the Ministry, the Centre for Social Work and the public about the findings of the inspection and the measures taken in the administrative procedure of the inspection, if it is necessary to protect the rights and interests of natural and legal persons.

**Confidentiality:** data and information collected during the inspection must be kept and stored with complete confidentiality. Data and information are kept according to, and within the limits of, the Law on protection of personal data.

#### **Legal basis**

Inspection is regulated according to the following laws and by-laws:

- Law no. 04/l-081 on amending and supplementing the Law no. 02/l-17 on Social and Family Services
- Administrative Instruction (MLSW) no. 14/2013 on monitoring and inspection of legal entities /organizations providing social and family services
- Regulation on the unit for monitoring and inspection of social and family services work (prot. no. 999 unit org. SFPD, on 26.04.2014)

#### **Inspection functions and powers**

#### **Functions:**

The inspection performs the function of formal control and supervision in connection with the implementation of laws, by-laws and minimum standards in the field of social and family services by all entities that provide social and family services.

#### **Competencies:**

Inspection supervision is carried out over public, non-governmental and private entities that are licensed to provide social and family services. The inspection covers the central and local levels, regardless of the mandate and geographical location of social and family service providers.

Inspectors, in the course of carrying out the function of inspection supervision over entities providing social and family services, have the following powers:

 Inspection on implementation of the Family Law, Law on Social and Family Services and other laws, their by-laws, and minimum structural and functional standards that regulate the field of social and family services;

- Analyzing data and comparing them in terms of compliance with the provisions of laws, by-laws and minimum standards as approved by the Ministry;
- Reviewing and analyzing the manner of conducting and managing cases, compliance with case management procedures, filling out forms, entering data in database;
- Determining whether the services are provided in accordance with the terms of the license;
- Identification of problems during the provision of services;
- Inspection in the working environment, in connection with the provision of social and family services;
- Interviewing managers, licensed social and family services officers and all persons who provide social and family services and beneficiaries of social and family services, about which official records are kept;
- Requesting information and having individual or group meetings;
- Verifying and documenting all possible violations during inspection with recordings and photos/videos;
- Interviewing the manager, licensed social and family services officials and all persons who provide social and family services and beneficiary of social and family services, and for this procedure an official record is kept;
- Verification of payments made through the bank, verifying their destination, amount, verifying legal party, method of payment, and compiling the report;
- Control of compliance with requirements procedures, completion of documentation with compliance with legal deadlines defined by the Law;
- Complete identification and search of necessary data for persons present at their workplaces, requesting proof of identification;
- Verification of important works for holder's status of social and family service activity.
- Inspection on fulfillment of conditions in terms of space, infrastructure, equipment and professional framework for performing social and family service activities;
- Inspection supervision for exercising rights and fulfilling obligations for beneficiaries, defined by law;
- Inspection on fulfillment of necessary conditions for performing duties of a professional employee and other employees at the entity of providing social and family services;
- Supervision over the implementation of recommendations and decisions, issued in the case of previously performed inspection supervision;
- Verifying environments that serve for housing and accommodation, which are offered according to social and family services. This control requires a special authorization that is based on sufficient justification for implementation of this control;
- The inspector may without prior warning, enter the work environment of any entity that provides social and family services within 24 hours, except for residential areas;
- The control carried out according to the last here above points must be carried out with the greatest care in preserving privacy of the persons and items inside. Any excess of authority is subject to disciplinary and legal procedures;
- Providing necessary advice and assistance in finding solutions;

In cases when the Monitor finds that presence of the manager or any official of monitoring entity represents obstruction in his work, he can request that monitoring to be carried out without their presence.

#### **Types of inspection**

Inspection may be:

- Regular;
- Repeated and
- Unusual.

**Regular inspection** is implemented against all subjects as providers of social and family services, according to a regular work program, in order to assess and determine to what extent the applicable law has been applied and to what extent the minimum standards determined for social and family services are being adhered to.

**Repeated inspection** is a form of rechecking when following the terms set for the last inspection a time limit is set for elimination of irregularities, findings which have been found in minutes.

**Unusual inspection** is carried based on records and information received from individuals, groups and external bodies, related to non-provision or neglecting the provision of social and family services to the seekers of such services, or failure to act according to official duty of the competent authority for provision of certain services, based on competence and obligation.

Unusual inspection can also be carried out on the recommendation of the monitor, when he finds suspicious elements on the basis of which the need for implementation of the unusual inspection is concluded.

The **unusual inspection** will not be carried out if it is determined by the initiative that:

- the procedure carried out according to the complaint for the provision of social and family services has not been completed in a definitive manner;
- an inspection was previously carried out for the same work and no omission or violation was found;
- from the presented documentation it is clearly seen that the procedure was implemented in accordance with the legal provisions;
- implementation of inspection is the responsibility of other inspection authority, that is, order and security authorities in undertaking investigations in accordance with the law.

Afore starting with unusual inspection, inspector undertakes the following activities and actions:

 notifies and requests from the director of the relevant department for social and family policies at the relevant Ministry of Justice to issue the authorization for unusual inspection;

- when it is possible, invites the proposer of the request, the recommender of the initiative, for unusual inspection, to supply them with information, necessary documents or to justify the initiative in detailed manner;
- to carry out the professional evaluation, verification of his competence and of entity that provides social and family services competence;
- whenever possible and time permits, analyzes the file and all available documentation before the inspection begins.

#### **Group inspection**

In cases where inspection is carried out by two or more than two officials, one of the officials must be designated as the group leader, this is done by a special decision from the Director of the relevant Department at the relevant Ministry of Justice

Team leader of inspectors assumes the responsibilities of drafting the documents required by law and this administrative instruction.

Whereas, other inspectors who are part of the group must sign every document drafted by the team leader.

In case of disagreement regarding the drafted documents, inspector had a reservation, different view or opinion, must compile an additional document which must be signed and attached to the main document compiled by the leader.

In cases where the entity and subject to be inspected is comprehensive and multidisciplinary, part of the group of inspectors may also be professionals or officials of social services from central and local level.

Professionals and officials who are part of the inspection group can provide support through advices and opinions, but they must not be part of the decisions which the inspector's group makes in the end

#### **Refusal and obstruction of inspection**

In cases where the entity to be inspected, refuses the inspection, the inspector draws up a short report in which he states that the inspection was not carried out due to the refusal of the authorized persons of the entity that provides social and family services.

In cases where the entity to be inspected obstructs the inspection, the inspector compiles a short report stating that the inspection was not carried out due to obstruction of the inspection by the authorized persons of the entity that provides social and family services.

The inspector verbally and in writing informs the authorized person of the entity that provides social and family services that the refusal or obstruction leads to suspension or revocation of license.

In addition to license suspension and revocation, if there are suspicions that the refusal or obstruction of the inspection is the result of deliberate avoidance to hide any misuse during

the provision of social and family services, the inspector must report and refer the case to the police with a request for conducting necessary investigations

#### **Authorization for unusual inspection**

In addition to regular inspection supervision, for the implementation of unusual inspection, the inspector must be provided with a written authorization describing the reasoning for carrying on the inspection.

The authorization is issued as soon as possible by the director of the Department of Social Services of the relevant Ministry of Justice.

For the issuance of authorization and the implementation of extraordinary inspection supervision, the cabinet of the minister and minister himself are notified when the circumstances and sensitivity of the case require it.

#### **Inspection program**

The unit for inspection affairs, which operates within the relevant Ministry of Justice, must prepare annual program of inspection in order to implement and increase the efficiency of inspection.

Inspection program should be based on the practice of previous year, giving priority to the control of those segments in which more omissions and violations of laws, by-laws and minimum standards were observed, when providing social and family services

Inspection program is sent for approval to the director of relevant department at the relevant Ministry of Justice.

Copy of the approved plan is also sent to the cabinet of the Minister of the relevant Ministry of Justice, as well as to at least the relevant Directorates for Health and Social Welfare in the municipalities where the Center for Social Work operates, and within whose territory licensed entities provide social services and family.

#### **Notice of inspection**

The inspector informs the manager or other authorized person about his arrival at the entity that provides social and family services.

Exceptionally, the inspector, during the inspection, has the right at any time, without warning or permission from the manager, to enter the premises of the entity that provides social and family services.

#### Verification of documentation

When carrying out the inspection, the inspector can inspect the entity and work premises, books, registers, evidence and documentation, documents and case files, to question beneficiaries of social and family services, employees and other persons, to verify the identity of the person by verifying the personal identification document, to verify implementation of certain measures to avoid observed irregularities, and to undertake other actions in accordance with the law and minimum standards.

During the verification of documents, the inspector may photocopy any important document needed for further analysis.

Manager and other authorized person at the entity that provides social and family services are obliged to provide the inspector with all the necessary tools and documentation available and visible.

#### Seizure (withdrawal) of documents/materials

The inspector may seize (withdraw) any document/material that may serve him to further analyze suspicious circumstances.

Seized (withdrawn) document/material can be kept for a maximum of 15 days. At the end of this time period, the inspector must return the document/material to the entity from whom it was seized.

Exceptionally, if the analysis of documents/materials is complicated, the deadline can be extended by a maximum of 15 additional days.

When seizing (withdrawing) a document/material, the inspector must provide the subject with proof of confiscation, along with the justification for this action.

The proof of documents/materials seizure must also be signed by the manager of entity from whom the documents/materials were seized.

#### Legitimacy

Before and during the inspection, the inspector in accordance with his/her official duty, to show his/her identity by means of an identity card.

The form and elements of identification card are defined in details in Regulation on functioning of monitoring and inspection unit.

#### **Conflict of interest**

Inspector cannot perform his function and powers if there is a well-founded suspicion that there is a conflict of interest defined by the relevant law on prevention of conflict of interest in discharge of a public function.

#### PART THREE:

# INTERCONNECTION AND COORDINATION OF ACTIONS

#### Interconnection of functions

Monitoring and inspection are interconnected functions because by implementing their functions it is possible to:

- Easier understand the implementation of the law and by-laws, including the minimum standards in provision of social and family services;
- Compliance of the provision of license conditions with the provision of social and family services is determined;
- Quality of providing social and family services is improved.

#### **Coordination of actions**

In principle, monitoring and inspection are carried out as separate and independent actions from each other, but during their implementation they interact with each other in order to supplement, facilitate actions and achieve the ultimate objective of monitoring and inspection.

Monitoring as a process takes place throughout the year, according to the concept of continuity in monitoring social and family services, at central and local level.

If, during the monitoring, violations, omissions or abuses by the social and family service provider are observed or determined, the monitor must record violation and notify as soon as possible the inspector to act upon.

If, during the inspection, the inspector assesses that service provision entity for a specific service should be monitored within a certain period, he can request and propose monitoring of that entity, at central level or local level.

Exceptionally, monitoring can also be applied in cases where doubts or omissions in the provision of social and family services are reported from information received from individuals, experts or the media. This type of monitoring should serve to confirm suspicions and provide expert assistance in eliminating those omissions. If the reported suspicions are confirmed, the monitor must notify the inspector as soon as possible in order that he can undertake action in accordance with the monitoring findings.

Monitoring and inspection, in principle, is carried out for all entities that provide social and family services, and all services. Exceptionally and when the circumstances require it, moni-

toring and inspection can only be carried out against a category of social and family services that are assessed as more sensitive and urgent.

#### Role of Center for social works officials

The social works officials at the centers for social work, within the framework of their competences and mandate, also implement the role of social service providers' monitors.

The monitoring is carried out by these officers according to the internal assessment and planning resulting from the relevant Law on Social and Family Services, by-laws in force and minimum standards in the field of social and family services.

Social works officials at the Centers for social work can also offer help and support during the inspection. Social officers at the centers for social work can offer professional assistance in implementing the recommendations made after the inspection. Exceptions are made in cases where the entity of monitoring and inspection are the centers for social work, as providers of social and family services.

#### **Cooperation with central level**

Licensed service providers that provide social and family services at municipal level cooperate with central level in monitoring and inspection of social and family services.

Officials of centers for social work during the monitoring, can ask for assistance and professional support from central level. In this aspect, the central level should offer support to local level in order to increase the level and efficiency of monitoring social and family services.

Social and family service providers at the local level offer cooperation and assistance to officials at the central level, in cases when monitoring is authorized by the central level.

All social and family services providers must offer cooperation and make all documentation available to inspectors during any of the inspection formats.

Local level cooperates with central level to prepare and develop plans based on monitoring social and family services, at local or central level.

The relevant Ministry of Justice, through its relevant department for social and family policies, should coordinate and facilitate communication between the central and local levels, for unhindered implementation of monitoring and inspection of social and family services.

#### PART FOUR:

# TYPES OF DECISIONS, RECOMMENDATIONS AND IMPLEMENTATION

#### Writing notes and decisions

After each monitoring and inspection, it must be compiled:

- formal or informal note;
- minutes;
- written or verbal report.

All entities that provide social and family services must continuously cooperate with monitors and inspectors, allowing them to monitor and inspect social and family services. Also, making it possible to immediately view all notes, documents and persons requested by the inspector or monitor in an unhindered manner. Otherwise, non-cooperation with monitors and inspectors may result in the recommendation to issue a decision to suspend the license and for most serious cases, to revoke license for providing social and family services.

If it is in the interest of documenting flaws or eventual violations, and when there is a risk that any fact, evidence or certain testimony, will be damaged or disappear, the monitor or inspector, within the framework of legal authorizations, may take videos or photographs.

In the case of filming and photography, a special note must be kept, which must be signed by the monitor or inspector, and when possible, by the person in charge of the entity which is being monitored and inspected.

If during the visit and preliminary consultation, any flaw or omission that is not of the violation nature is found, this finding must be recorded.

The monitor or inspector takes measures to eliminate that omission or inaction, directly by them or referring the case to the competent officials.

#### **Content**

The minutes or reports compiled, must at least, have these elements:

- Logo of the Ministry or Centre for Social Work;
- Date and day;

- The entity that was monitored or inspected;
- Location;
- Documents and materials used and analyzed;
- Officials and other persons present;

The minutes must have, as follows:

- Legal provision;
- Decision or recommendation, if any;
- Justification; and
- Instruction on judicial remedy
- Name, surname and signature of the monitor during the monitoring, and, of inspector during the inspection. If they are a group, everyone signs minutes, specifying who was the team leader.

Exceptionally, if during the monitoring and inspection any omission or violation is found that has suspicions of criminal offense, the monitor and the inspector must write special report describing circumstances of the specific case and what was evidenced in that case, and details of the case referral to the police and other competent bodies for investigating these circumstances.

#### Report compiling deadline

The monitor or inspector, upon completion of monitoring or inspection, must write report, within 15 working days.

If the issue being monitored or controlled is complicated and requires additional analysis, including obtaining feedback from responsible persons, deadline may be extended by an additional 15 days.

Exceptionally, when no omissions and violations are observed during the monitoring and inspection supervision, the monitor and the inspector inform the entity of monitoring and inspection that, apart from official note or written record, they will not draft a written record.

Report must be accompanied by evidence and facts that prove justification and recommendations offered for the entity that is being monitored or inspected.

#### Recommendations

After the monitoring and inspection, and in accordance with the findings, the monitor and the inspector must compile concrete recommendations addressed to monitored and inspected entity.

Compiled recommendations can be:

- warning for undertaking certain actions;
- advisory.

If the entity to whom a certain action has been recommended, necessary help or advice must be provided in elimination or correction of that omission or violation.

#### Implementation of inspection recommendations

In implementing recommendations, the inspector warns the entity to which the recommendation was addressed that he must take the following measures:

- to avoid/remove observed deficiencies and irregularities within the specified period;
- to order the decision-maker to review and issue new decision that replaces the previous decision made contrary to the law and other provisions.

The recommendation must be accompanied by a deadline by which the entity providing social services must complete its implementation.

If there is a direct threat to health of social and family services beneficiaries, the inspector gives verbal recommendation and immediately order its implementation. This verbal decision is entered in the minutes, while other details are entered in the minutes within eight days from the day of verbal recommendation.

#### **Decisions**

In the event that the entity which provides social and family services does not implement aforementioned recommendations, inspector must ask the authority that issued the license to provide that service, to:

- Revoke the license which provides that service. Suspension period should not exceed a period of 3 or 6 months. License suspension should serve as additional opportunity to correct observed omissions and violations;
- Revoke the license, after expiration of the 6-month period;
- Directly revoke the license if it is determined from circumstances of the case, that omission or violation is of a serious nature and without the possibility of correction.

The license must also be suspended and revoked:

- when during monitoring and inspection, omissions and violations of license conditions are found to the extent that it is impossible to continue to provide that service;
- in cases when social and family services providing entity refuses or obstructs inspection.

Decision to suspend or revoke the license must be sent to the entity whose license was suspended or revoked. Decision on suspension or revocation must also have judicial remedy.

#### **Tracking decisions**

The monitor or inspector may ask the entity that provides social and family services to send feedback regarding the implementation of recommendations given to that entity.

Inspector can authorize the monitor to make an additional visit, in order to help the entity of supervision in proper implementation of the issued decision or recommendation.

The monitor may authorize any responsible official in the monitored entity to take any additional action to avoid or correct the noted omission.

The monitor and the inspector must provide professional advice to the monitored and inspected entity whenever requested.

#### **Confidentiality**

The Monitor and Inspector of Social and Family Services are obliged to keep confidentiality of the respective data which they may encounter and may have while monitoring and inspection of cases.

Such data and information may be shared with others only if necessary to provide the service, or if there is an overriding public interest or by court order.

The monitor and inspector or any social and family services official or professional who negligently, intentionally or maliciously distributes information related to any monitored or audited case to unauthorized third parties shall be liable in accordance with applicable laws.

#### The right to appeal

Dissatisfied party may appeal or object to the decision, report, conclusions, records of the Monitor and the Inspector.

Complaint can be submitted to the Complaints Commission of the relevant Ministry of Justice within 8 days from the day of receipt of submission.

Procedure for complaints and objections is developed in accordance with the Law on Administrative Procedure. Appeal does not stop the execution of the decision

Exceptionally, execution of decision can be postponed until decision takes a final form upon appeal, if the nature of the relation allows it, if the delay is not against public interest and if execution of the decision will cause damage to the entity of inspection or beneficiaries of its services. Proposal for postponing the execution of the decision is stated in Appeal.

#### PART FIVE:

## **COMMUNICATION**

#### **Types of communication**

The monitor and the inspector can communicate through any of the following forms:

- verbal communication;
- written communication;
- electronic communication.

Types of communication apply to internal communication and external communication.

Responsible for communication with the public, the media and third parties, is the head of monitoring and inspection unit.

Exceptionally, in sensitive cases that require the attention of managers and other authorities in the Ministry, this responsibility can be transferred to an official designated by the relevant Ministry of Justice.

#### **Communication with service providers**

The monitor and inspector treat all professionals and staff employed by social and family service providers with respect, kindness, behavior and patience.

Also, social and family service providers should also treat monitors and inspectors in a reciprocal manner. Otherwise, the monitor and inspector should communicate with service provider managers to use appropriate language and behavior.

If the professionals and other staff employed by the service provider do not change their approach, despite the warning to improve behavior and communication, the monitor or inspector must take measures according to circumstances of case and write all of issues in the minutes.

#### Communication with the public, media and third parties

In their work, monitors and inspectors must promote high standards of behavior and professional integrity, and their respect, in order to preserve reputation and empower public and media in the work of monitors and inspectors.

Communication must be transparent and always at service of strengthening the system of social and family and increasing confidence of social services beneficiaries.

Monitor and inspector must be careful when communicating with third parties. This includes ensuring and notifying any of the findings such as: notifying families (child's parents receiving a particular service).

#### **ANNEXES**

#### A) Law terms and definitions

Terms and expressions used in this module must be interpreted and read in accordance with the meaning given in the Law no. 04/l-081 on amending and supplementing the Law no. 02/l-17 on Social and Family Services, Administrative Instruction (MLSW) no. 14/2013 on monitoring and inspection of legal entities /organizations providing social and family services, Regulation on the unit for monitoring and inspection of social and family services work (prot. no. 999 unit org. SFPD, on 26.04.2014), Law on Social Services, Law on Child Protection, and they have following meanings:

**Entity:** means a public, private and non-governmental natural/legal person that provides social and family services;

Ministry: means the relevant Ministry of Justice (MOJ);

Relevant department: means the Department for Social and Family Policy;

**Monitor:** means a social services officer or any other relevant officer for whom Centre for Social Work at the local level, or the relevant Ministry of Justice at the central level, within his job description foresees the role of monitoring entities as providers of social and family services.

**Inspector**: means the relevant official that the relevant Ministry of Justice selects to implement the function of inspector, for the inspection of entities as providers of social and family services

**Social services** - are supportive actions undertaken through social work methods and other methods, to increase the well-being of individuals and vulnerable families, of groups and community, which contribute to eliminate risks, reduce poverty, improve inclusion and integration in order to achieve full potential in life. They are designed to help children, adults and the elderly, as well as the family and community where these are interconnected. These services target but are not limited to the following categories: children and adults with disabilities, the elderly, people with chronic and long-term illnesses, all cases of violence, people who have problems with drug abuse, children without parental care, children mistreated by their families or those in conflict with the law.

**General Social and Family Services Council (GSFSC) -** is the mechanism of the Ministry that monitors, registers, certifies, licenses and trains individual providers and the workforce in the field of social services for the public and non-governmental sector;

**Centre for Social Work (CSW)** - is a professional and administrative institution at the municipal level, which is competent for the protection of citizens in social need;

**Civil society organizations** - are citizen associations and foundations, as well as other formal organizations registered according to the applicable legislation.

**Commission of appeals**- means the commission of appeals, appointed by the relevant Ministry of Justice or the relevant Department of Social and Family Policies.

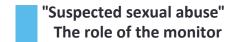
**License for organizations:** means the official document, formal certificate, which enables to the legal entity/the organization to provide services according to the applicable legislation and minimum standards of social and family services.

**Beneficiaries of social and family services** - are individuals, family members and the family as a whole, who exercise their rights and services in accordance with this law;

**License for individual providers:** means the official document, formal certificate, which enables to the natural person to provide Social and Family Services according to applicable legislation and minimum standards of social and family services.

**Residential environment**: means the premises where the beneficiaries of social and family services can be located.

#### **B) Case studies**



Anda is a girl whose parents died when she was 4 years old and she is placed in the family home with relatives.

After several years of care and placement with a host family within the kinship, Anda reaches the age of maturity and develops tremendously, that she gives the impression of a grown-up girl, despite the fact that she is not yet 14 years old.

The case manager and the guardian appointed by the relevant Center for Social Work, during the supervisory visit and conversation with the host family and Anda, they create suspicion that there is a cooling of relations between Anda and host family, but they didn't say anything about this suspicion.

After this visit, case manager and guardian agree to organize an additional meeting only with Anda, in order to clarify their doubts.

In meeting them, Anda begins to express herself, but she is very reluctant to tell the truth and clarify their doubts, being afraid that telling the truth will have consequences for her.

From monitoring visit and the information gathering, suspicion of sexual abuse appears to be well-founded, but it has not yet been possible to obtain full truth from Anda.

After case analysis, please describe and present in detail what further actions you would have undertaken as a monitor?

# "Lack of professionals in the provision of social services" The role of inspector

The "Alfa" institution, 4 years ago was licensed by the relevant Ministry of Social Welfare, for provision of residential housing services for elderly.

Part of the license requirement was also providing staff or professions that will provide social services to elderly persons that will live in this Institution.

After several monitoring visits from Center for Social Work and officials of the Ministry of Labor and Social Protection, it was found that this institution lacks key staff for provision of social services such as: social worker and psychologist. Moreover, the staff which is temporarily hired is not adequate and does not meet the conditions and criteria for providing services in this institution.

Also, this Institution, despite legal obligations, does not maintain files of settled persons, and there are very big omissions in updating information's regarding current health status.

The monitor from the Center for Social Work and monitor from the relevant Ministry for Work and Social Welfare draw up reports, where these omissions and violations of license conditions are clearly evidenced and ascertained.

The case is referred to the inspector of social and family services for further proceedings.

You, by being the case Inspector, after referring the case and analyzing reports of the monitors, please describe and detail what further actions you would take as Inspector?

#### c) Agenda

# MODULE: Monitoring and Inspection AGENDA

Day One				
09:00 - 09:15	Participants registration			
09:15 - 09:30	Greetings and welcome			
09:30-09:45	Introduction; General presentation; Expectations of training participants;			
09:30 - 10:45	First session: General considerations on Monitoring			
10:45 - 11:00	Coffee break			
11:00 - 12:15	Continuation of first session Discussions and exchange of experiences from the practice of monitoring implementation.			
12:15 - 13:15	Lunch			
13:15 - 14:30	Second session: General considerations on Inspection			
14:30 - 14:45	Coffee break			
14:45 - 16:00	Continuation of first session Discussions on practical inspection cases - analysis and comparisons			
16:00	End of first day			

Day two				
09:00-09:30	Summary and recapitulation of key issues from Day one Assigning group tasks			
09:30 - 10:45	Third session: Interconnection and coordination during the implementation of monitoring and inspection			
10:45 - 11:00	Coffee break			
11:00 - 12:15	Fourth session: Types of decisions and their practical implementation			
12:15 - 13:15	Lunch			
13:15 - 14:30	Fifth session: Communication			
14:30 - 14:45	Coffee break			
14:45 - 15:45	Case study presentation and discussions			
15:45 - 16:00	Completion of training Training evaluation			

#### **Reference sources**

- Constitution of the Republic of Kosovo (https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702)
- Convention on the Rights of the Child (https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child);
- European Social Charter (https://rm.coe.int/168047e169);
- Voluntary European Quality Framework for Social Services (https://ec.europa.eu/social/main.jsp?catId=1169&langId=en);
- United Nations Guideline on Alternative Care https://resourcecentre.savethechildren.net/ document/united-nations-guidelines-alternative-care-children/
- Law on Child Protection (Law No. 06/L-064). (https://gzk.rks-gov.net/ActDocumentDetail. aspx?ActID=20844)
- Law no. 02/l-17 on Social and Family Services (https://gzk.rks-gov.net/ActDetail.aspx?Ac-tlD=2447)
- Law no. 04/l-081 on amending and supplementing the Law no. 02/l-17 on Social and Family Services (https://gzk.rks-gov.net/ActDetail.aspx?ActID=2808);
- Law no.2004/32 Family Law of Kosovo (https://gzk.rks-gov.net/ActDetail.aspx?ActID=2410)
- Law no. 03/l-040 on Local Self Government (https://gzk.rks-gov.net/ActDetail.aspx?Ac-tlD=2530)
- Law no. 03/ l-049 on Local Government Finance (https://gzk.rks-gov.net/ActDetail.aspx?Ac-tlD=2525)
- Administrative Instruction (MLSW) no. 14/2013 on monitoring and inspection of legal entities /organizations providing social and family services
- Regulation on the unit for monitoring and inspection of social and family services work (prot. no. 999 unit org. SFPD, on 26.04.2014)

#### **D) Training evaluation**

Note: This evaluation is anonymous. It will serve to make necessary adjustments and to further improve training program. Please take your time and give us your valuable feedback.

1. Logistic aspects	No	Sometimes	Most of the time	Yes, completely
1.1 I was informed in time about the date of the workshop				
1.2 The venue was comfortable and convenient for training activities				
1.3 I have received Workshop Agenda in time				
2. Trainer, efficiency and effectiveness	No	Sometimes	Most of the time	Yes, completely
2.1 The trainer presented the purpose and expected results of the training module				
2.2 The trainer was competent in relevant areas				
2.3 The trainer contributed to the active participation of the trainees				
2.4 Presentations were elaborate and clear				
2.5 The trainer provided sufficient and appropriate examples in clarifying the content				
2.6 The trainer applied interactive training methods				
2.7 Special attention was given to work in pairs, groups or individual work				
2.8 The trainer gave adequate answers to the questions asked by the participants				
2.9 The trainer gave adequate feedback for presentations of group work / individual work / or work in pairs				
3. General impressions	No	Sometimes	Most of the time	Yes, completely
<b>3.1</b> I am satisfied with the overall quality of the training.				
3.1 The training provided the expected results				
3.3 I will use the materials that have been distributed for my further work				
3.4 The training had the right balance of theoretical and practical aspects				

#### Please answer the following questions:

• Which topics interested you the most?

• Which topics were least important to you?

• What changes would you recommend in this training program?

• Do you have any other comments?

