

STANDARDIZATION OF SOCIAL SERVICES AND CONTROL OF RESPECT FOR BENEFICIARIES' RIGHTS

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Abstract: *Social services are undoubtedly the eloquent expression of how the Romanian state succeeds or fails to fulfill that attribute defined by the fundamental law, namely that of being a social state. The transfer of responsibility from the state to the private sector is more recently achieved not only by accrediting some providers in this area, but also by co-opting them and an important part of civil society in controlling how the minimum standards are respected in the provision of various types of social services. The digitalization of national registers that contribute to the functioning of the social assistance system is also a novelty that attempts to eliminate the risk of beneficiaries or their legal representatives interacting with entities not authorized to operate.*

Keywords: social services; minimum standards; control.

Introduction

Law 100/2024 attempts to eliminate any doubt regarding the functionality of the social work system. The priority of establishing and delivering social services dedicated to various vulnerable persons constitutes the premise, but not the guarantee, that the respective beneficiaries will enjoy the support necessary to identify and manage the various types of needs. Reality has shown that even in the public sector,

the minimum standards are not always respected by social assistance units, and on the other hand, the identification in practice of situations in which the non-profit sector has generated devastating consequences for the respective clients has led to the taking of urgent administrative measures. However, the need for legislative intervention was found, by adopting the aforementioned normative act, noting that until that moment there were no necessary levers to eliminate the harmful effects produced and, respectively, to verify the fulfillment of certain conditions regarding the optimal functioning of the organizations providing social services.

Standardization of social services and control of respect for beneficiaries' rights

The new regulation given by law no. 100/2024 ensures a more secure intervention of the state through the following means: securing the social services offered through effective means of control regarding compliance with standards, defining certain concepts specific to the social work system, increased sanctions for the volunteer status that does not actually reflect such an activity, explicit support for the situation of elderly people in terms of care. We are in fact in the presence of a reform of several levels related to the efficiency of the effects produced for the clients of the social assistance system. Over time, it has been found that the quality standard is only a principle and not a certainty, that certain areas of social work do not function well because they are not regulated, that under the prerogative of social responsibility, not exactly licit activities can be developed. represents an integrative solution in terms of ensuring the quality of social services, regardless of the form of organization or the legal regime governing the provider.

The normative act under analysis modifies several normative acts in order to achieve the proposed purpose, namely guaranteeing the exercise of the rights of beneficiaries of social services and increasing the quality of the way in which they are provided. The role of the social worker must be represented in concrete terms - the one through which the social service provided involves establishing objectives by placing the

person in need at the center, or respectively that of an agent of change, through the mediation of the intervention project. (Apăteanu, 2018, p.28).

A priority element in achieving transparency in the implementation of activities specific to social services is represented by the co-optation in the teams that monitor them of specialists who come not from the level of public state structures, but from private entities that have a declared purpose specific to social assistance, or non-profit structures that aim to guarantee respect for human rights in general. The existence of a wide range of such private structures compared to what was happening in this sector a few years ago is also a consequence of the use of the European social entrepreneurship fund, which were also dedicated to enterprises that try to have a positive social impact. (Dobrescu, 2018, p. 144). It is assumed that social management is characterized, among others, by cyclicity, in the sense that each act ends with the transition of the system to a new state, a new purpose appears, and correction or completion will be achieved through various forms of influence (Petrescu, 2004, p. 134).

The involvement of these socio-professional categories that constitute an interdisciplinary structure (doctor, psychologist, social worker, lawyer) will be carried out in concrete terms through field visits to various establishments that deal with people in need. The principle of proportionality in the implementation of this monitoring operation translates into the fact that the presence of these teams in the field will have to be indispensable in order to protect the interest of the beneficiary, without, however, being able to be classified as an interference in the continuity of the activity of the service provider concerned.

The social work system has become increasingly complex, given the fact that there are extremely many categories of vulnerable people. At the same time, the lack of genuine means of control over organizations that carry out specific activities in the field has led to the implementation of electronic registers designed to detect possible clandestine services in the private sector. The correlation between the single register of social service providers and the national register of beneficiaries of such services will minimize the risk of identifying, even after this amendment,

situations in which social service clients (predominantly the elderly or those with communication problems due to a certain disability) end up having their lives in danger, instead of being guaranteed specific rights directly related to the social problem they face. It is a certainty that vulnerable groups are predisposed to unequal treatment and do not have equal chances of integration into society. (Dicu, 2018, p. 91).

Another new provision is the one that establishes that the value of minimal social assistance services will be budgeted at the level of each community. Here, a real problem will be encountered by rural communities that do not have access to generous budgets. Supplementing these resources through projects from European funds or through partnerships with county authorities will probably really change the data of the problem. The emergency social assistance intervention is established at a declarative level also through the new norms governing the framework law, but its operationalization will constitute a real challenge, especially since the activity requires human resources to ensure permanence outside regular office hours and especially on weekly rest days. The importance of the social worker profession is different with the express stipulation in the law that it proposes the start of community programs to prevent the risk of social marginalization and the services necessary in this regard at the level of each public social assistance service. The annual action plan for social services, which is developed by local authorities, will be of overwhelming importance here (Pătrașcu, 2014, p. 178).

Social assistance also involves the use of professionals in the field. The professional training of social workers is on the same level as that existing at the level of other liberal professions. (Sălăjeanu, 2010, p.77). In addition to the social worker profession, which is managed by the professional body of the National College of Social Workers, an extremely important clarification appears in the updated form of the law text regarding the status of the social worker technician. This professional category could be found at the level of public social assistance services in rural areas. Although it may have seemed up to a certain point a superior solution to the pre-existing one - persons with

delegated social assistance responsibilities, the lack of a clear definition of the activities carried out and the skills recognized by this category of personnel has generated controversy. By corroborating all these mentions, it results that the efforts of local communities, even rural ones, to co-opt social workers within the mayor's working apparatus will become vital. The current legislative change is not beyond criticism either, as although it requires following a course to acquire certain limited skills, it does not guarantee predictability regarding the provider of such a qualification.

A practical hypothesis similar to that of the nurse appears. Can the skills of a professional who follows higher education be compared with those of a person professionally certified through a short course? Although the remuneration of the two categories of people differs, it is clear that in practice there will be situations in which the lack of skills will generate considerable disadvantages for the beneficiaries. In the same vein, the status of personnel serving the public social assistance system will from now on be predominantly contractual. The exceptional nature of the status of civil servant in the area of social assistance somewhat limits better remuneration and, moreover, affects the stability of such a position.

In addition to this new approach to the functioning of social services, we also mention the establishment of the obligation of the staff on duty to prove that they do not have a potentially harmful behavior for the beneficiaries. The compliant behavior of social assistance professionals will also be achieved as a result of the practical implementation of the obligation of social service providers to ensure their participation in training courses aimed at assimilating concepts related to human rights, neglect, discrimination, etc. The minimum quality standards will be analyzed extremely rigorously at the time of the field inspection, such that any deviation exceeding a percentage of 10% compared to the entire set of requested conditions will lead to the withdrawal of the provisional license and at the same time the mentions from the single register regarding the social services concerned will be removed.

On the other hand, serious efforts are being made to ensure the structure of the control personnel within social inspections, with an annual estimate of the increase in the number of positions to be provided by the state in this regard. Not without importance is the fact that the social inspector who carries out social investigation is recognized with a series of attributes necessary for carrying out an unannounced control. Unrestricted access to any space that is supposed to host beneficiaries or to any administrative headquarters where assessments are carried out to generate a certificate of classification in disability, state of dependency or other similar situation. In other words, the discovery of serious negligence or actions carried out with intent that involve fraud or that generate damage to the state will be able to be caught in such an action that is close to the *flagrante* procedure in criminal law.

Conclusions

Since social assistance is a field that eminently involves an applied activity, the interaction between the specialist and the beneficiary being essential, the control of how the acquired skills of the social worker will be used will undergo a radical change. The recognition of the role of the social worker in the community, complemented by the assurance of sufficient budgeting to be able to manage the various problems of the client within reasonable limits, ensures expectations that are difficult to estimate in recent times. The statistical data that will be reported at the level of the institutions involved in the functioning of this system will demonstrate whether the changes ordered by the analyzed normative act were sufficient or were just a starting point.

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