

Poland

Country Profile on the European Semester and COVID-19 crisis from a children's rights perspective

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16%

Children at risk of poverty or social exclusion (AROPE) in 2019

Alternative Country Specific Recommendation for 2021

- **Poland should take action to:** prepare systemic procedures taking into account the experience of carers including foster parents to adequately respond to crises such as the coronavirus epidemic. There is a need for a multidisciplinary team of experts, including those from non-governmental organisations who will have an advisory role in the overall process.
- **Poland urgently needs a strategy on deinstitutionalisation:** it is necessary to prompt the government and local authorities to develop family support services and professional family-based foster care system for children placed in alternative care.



Children in Alternative Care - CiAC

YEAR 2019¹

Number of family assistants	3,934	Number of families supported	44,324
Number of supporting families	104	Number of families supported with specialist guidance	118
		Number of families provided with specialist guidance	95,980
	Number of institutions (2019)	Number of children (2019)	
Total institutional care			21,362
Institutional care – care & education centres	1,166		16,325
Number of children 0-3			685
Number of children 4-6			853
Number of children with disabilities			1,748
Stationary facilities (for adults and children with developmental disabilities)			1,860
Institutions for children with disabilities	36		2,091² 1,086³
Total number of children in family-based/foster care			50,929
Number of children in kinship care			29,853
Adopted children			950
Unaccompanied children			105⁴ asylum seeking 24 non-asylum seeking

1 Maly rocznik statystyczny polski 2020, Statistical office, Warsaw 2020.

2 In institutions acting under the Act of family support and alternative care.

3 Number of children with disabilities in in stationary social welfare facilities (those institutions operate under the Social Assistance Act of 2004)

4 <http://www.asylumineurope.org/reports/country/poland/statistics>.

Summary of Ratings

Government's support for families and children during the COVID-19 pandemic:



Positive EU impact on more child-centred legislation at national level:



2020 Country-Specific Recommendations:



Government's efforts to provide sufficient resources and services for families and children:



Government's protection of children's right to participate:



Impact of the COVID-19 crisis

To respond to the COVID-19 epidemic temporary changes were introduced to the Act on Family Support and the Alternative Care System that included the weakening of a regulation that the maximum number of children placed in an institutional care facility is 14 as well as an obligation to transform all institutions to accommodate a maximum of 14 children by 1 January 2021. Moreover, restrictions on placing children under the age of 10 in institutional care facilities have been also suspended.

Neither the government nor local authorities introduced mechanisms to monitor foster families to assist with their emerging challenges and needs. The greatest need was assistance to access online education. Although there was financial support (PLN 130 million from the European Social Fund - ESF) for children placed in alternative care to reduce the impact of COVID-19 by purchasing computers and the necessary software for the 2019-2020 school

year, extra personnel support to help with education was not included. In some families there was a clear regression in the educational outcomes of children because they were not able to cope with all tasks without external support.

The Polish Foster Care Coalition (PFCC) acknowledges the governmental measure enabling parents to stay at home to look after their children under eight years of age while retaining the right to remuneration, as well as a one-time PLN 1,700 allowance for social services staff hired as “family assistants”⁵. Children from disadvantaged families were particularly hit by the period of social isolation. They could not take advantage of free meals at school and day-care centres and they did not have sufficient IT equipment or access to a good internet connection. To tackle this, the government allocated funds for purchasing IT equipment for schools using ESF funds.

The main challenges created by the pandemic in care institutions included the absence of procedures and standards for implementing quarantine in the care institution, overstretched staff, lack of personal protective equipment (PPE) and tests, and in general a lack of guidelines for contacts with biological families. As a result of the COVID-19 epidemic, temporary changes were introduced to the Act on Family Support and Alternative Care System⁶.

An additional challenge was trying to provide online schooling where IT devices such as laptops or computers were missing and there was no access to a quality internet connection. Schools attempting online schooling for the first time faced many challenges, one of them being too much homework.

The PFCC has observed there was a lack of protocols and procedures on COVID-19 for children placed in family-based care, for example how to proceed when foster parents are hospitalised and the rest of

the foster family is in quarantine, including the procedures to replace ill foster parents. Lockdown and social isolation restrictions caused mental health problems for many children, without any accessible support or assistance. A lack of guidelines for contact with biological families of children and access to COVID-19 creditable test posed another challenges for staff and children in care.

Preventing the unnecessary entry of children in alternative care

The Act of 2011 on Family Support and the Alternative Care System also stipulates support for families at risk. Supportive measures include:

- a family assistant, who assists in improving the family life situation, resolving psychological and social issues and problems with bringing up children and searching for a job;
- a family supporter, whose task is to help families experiencing

difficulties in carrying out their functions;

- a day-support centre that provides different services from general to specialised – socio-therapeutic and therapeutic assistance;
- since 2012 there are also street work classes that carry out motivating and socio-therapeutic activities and provide specialists’ guidance.

The amendment to the Family and Guardianship Code of 2016 stipulates⁷ that placing a child in foster care because of poverty is not allowed. Placement in alternative care is possible only after using all available tools to support the family - mainly via family assistant support.

According to the ministry’s survey from 2012 the main reasons why children enter alternative care were: parental addiction (39.62%); parents ill-equipped to care for and educate their children (25.17%); one of the child’s parents dies (8.52%); both

⁵ Dodatki dla asystentów rodziny.

⁶ Article 15 of the Act of April 16, 2020 on specific support instruments due to SARS-CoV-2 virus.

⁷ Kodeks rodzinny i opiekuńczy.

parents die (4.46%); and domestic violence (3.63%).

Progress on child protection and care reform

In February the Ministry of Family, Labour and Social Policy started preparing the national deinstitutionalisation (DI) strategy to 2040. The working group dedicated to families and children was established, in which PFFC representatives participate. Its work progress has been very slow. Moreover, there are ministries that plan to elaborate a mid-term ministerial programme (i.e. by 2027), instead of having a national cross-sectoral deinstitutionalisation strategy. This approach could jeopardise the promising process aimed at the development of a DI strategy. Similarly, the development of family-based foster care has not progressed, indeed the opposite has happened as the number of foster care families has been decreasing⁸.

Care leavers

The Supreme Audit Office conducted an audit in 2015 and elaborated a report on the quality of support provided for alternative care leavers⁹. The report indicates that, despite the standards of support stipulated in law, the process of preparing care leavers is in practice ineffective. For example, the Act states that care leavers should be given assistance in, among others tasks, “ensuring adequate housing conditions”. The real situation looks somewhat different. Only a few care leavers (16%) who do not go on to higher education return to their biological families. Others are offered flats that are usually located in buildings of a very low standard, in the neighbourhood of families similar to their families of origin (facing multiple problems). Unfortunately, most care leavers with disabilities remain in institutional care in stationary social welfare facilities (called Domy Pomocy Społecznej) despite the fact that Poland ratified the United

Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in 2012¹⁰.

Children in migration

According to the law, unaccompanied minors seeking asylum are to be placed in institutional care facilities or in a professional foster family (zawodowa rodzina zastępcza). As an exception, children accompanied by a close member of a family who is not officially their legal guardian, may be placed under their care. In practice asylum seeking children are rarely placed in a professional foster family. The asylum proceedings have slowed down during the pandemic, and access to asylum procedure has been significantly restricted (very few new applications). Specifically, the latter may have influenced the situation of children who were not able to ask for asylum, e.g. at the Polish-Belarusian border, but no data as to the extent of the phenomenon is available.

EU funds

Thanks to the financial support of the European Social Fund, online education has been made accessible to children from disadvantaged communities and children in care. PLN 130 million from the ESF was announced in July 2020 for the purchase of computers and the necessary software to provide support for children placed in alternative care to reduce the impact of COVID-19 and to secure audio-visual equipment and personal protective equipment and disinfectants.

The Ministry of Education announced that from 1 April 2020 local governments could apply for money to purchase equipment for online schooling for students and teachers. PLN 180 million was allocated from the Operational Programme Digital Poland.¹¹

8 In 2018, the number of family foster care entities decreased by 1.7% compared to 2017. Data from: Information of the Council of Ministers on the implementation in 2018 of the Act of Family Support and Alternative Care System, Informacja Rady Ministrów o realizacji w roku 2018 ustawy z dnia 9 czerwca 2011 r. o wspieraniu rodziny i systemie pieczy zastępczej.

9 Pomoc w usamodzielnianiu się pełnoletnich wychowanków pieczy zastępczej

10 Moreover, the Act of 4 November 2016 on the support of pregnant women and families "For life", obliges local governments or non-governmental organisations support providing supervised housing.

11 Qd. 1 kwietnia samorzady mogą wystąpić o pieniądze na komputery dla uczniów i nauczycieli.

Testimonies of foster parents

Testimony 1 - a foster mother with 12 years of experience in running a professional foster family

When I think about the time of social isolation caused by COVID-19, I first think about the challenges of online education. In my foster family we have eight children, four of whom attend special schools (due to special educational needs). The children are at different stages of education. One child benefits from early supportive therapy for child development. Teachers approached online education in different ways. Some teachers sent materials needed for education via e-mail, others used different electronic tools. It was very difficult for the children to switch to a remote working mode. During online education, I became my children's teacher. I started work at 8.00 a.m. translating maths, geography and other subjects. Most of my children need help. One challenge, for example, was English, which I do not know, so I had to look for online tutoring. I also take care of a gifted child who is studying at a ballet school. This type of education requires constant exercise, with the child working on her body every day, but suddenly the exercises are missing, it is a huge waste. If you multiply the number of children times the number of their teachers, add imperfect devices (laptop and computers) and the poor quality of the internet connection, I have no idea how we managed. Sometimes I felt as if I was looking after a class of 50 children. Everyday life was very difficult. We had to keep the household, teach children at home, and moreover, we saw the consequences of children not being able to benefit from the therapy they had already started. The big question mark would be if one of us fell ill, we initially talked about our adult children replacing us. But a solution offered by social services is still missing.

Testimony 2 - a foster mother, 17 years of experience in running a professional foster family.

I am in touch with two young care leavers. One young woman managed financially, even though the hair salon where she worked has been closed. Unfortunately, she missed a semester in extramural high school because online classes were too difficult for her. She did not know how to deal with the different demands of teachers. Teachers used different tools for remote work, which was an additional difficulty. Various forms of contact and methods of material evaluation are presented. First of all, this young person did not have access to a computer or laptop. She was using a smartphone. However, a smartphone is not the same as a laptop or computer with a good internet connection. Unfortunately, she hadn't told anyone she was having hardware issues, and when that came out it was too late to catch up, even though she had made an attempt. The other care leaver is a young adult man who lives in a semi-independent apartment but has had financial problems due to a lack of work. Before the pandemic, he worked in a gym. The gym was closed and he had more time, so he successfully completed the semester in extramural high school. He had hardware issues too, but he let me know quickly and we were able to help.

For more information, please consult the [2020 Eurochild Report](#) or contact Enrico.Tormen@eurochild.org and Zuzana.Konradova@eurochild.org