

Tendencies in Social Assistance in Romania

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Abstract

The social assistance system developed in Romania after 1990 has had a rather contradictory evolution, with bashful decentralization and dereglementation attempts. The presentation of the tendencies in this area represents, in our opinion, a mandatory action for a better understanding of its specificity.

Key words: *social assistance, social services, health*

Legislative and Institutional Framework

Social assistance which developed after 1990 has had a rather fragmental character, built especially around some situations of crisis.

An attempt of fast decentralization, which took place after 1997, generated organizational incoherence, high social costs and decreased supervision and control capacity. At the same time it activated a number of institutions functioning in sectors concerned with certain categories of individuals, such as: difficult children, family, aged and handicapped persons.

The system of social assistance is characterized by holding on the structural orientation, without a coherent and integrated strategy, fact which may lead to a general decrease in efficiency.

These considerations imposed a new legislation which would allow to implement a coherent national system of social assistance and would lead to the diminution or even elimination of poverty by means of increased efficiency of social services offered to the most disadvantaged categories of population, as well as consolidation of institutional responsibility while providing them.

To achieve this goal several normative acts were adopted in 2001, which put into light the juridical framework for development and reform of the national system of social assistance.

The main normative act out of these constitutes the *Law no. 705/2001* regarding the national system of social assistance, which opens a new stage in social assistance policy, based on professional and institutional accumulations of the system.

According to the law, social assistance includes social allocations, help accorded in cash or in kind and social services. The system of social assistance is complementary to that of social security.

The state assumes its duty to carry out the social assistance measures through some specific laws and transfers a part of its attributions to local public authorities and civil society.

Social allowances offered in cash and in kind are supported through the measures of financial redistribution and include indemnities, social assistance and special services given to people according to their needs and incomes.

Social services represent a complex of measures and actions taken to satisfy individual, familial and group needs, to prevent difficult situations, exclusion and social marginalization and to promote social inclusion.

The *main directions* of the new system are:

1. a new approach to institutional construction;
2. realization of a unique framework to organize and coordinate the system;
3. creation of a system to manage social services;
4. decentralization of social services at local authority level, through the growth of community involvement in drafting social development strategies, especially those of social services.

The Ministry of Labor, Social Solidarity and Family is a governmental institution responsible with the domain of social protection, which assures the development and implementation of national strategies and of social assistance policies intended for children, families, the disabled and the aged, for any categories of population found in difficult situations.

The Ministry of Labor, Social Solidarity and Family created decentralized structures, which are departments specialized at local level, aiming at dialogue, family and social solidarity. The functions of these directions are: administration of funds allocated to family services, control over implementation of legislation in the domain of social assistance, monitoring of local authorities and other local public institutions and of NGOs, that act in the domain of social assistance.

In order to realize a coherent coordination over sectorial policies of social assistance by a Government Decision there was regulated the organization and function of an Interdepartmental Committee of social assistance, chaired by the Minister of Labor, Social solidarity and Family. This Committee meets secretaries of state from The Ministry of Education, Research and Youth, The Ministry of Administration and Home Affairs, The Ministry of Public Finance, The National Authority for Child Protection, The National Authority for The Protection of the Disabled.

The responsibility of local and district authorities in dealing with the social problems of a given territory regarding identification and solving of difficult situations which can generate marginalization or social exclusion of some vulnerable categories of population required the creation of necessary infrastructure.

Thus, by the Government Decision no.90/2003 a new status regarding social service organization and work was approved.

In fact, the authorities of local public administration, through public services of social assistance should organize, finance and assure technical support for the development of social services at the level of communities so as to meet the citizens' real needs. Public service of social assistance is the main supplier of social services. If the public service of social assistance cannot assure all the necessary services or if it does not possess a corresponding infrastructure which would provide qualitative services, the local public authorities will set out partnerships with other suppliers of services, especially with NGOs.

Public services of social assistance are formed at the local and district levels, based on the following *main principles*:

- focusing on family and community;
- community organization;
- partnership;
- complementarity;
- diversification of activities depending on the growth of resources and evolution of needs.

Public service of social assistance organized at the district level aims to apply the policies and strategies of social assistance and its main functions are: strategy, coordination, administration, cooperation and representation.

Public service of social assistance which is subordinated to the local committees plays the role of executor in identifying and solving the social problems of the community by social services, facilities, and other means of financial support stipulated by the law.

Social Services Offered in the System of Social Assistance

In order to maintain the functions of the family, to prevent abandonment and keep the familial cohesion, a series of legislative measures was adopted. These measures are meant for families with children, both born in marriage or adopted, or in familial care as well as for all categories of vulnerable persons. The main allocations, indemnities and helpings stipulated by the law are presented below.

Law no.61/1993 regarding state allocations for children is based on the principle of universality, which means the state allocation is assured for all children between 16 and 18 years old, if they are integrated in any form of education, stipulated by the law. The state allocation for children is assured monthly, in a fixed quantum, regardless of the family income.

For the disabled children and for the invalid (grade I, II) the allocation is raised up to 100%.

Taking into consideration the fact that some young people graduate school after they are 18 years old, they can benefit from the state allocation until the end of their studies (according to Law no.261/1998).

When it comes to reanalyze the level (size) of state allocation for children, the following aspects are taken into account: growth of prices for school supplies, food, clothes and other necessary things for children, as well as preventing school drop-out, the phenomenon which

grew in the last years as a result of the diminution of financial resources in families with children.

The increase of state allocation was approved by the Government Decision and it constitutes 210.000 lei per child beginning with January 2003.

The impact of this growth is greater for families with four or more children. Various studies and analyses show that the risk group is formed out of families with 2, 3 or 4 children. To support this group of families a supplementary allocation was set by Law no.119/1997.

According to this law, families with 2 or more children between 16 and 18 years old benefit from the supplementary allocation, if these children study at an educational institution or if they are declared handicapped.

Poverty, lack of education and experience of parents, as well as hostile social environment lead most often to family abandonment (by one of the parents or both) or parents' tendency towards criminality in order to survive.

In this situation the state intervenes with some specific measures and means to keep the child away from a disadvantageous environment, and establishes some forms of social protection in institutions and substituted families.

In order to support the families and private authorized structures with entrusted children there was issued an *Urgent Government Ordinance no.26 regarding the protection of children in difficulty, approved by the Law 108/1998*.

Social help established by the *Law 416/2001 regarding the minimum guaranteed income* represents a form of support to families and persons with low or no income and guarantees a minimum income which would ensure such people with minimum life conditions. Quantum of the social help is calculated as the difference between a family monthly net income and the level of the minimum guaranteed income established by the law for that type of family.

Studies showed that the elements of social help framework differ between municipalities where assistance is offered. All residents with an income which is lower than that established by the law can benefit from social help.

Social help is regarded as the last chance of security for people going through a temporary economic crisis. Other criteria include: obligation of able people to work, registration at Labor Agency and acceptance for proposed professional training. There are a few exceptions in cases such as: sick people, the disabled, pensioners, and those with mental problems. Beneficiaries have also the obligation to work 72 hours per month in the community's interest at the mayor's request.

In order to encourage the unemployed to find a job, the law stipulates a 15% growth of the minimum guaranteed income if one of the family's members works with a labor contract. Funds are allocated in the budgets of municipalities and local committees from the state budget according to an agreed formula. This takes into consideration previous expenses, which in fact, reduces the number of applicants.

Analyses show that economic and demographic indicators, for example the rate of unemployment, are not in a clear correlation with the needs of social assistance.

As a result of the analysis of statistic reports regarding implementation of Law no.416/2001 at the end of September 2003, social help was approved at mayor's decision; the number of beneficiaries was 370.409 families and single persons.

High financial requests, insufficient collaboration between Labor Agencies and Public Services of social assistance, the low possibility to check the data when an applicant's income and goods are estimated, the absence of an informative system represent the major shortcomings in this field.

A complete evaluation of the implementation of the minimum guaranteed income was done at the end of 2003 or beginning of 2004.

The employer of the institution that employs young people on the condition of a solidarity contract will sign an agreement with the agency which in its turn has the responsibility to repay (refund) each month basic wages fixed at the moment of employment, no more than 75% of the medium net income, communicated by the National Institute of Statistics.

If the solidarity contract ceases and the employer of insertion employs a young person on the base of an individual contract for an undetermined period, the employer benefits from a 50% repay of the help, that young person would have had if he had become an unemployed.

School graduates of compulsory education forms who continue their studies at pre-university level and belong to families that benefit from the social help according to Law no 416/2001 can benefit from monthly scholarship.

The value of their scholarships in this case is established every year by the Government and can cover quartering (accommodation), meals at students' hostels, schools and canteens. The sum of money is taken from the state or local budget, according to annual budgeting laws. Educational allocation is conditioned by school attendance, and results obtained during the school year.

The students (pupils) who belong to families that benefit from the social help, according to Law no.416/2001 and who attend compulsory education classes established by the law, can benefit from the school allocations, mentioned in the *Law no.116/2002 regarding prevention and control over social marginalization*.

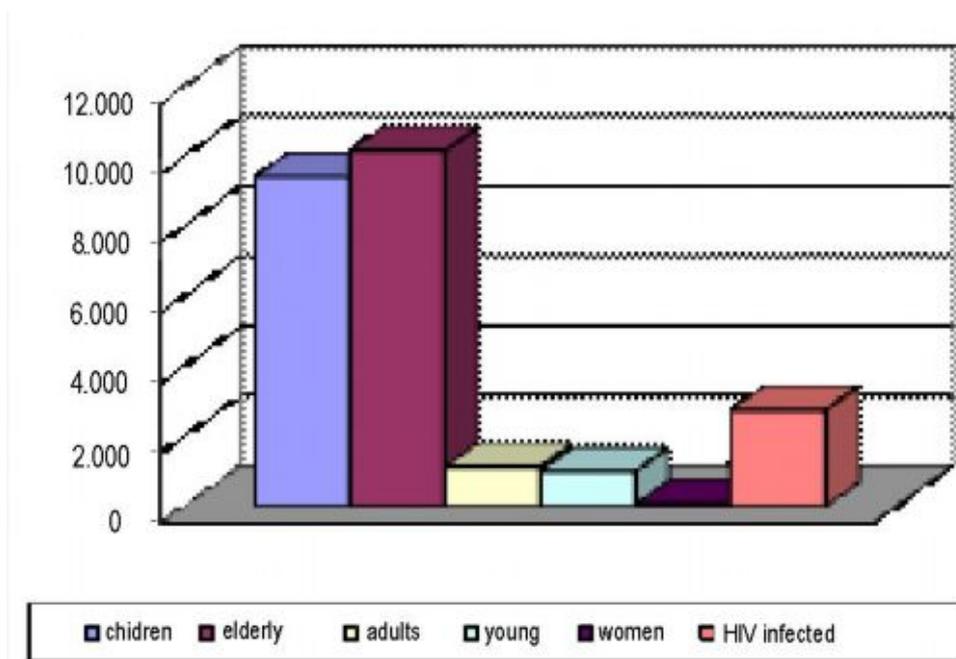


Fig. 1. The scheme (framework) of persons-beneficiaries according to the Law no.116/2002

According to the *Law no.126/2002 for OG nr. 33/2001 regarding school tools* social help is granted for the families whose net monthly income is of maximum 50% per family member compared with minimum gross income and who cannot cover the expenses regarding the child's preparation for a new school year, the necessary school supplies as well as his stimulation to attend school. The sum is calculated depending on the level of education and is updated at the beginning of each school year. The necessary funds for acquisition and distribution of school supplies are supported by the state budget.

Communities services realized in partnership with ONG and local committees grant social, medical, legal assistance to families, children, young people and other categories of disadvantaged persons at daily care-centers or care-centers organized at beneficiaries' place.

Development and diversification of social services in partnership represent constant concern. Thus, a new *Law 34/1998* was adopted in 1998. According to this law, Romanian associations and foundations with a juridical character which set up and coordinate the units of social assistance can benefit from stipends granted by local or state budgets.

It is intentioned that the legislation should develop the quality of social assistance as well as growth of social solidarity by way of promoting the partnership between public administration and civil society.

Subventions from the local and state budgets come from:

1. state budget, through the budget of the Ministry of Labor, Social and Family Solidarity which offers social assistance to people of the country;
2. local budgets, through the budgets of local committees which offer social assistance to people in the district.

In spite of different forms of help granted to families with children, the rate of compensatory help reported to the family budget is rather low, owing to an accelerated decrease in the buying force.

The system of family assistance is, in general, redistributive. In the structure of income, the quota of family assistance is more important for families with more children even if these families have the lowest income.

Other forms of granting assistance to families are: allocations for refugees, social allocations for the handicapped and a supplementary allocation and a mono-parental allocation for families with children that has been introduced since 2004.

Social services are regulated by *OG no.68/2003*, which establishes types of services and social institutions, categories of beneficiaries and their rights, suppliers of social services, the process of service granting, personnel involved, financing of the system, ways of evolution, monitoring and control.

Tendencies in Reforming the System of Social Assistance

For the next period it is compulsory to continue the elaboration of secondary legislation in the context of reforming social assistance initiated by the *Law 705/2001*. Moreover, conditions for granting the rights of social assistance for the disadvantaged categories

(children, old people, handicapped people, etc) will be regulated by drafting a special law or updating the existent ones.

The necessity to accomplish a new institutional construction and reform the system of social assistance is stipulated in the documents, which establish the conditions of Romania's integration into the structures of the European Union, these documents being included both in the Prior Program of Measures for European Integration and Road-Map for Romania, communicated by the European Commission.

In both documents the following directions for action to be taken immediately are found:

- carrying on the reform of the social assistance system;
- improving inter-institutional cooperation, by way of clarifying the distribution of responsibilities at the local level and between the local and national level concerning implementation of legislation with regard to assistance and social protection;
- ensuring the specialized personnel necessary at the central level and especially at local level, as well as budget resources which would meet social needs;
- designing an informational system which would allow the use of social indicators, evaluation and monitoring of persons and families included in the system of social assistance, as well as of the rights they can benefit from;
- development of social statistics, especially in the field of poverty and social exclusion.

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Tendențe în asistența socială în România

Rezumat

Sistemul asistenței sociale dezvoltat în România după 1990 a avut o evoluție relativ contradictorie, cu încercări timide de descentralizare și dereglementare. Relevarea tendințelor în domeniu reprezintă, în opinia noastră, un demers obligatoriu pentru o mai bună înțelegere a specificului acestuia.