

Summary of countrywide supervision 2011 of municipal child welfare services – investigations and evaluations

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Contents

1. Summary	5
2. Countrywide supervision of the municipal child welfare services.....	8
2.1 Prioritisation and selection of audit topic.....	8
3. Methodology, selection and performance	11
3.1 What is a system audit?	11
3.2 Selection of municipalities	11
3.3 Performing this supervision	12
4. A more detailed description of the municipalities subjected to supervision	13
5. Findings	14
5.1 Inadequate performance of child welfare investigations	14
5.1.1 Are the investigations performed by the municipalities adequate?.....	14
5.1.2 Inadequate planning of investigations.....	16
5.1.3 Deficient procedures and inadequate documentation.....	17
5.1.4 Inadequate control and corrections.....	18
5.1.5 Children's right to contribute to child welfare investigations.....	19
5.2 Inadequate evaluation of assistance measures	21
5.2.1 Do the municipalities adequately monitor evaluation of the assistance measures?	21
5.2.2 Deficient procedures and inadequate documentation.....	22
5.2.3 Inadequate control and corrections.....	23
5.2.4 Children's involvement in evaluating assistance measures	24
5.3 A municipality that assures practice and procedures in the areas addressed by the audit	25
6. Supervisory conclusions and proposals for measures to be implemented	26
6.1 Children at risk are not getting the services they need when they need them.....	26
6.2 Inadequate organisation, governance and management	27
6.3 What can other municipalities learn from the supervision?.....	29
6.4. Further monitoring and action	30
Oppsummering av landsomfattende tilsyn i 2011 med kommunalt barnevern – undersøkelse og evaluering.....	31
Report from the Norwegian Board of Health Supervision	32

1. Summary

Do Norwegian municipalities assure the work of the child welfare services in undertaking child welfare investigations, evaluation of measures to assist the child and child participation? In this report the Norwegian Board of Health Supervision summarises its findings from its countrywide supervision of municipal child welfare services in 2011. The supervision was conducted by the County Governors, and the report is based on audit reports from 44 municipalities. Based on the County Governors' knowledge of the municipalities in their county the County Governors themselves determined in which municipalities to undertake supervisions, with special attention being given to the municipalities where they were most likely to identify deficiencies or a danger of failings. As a result, our selection of municipalities is not representative of Norwegian municipalities. While this means that we cannot generalise on the basis of these findings and make assumptions about other municipalities, the conclusions presented here do provide critical knowledge on key problems in the municipal child welfare services.

Inadequacies in child welfare investigations and evaluation of assistance measures

Deficiencies in the child welfare services' work to undertake investigations and in their work to evaluate assistance measures may lead to children at risk not receiving the help they need when they need it; to the implemented measures to assist the child not working as planned, or in the failure to uncover neglect.

In 40 out of 44 municipalities the County Governors identified statutory violations in the areas covered by this supervision, or found areas with potential for improvement.

The failure to plan, perform or monitor investigations was pointed out in a number of municipalities, as were inadequacies in other municipalities regarding such planning, performance and monitoring. Among other things, the County Governors found instances of reports of serious matters not being investigated thoroughly enough. This is very serious and may potentially result in children not getting the help they need as quickly as possible, and the child's situation deteriorating. In the worst-case scenario, children may continue suffering from neglect as a result of such failings.

Several of the County Governors' audits concluded that the municipal child welfare services failed to gather relevant, necessary information about the child and the family from persons or service providers who knew them, possibly resulting in inadequate exposition of some cases.

The County Governors noted that in several of the cases investigated by the child welfare services, the services had failed to make professional assessments of the child's situation and the parents' ability to care for their children, or produced assessments that were deficient.

The County Governors found that in some municipalities measures to assist the child were not evaluated at all, and that children continue with the same assistance measure for years without any evaluation of implemented measures. In other municipalities, evaluations were found to be deficient, and the child welfare services' professional assessments of whether the assistance measures were suitable were found to be lacking entirely in some cases, and to be deficient in others. Nor did the child welfare services always inquire into whether other measures should be implemented. When they did, several services failed to address this question adequately.

The lack of evaluation or the fact that evaluations were deficient may result in children continuing in receipt of measures to assist them that do not work as intended. Needless to say, this is unfortunate for the child itself; it also means that time and resources are being expended on ineffective measures.

Inadequacies regarding child participation

Children's right to be heard is a fundamental principle in all matters concerning the child. Deficiencies in providing for children's participation were a recurrent feature of the supervisory reports that had observations in this regard. It was purely a matter of chance whether case officers spoke to children.

Children are under no obligation to express their own viewpoints, but all children shall be given an opportunity to state their views and what they want before any decisions are made about their lives. The authorities have a statutory obligation to inform children of this right, and to give them a chance to speak out. This applies both in the investigation phase, and when measures to assist the child are being evaluated.

It emerged from a few case files that child welfare officers had spoken to the child, but there were no records of what the conversation had been about. Nor were the child's opinions on its situation reported, or its views on the assistance measures that had been implemented. If a new case officer takes over the case, or if new reports of serious concern for the child are received, this means that the child has to repeat its story several times, and to new people.

The Norwegian Board of Health Supervision is very concerned that many municipalities do not safeguard children's right to participation. The most important person in the child's life is the child itself, and the child is therefore able to offer vital information on its situation. This is why the child shall be given an opportunity to express itself, if it so wishes.

Inadequate governance and management

The audit showed that several of the municipalities in our selection lacked management systems to ensure that the issues subject to audit were in compliance with the requirements of the Child Welfare Act. The County Governors found instances of serious deficiencies and inadequacies in the municipalities' investigations into child welfare, evaluations of measures to assist the child and work to secure children's participation.

Each municipality has a responsibility to implement a management system that assures that its child welfare service performs its work in compliance with the regulations. As a minimum, a municipal management system must contain the management elements stated in the regulations on internal control under the Child Welfare Act. The supervision uncovered that numerous municipalities lacked several of these management elements.

We found cases of organisational structure and reporting lines lacking in clarity, with the municipal management doing little to monitor their child welfare services through overall planning and control activities.

Throughout the supervision, we found that the municipalities in regulatory breach or with potential for improvement lacked or had inadequate procedures for their work with child welfare investigations, for their evaluation of measures to assist the child and for children's participation. In those cases in which the procedures were in place, in many cases the employees were frequently not familiar with these, or failed to follow them.

Documentation of the service's work, which assessments had been made, and records of children's participation were found to be deficient in a number of case files. Such shortcomings undermine parents' and children's right to due process. Case files with written documentation of what steps have been taken, what information has been gathered, and what assessments have been made are a

prerequisite for due process of law. Such deficiencies also entail that new case officers are not given access to the information that should form the foundation for their efforts to address the needs of the child in question as appropriately as possible. Failure to provide for adequate case documentation therefore creates a risk of children not being given the help they need.

The supervision pointed to a lack of analyses of risk and vulnerability. The County Governors also detected a lack of or inadequate non-conformity systems. There was a lack of clarity in several municipalities regarding what was to be defined as a non-conformity, and on which occasions a non-conformity was reportable.

The Norwegian Board of Health Supervision is of the view that such comprehensive failures in the municipal governance and management of the child welfare services' work with vulnerable children and their families are not acceptable.

Further monitoring and action

The County Governors will continue to monitor these municipalities and take action as regards these failings until they are corrected and brought into compliance with regulatory requirements. Progress has already been made in this regard.

Those municipalities that were not audited may and, indeed, should make use of the other municipalities' respective reports, as well as of the present report summarising the overall conclusions. These reports should encourage these municipalities to review their own practice as regards providing for and monitoring their child welfare services' investigations, evaluation of assistance measures and work to facilitate children's participation.

2. Countrywide supervision of the municipal child welfare services

As of 1 January 2010, the Norwegian Board of Health Supervision was given the overall responsibility for supervision of the child welfare services. This entails that the Norwegian Board of Health Supervision holds overall responsibility for the County Governors' supervision of the municipal child welfare services, child welfare institutions, care centres for minors and parent-and-child centres.

The objective of the countrywide supervision in 2011 was to investigate whether a selection of Norwegian municipalities govern and manage their child welfare services in a manner that ensures that all child welfare investigations and evaluations of measures to assist children living in their homes are performed in compliance with the requirements in the Child Welfare Act.

A recurring theme was the question of whether the municipalities assured children's right to participation in decision-making in their own lives. In this context, children's right to participation involves the child's right to be informed, and its right to express its views.

The present report sums up the County Governors' audit reports from 44 audits of municipal child welfare services. The supervision continues in 2012.

The County Governors conducted a total of 54 audits in 2011; those that were undertaken too late to be included in the present report will be summarised in the 2012/2013 report.

2.1 Prioritisation and selection of audit topic

Every year the Norwegian Board of Health Supervision engages in a wide-ranging process of priority setting. This process then forms the basis for selecting the topics for the following year's supervision. The prioritisation process involves consultation rounds with the Ministries, County Governors, professional communities and users in order to learn of areas that are at risk of deficiencies, and identify the areas in which users are most vulnerable.

Based on a risk assessment, the Norwegian Board of Health Supervision decided the topic for the countrywide supervision of the municipal child welfare services. The supervision topic for 2011 was how the municipalities assure the work of the child welfare services regarding child welfare investigations, and evaluation of measures to assist children living at home.

One of the reasons why this topic was chosen is that the municipal child welfare services are in contact with a large number of children and their respective families. The number of children in receipt of child welfare measures is on the rise. Figures on the child welfare services provided by Statistics Norway show that the number of children being helped by the child welfare services has risen from 31 900 in 2000 to about 50 000 in 2010.

The supervision topic was also chosen because the child welfare services' work on investigating children's situation and their evaluation of measures to assist the child is especially important for vulnerable children, some of whom may be going through difficulties.

The purpose of the Child Welfare Act is to ensure that children and young persons who live in conditions that may be detrimental to their health and development receive the necessary assistance and care at the right time, and to help ensure that children and young persons grow up in a secure

environment, see Section 1-1 of the Child Welfare Act.

In most cases a child welfare case starts with a report to the child welfare services stating that a person or body is concerned about a child. The Child Welfare Act requires that the child welfare services assess the reports they receive as soon as possible, and at the latest within a week. Within this deadline they must review the report, and determine whether it will be followed up with an investigation into the child's situation. If there are reasonable grounds for assuming that the report is based on circumstances that should result in measures being implemented, a child welfare investigation shall be launched. About half of investigations carried out between 1993 and 2010 resulted in the implementation of child welfare measures.

The child welfare services receive a series of reports expressing concern for children's situation. In 2010, 46 000 such reports were filed with the child welfare services, resulting in a total of 33 000 investigations by the municipal child welfare services. ¹ About half of the investigations carried out in 2010 resulted in decisions to implement child welfare measures.

The municipalities may implement measures to assist children in their home with a view to providing the child and parents with support and help. Examples of such measures to assist the child are mentor or buddy schemes, a place in a day-care institution, a respite home for visits, respite measures in the home, financial assistance or other steps providing the parents with support. If their investigations indicate that the circumstances in the home indicate that a child has a special need for help and assistance from the child welfare services, or if there are other reasons for this, the service shall implement measures. Some children have to be taken into care, and placed in an institution or in a foster home.

Once measures are in place, the child welfare services shall monitor the child and the parents closely, and consider whether the help that has been given is useful to the child, or whether other measures are required. In some cases, the child welfare services need to consider whether the child should be taken into care.

The UN's Convention on the Rights of the Child has laid down the principle that children have a right to express their views in matters that affect them. This principle is also in evidence in the Child Welfare Act, which states that the child welfare services shall give children an opportunity to tell their own story, and describe what they think of their own situation. However, children are not obliged to express their views. The supervision consistently focused on examining whether the child welfare agencies spoke with the children, and whether children were given a chance to share their views both in connection with the initial investigation phase, and subsequently when implemented assistance measures are evaluated.

Guidance for the supervision

The supervision was conducted under guidelines prepared by a working party that included representatives from the County Governor of Østfold, the County Governor of Aust-Agder and the Norwegian Board of Health Supervision.

Both during the prioritisation process when topics for the supervision were selected, and in drawing up the guidelines, the County Governors, the services and end-users were involved in consultation. The Norwegian Board of Health Supervision has met with two separate groups of adolescents who have had experience with the child welfare services. We have also spoken with parents from four

1. Press release from Ministry of Children and Equality (BLD) 6 May 2011

families who have had different experiences from their co-operation with the child welfare services. We have also visited and met with about ten municipalities/city districts, academics and researchers and institutions. All of these experiences have fed into and informed our work to learn which areas in the child welfare services are at risk of deficiencies. The input we obtained through this process was key in our choice of supervision topics, and was also used in our further work to specify in greater detail the issues to be covered by the supervision.

3. Methodology, selection and performance

3.1 What is a system audit?

The supervisions consisted of system audits, focusing on whether the municipalities have management systems (internal control systems) that comply with regulatory requirements assuring the child welfare services' work in child welfare investigations, evaluation of assistance measures and children's participation.

The Norwegian Board of Health Supervision's *Procedure for supervisions performed as system audits* outlines how the audits shall be performed. In this type of supervision the audit team examines what the service provider's management does in order to ensure that the specified regulatory requirements are complied with. System audits are therefore well-suited to investigating and learning whether the municipal child welfare services offer children the help and care they need, when they need it. Furthermore, system audits can establish whether child welfare work is managed adequately, or whether the quality and regulatory compliance of the services provided to end-users is a question of chance and dependent on the commitment and effort of individual employees.

Each audit results in a report listing the matters that were examined, the data that has been gathered, and the conclusions of the supervision authority. If regulatory breaches are uncovered, these are described as *non-conformities* relative to the provision in question. When we point out a non-conformity we substantiate our findings both with reference to service delivery and to management of the service. The reports may also include an overall assessment of the management system of the service provider in question. If there are no regulatory breaches, but the supervision authority wishes to point out areas with potential for improvement, the agency may choose to include *notes* to this effect in the report. The report is sent to the leader responsible for the municipality/city district where the supervision was conducted. The reports are public and are available on www.helsetilsynet.no.

3.2 Selection of municipalities

The County Governors performed supervisions of at least three child welfare services in each county. The services were either the child welfare services from three distinct municipalities/city districts, or three child welfare services delivered by collaborating municipalities (the host municipality model), or a combination of the two. The County Governors made their own selection of municipalities to be subjected to supervision. Their choices were based on awareness of areas with deficiencies or where there was a risk of deficiencies, for instance municipalities that had been subject to special monitoring activities by the County Governor and/or municipalities that were found to be in frequent breach of time limits for case processing.² Most of the municipalities subjected to supervision did not adhere, or had not adhered to, the time limits for conducting their investigations into reports concerning children at risk.

As a result, our selection of municipalities is not representative. If the supervision's underlying objective had been to obtain a general overview of the nation's municipal services, the municipalities would have been selected differently, and a different methodology would have been employed. While this means that we cannot generalise on the basis of these findings to draw conclusions regarding the rest of the county, they do provide important knowledge on key problems in the municipal child welfare services.

2. Section 6-9 of the Child Welfare Act contains provisions regarding statutory time limits for the processing of casework in child welfare cases. Investigations shall be conducted as soon as possible, and at the latest within three months of receipt of a report expressing concern for a child. In special cases, the statutory time limit may be six months. The municipalities' reports to the County Governor indicate that these time limits are not adhered to.

The child welfare statistics for 2010 published by Statistics Norway show that in 76% of the child welfare investigations the processing period was less than three months. 17% of the cases had a processing period of three to six months, and 6% of the cases required more than six months' processing.

3.3 Performing this supervision

Prior to the on-site inspections, the County Governors requested a number of child welfare investigation case files from the municipalities. The County Governors were sent both cases that had been dropped, and cases that had resulted in the implementation of child welfare measures. The County Governors also requested case files involving cases with ongoing measures to assist the child, and cases that had been closed during the past six months.

In addition, the County Governors obtained documentation from the municipality/city district regarding the child welfare services' day-to-day operations. Among other things, this included the child welfare services' documentation regarding their management by their respective municipality, including organisational charts and delegation powers, a list of the staff employed in the child welfare service and documents, guidelines and procedures for the child welfare service's day-to-day work in connection with child welfare investigations, evaluation of measures to assist the child and child participation.

Any lack of clarity in the documentation was reviewed during the actual on-site inspection. Where required, the auditors requested further details.

During the inspections, the County Governors interviewed the local child welfare service head, child welfare professionals and leaders such as chief executives, city district directors etc.

4. A more detailed description of the municipalities subjected to supervision

All audit reports contain a description of the audited municipality/city districts and of the child welfare service subject to audit; the scope and level of detail varies from report to report.

We have decided to briefly describe some of the municipalities' features:

Large variation in the number of staff:

- Some of the child welfare offices had 1.3 equivalent full-time positions, whereas others had as many as 32 people on staff.

Large variation in population numbers:

- From 1100 residents to almost 44 000 residents.

Restructuring processes:

- Just over a quarter of the municipalities had launched restructuring processes or had recently restructured their child welfare services. As a result, in some of the municipalities the organisational framework for the child welfare services continued undefined; the head of child welfare had not yet been appointed and/or the employees were not clear as to who held authority as head of child welfare.

Intermunicipal collaboration under the host municipality model:

- About one fifth of the municipalities had entered into intermunicipal collaboration agreements regarding child welfare services with neighbouring municipalities. These municipalities did not stand out with regard to non-adherence to time limits or in terms of areas with potential for improvement identified during the supervision.

Organisational place of the child welfare services:

- The organisational place of the child welfare service in the respective municipal organisations varied. In some municipalities the child welfare services had their own department/unit reporting directly to the chief executive; in others, the child welfare unit consisted of a unit/section two or three levels below the chief executive.

Authority as head of child welfare services:

- In several municipalities, one person had responsibility and authority to make emergency decisions/orders, while a different person was given responsibility for managing the child welfare work in professional terms. Nor was the same person necessarily responsible for finances and human resources on the one hand, and professional child welfare management on the other.

Staff situation:

- Several municipalities shared problems related to turnover, absences due to illness, and difficulties obtaining qualified and stable staff for the child welfare services.

5. Findings

The County Governors only found four municipalities that were in regulatory compliance and where there was no potential for improvement in their work on the issues covered by the supervision. 40 out of 44 municipalities were found to be in regulatory breach or have room for improvement as regards the issues covered by the supervision.

In order to highlight our findings we have included a number of quotes from the supervision reports. In order to call attention to them in the text, these are rendered in italics.

We have chosen quotes that:

- are representative of the child welfare services of more than one municipality,
- illustrate the wide range of observations made,
- deal with matters that are particularly grave.

The outline of the findings is organised by supervision topic. In other words, child welfare investigations and evaluation of measures to assist the child are covered in two separate sections. Child participation issues are described in connection with each of these topics.

5.1 Inadequate performance of child welfare investigations

In 37 of the 44 municipalities included in our selection, the County Governors identified regulatory breaches and/or areas with potential for improvement in the municipalities' investigations into child welfare reports.

5.1.1 Are the investigations performed by the municipalities adequate?

Any decision by a municipal child welfare service to investigate whether a child may be in need of child welfare measures assumes that such an investigation is necessary. Moreover, there is a requirement that if a decision to undertake an investigation is made, the investigation must be performed in a manner that is adequate. The investigation shall enable the child welfare services to assess and determine whether a child lives in a care situation requiring the implementation of measures pursuant to Chapter 4 of the Child Welfare Act, see Section 4-3, first subsection. This can only be done if the child welfare service inquires closely into the child's care situation and the parents' capacity to provide the necessary care.

Cases differ with regard to what is necessary and what will be considered adequate investigation, depending among other things on the content of the initial report raising concern for the child, and the severity of the case. The Child Welfare Act requires that investigations should not be unduly disruptive, while also giving the child welfare services the requisite information to ensure that the child gets the help it needs when it needs it. Hitting the right balance is a question of weighing contradictory considerations, and the investigation must therefore be conducted by qualified and able staff. As a rule, the investigation shall include talks with the child and its parents, or with other caregivers.

Furthermore, the child welfare services shall consider whether they need to obtain information from other persons and bodies that know the child, such as the school, the maternity and child health centre, the schools' educational and psychological counselling service, etc.

In order to facilitate user participation, the child welfare services should always gather information in

co-operation with the persons concerned in the case. The parents and, if applicable, the child invariably have authority to give their consent to the passing on of information. Involving the person or persons concerned in the case, such as by getting them to offer confidential information, is a good starting point for further co-operation on any measures that may be implemented for the child's well-being. Their consent also fulfils another function. The obligation of other bodies to inform the child welfare services is subject to certain limitations, as their statutory reporting obligation only covers serious cases. However, when the person who is entitled to confidentiality personally consents to the sharing of information, this limitation does not apply.

Information obtained in this manner is subject to certain rules as regards consent. The party must understand what is involved in giving consent (informed consent), and there should be a written statement of consent. The person or persons giving their consent shall be aware of what information is passed on; to whom the information will be given, and what it will be used for. The County Governors found deficiencies in the consents obtained in several municipalities:

“When collecting information, the child welfare authorities base themselves on a standard list of items and consider which details they require in each case. As a rule, the child welfare authorities procure a written statement of consent, and explain to the parents (verbally) what details they will request. The case files contained several examples of consent being given to the gathering of information. However, the consent forms did not indicate what kind of information was to be collected; all that was found was the standard list. In other words, documentation was lacking regarding what information the child welfare service was given permission to gather.”

Assessing a child's care situation and the parents' capacity to care for the child poses professional challenges, and can be a complex and exacting task. It involves getting to know the child in question, and assessing child-parent interaction, as well as what resources the family has in terms of securing a good care situation for the child.

In some cases, investigations need to arrive at decisions in matters that are complex and extremely serious, such as cases involving abuse, violence, substance abuse, etc. Such cases require comprehensive and complex child welfare evaluations and finding out what measures to implement involves weighing a number of difficult considerations. Should the child be helped through assistance measures in the home, or should it be taken into care? Child welfare assessments that address whether a child should be taken into care must be based on very thorough investigation, and such investigations must be of sound quality.

Despite this, the County Governors found deficiencies in child welfare investigations in several municipalities. There were cases of municipalities in which investigations were dropped without any measures being implemented, even though there was very serious concern for the child's domestic situation:

“In some cases, we find that the proposed measures are inadequate relative to the conditions the child was said to live in. There is a failure to document that the family's capacity to care for the children has been considered in cases where the parents have very serious problems.”

In many reports the County Governors point out that investigations are concluded without professional child welfare assessments being performed:

“In the ten cases the auditors read, we found little documentation of the child welfare service's professional assessment of the information gathered during the investigation. As a result, it is not possible on the basis of the documentation in the case files to subsequently establish on what facts decisions were based.”

When a child's situation is investigated, it is critical that the child welfare services obtain information from those that know the family – such as its school, maternity and child health centre, physician, etc. There are examples in the supervision reports of this not being done or, indeed, considered.

“We found little evidence in the case files of the child welfare service assessing the need to gather information from appropriate persons or bodies.”

“In the eleven cases reviewed by the Office of the County Governor, we found nine cases in which no information had been obtained from others who know the family and the child, such as schools, day-care institutions, maternity and child health centres, etc. In none of these cases had the report notifying the authorities of concern for the child's well-being come from the parents, and the reports expressed misgivings relating to family violence and substance abuse problems among parents.”

5.1.2 Inadequate planning of investigations

The objective of the investigations is to establish whether children and young persons live in conditions that may be detrimental to their health and development. The municipality must make sure that the investigations are conducted in a manner that assures that children are given the help and care they need when they need it. Failure to chart and plan investigations means that it is up to chance whether children are given the help they need at the right time. Inadequate planning results in great risk of deficiencies.

Investigations shall be performed within a three-month time frame. In some cases, children cannot wait three months before being given assistance measures and/or child welfare measures being implemented. In such situations the investigation period must be curtailed correspondingly, and be as short as is considered sound in the circumstances. In other cases there may be a need to extend the time limit. In exceptional cases, the time limit may be extended up to six months.

The County Governors are briefed on the municipalities' compliance with or failure to comply with the time limits for processing child welfare reports as well as related investigations. The failure to adhere to time limits or processing deadlines has therefore not been addressed specifically in this supervision. However, it is worth noting that failure to plan child welfare investigations and insufficient oversight that plans are being followed may result in deadlines being broken. The County Governors therefore reviewed whether the investigations are being planned, whether the municipalities ensure that the child welfare service's staff have a clear, common understanding of how investigations are to be performed, and if this is reflected in the employees' practice.

There is no requirement in the Child Welfare Act for a written plan of investigation. Investigations can be planned at meetings, in discussions between the supervisor and case officer, or in other manners. But the municipalities must be able to demonstrate that plans for the conduct of investigations are drawn up, and that adherence to these plans is monitored.

The supervision reports contain a number of examples of shortcomings in the planning of investigations:

“Investigations and their follow-up are discussed in weekly case officer meetings. There is no preparation of written plans for investigations, and no use of checklists to verify that planned items have been completed. The municipality does not have procedures that assure methodical and satisfactory investigation that takes into account the child's overall situation. The documents do not indicate the scope of the investigation and what is to be investigated in each case.”

“The service does not plan investigations in line with its internal procedures. The procedure states that a document containing the 'investigation plan' shall be drawn up by the case officer. This is not done.”

5.1.3 Deficient procedures and inadequate documentation

In addition to providing for an investigation plan, the municipalities shall make sure that they have the procedures required for investigations and documentation of these investigations. The procedures familiarise the staff with how an investigation shall be conducted, and what must be documented in each case. Procedures need not be outlined in writing. Each municipality needs to make its own decision on how it will assure that the staff know how to perform an investigation.

Decisions on what to include in a child welfare investigation have a strong impact on children at risk. Leaving such decisions to the case officer in question would not be in the child's best interest.

In a large number of municipalities, the County Governors found deficient procedures for the conduct of investigations:

“The municipality lacks clear procedures for decisions on, planning of, performing, evaluating and concluding investigations. The case files were disorganised and inadequate, making it difficult to track assessments that were made, as well as conclusions and steps that were taken.”

Some municipalities did have procedures, but these were not adhered to or had not been implemented:

“Although the municipality has procedures and checklists for information-gathering, getting advice or obtaining assistance in cases under investigation, in practice this is done in a variety of ways. For instance, in some cases there is no assessment of what information the service needs to access.”

“The municipality does have some good procedures for case processing in cases under investigation, and these are set out in writing. However, they are rarely employed, and either do not govern how investigations are conducted at all, or only to a limited extent.”

“The municipality had written procedures for case processing in cases being investigated, but implementation of these procedures was deficient. The audit showed that use of the procedures is highly variable. In consequence, they do little to direct how investigations are performed.”

The child welfare services shall ensure that their work is documented appropriately. Satisfactory documentation is necessary to ensure continuity in the processing of each case, and in order to permit subsequent verification of the basis for decisions that are made. Moreover, if children in later years wish to go back and learn more of their history, the case files must contain adequate documentation of the case history. Not least, the municipality's child welfare management relies on such documentation to enable it to check and detect any deficiencies. Also, in the event of a municipality facing any subsequent action for damages, it needs to be able to document its decision-making processes.

The supervision reports showed that many municipalities did not comply with the requirements to written documentation. There were inadequacies in documenting what steps were undertaken during the investigation. Nor were the information that had been gathered or the assessments that had been made documented suitably.

“The municipality does not progressively document necessary and relevant information, or

assessments made during the investigation. The documentation in the case files does not always indicate what hypothesis the municipality has at the start-up of the investigations, or why the service does not visit the home or talk with the child."

5.1.4 Inadequate control and corrections

Child welfare investigations that are not conducted soundly can have severe consequences for children and young persons, and sound procedures to identify any deficiencies are therefore essential. The municipality must conduct routine reviews of its child welfare investigations, and identify any potential for errors. The most frequent instance of deficiencies is that investigations take too long; but as noted above we also see cases that are dropped, even though it is possible they should have resulted in child welfare measures, and cases where the information that is gathered is insufficient to permit an assessment of the child's situation.

As part of its continuous process improvement, the municipality must control and correct its activities. In other words, the municipality must continuously assess risk and vulnerability. In addition to reviewing the kind of deficiencies/non-conformities that can arise in investigations, the municipality must determine what type of deficiencies/non-conformities are to be reported immediately, and what type of deficiencies/non-conformities are to be summarised and reported at regular intervals.

The audit reports indicated that some municipalities fail to continuously assess risk and vulnerability, and that they had inadequate non-conformity reporting.

"The municipality has not performed any analysis of risk and vulnerability, or implemented other measures to map out whether and, if so, where there may be a danger of deficiency in child welfare services.

The municipality has a non-conformity system, and the staff of the child welfare services are familiar with it. Despite this, in practice few non-conformities are reported, and there is no common understanding of what constitutes a reportable child welfare non-conformity.

There is no tradition or practice of systematic non-conformity reporting in the case of deficient regulatory compliance in child welfare. This applies for instance to the following: failure to have a talk with the child in the investigation or evaluation phases, non-adherence to time limits, failure to draw up plans detailing child welfare measures and failure to evaluate the implemented measures to assist the child.

Although the municipal management has observed that the child welfare service does not report non-conformities, the management has not followed up on this by requesting such reports."

The County Governors found that some municipalities lacked systems for non-conformity reporting; other municipalities had non-conformity systems, but they were not satisfactory.

The audits found examples of municipalities that were aware of this problem, and had plans to develop a non-conformity system.

"The child welfare service in the municipality of Y does not have a working non-conformity system. As a result, the staff in the child welfare services do not keep track of errors or oversights, etc., with a view to reporting these to the head of child welfare service, and on to the department head or chief executive. Owing to the absence of such a system the municipality has failed to identify a number of deficiencies in the organisation, preventing it from putting in place corrective measures and closing

the non-conformities. One recurrent deficiency is the failure to document that the child welfare service has given children an opportunity to contribute to the service's investigation and work to evaluate measures. In addition, there is inadequate record-keeping as to whether information has been obtained from other bodies that collaborate with the child welfare services.

At the closing meeting the municipal management informed us that they are working on establishing a non-conformity system, and that this will be implemented in April."

Governance and management are ongoing processes. The municipality must make continuous efforts to monitor whether its service works as intended, or whether corrective measures need to be implemented. However, this is not always the case:

"The municipality of Z knows which areas of its child welfare services are at risk of deficiencies and regulatory non-compliance. Nevertheless, the measures that have been implemented have fallen short of correcting and preventing non-compliance with child welfare legislation."

5.1.5 Children's right to contribute to child welfare investigations

The Child Welfare Act states that children aged seven or older, and children below the age of seven that are able to have their own views, shall be informed of developments, and be given an opportunity to say what they want before any decisions are made that affect them, see Section 6-3 of the Act. However, for a child to consider whether it wishes to say anything, and if so what it wants to say, the child welfare services must inform the child of its right to do so. This information must be given on the child's terms, in a way that is suited to the child's age and maturity. When conducting an investigation, the child welfare service shall inform the child of what will happen in connection with the investigation.

Children are under no obligation to express their own viewpoints, but all children shall be given an opportunity to state their views and what they want before any decisions are made about their lives. The child welfare service shall evaluate whether its case officers should speak with the child in private.

The audit reports show that a majority of the municipalities that were audited were not systematic enough in their approach to talks with children:

- Some municipalities did not have procedures for talks with children.
- Some municipalities had procedures but did not follow them.
- Some municipalities had talks with children, but did not document these talks.
- The municipal management did not inquire about talks with children.
- The child welfare services' staff lacked training and skills in child participation.

In order to highlight the matter, we include some observations from one of the audit reports:

"Children above the age of seven are not always informed or given an opportunity to express their views before decisions are made that impact on their lives.

The child welfare service does not always document the fact that it has spoken with the children, or fails to document why it did not speak to the child, and what importance was given to the child's opinions.

The procedure does not contain any requirements to how children shall be involved in their own case.

The management does not systematically monitor the manner in which children are given an

opportunity to participate in their cases.”

The audit showed that some municipalities did not have procedures, or had deficient procedures for children’s participation.

“The municipality does not have procedures that assure that children’s right to participation in child welfare investigations is safeguarded. Among other things, there are no procedures for talks with children. During the audit, we learned that the service does have some talks with children, but these were not structured so as to comply with the regulatory requirements for participation, and were documented imperfectly in the case files.”

Missing documentation combined with high staff turnover results in the child having to repeat its story again and again. There is great danger of information being lost. This applies both to what the child itself has said, and to what the child welfare services have done in the matter, and what they have based their assessments and conclusions on.

The audit reports contained several examples of lacking documentation of talks with children.

“The child welfare authorities had procedures that were intended to ensure that there are talks with children.

However, we found few records that the child welfare service had informed children of their right to be heard, or of their right to make a statement.

Some case files lacked documentation of any talks with the child, nor was there any comment on why the service had not spoken with the child.”

The audit reports indicate that it is a matter of chance whether the child welfare services spoke with the child, and that the services lacked a consistent, common practice for such talks. Nor did the management inquire about talks with children.

When a child's situation is investigated, the municipality has an obligation to facilitate private talks between the child and the child welfare service. In one audit report we found evidence that this requirement had been disregarded, despite the fact that the parents were violent:

“Interviews revealed that the child welfare service, as a rule, does not talk with children.

The municipality does not facilitate private talks between the child and the child welfare services.

This is evident from both a review of case files and interviews. Among other things, the review of case files reveals a report to the child welfare service dating to 2010 indicating that a child was a victim of violence. The matter was raised with the parents and the child, but the child was not given an opportunity to speak with the child welfare services in private.”

In another audit report, the Office of the County Governor pointed out that the child welfare service does not know enough and has not had training on children’s right to participation:

“The staff lack knowledge about when the child welfare authorities can or shall talk with a child in private, without parental consent. The child’s age, whether it has right as a party to the case or what the parents think of such a talk are not, in themselves, determinative of whether the child should speak with child welfare officers in private.”

5.2 Inadequate evaluation of assistance measures

In 40 of the 44 audited municipalities, the County Governors identified regulatory breaches or areas with potential for improvement in the services' evaluation of measures to assist the child.

5.2.1 Do the municipalities adequately monitor evaluation of the assistance measures?

When the child welfare services make a decision/order regarding assistance measures, a time-limited plan detailing measures **3** shall be prepared. This should be a written plan, summarising the measures to be implemented. Plans detailing measures are a tool intended to assure that measures to assist children and young persons are monitored regularly, both in terms of planning and of their objectives. Both parents and children should be involved in drawing up and evaluating such plans. The audit did not address whether the municipalities had plans for child welfare measures. However, such plans are a prerequisite if the authorities are to monitor whether the measures to assist the child are working as intended. This is why the County Governors have commented on the absence of such plans.

It is important to ensure that the measures to assist the child work in accordance with the outlined objectives, all the more so if the child is to have such measures in place for a long time. The child welfare services must therefore monitor closely how the child and its parents are doing, and assess whether the assistance provided is useful to the child, or whether other measures may be required. In some cases, the child welfare services need to consider whether the child should be taken into care. The plan outlining measures must provide clear and specific objectives for the measures, and detail criteria for how these objectives are to be achieved.

About three quarters of the municipalities did not have plans outlining child welfare measures, or had plans with serious deficiencies. The following problems were found:

- Objectives were worded vaguely.
- *"The plans detailing child welfare measures were of uneven quality. On the whole, they lacked clearly defined objectives for the measures, thus making it difficult to assess whether the measures were successful."*
- Some plans lacked evaluation dates.
- *"In many plans, no date had been set for evaluation of the measures outlined in the plan. In those cases in which a date had been set, this was often up to a year in the future."*
- Some plans lacked professional child welfare assessments.
- *"The summaries in the evaluations were too cursory and did not contain professional child welfare assessments."*
- Some plans lacked documentation that the child had been asked about how the measure works.
- *"Many cases were lacking in documentation that the child had been asked what it thought about the assistance measure, and how it works (the child's participation); nor were any responses on the part of the child documented."*
- There was a lack of documentation that information had been gathered from other sources.
- *"In six out of ten case files we find no indication that the child welfare services have obtained information from other bodies in connection with the evaluation of measures."*

There was a lack of assessment or inadequate assessments of how the measure to assist the child was intended to improve the child's situation and the parents' capacity to care for the child.

“Important appraisals of the measures' purpose are only done verbally, making it impossible to verify how the problems to be addressed, the measures that are implemented, and their evaluations are connected.

In several of the cases looked into by the audit, there was no logical connection between the initial concern/problem and the measures that were implemented.

3. *On 6 May 2011, the Ministry of Children, Equality and Social Inclusion published a press release on the municipalities' reporting on their child welfare services. In the press release, the Ministry announced that 77% of the nation's children in receipt of measures to assist the child had a valid plan detailing measures in 2010.*

The child welfare services fail to ensure adequate assessment of the child's care situation and of the impact of the child welfare measures:

There is no documentation of a concrete, professional child welfare appraisal of the child's situation, or of the parents' parenting and caring capacity at the time of evaluation, considered in relation to the child's situation and needs at the time the child welfare decision/order is issued.”

The audit reports contain examples of cases in which there was no concrete assessment of what questions needed to be clarified, what facts needed to be established, or who should be contacted for information.

“The municipality does not have procedures for internal staff collaboration (such as meetings, information procedures, etc.) that might ensure that all available information relating to assistance measures (in the form of complaints, reports, minutes from meetings, notes taken in connection with talks, information from external actors, etc.) has been gathered at the time of evaluation.

Nor does the municipality always provide a summary of facts (in the form of a report, a meeting at which minutes are taken, etc.) before the evaluation is concluded.”

Once measures are in place, the child welfare services shall closely monitor how the child and its parents are doing. The reports contain examples of cases in which no evaluation was performed at all. Children continue with the same measure without reviewing whether the measure is useful, or whether it promotes the child's well-being:

“The municipality's procedure for plans detailing measures states that any changes in such plans must be recorded in writing. The case files indicate that these plans are not always updated when there are changes in the child's situation that affect the implemented assistance measures. The case files and records do not say anything about the child welfare service's appraisal of the measure, whether it was useful, whether new measures are required, or if alternative measures should be tried.”

5.2.2 Deficient procedures and inadequate documentation

The same procedural and documentation requirements apply to child welfare investigations and to the evaluation of measures to assist the child, see Section 4.1.2. Procedures must not only be established in writing; they must also be known to staff and adhered to. Everybody must be familiar

with the procedures, and they must be used in day-to-day work.

Several audit reports commented on inadequate procedures and guidelines for the evaluation of assistance measures:

“The municipality does not have procedures and guidelines for the child welfare service’s monitoring of how the child and its parents are doing.

The municipality lacks procedures to make sure that assistance measures for children living at home are evaluated within set time limits.

The municipality lacks guidelines to be used at the time of evaluation for what constitutes necessary and adequate assessments in the evaluation of assistance measures.

The municipality does not have procedures, etc., in connection with information-gathering to ensure that sufficient information is obtained on the child’s overall care situation, and on the measures’ effectiveness.

The municipality does not assure that it, prior to evaluation of the measures, obtains feedback from all the parties that may be involved in carrying out the plan of measures.”

Some municipalities do have procedures, but do not follow them:

“There is a procedure for the evaluation of assistance measures, but it is not used much. The case files do not indicate the child welfare service’s views on whether the objective of the measure has been achieved, what its impact is, and whether other measures should be tried.

In general, the responsibility for evaluating the assistance measure is left to the case officer in question. This means that the evaluation work is contingent on available information and capacity. The management is aware of the requirements regarding evaluation of assistance measures, but has no systematic initiatives in this area.”

Professional child welfare assessments were not documented:

“The cases lack documentation of a concrete child welfare appraisal of the child’s situation, or of the parents’ parenting and caring capacity at the time of evaluation in relation to the child’s situation and needs at the time of making the child welfare decision/order. This impacts on further decision-making, and whether new measures are considered to be necessary, whether measures should be stopped, or whether there are reasons for taking the child into care.”

5.2.3 Inadequate control and corrections

Children shall not be in receipt of assistance measures that do not work as planned. Measures that do not deliver the intended results can do more harm than good. If it is to ensure that measures work in line with their underlying intentions, the municipality must continuously monitor the child welfare service’s evaluation processes. The municipality must monitor whether procedures are implemented and work in line with the underlying intentions, and that the staff have the required skills.

The County Governors found several examples of municipalities where the child welfare services did not perform any systematic monitoring that evaluations were in regulatory compliance:

“The child welfare service does not have a system to verify that evaluations are being made in accordance with regulations.”

The audit reports describe municipalities that have considered which areas are at risk of deficiencies, but that do not specify what kind of deficiencies shall be reported, or how these should be reported:

“The municipality has assessed vulnerable areas in connection with investigations and the evaluation of assistance measures, but there is no working system for non-conformity reporting, nor have the staff been briefed on what a non-conformity is.”

The municipality does not systematically monitor whether the implemented procedures and guidelines work as intended, e.g. through reports from colleagues, non-conformity forms or staff meetings.”

“No system had been set up for non-conformity processing as regards measures, and the employees did not know how to process non-conformities.”

5.2.4 Children’s involvement in evaluating assistance measures

The principle of children’s right to express their views and be heard also applies to the evaluation of plans detailing measures.

In about half of the audit reports in which municipal deficiencies in evaluating assistance measures were found, the County Governors commented on the failure to provide for child participation.

The audits showed that in many municipalities there were no systematic procedures for whether children were spoken to or not. The case files did not document whether the child welfare services had spoken with the children, or why this had not been done. It emerged from several case files that the child welfare officers had spoken to the child, but there were no records of what the conversation had been about. Nor were the child’s opinions on its situation reported, or its views on the assistance measures that had been provided.

“The case files contained no indications that children, regardless of their age, had been involved in the evaluation.”

The child welfare authorities had no dedicated procedure for talks with children, and lacked instructions on when children have a right to participation, and how and why they shall be informed and listened to.”

The audit showed that some municipalities did not have, or had deficient, procedures for children’s involvement.

“The municipality fails to ensure children’s participation in the evaluation phase. There was no procedure for talks with children, including no set of guidelines for how children’s right to participate is attended to in the conversation.”

Several audit reports referred to the fact that children were not informed of their right to participation or their right to express their views:

“However, we found few records that the child welfare services had informed children of their right to be heard, or of their right to make a statement in connection with evaluating measures. We saw some cases with no documentation of any talks with the child, nor was there any comment on why

the service had not spoken with the child.”

5.3 A municipality that assures practice and procedures in the areas addressed by the audit

In order to include an example of how the issues covered by the audit can be tackled through good governance and management, we have decided to include comments on a municipality where no regulatory breaches were found. The Office of the County Governor concluded that the management systems had worked according to intentions in the areas subject to audit, and that the municipality had an appropriate management system able to uncover areas at risk of deficiency. When a risk of deficiencies was detected, or an actual deficiency uncovered, such matters were acted on and improved appropriately.

The municipality had an electronic internal control system, which was an example of a useful instrument that can help assure good governance.

“The child welfare authorities in the municipality of X have developed an electronic system for internal control for use in the child welfare service. The electronic internal control system, among other things, includes the organisation’s objectives, training plans for the staff/new hires, procedures, standard letters and links to updated legislation. The case officers are familiar with the system, and most of them make active use of it. This is facilitated by the fact that it is easily accessible via their regular e-mail system. The system also indicates when procedures or documents have been updated and gives the impression of being up-to-date and well-maintained. Non-conformity reports are found in the same system. The prevailing culture in the child welfare service is that errors are reported as a matter of course. Such reporting is not regarded as negative, or likely to have any adverse consequences for the person making the report, or for the person who made the initial mistake that is reported. The non-conformity system is therefore an important aid that helps the child welfare authorities detect errors, enabling it to correct any failings, while also providing information on which areas are vulnerable in the service’s case processing. When areas at risk of deficiencies are detected, this results in action to prevent continued errors. One example cited by the Office of the County Governor is the way in which the municipality resolved the problem of lacking plans that detail child welfare measures. This was resolved when an administrative decision was made that child welfare measures would no longer be given approval by superiors before the required plan was presented.

The head of child welfare services has procedures that result in annual mapping of the employees’ training requirements, and mapping of any areas where the service may be at risk of failings. The outcome of this process is then used to draw up plans for upskilling, and to list targets for the ensuing year.

If the service finds itself in a situation with high levels of absence due to illness, a large case load, or the service is hindered from performing all its duties for other reasons, a contingency plan enters into force. The contingency plan lists a number of actions to ensure that the child welfare service at all times complies with its statutory obligations under the Child Welfare Act.

Once a month, the head of the child welfare service reports to his or her superior. As a result, the management is always on top of what is going on in the service.”

6. Supervisory conclusions and proposals for measures to be implemented

The supervision's findings indicate that there are serious inadequacies in the areas addressed by the supervision, namely the municipal child welfare services' work regarding child welfare investigations, evaluation of assistance measures and children's participation.

In 40 out of 44 municipalities the County Governors identified statutory violations, and/or areas where there was potential for improvement regarding the themes covered by the supervision.

6.1 Children at risk are not getting the services they need when they need them

Deficiencies in the child welfare services' work to undertake investigations and in their work to evaluate assistance measures may lead to children at risk not receiving the help they need when they need it; to the implemented measures to assist the child not working as planned, or in the failure to uncover neglect. It is important to bear in mind that children in need of measures under the Child Welfare Act are a vulnerable group.

The lack of or inadequate planning, implementation and monitoring of investigations was pointed out in a number of municipalities. This is a very serious matter.

Failure to plan may potentially mean that children do not get the help they need as quickly as they should, and the situation of the child deteriorating. In a worst-case scenario, children may continue suffering from neglect as a consequence.

In a number of cases, the County Governors found that child welfare cases were dropped, even though there was serious reason for concern about the care the child was getting.

Several audits concluded that the municipal child welfare services failed to gather relevant, necessary information about the child and the family from persons or service providers who know them, resulting in inadequate exposition of the cases in question.

The County Governors saw inadequate professional child welfare assessments regarding the child's situation and the parents' ability to care for their children, as well as some cases in which no such assessments had been made at all. In the absence of professional child welfare assessments, it is difficult to see on which basis the child welfare services' decision to drop the case was made after the fact, or on which basis the decision to implement child welfare measures was made.

Many children and their families were in contact with the child welfare services repeatedly, or for protracted periods of time. If case files are inadequate, for instance lacking professional child welfare assessments, it becomes difficult or impossible to see the greater picture, context and in some cases to recognise any escalation of problems.

The audit reports refer to examples from the County Governors' reviews of case files. The County Governors found examples of investigations resulting in conclusions that bore no relation to the child's problems or situation, indicating that the child and the family in question were not given the help they needed.

In some municipalities, the County Governors found that measures to assist the child were not evaluated at all, and that children continued with the same measures for years without any

evaluation. In other municipalities, evaluations were found to be deficient, and the child welfare services' professional assessments of whether the assistance measures were suitable were found to be lacking entirely in some cases, and to be deficient in some others. The same applied to the question of whether other measures should be implemented. The lack of evaluation or inadequacies in evaluations can result in children continuing in receipt of measures that do not serve the intended purposes. Needless to say, this is unfortunate for the child itself; it also means that time and resources are being expended on ineffective measures.

The Norwegian Board of Health Supervision is very concerned that children finding themselves in vulnerable situations do not get the help they need it when they need it from the municipal child welfare services.

The failure to provide for children's participation was a recurrent feature of the audit reports that had observations in this regard. It was purely a matter of chance whether case officers spoke to children. This is not acceptable.

Children's right to be heard is a fundamental principle that applies to all matters that affect the child. A prerequisite for children's decision whether they wish to express themselves, and what they want to talk about, is that the child welfare services inform children of their rights. The UN's Convention on the Rights of the Child and the Child Welfare Act contain provisions to ensure that children have the right to be heard. The authorities have a statutory obligation to inform children of this right, and to give them the chance to speak out, both while their life situation is being assessed, and in connection with evaluation of the assistance measures that have been implemented. Children are under no obligation to express their own viewpoints, but all children shall be given an opportunity to state their views and what they want before any decisions are made about their lives.

Over the course of the investigation, the child welfare services shall consider whether they should speak with the child in private. The audit showed examples of this not being done, even in cases in which parental sexual abuse and violence was suspected. Failure to ask a child for its views can make it difficult or impossible for a child to tell the service what it has gone through, or how it feels. This can lead to the child welfare services losing out on key and decisive information, and failing to give the child the help and protection it needs.

The Norwegian Board of Health Supervision is very concerned that many municipalities do not safeguard children's right to participation. The most important person in the child's life is the child itself, and the child therefore has decisive information it can share with the child welfare service. This is why the child shall be given an opportunity to express itself, if it so wishes.

6.2 Inadequate organisation, governance and management

The municipalities have a responsibility to implement management systems that ensure that the municipal child welfare services perform their work in compliance with the regulations. As a minimum, a municipal management system must contain the management elements listed in the regulations on internal control under the Child Welfare Act. **4**

These regulations provide a more detailed outline of how the municipality shall exercise governance and management to assure and document that the municipality complies with statutory requirements. The internal control obligation applies regardless of the size of the municipality or how it is organised. However, the instruments and scope of the work to ensure compliance with these regulations shall be appropriate for the municipality in question.

The municipality is responsible that the way it organises its services provides for clear lines of

management and reporting. There must be no ambiguity as to who is responsible for what, ranging from the positions of chief executive/district director, via the different management posts and down to the case officer in question in the child welfare service itself. Regardless of the child welfare service's place or level in the organisation, it should be clear who is responsible for reporting to the next level, and what he or she is to report on. Similarly, the municipality must have a system for addressing reporting shortcomings.

The Child Welfare Act establishes certain particular requirements to the municipal organisation of the child welfare services. According to the Act, the municipality's child welfare administration shall be led by a person who carries responsibility for the obligations under the Act. The municipality is at liberty to determine where the head of child welfare services is positioned in its organisation.

4) The Regulations of 14 December 2005 no. 1584 on Internal Control regarding the Municipality's Obligations under the Act relating to Child Welfare Services

The municipalities included in our selection varied as to the organisational position of their child welfare service. In a few municipalities the child welfare service is organised as a distinct unit that has its own reporting line to the chief executive. In most of the audited municipalities, the child welfare service was part of a department/section two or three levels under the chief executive.

Several municipalities differentiate between the day-to-day, professional management and the superior with formal authority as head of the child welfare services. In the last case described above, the superior with formal authority as the head of the child welfare services also held responsibility for a number of other services in addition to child welfare.

The child welfare's position in the overall municipal organisation determines management structure and reporting lines, and governance and management are dynamic processes requiring continuous attention being given to planning, performance/implementation, control and correction of service provision. The audit uncovered that numerous municipalities lacked several of these management elements. Deficiencies in governance and management mean that it becomes a matter of chance whether practice is in regulatory compliance, and ultimately dependent on the competence and prioritisation of the employee in question. The resulting risk of failings in the service is unacceptable.

The audit showed that many municipalities did little to manage and lead their child welfare services in a systematic fashion, or did so inadequately. Reporting lines were often vague and the municipal management did little to monitor their child welfare services through planning and control activities to oversee the entire area.

One of the pervasive features found was that municipalities in regulatory breach or with areas with potential for improvement either had flawed procedures or lacked procedures for their work on investigations following child welfare reports, evaluation of assistance measures and child participation. In those cases in which procedures existed, the staff were not familiar with them, or failed to adhere to them.

The documentation in the case files regarding what had been done, what assessments had been made, and details on child involvement was thin. Failure to provide written documentation on what has been done, what data has been gathered and what assessments have been made, result in flaws in due process and weaken individual rights. In the absence of documentation from the case files, there is a substantial risk that information is lost. This means more work for case workers in the event of several child welfare reports being filed concerning the same child. For the child, on the

other hand, deficient documentation may mean that it has to remain in a difficult home situation; it may have to repeat its story several times, and to new people.

Many municipalities had failed to perform risk and vulnerability assessments. Nor did they have a system for non-conformity reporting. There was a lack of clarity in several municipalities regarding what was to be defined as a non-conformity, and what non-conformities were reportable.

The municipalities have a responsibility to ensure that their child welfare services abide by the regulations at all times, and to continuously consider where and whether there is a danger of any deficiencies. Corrective action shall be taken if the municipality suspects or there is a danger of the service not performing its work in line with regulatory requirements.

However, if the municipal child welfare service is to provide services in compliance with the regulations, it requires sufficient personnel, and personnel with the necessary expertise and skills. This is the responsibility of the municipality.

The County Governors found that several municipalities did not have adequate expertise and skills as regarded investigations following child welfare reports, evaluation of assistance measures, and not least on talks with children. Several municipalities did not have systematic measures to ensure that they had adequate competency. Training plans, training measures, recruitment plans, etc., were in short supply.

If the municipal child welfare services are to consider what adequate care is, they must know what the needs of children and young persons in general are, and have the skills to recognise each child's specific needs. Child welfare is an area where new insights and the need to be professionally up-to-date require that the municipalities are focused on their employees' needs for training. Examples of key areas include talking with children, substance abuse and mental health. The audit has revealed that many municipalities fail to systematically monitor whether their staffing situation is appropriate for the number of reports and case load. Recruitment plans, training plans and competency assessments were often non-existent or inadequate.

The municipal child welfare services make decisions of great importance to children and their parents/guardians, and are therefore in need of knowledge and competency.

The Norwegian Board of Health Supervision regards the findings of the supervision, indicating comprehensive deficiencies in the municipalities' governance and management of their child welfare services, as very serious.

6.3 What can other municipalities learn from the supervision?

The various audit reports detail a number of observations. In combination, these resulted in the audits' conclusions that the respective municipalities were in non-compliance with the regulations and had areas with potential for improvement. The scope and degree of seriousness reflected in the reports varied, but certain common features were found. The audit reports show a lack of or deficient planning, monitoring and performance of the child welfare service investigations; of evaluation of measures to assist the child, and of child participation. A majority of the municipalities lacked procedures for and documentation of the child welfare service's work in the areas addressed by the audits. Many municipalities did not perform risk assessments and did not have non-conformity systems.

The Norwegian Board of Health Supervision is of the view that the County Governors' findings indicate that the identified failures, deficiencies and areas with potential for improvement probably also extend to other municipalities. Those municipalities that were not audited can and, indeed, should make use both of the individual reports on other municipalities and this overall report. The reports should inspire the municipalities to undertake their own reviews of child welfare practice. Such reviews should cover facilitating and monitoring the work of the child welfare services as regards investigations, evaluation of assistance measures and children's participation.

6. 4. Further monitoring and action

The Norwegian Board of Health Supervision is of the view that the fact that children and young persons at risk are not getting the help they need when they need it is a serious issue. The agency is especially concerned that the supervision has shown that children and young persons may suffer as a result of inadequate examination of their care situation.

In our view the identification of such comprehensive failings in the municipal child welfare services with children at risk and their families is not acceptable.

The audit's findings indicate that there are serious inadequacies in the municipal child welfare services' work regarding investigations, evaluation of measures to assist the child and children's participation. As such, the findings confirm that the risk assessment which led to the selection of the issues addressed by the supervision was correct, and that the County Governors have successfully focused on the municipalities with great danger of deficiency.

The Office of the County Governor's conclusions regarding regulatory breaches, and the Office's monitoring of action on such breaches, will contribute to improvements in the municipal child welfare services in the audited municipalities. These municipalities are taking steps to improve their performance, and will present the outcome of these measures to the County Governors. The County Governors monitor developments in these municipalities until matters are brought in line with regulatory requirements. Progress has already been made in this regard.

In connection with performance of the supervision, some County Governors notified the Norwegian Board of Health Supervision of concern related to certain municipalities' case processing in child welfare investigations. The County Governors' reviews showed that the child welfare services had dropped cases in which there was great concern regarding the children's situation of care, and in which the mode of conducting the investigation was not in accordance with the seriousness of the case. The County Governors said that they were troubled by the fact that these municipalities may have dropped cases that had not been investigated properly.

The Norwegian Board of Health Supervision agreed with the County Governors, and on 30 June 2011 sent a letter to the County Governors in the entire county, advising them regarding further action in those cases where the offices found serious deficiencies in investigations. Among other things, the Norwegian Board of Health Supervision requested that the County Governors make their findings clear to the municipalities in question, and point out that the municipalities have a responsibility to undertake their own controls that investigations are conducted in accordance with the regulations. The municipalities were told that if they, following their own reviews, found that some of the cases that had been dropped had not, in fact, been investigated adequately, they were to undertake a new investigation.

Oppsummering av landsomfattende tilsyn i 2011 med kommunalt barnevern – undersøkelse og evaluering

Oppsummering av Rapport fra Helsetilsynet 2/2012

Sikrer norske kommuner barneverntjenestens arbeid med undersøkelser, evaluering av hjelpetiltak og barns medvirkning? Statens helsetilsyn oppsummerer i denne rapporten funn fra det landsomfattende tilsynet med kommunalt barnevern i 2011. Tilsynet ble gjennomført av fylkesmennene. Rapporten er basert på tilsynsrapporter fra 44 kommuner.

Svikt i barnverntjenestens arbeid med undersøkelser og evaluering av hjelpetiltak kan føre til at utsatte barn ikke får nødvendig hjelp til rett tid, at iverksatte hjelpetiltak ikke fungerer som planlagt eller at omsorgssvikt ikke avdekkes.

Barns rett til å bli hørt er et grunnleggende prinsipp og gjelder alle forhold som berører barnet. Mangler ved barns medvirkning var et gjennomgående trekk i de tilsynsrapportene som hadde observasjoner om dette. Det var tilfeldig om barn ble snakket med eller ikke.

Fylkesmennene påpekte lovbrudd, eller forbedringsområder i arbeidet med tilsynets temaer i 40 av 44 kommuner.

Fylkesmennene følger opp tilsynet overfor de enkelte kommunene.

Report of the Norwegian Board of Health Supervision (*Rapport fra Helsetilsynet*)

The series Reports of the Norwegian Board of Health Supervision publishes findings and lessons learned from the processing of complaints and supervision.

All the series' publications are available in full-text version at www.helsetilsynet.no, the website of the Norwegian Board of Health Supervision. Brief, English-language summaries of all the publications are also provided.

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The series Reports of the Norwegian Board of Health Supervision publishes findings and lessons learned from the processing of complaints and supervision of social services in Nav (the Norwegian Labour and Welfare Administration), the child welfare services and the health and care services.

The series is published by the Norwegian Board of Health Supervision. All the series' publications are available in full-text version in Norwegian at www.helsetilsynet.no. English summaries are also provided.

HELSETILSYNET
tilsyn med barnevern, sosial- og helsetjenestene

Summary

Report of the Norwegian Board of Health Supervision 2/2012

Summary of countrywide supervision 2011 of municipal child welfare services – investigations and evaluation

Do Norwegian municipalities assure the work of their child welfare services in conducting child welfare investigations, evaluation of measures to assist the child and child participation? In this report the Norwegian Board of Health Supervision summarises its findings from its countrywide supervision of municipal child welfare services in 2011. The supervision was conducted by the County Governors, and the report is based on audit reports from 44 municipalities.

Deficiencies in the child welfare services' work to undertake investigations and in their work to evaluate assistance measures may lead to children at risk not receiving the help they need when they need it; to the implemented assistance measures not working as planned, or in the failure to uncover neglect.

Children's right to be heard is a fundamental principle in all matters concerning the child. Deficiencies in providing for children's participation were a recurrent feature of the audit reports that had observations in this regard. It was purely a matter of chance whether case officers spoke to children.

In 40 out of 44 municipalities the County Governors identified statutory violations in the topics covered by this supervision, or found areas with potential for improvement.

The County Governors follow up their audits in relation to the respective municipalities.

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