

Activities of local authorities in supporting people with special needs

How are adults with special needs guaranteed access to social welfare assistance?

Two reports were prepared on the basis of the audit “Activities of the state and local authorities in supporting people with special needs”, one on the activities of the state and one on those of local authorities.

Report of the National Audit Office to the
Riigikogu

Tallinn, 16 May 2024

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How are adults with special needs guaranteed access to social welfare assistance?

Summary of audit results

Adult with special needs – a person aged 18+ with (a) special need(s). Special needs mean a disability that is a loss or deviation of an anatomical, physiological or mental structure or function of a human being, which in confluence with various dispositional and environmental obstacles prevents a person from participating in social life on equal bases with others.

The report covered all special needs, regardless of whether they had been identified by the Social Insurance Board or not.

Local authorities mainly follow the principles of providing social welfare support in assisting adults with special needs, but there are still situations where they fail to provide the assistance in the required extent. There are also still municipal regulations across Estonia that are contrary to the law and restrict access to services.

For a person, access to assistance depends on the capabilities and priorities of the municipality where they live to provide social services. In addition, access to assistance depends on the local government's awareness of and compliance with its legal obligations.

Main observations of the audit

- **The National Audit Office audit revealed that the majority of local authorities follow the principle of identifying a comprehensive need for help, i.e. assess the person's need for assistance more broadly and try to find the help they need.** At the same time, there are problems with the way in which local government decisions on the assessment of the need for assistance, i.e. administrative acts, are drafted. A survey conducted by the National Audit Office among local authorities revealed that at least 40% of them run the risk of failing to explain to people the reasons why they were denied assistance.
- **Most local authorities grant social welfare assistance on the basis of what is required by law, i.e. the person's need.** Local authorities follow the criteria against which the need for assistance may not be assessed (e.g. the capacity of the local authority, the availability of a suitable service provider) to a lesser extent.
- **At the same time, more than half of the local authorities admitted that they have encountered situations in which a person who has been identified by the local authority as needing services beyond the capabilities of the local authority has not been provided social welfare assistance in the required extent.** In addition, more than a third of the local authorities noted that if a person needs a service outside normal working hours or outside the boundaries of the local authority, they do not provide the service because of limited capabilities. Both of these practices are in conflict with the Social Welfare Act.

- **The National Audit Office found that the regulations of a number of local authorities audited are still in conflict with the Social Welfare Act, because they make the receipt of social services conditional on a disability identified by the Social Insurance Board.** One of the reasons why there are still unlawful regulations in local authorities may be the fact that several of the indicative guidelines issued by the Social Insurance Board to social work officials of local authorities contain misleading information. The guidelines indicate that these services are primarily intended for people with disabilities identified by the Board.
- **The National Audit Office established that the regulations of many local authorities also fail to take into account the economic situation of a person and their family when determining the social service fee, even though this is required by law.** At the same time, the Social Insurance Board has not given local authorities sufficient instructions on how to take into account the economic situation of a person and their family when charging for social services. However, the majority of local authorities felt the need for indicative guidelines in order to establish common principles for charging for social services.
- **Local governments that cannot ensure themselves that the fee charged does not become an obstacle to receiving the service leave this problem for the person to deal with.** This means that these local authorities put persons with special needs in a situation where they have to turn to the local authority again because of the repressive fee imposed on them and admit and prove that they are unable to pay it.
- **Over the years, the Social Insurance Board has made various assessment tools available to local authorities, but more than half of the local authorities do not use them.** The harmonisation of the practice of assessing the need for and increasing the quality of assistance is hampered by the fact that the Social Insurance Board's recommended assessment tool has not yet been moved to a modern and convenient platform.

Main recommendations

Recommendation of the National Audit Office to the city governments of Haapsalu and Paide, and the rural municipal governments of Märjamaa, Rae, Rõuge, Saarde and Haljala:

- to bring local government regulations in line with the Social Welfare Act, so that no social service provided by a local authority is conditional on a disability identified by the Social Insurance Board.

Recommendation of the National Audit Office to the city governments of Haapsalu, Loksa, Rakvere, Pärnu and Sillamäe, and the rural municipal governments of Lügánuse, Märjamaa, Rõuge, Saaremaa, Saarde, Haljala, Jõgeva and Peipsiääre:

- to bring local government regulations in line with the Social Welfare Act, so that the economic situation of the person and their family is taken into account when determining the fees of social services.

The majority of the audited local authorities agreed with the observations of the National Audit Office. Only Pärnu City Government and Haljala Rural Municipality Government found that their legislation and practice in supporting people with special needs is in line with the Social Welfare Act. Still, both municipalities noted that their regulations on the provision of social assistance needed some clarification.

National Audit Office's observation to the Ministry of Social Affairs:

- the tasks of the Social Security Board in relation to local authorities must be defined more precisely, so that it could support them in bringing their regulations in line with the law, both as regards the conditions of receiving the service and the pricing.

The **Ministry of Social Affairs** noted that the Social Insurance Board has been supporting local authorities by running a dedicated advisory service since 2019, which provides guidance to local social work officials on drawing up procedures for the provision of social welfare assistance based on legislation, judicial decisions and the recommendations of the chancellor of justice.

The Ministry of Social Affairs agreed that the tasks of the Social Insurance Board should be clarified. In 2024, the services provided by the Board will be reviewed, which includes clarification of the tasks of the Social Insurance Board in relation to local authorities.

In addition, local authorities have so far been able to base their fees on an analysis and guidelines commissioned by the Government Office in 2017 (see at the end of the webpage “Analüüsi läbiviimine ning juhendmaterjali koostamine kohalikele omavalitsustele seoses ülalpidamiskohustuse tõlgendamisega pereliikme hooldamise seisukohalt” [Conducting an analysis and preparing guidance material for local governments regarding the interpretation of the obligation to provide maintenance to family member]). As the financing of the 24-hour general care service and the Family Act in terms of the provision of maintenance have now changed, the Ministry plans to amend the guidelines in 2025.

Comment of the National Audit Office: Local authorities do not have relevant guidelines specifically on the calculation of the amount of the social service charge. The mentioned guidelines concern the calculation of the fee of social services to a small extent.

In its reply, the **Social Insurance Board** noted that, at present, no law imposes on them an obligation to advise local authorities or an obligation on local authorities to follow this advice or to follow the recommendations received. The Social Insurance Board therefore disagreed with the pervasive assumption made in the audit that the Board does not adequately advise and/or does not sufficiently contribute to the revision and clarification of the guidelines already drafted.

The Social Insurance Board has made, and will continue to make, proposals to the Ministry of Social Affairs to supplement and specify the legislation to ensure the uniformity of the content and provision of services provided by the state. At the same time, it is necessary to solve the question of whether the state can even assume such an obligation (i.e.

to monitor and ensure compliance with the recommended guidelines of the state) with regard to local authorities because the latter have the right to decide and organise all issues of local life without special authority.

The Board explained that so far the advisory service for local authorities has been supported from the European Social Fund, which means that no money has been earmarked for this in the state budget. However, the Social Security Board promised to update all the guidelines for local authorities by the end of December 2024 to ensure a uniform implementation of the legislative requirements and obligations by local authorities.

