L.N. 33 of 2020

SOCIAL CARE STANDARDS AUTHORITY ACT (CAP. 582)

Social Regulatory Standards for Residential Services for Children in Alternative Care, 2020

IN EXERCISE of the powers conferred by article 30(5) of the Social Care Standards Authority Act, the Minister for the Family, Children's Rights and Social Solidarity, has made the following regulations: -

Citation.

1. The title of these regulations is the Social Regulatory Standards for Residential Services for Children in Alternative Care, 2020.

Scope.

2. These regulations shall by means of the Schedule, elevate the Social Regulatory Standards for Residential Services for Children in Alternative Care, to the status of subsidiary legislation under the Social Care Standards Authority Act.

Interpretation.

3. In these regulations, unless the context otherwise requires:

"Agency" means the national agency, which is amongst other things responsible for the well-being of minors, also known as Aġenzija Appoġġ;

"alternative care" means the placement of a minor under the care of a person or entity, not being a parent of the minor as ordered by the Court or a result of administrative decision, and the expression "alternative carer" shall be construed accordingly;

"Authority" means "Social Care Standards Authority" as established by virtue of article 5 of the Social Care Standards Authority Act;

Cap. 582.

"care giver" means an adult who provides care for children in family or in residential care;

"care plan" means a plan drawn up to promote the development and well-being of the minor;

"care review" means a review where the care plan of the children in alternative care and any other related matter is provided for, in the best interest of children;

"children" means persons under the age of eighteen;

"healthcare assessment" means that children in alternative care should have healthcare assessments performed by a medical team trained in children protection, leading to holistic healthcare plans, which incorporates the voice of the child;

"leaving care process" means the process whereby young persons are prepared for independent living;

"management" means a person who acts on behalf of the service provider to provide leadership to staff and to oversee and control the proper functioning of the services offered to children in alternative care;

"medical team" means a team consisting of at least a lead designated paediatrician and nurse for children in alternative care;

"performance indicator" means an active descriptor of what service providers need to do to ensure service outputs that support the quality indicators;

"permanency which is relational, physical and legal" includes that the minor feels loved, protected, safe and supported by the persons with whom he lives, that there be stability in the physical surroundings in which he lives and his connections with the community, as well as those legal arrangements related to permanency, especially those relating to his care and custody;

"quality indicator" means a statement that sets out the requirements to achieve compliance with a standard;

"residential services" means residential services for children who are in alternative care;

"staff" means a person engaged by the service provider, wherein one of the person’s responsibilities is to provide child support or care, irrespective of whether, or how the person is compensated;

"UNCRC" means the 1989 United Nations Convention on the Rights of the Child;

"universal services" means the standard health care services offered by the national health service in Malta.

Responsibility.

4. With regards to the standards listed in the Schedule, the responsibility of implementing such standards, shall be of the service providers of the residential services, as licensed by the Social Care Standards Authority.

SCHEDULE

(Regulation 2, 4)

Standard 1: The Right to Participate in Decisions

Standard Statement:

Children shall have the right to participate in the decisions affecting their life.

Quality Indicators:

1. Children shall be empowered and supported to express their views, feelings and concerns.

2. Children shall always be consulted and listened to.

3. Children shall be supported to raise concerns and complaints.

Standard 2: Quality of Care

Standard Statement:

Children shall be provided with a stable, caring and protective environment during their time in alternative care.

Quality Indicators:

1. Children in alternative care shall have the right to maintain a stable relationship with their siblings.

2. Children shall be provided with a permanent placement.

Standard 3: Care Planning

Standard Statement:

The care placement of the children shall be guided by an individual care plan.

Quality Indicators:

1. An individual care plan shall be drawn up before children are placed in alternative care.

2. The care plan shall be reviewed at least once every six months.

3. Children shall participate in the development and review of the care plan.

4. Children shall be prepared for the leaving care process.

Standard 4: Healthcare Needs of Children in Alternative Care

Standard Statement:

Children in alternative care shall have specific healthcare needs and these shall be addressed holistically by a trained medical team.

Quality Indicators:

1. Children in alternative care shall have individualised and comprehensive assessments of their healthcare needs, beyond what is offered by universal services, for them to maximise their potential.

2. Children shall receive appropriate and effective care which fulfils their health needs.

Standard 5: Education, Enjoyment and Achievement

Standard Statement:

Children shall have access to educational services and shall be given the opportunity to participate in social and recreational activities of their choice.

Quality Indicators:

1. Children shall be empowered and supported to engage in educational programmes to maximise their potential.

2. Children shall be empowered and supported to participate in leisure activities of their choice.

Standard 6: Positive Relationships

Standard Statement:

The experience of safe, meaningful and stable relationships is crucial for the overall health and well-being of children.

Quality Indicators:

Children shall be empowered and supported to develop and maintain meaningful and healthy relationships. Through these relationships children develop a strong sense of identity and belonging, they develop their self-confidence and self-esteem and build secure attachments.

Standard 7: Service Quality Management

Standard Statement:

Children shall be provided with the best possible care that meets their needs and improves their life outcomes.

Quality Indicators:

1. Effective leadership and management of services offered to children shall be in place to ensure that children are provided with child-centred, safe and effective care.

2. The care givers shall be recruited through a transparent recruitment plan to ensure that children are provided with the best care possible.

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