

# Social Assistance Legislation and the Status of Social Workers in Armenia

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# **Social Assistance Legislation and the Status of Social Workers in Armenia**

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The consultant's views expressed here are the sole responsibility of the authors and do not necessarily reflect the views of USAID or the US Government.

## **Introduction**

This paper focuses on Armenia's Law on Social Assistance and associated legislation, reviewing it from the point of view of the status of social workers. It does so in the belief that the essential aspect of social assistance is not the provision of monetary assistance but is in the 'care' services in all their advisory, social, psychological and rehabilitation aspects. For these social services to develop and meet the country's needs, it will be essential to support the growth of the social work profession.

## **Analysis of other countries' social assistance legislation**

By way of comparison with Armenia's Law on Social Assistance, the corresponding laws of the three Baltic States have been reviewed, with the aim of assessing how best to implement social assistance and legislate the activity of social workers.

### *Lithuania*

It is understood that when drafting Armenia's law, particular reference was made to Lithuania's legislation. However, the current law in Lithuania (entitled the Law on Social Services) dates from 19 January 2006. The law includes 10 sections, as follows:

1. General provisions. This contains definitions and general principles.
2. Types of social services. These are broadly divided into general social services (or monetary benefits in lieu) and special social services.
3. Management of social services. The role of the Ministry of Social Security and Labour includes policy formulation, analysis, performance appraisal and implementation of social services programmes. In contrast, regional government is more involved in administration and coordination of programmes, as well as drawing up and implementing regional level social services programmes. Municipal government is in charge of planning and organising social services for residents in its territory. This includes needs assessment, establishing financial cost and sources, purchasing services from social service providers, where necessary providing premises and establishing local social services providers. The Social Services Monitoring Department, as the competent body under the Ministry of Social Security and Labour, is engaged in assessing, monitoring and controlling the delivery of social services. This includes licensing activities and controlling the needs assessment of families and the use of state funds.
4. Granting of social services. This section concerns applications by individuals and families, as well as needs assessment by social workers. The decision to provide social services to a person or family is made on the recommendation of a social worker.
5. Provision of social services. This section goes into more details about the specific aims of social services. For example, where social services are provided to an elderly person, the purpose is to create conditions for him/her to live at home, in his/her family and independently manage his/her household as long as possible, and to help maintain social relationships with the family, relatives and society.

The section also gives a definition of social work and provides that social work may be carried out by social workers and assistant social workers. Social workers must have a higher education degree in social work 'or equivalent education'. The government approves regulations concerning the qualifications for social workers and assistant social workers as well as performance approval and procedures for improving professional qualifications.

6. Licensing of social care establishments. This section indicates the different types of social care provision that are subject to licensing, as well as the licensing body and the conditions for issuing licences. There are also provisions for suspension and cancellation of licences.
7. Payment for social services. Social services are subject to means testing. Those receiving state social monetary benefits as well as others on low income are exempt from paying. In other cases, the amount to be paid depends on the income and/or property of the individual/family.
8. Financing of social services. At the municipal level, some services are financed out of specific funds provided to the municipality by central government, whilst other services are financed from the general municipal budget.
9. Consideration of disputes related to social services. Appeals against decisions can be made either to the municipality or to the Social Services Monitoring Department, depending on the issue at stake. Further appeal is to the courts.
10. Final provisions

### *Latvia*

The Law on Social Services and Social Assistance was adopted on 19 November 2002 and has been amended several times since. The version reviewed in this report was last amended on 25 May 2006. The law consists of six chapters and concludes with a section on transitional provisions. The chapters are as follows:

1. General provisions. This includes definitions as well as the overall purpose and general principles of the law.
2. Organisation of social services and social assistance. This chapter defines the duties of local government, the state, the Ministry of Welfare, the State Social Services Agency under the ministry, and social services providers. Local governments have the duty to identify, needs assess and provide services to residents. Services are provided either through entities established by the local government or on the basis of contracts with other service providers. To implement their duties, local governments in communities with over 3000 residents are expected to establish social service offices and employ one social work specialist per 1000 population.

The State is responsible for certain social services, such as rehabilitation of the disabled. Where necessary it establishes social care and social rehabilitation institutions, however it

is envisaged that the costs of those institutions will progressively be borne out of the local government budget. The role of the Ministry of Welfare is limited to policy development, monitoring, drafting requirements for social service providers and administering funds for social services provision. The State Social Services Agency engages in analysis and control of social services provision. Social service providers need to be registered and can then implement social services.

3. Purpose and types of the provision of social services and rights thereto. This section lists the categories of persons who are eligible for various types of social services, as well as the nature of those services.
4. Rights of persons living in long-term social care and social rehabilitation institutions. As well as setting out certain rights, this section also provides for the establishment in each institution of a social care council, the members of which comprise the residents of the institution and their relatives, the employees and representatives of the local government. The purpose of the council is to promote respect for the rights of those living in the institution, and decisions of the council have a recommendatory nature.
5. Social assistance. This concerns state monetary benefits, which are payable by the local governments.
6. Purpose of social work and requirements for social work specialists. This chapter gives a definition of social work. Further, it provides that 'persons who have acquired higher or academic professional education at the second level in the field of social work have the right to perform social work'. Those providing social care, social rehabilitation or social assistance services must have acquired higher professional education at the first level in the field of social care, social rehabilitation or the provision of social assistance respectively.

It is interesting to note that originally the law contained provisions on a register of social work specialists and on certification of social work specialists, but these have since been repealed. Finally, this section sets out the duties of four categories of professionals: social workers, social care providers, social rehabilitators and social assistance organizers.

### *Estonia*

The Social Welfare Law was adopted on 8 February 1995 but has been amended many times since. The version reviewed below was last amended on 14 June 2007. The law contains 9 chapters, which are summarised below.

1. General provisions. This includes definitions as well as the purpose of the law. NB the definition of a social worker is: 'a person with higher education and appropriate professional training'.
2. Administration of social welfare. The duties of the Minister of Social Affairs include policy development, development and coordination of national social welfare programmes, licensing of social welfare institutions and welfare workers. The duties of regional government include policy development, development and coordination of social welfare programmes, administration of state social welfare institutions, quality control of

social services. The duties of local government include drafting a local social welfare development plan, administration of the provision of social services, the grant and payment of social benefits. Overall, the burden of administering actual provision of social services falls on local government.

3. Social services. This chapter lists the various types of social service and then proceeds to define each one, stating in detail criteria regarding, for example, who is entitled to provide the service and on what terms, who is eligible for the service and how they should apply (including documentation), tender procedures, funding provisions, relevant standards and qualification requirements for employees.
4. Activity licence. This chapter concerns the application for, issuing, form, suspension and revocation of licences which are required for childcare services.
5. Social benefits. The main monetary benefit payable to those with little or no income is termed the 'subsistence benefit'. This chapter defines eligibility and means testing criteria as well as procedures for payment. Local governments also have discretion to pay supplementary social benefits to e.g. carers.
6. Protection of persons with special social needs. This chapter deals with issues related to child welfare, particularly foster care, as well as the needs of the disabled and elderly. It sets out requirements concerning those engaged in child care and fostering, as well as measures to be adopted by local government.
7. Procedure. As the title indicates, this section deals with procedural matters, namely in relation to case management, provision of information and information systems, decision-making processes, as well as implementation of supervision and control over social care providers.
8. Financing of social welfare and reimbursement of social welfare expenditure. Funding is a mixture of state, local government and private voluntary funding sources. Provision is also made to charge for social services, but details of fees and means testing is contained in separate legislation.
9. Implementation provisions

The following table summarises the key issues addressed in the three countries' respective laws, highlighting the factors pertaining to social workers:

**Table: Summary of key issues covered by Baltic States' legislation**

Issue	Lithuania	Latvia	Estonia	Comments
Does the law include provision for monetary benefits?	No	Yes	Yes	
Education of social worker	Must have a higher education degree in social work 'or equivalent education'	'persons who have acquired higher or academic professional education at the second level in the field of social work have the right to perform social work'	'a person with higher education and appropriate professional training'	Clearly in two of the three countries a degree in social work is the standard requirement.
Role of social worker	Play a central role. Social workers are responsible for needs assessments, and decisions to provide social services to a person or family are made on the recommendation of a social worker	In practice, role may not be as extensive as in Lithuania. Responsible for developing 'individual social rehabilitation plans'. Law refers to 'Latvian Association of Professional Social and Care Workers' and to a code of ethics adopted by it.	Social workers form part of rehabilitation teams established under the law. However the overall extent of social worker involvement in social services is not clear from the law.	Lithuania appears to envisage a greater role for social workers. This, together with the educational requirements and the fact that the law does not cover monetary benefits, suggests that Lithuania puts a greater emphasis on pure social (i.e. non-monetary) services.
Social worker distinguished from benefits officer?	Not specifically. But there is no need to, since the law does not cover monetary benefits. The law defines two categories: social workers and assistant social workers – the	Yes: four categories of professionals: social workers, social carers, social rehabilitators and social assistance organizers – the latter category is in effect a benefits officer.	The law defines 'welfare workers', which is a broad category covering the whole range of social services or welfare, including monetary benefits. Within this broad category, social	Conclusion is that it makes sense to separate the roles of social worker and benefits officer, rather than combining them in one job description. Social workers play a specific

	latter 'carry out social work according to the instructions of a social worker'	However they are all grouped under the overall heading of 'social work specialist'	workers have a more specific education and role.	role commensurate with their education.
Licensing of social worker	No, but licensing of social care establishments	No, although previously law contained provisions on licensing. Social service providers (i.e. organisations) have to be registered	The law refers to the Ministry's right to licence welfare workers, but gives no further details. Childcare services are subject to licensing	Licensing is clearly not a priority for these countries
Local government role	Needs assessment, establishing financial cost and sources, purchasing services from social service providers, where necessary providing premises and establishing local social services providers	have the duty to identify, needs assess and provide services to residents. Services are provided either through entities established by the local government or on the basis of contracts with other service providers. To implement their duties, local governments in communities with over 3000 residents are expected to establish social service offices and employ one social work specialist per 1000 population.	Duties include drafting a local social welfare development plan, administration of the provision of social services, the grant and payment of social benefits	Decentralisation has led to local governments playing a significant role in the administration of service delivery.
Role of non-state service providers	Provisions of law clearly suggest that non-state actors play a major role in service provision,	Service provision is well-developed among NGOs – for example children's day care	Whilst the law gives equal opportunities for state organisations and NGOs, as well as	Information has also been taken from other sources such as USAID evaluations of the NGO

	though in the procurement process they are at a disadvantage to state entities	centres are provided exclusively by NGOs	individuals, to engage in various types of social services, there is no indication of the actual extent of NGO involvement, though it is probably similar to the other Baltic states.	sector in the three countries. Overall, almost all service provision is now undertaken by a mixture of NGOs and local/regional government entities.

In conclusion, one can emphasise the following issues arising from the above comparative analysis:

1. Whilst it is not essential to entirely separate in the legislation monetary benefits from other forms of social assistance, it is certainly a good idea to distinguish those two sectors, not least in order to assist HR policy.
2. It is clearly important that anyone who calls him or herself a social worker has a corresponding education and/or work experience. If a degree in social work is not compulsory, then the alternative combination of relevant education and work experience should be substantial – e.g. a 1-year vocational course and at least 1 year’s work experience in social work (as opposed to monetary benefits administration). NB international best practice also shows that a social work assistant – though he/she naturally does not need to have the same level of education and/or experience, and may not even have a higher education degree – nevertheless should undergo regular training to update his/her knowledge and skills, and will ordinarily be engaged in a job which is quite distinct from benefits administration.
3. In a fully-functioning system of social services, the key eligibility decisions and input in non-monetary services should be undertaken by qualified social workers.
4. It follows from the above that social workers undertake a function quite distinct from (monetary) benefits officers. To combine the two roles in one position is unrealistic and contrary to international best practice.
5. Licensing and/or registration of social workers by the state is not a pre-requisite for a strong profession
6. International best practice shows that most non-monetary services are best delivered by a combination of local authorities and NGOs.

## **Social assistance legislation in Armenia**

### **Introduction**

The Law on Social Assistance (the ‘Law’) dated 24<sup>th</sup> October, 2005, sets out the basis for the operation of social assistance (also described in the Law as social services) in Armenia. It therefore seeks to categorise the various forms that social assistance can take, as well as the types and role of organisations that implement such services. The Law also defines the terms ‘social work’ and ‘social work expert’ and describes the rights and responsibilities of the latter.

The Law serves as a basis for the operation of, on the one hand, the social service regional centres (‘SSRCs’) and, on the other hand the various NGOs which are engaged in social work and other forms of social assistance across the country.

This paper considers first a number of key issues in relation to the Law, and then analyses in more detail a number of articles in the Law as well as some of the government decisions and ministerial decrees which have been issued under the Law. The key issues can be defined as:

- Whether the SSRCs should attempt to undertake the whole range of social assistance, or whether they should limit themselves to administering family benefit, with other types of social assistance being contracted out to NGOs or the private sector.

- Whether the provisions regarding social work experts are sufficient to enable the profession to work effectively and develop its role in the sector
- Whether the concept of ‘individual social-psychological rehabilitation programme’ (as set out in the Law, a corresponding government resolution and a draft model form) truly reflects the needs of clients.

In addition to the above issues, it should be pointed out that this paper also discusses the provisions for social work education, the design of a code of ethics for social workers, and a draft guide to home visits for social workers.

## **Key issues**

### *Role of SSRCs*

Currently the Law does not provide for any division of social assistance provision in terms of which types should be delivered by the State and which types by the private sector (including NGOs). Indeed, the Law should not necessarily make a strict division – that may be more appropriate to a policy or a strategy paper. However, in the absence of such a division, the Law can give one the impression that the State is effectively covering all the types of service provision, whereas the reality appears to be that the SSRCs are mainly engaged in family benefit administration. Indeed there is a perception in the population that social assistance is simply monetary benefits and nothing else.

Arguably there are three options:

1. The SSRCs are strengthened and play a much bigger role in providing other types of social assistance. However in that case there will be a need to increase capacity so that the SSRCs have (more) qualified social workers in their staff. In addition, it would make sense to have an internal division of labour in each SSRC so that some employees deal with family benefit administration and other employees focus on the other types of social assistance. In that case there should also be a clearer distinction between categories of employees in terms of their job descriptions. Those who are engaged in family benefit administration are implementing inspection and clerical functions and therefore could be termed ‘benefits officers’. This is a sector which is certainly not within the core range of functions of a social worker, nor even a social work assistant. This could be reflected in the Law by providing for the definition of ‘benefits officer’, either as a third category of social work expert, or – more correctly – as a completely distinct category.
2. The role of the SSRCs is more narrowly defined so that they concentrate almost entirely on family and other monetary benefits, to the exclusion of other types of social assistance. These other types of social assistance will therefore almost entirely be dominated by the private sector, and the practice of contracting out this work to NGOs and other private sector organisations should be strengthened. Once again, this will mean that SSRC employees should be benefits officers with little or no social work core functions and that, as indicated in 1 above, this should be reflected in the Law.
3. The third option is to continue the status quo. However this option is clearly unsatisfactory, as it is inappropriate to combine the functions of benefits officer and social work specialist in the same employee.

### *Social work experts' rights and responsibilities*

There are five main sub-issues to consider in this section:

- Ethics
- NGO / national association
- Representing the client
- Revise tasks in Law if also have 'benefits officer'
- Distinguish between child and elderly sectors

#### 1. Code of ethics for social workers

Article 16 of the Law on Social Assistance envisages that MLSI should adopt a code of ethics for social work specialists. Currently, however, no code has been adopted and MLSI has requested our assistance in reviewing existing drafts and options.

In considering the best option for a code of ethics, the following documents have been reviewed:

- Section 4 of the 'Guidebook for social workers conducting home visits', which was drafted on behalf of MLSI by the DFID-funded APSREP project. Section 4 is entitled: 'professional values and ethics'.
- The codes of practice for social workers in England and in Scotland (the two codes are practically identical)
- The 'Social work codex' and 'Ethical codex' currently used by Mission Armenia NGO
- The draft code of ethics for social workers prepared by the Union of Armenian Government Employees NGO ('UAGE'), which has been attached as an annex to the Guidebook for social workers conducting home visits
- The code of ethics for civil servants, adopted by the Civil Service Council on 11 July, 2002.

Section 4 of the guidebook for social workers conducting home visits sets out clearly in 8 short paragraphs the key guidelines, which can be summarised as:

1. Treat each client as an individual
2. Do not discriminate – treat all clients equally
3. Do not judge, criticise or justify the client
4. Have empathy for the client, but do not get involved emotionally
5. Uphold equal opportunities for all clients
6. Help the client to help him/herself – to make own decisions, improve/increase own abilities
7. Give the client choice – provide information on services so that the client can decide
8. Uphold client confidentiality

The two codes in use by Mission Armenia contain many of the same principles. However they are not suitable examples as the language is imperfect and the paragraphs are not always clear in purpose.

The code drafted by UAGE is extensive and detailed. It covers 12 pages and contains many repetitions. The structure and topics covered is not entirely appropriate, and moreover the division into themes set out in the chapter headings is not always followed when one reads the actual content. The language is rather grandiose. However, this draft, as attached to the

guidebook, has been discussed and approved at a joint MLSI-NGO forum in 2006, and so there are very good reasons for using it as a starting point

The code adopted by the Civil Service Council is of course more general in scope – and it should be remembered that it applies to the employees of the social service regional centres which are under the marzpetarans. The code is briefer and milder than one might hope, however in terms of clarity of thought it sets a good example.

The English and Scottish codes of practice set out six main rules for social workers. Each rule includes a numbered list of one-sentence, clear and simple points. The six main rules can be summarised as follows:

1. Protect the rights and promote the interests of service users and carers
2. Strive to establish and maintain the trust and confidence of service users and carers
3. Promote the independence of service users while protecting them as far as possible from danger or harm
4. Respect the rights of service users while seeking to ensure that their behaviour does not harm themselves or other people
5. Uphold public trust and confidence in social services
6. Be accountable for the quality of your work and take responsibility for maintaining and improving your knowledge and skills

It is interesting to note that, in contrast to other codes, here there is considerable emphasis on the interests of carers as well as of clients. Also, in addition to the code for social workers, there is a separate code for employers of social workers.

In conclusion, the draft code in the guidebook, which has been developed in conjunction with MLSI and has already received approval by stakeholders, should be taken as the basis for a final version. Accordingly, the project has drafted an amended version of the code, which is attached to this report.

## 2. NGO / national association

International experience shows that in the long run development of the social work profession is best served by a national association, usually having NGO status. Such associations can focus on training and ethics, amongst other issues, and the latter issue can involve also sanctions on members for failure to observe the code of ethics. Membership of an association is in effect a form of registration, and in some countries the national association actually issues licences.

In Armenia it may take several years for a single NGO to emerge as a national association capable of performing the above roles. This is an organic development and probably not something that can be legislated. However continued dialogue between the Armenian government and existing NGOs and educational institutions can, by focusing on these issues, encourage debate and thus speed up the development process.

## 3. Representing the client

Discussions with stakeholders have revealed that social workers, particularly those working for NGOs, often encounter problems when attempting to solve administrative issues on behalf of their clients. The social worker may be representing a client who is physically or mentally disabled or unable for some other reason to attend in person. Yet when the social worker

attempts to intervene on the client's behalf by contacting relevant government agencies (such as, but not limited to, the SSRs), then often the question is asked: is the social worker authorised to represent the person? Under Armenian law, the standard way of resolving such an issue is through a power of attorney which, by being ratified by a notary, is accepted as proof of the client's consent to be represented by the social worker. However, arranging for a power of attorney is an administrative and financial burden, particularly so for socially vulnerable clients. The alternative to a power of attorney could be a simple letter of authorisation from the client. Whilst in the majority of cases this is a perfectly acceptable situation, it does raise the risk of fraud (forgery of letter or of signature, coercion of the client, misrepresentation, etc). And there is no overriding reason why social workers should be excused the necessity of procuring a power of attorney, whilst lawyers, for example, are always expected to show a power of attorney as proof of their client's consent to be represented.

#### 4. Revise tasks in Law if also have 'benefits officer'

If, as recommended, the Law is amended so as to make a distinction between social work experts and benefits officers, then it may be necessary to review the list of rights and obligations as currently set out in Article 33. It seems that the provisions of this article were drafted bearing in mind that social work specialists would be expected to be involved in family benefit administration as well as in social work.

#### 5. Distinguish between child and elderly sectors

International best practice shows that sub-categories of social work specialists involve horizontal as well as vertical divisions. In other words, there are not simply 'social workers' and 'assistant social workers', but also specialisms such as educational, social workers, those working with the elderly, or those focusing on child protection issues. Any amendment to the Law should bear this in mind – it would be wrong to give the impression that the only valid distinction between different types of social worker is a vertical division.

#### *Individual social-psychological rehabilitation programme*

As discussed in more detail below, the Law provides for an individual social-psychological rehabilitation programme, with the apparent intention of ensuring that identified citizens are assessed for the full range of available government services. However the key issue of providing counselling, whether by a psychologist or a social worker, appears to be missing from the scope of the programme. Instead, both the relevant government resolution and the draft model form simply contain a long list of the available government services. This is in contrast to the model form for the individual social-psychological rehabilitation programme for children in difficult life situations, which clearly provides for psychological as well as social, medical and educational support.

## **Analysis of specific articles of the Law**

### *Article 2 – Main concepts used in the Law*

Social assistance is defined as a ‘package of social services’, however there is no clear description of the meaning of ‘social services’.

There is an overlap between the definition of ‘social assistance’ and article 4 which sets out the ‘goal of social assistance’.

It is recommended that the Law uses the following terminology:

- ‘social assistance’ is the overall term, which covers both:
  - Social services (i.e. non-monetary services), and
  - Monetary benefits

‘Local office providing social services’ and ‘organisation providing social services’ – in both of these definitions reference is made to the provision of ‘social assistance’. However ‘social assistance’ is defined as a package of social services. It follows that if an organisation provides only one social service then it does not provide a package of social services and so under the current definitions would not be defined as a social service provider.

### *Article 5: principles of the organisation and provision of social assistance*

Paragraph 1 indicates that priority is given to children. Is this based on any national policy?

Paragraph 2 refers to targeting services on those people ‘who really need them’. Is there any definition in other legislation of the concept of ‘really needing’?

Paragraphs 5 (‘continuity’) and 8 (‘excluding continuous dependence on social assistance’) are in conflict and need to be rephrased.

### *Article 7 – main types of social services*

In line with the suggested distinction between ‘social assistance’, ‘social services’ and ‘monetary benefits’, clause 3 of this article (‘provision of monetary assistance’) should be removed from chapter 2 of the Law. Monetary benefit should be regarded as a separate type of social assistance.

Paragraph 5 refers to ‘provision of temporary lodging’. There is no reference to permanent lodging. However homes for the elderly arguably provide permanent lodging.

*Articles 7-14* set out the types and forms of social services. It is interesting to note that nowhere in the law itself is there a specific liability to provide a certain level of service.

### *Article 9: provision of rehabilitation assistance*

This article lists a number of types of rehabilitation assistance, and provides that regulations concerning the provision of such assistance are to be approved by Government Resolution. The relevant resolution is no. 1369 and was adopted on 22 Sept 2006. Both the law and the resolution refer to individual socio-psychological rehabilitation programmes, and in fact MLSI has also drafted a model form of individual socio-psychological rehabilitation programme. Both the draft

model form and the regulations focus on the various forms of monetary and other assistance which are covered by existing laws and regulations. These are:

- Pensions
- SESA services
- Care at home
- Special education
- Financial privileges
- Free medical assistance
- Assistance with functional problems [e.g. artificial limbs]
- Family benefit
- In-kind benefits
- Provision of housing for orphans
- Provision of housing for refugees
- Disability rehabilitation programme (medico-social examination commission)

However it is interesting that one key issue, that of psychological rehabilitation, is listed in the law but not fully covered in the regulations nor in the draft model form. In other words, the right to psychological assistance, which in theory exists in the law irrespective of the right to any other form of social assistance, in practice is not covered in the regulations and probably in effect is only available to children and to the disabled.

The draft model form, which lists all of the above types of assistance, gives the impression of being a checklist of all the possible forms of state assistance for which an individual might be available. However in reality the likelihood is that the form would not be efficiently utilised.

Other specific reservations concerning the form include the following aspects:

- It does not indicate that there should be an overall chronology to a programme of rehabilitation
- It does not expect any action from the client him/herself – the client's position remains very passive and this passivity would surely hinder any real rehabilitation
- It is around 6 pages in length but in reality for any particular client the number of relevant services might be very limited – therefore to list all of them is just a waste of paper. Instead, by removing the list of services the form could be much shorter, and the social worker could simply refer to a separate list of services when assessing the client's needs, and then indicate details of such services as are relevant in a much shorter space in the form.

#### *Article 14 – provision of legal assistance*

It is interesting to note that the original version of this article envisaged that there would be a government resolution setting out a regulation on the organisation of legal advocacy. This requirement for a government resolution was then removed during the final passage of the law through parliament. This may be because the issue is regulated by a separate law. Currently, free legal advocacy – representation in court – is largely limited to criminal cases, and is funded by government through the Union of Advocates. This means that there is no state funding for situations where e.g. individuals may have encountered obstacles in obtaining documents which would prove their eligibility for family benefit.

#### *Article 16*

Paragraph 3 should surely refer to state sector bodies only. The only way that MLSI (or the state generally) is authorized to provide methodological management to private sector providers of social services would be through legal acts setting out mandatory requirements.

Query whether paragraph 6 is appropriate. Presumably the Ministry has the right under its charter to run internal training courses (i.e. for its own employees and also other state employees in the social assistance system). However the Ministry is not an educational institute and should not be expected to organize trainings and courses for the social work profession generally.

Paragraph 12: MLSI to define ‘mechanisms of the feedback of the control over the quality of the social service’ – this need not be a legislative act as such, but it should be a written policy.

#### *Article 31*

This definition of social work serves the purpose of the Law, which is mainly to regulate specific types of social assistance. However, in its full extent, social work is a wider profession, concerned not just with individuals and families but also with communities and society itself. Moreover, it is a theoretical discipline as well as a practical one. So, either the Law should qualify the definition by stating: ‘For the purpose of this Law, social work is defined as follows...’, or a better definition, conforming to international practice, should be used. Set out below is an example from the Latvian law on social services and social assistance:

‘A professional activity that helps persons, families, groups of persons and society as a whole promote or renew the ability thereof to function socially, as well as to create favourable circumstances for such functioning’

#### *Article 32*

In line with international best practice and as suggested elsewhere in this paper, the educational and work experience requirements for social work specialists, particularly ‘social servants’, should be strengthened.

### **Analysis of MLSI decree no. 32 dated 9 February 2007 ‘on approving the model charter for the regional centres providing social services’**

Article 16 of the Law provides for the adoption of a model charter for the social services regional centres. The decree in fact adopts, in the form of separate annexes, two model charters to be used by the social service regional centres. The first model charter is designed to be used by those centres which are under the authority of the marzpetarans, and the second charter is to be used by centres which are under the authority of local government bodies. It should be noted that there are a total of 55 regional centres, of which 38 are under the marzpetarans and 17 under local government (Yerevan councils plus Giumri, Ararat, Jermuk and Vanadzor). In terms of numbers of employees the split is more even: 319 are civil servants within the marzpetarans, whilst 230 are municipal servants.

In both cases the centres fall under the remit of the Law on Social Assistance, which sets out the various types of social assistance:

In theory the regional centres are engaged in all the above types of social assistance, but in practice they focus mainly on administration of the family benefit system. This is evidenced both by discussions on the ground, as well as by the rights and responsibilities of regional centre employees, as set out in the model charters.

Both model charters follow the same overall structure, irrespective of whether the social service department is located in a marzpetaran or in a local government body. However note that in the latter case the charter has only 6 sections, since the issue of organisation of the department falls under local government law. The sections are as follows:

- I: General provisions
- II: Purpose and issues of the agency / department
- III: Functions of the agency / department
- IV: Management of the agency / department
- V: Knowledge and skills of the agency's civil servants / department's employees
- VI: Rights and responsibilities of the agency's civil servants / department's employees
- VII: Organisation of the agency's work / [no corresponding section in the charter for local government social service departments]

The analysis that follows is based primarily on the model charter for those regional centres operating under the marzpetarans. From the point of view of the status of social workers, the key sections are IV, V and VI. Section IV deals mainly with the rights and responsibilities of the head of the agency, whilst section VI deals with the other officials. From both sections IV and VI it is clear that the bulk of the work of these agencies/departments concerns the implementation of the family benefit system. Little emphasis is placed on other aspects of social assistance. Whilst there is reference to activities such as home visits, providing legal advice and compiling individual socio-psychological rehabilitation programmes, these form a small part of the total number of activities foreseen in sections IV and VI. Thus charter is indicative of the reality that the bulk of the regional centres' attention focuses on family benefit administration.

## **Education**

Yerevan State University offers a number of courses in social work:

- 4-year bachelors degree (also available on a 5-year distance learning basis)
- 2-year master's degree
- 1-year distance learning diploma
- Ad hoc refresher courses

The faculty of sociology and social work has developed steadily from its beginnings in 1992 when a number of lecturers were able to train at the LSE in London. There is now a separate department of social work, which continues to expand and to explore ways in which the degrees offered can gain international recognition. They have a partnership with Connecticut University. Currently none of the department's lecturers have a PhD in social work. But eventually they would like to be able to offer PhDs at the department.

The bachelor's degree has around 35-40 graduates annually, and works with around 20 state and non-governmental organisations to offer regular practical assignments. It covers a full range of topics including e.g. social work ethics, social work with children and with the elderly.

The 1-year distance learning diploma is available both in Yerevan and in 4 branches – Giumri, Vanadzor, Ijevan and Sisian. Currently there are between 15 and 25 graduates from each branch. It is arguably aimed at state sector employees (and would be particularly suited to family benefit inspectors) but it is not clear that there are many applicants from the state sector, since the courses are fee-based.

Ad hoc refresher courses depend on donor funding – e.g. AED organised a 3-month course for state and NGO employees in 2003.

The department would like to be more involved in the legislative drafting process, to be able to comment on drafts before they are enacted. Reform aspects have been discussed by the department with Greta Grigoryan at MLSI, and Anna Voskanian from the department is working on draft amendments to the Law on Social Assistance. Currently these amendments focus on the definition of social work.

SSRC employees – requirement to train in social work

Currently, strictly speaking it is not mandatory for SSRC employees to have social work qualifications. This is in line with the fact that their work focuses mainly on implementation of the family benefits system. Accordingly those applying to work in an SSRC are expected – in accordance with the terms of the SSRC model charter – to have knowledge of family benefits and associated legislation, but are not expected to have significant skills in social work. And since the average salary of an SSRC employee is quite low, it might be difficult to recruit new employees with social work qualifications.

In practice, SSRC employees are able to call themselves ‘social workers’ because the requirements of the law are so low. Article 32 of the law states that it is sufficient for an employee to have a higher education degree, to have passed a special course in social work (and have a corresponding certificate) and to have at least one year's experience in the ‘social sector’. Thus SSRC employees who have higher education and have undertaken one or other donor-funded course (e.g. the one in 2003 mentioned above) are considered to be social workers.

In the current situation, although ideally it would be preferable for SSRC employees to have more than the minimum of social work skills (recognising that they do perform some social work tasks in addition to their main duties) in reality it will be difficult to increase those skills other than through donor-funded training. As indicated above, social work graduates are unlikely to enter employment in the SSRCs, and current SSRC employees are unlikely to have the financial resources to apply for the 1-year distance learning diploma. Moreover, in the current structure, it is unclear that an employee who had such a diploma would be automatically favoured for promotion, nor that such promotion would lead to a greater role in social work activities.

If it is decided as part of government policy that SSRCs should expand their social work role, then it would be advisable to reorganise each SSRC so that there are one or two dedicated social workers in addition to the core team of benefits officers. In such a case, clearly, people who are recruited specifically to provide social work services should have the required qualifications and

skills. Salaries may need to reflect this, and there will also be a need to amend the SSRC model charters.

## **Conclusions and recommendations**

### *Benefits officers and social workers: SSRCs*

- MLSI in its policies/strategy for social assistance should recognize that the sector will be more efficient if SSRCs concentrate on administration of monetary benefits, whilst other aspects of social assistance are, as far as possible, contracted out to the private sector.
- At any rate, SSRCs should not attempt to combine the professions of benefits officer and social work expert in one and the same employee. If the SSRCs are to retain a social work function then in each SSRC there should be separate positions for the two professions. However a more realistic solution would be to renounce the function of social work, leaving this to specialized organizations such as NGOs

### *Benefits officers and social workers: the Law*

- The Law should distinguish between social work experts and benefits officers and set out their rights and duties accordingly
- The Law could also indicate further distinctions between social work experts, by defining fields such as working with the elderly and working with children

### *Education levels for social work experts*

- The minimum qualifications for social work experts, as set out in the Law, should gradually be increased. This in particular applies to social servants, for whom there should be minimum requirements in terms of the length of their training and the type of their 'social sector' work experience. Consideration should also be given to introducing a requirement for regular refresher courses for social work experts.
- Any new requirements as set out above should be introduced gradually to allow time for the profession to adapt.

### *Code of ethics*

- The revised code of ethics should be adopted.

### *Licensing*

- Licensing of individual social workers not recommended for the time being; registration is also questionable. Licensing of NGOs/private organizations which provide state-funded social assistance is reasonable (e.g. licensing of organizations which provide care for the elderly and the disabled, as prescribed by government resolution 143 dated 18.01.07).
- Development of the social work profession will take time and will depend partly on the growth of a national association to lead the way in setting standards for entry into the profession, as well as monitoring observance of the ethics code

### *Social-psychological rehabilitation*

- The draft model form of individual social-psychological rehabilitation programme should be amended to take into account recommendations of this paper.