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The status and rights of social welfare clients

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The status and rights of social welfare clients

The aim of the new Act on the Status and Rights of Social Welfare Clients (Social Welfare Clients Act) is to foster a client-oriented approach, support the client's right to good social welfare, and further client and welfare personnel commitment to jointly agreed matters. The Act lays down the key legal principles related to client participation, treatment and legal protection in social welfare matters. It clarifies the implications of fundamental rights in social welfare and specifies the issues covered by data protection. It applies to social welfare provided by both the public and the private sector.

Right to good treatment and social welfare

In both public-sector and private-sector services, clients have the right to good-quality social welfare and good, non-discriminatory treatment. Social welfare must respect every client's human dignity, right to self-determination, beliefs and privacy.

Social welfare should take into account clients' wishes, opinions, interests and individual needs, and their mother tongue and cultural background. Personnel are required to explain to clients not only their rights and obligations, but also the various options available and their effects in individual cases. Special attention is paid to the status and rights of those

needing a great deal of care and attention, old people, the mentally handicapped and minors.

Service and care plans

The client and the service provider jointly draw up a plan agreeing on how the service, care or rehabilitation concerned will be carried out. In all decisions made, the client's interests come first. Both client and service provider should be committed to the plan.

In the case of municipal social welfare, an official decision has to be made. In private-sector care, the provider and the client make a written agreement, basically specifying the content and terms of the service, that is, the rights and obligations of both parties.

Children and young people

The parents or guardians always carry the prime responsibility for a child or young person.

Children have the right to be consulted and to influence matters affecting their lives. The wishes and views of minors are taken into account as befits their age and level of development, and their interests must come first in all social welfare provision. Sometimes, these interests and rights may conflict with those of their guardians. In individual cases, a court can appoint someone to watch over the interests of a minor if there is justifiable reason to assume that their present guardian is unable to do so impartially.

If there is weighty cause, minors have the right to refuse to have personal information passed on to their guardians unless this is manifestly contrary to their interests.

Right to self-determination

Clients have the right to decide their own affairs as far as conceivably possible. This right protects them against unjustifiable interference by other people or bodies.

Sometimes clients are unable to explain how they would like their care or treatment to be arranged. Such situations may occur, for instance, in the case of those suffering from dementia, the mentally handicapped, and clients with drug and alcohol problems or mental health difficulties. The service provider then consults both the client and his or her legal representative or family member.

Right to obtain and duty to supply information

As a general rule, clients have a right of access to practically any document that concerns them. They are also themselves required to provide any information needed to arrange their social welfare. Clients have the right to know why information that they provide is needed, what it will be used for, who will be given it, and which personal register the data will be deposited in.

Notwithstanding the legal provision on confidentiality, social welfare officers are entitled to any information and reports with a bearing on the client relationship that they need in order to establish and meet the client's need for welfare, care or training, that is, to do the job laid down for them in the law.

Service providers must also tell clients what information can be acquired about them whether they agree or not. Clients are given an opportunity to study information obtained elsewhere and can provide any necessary explanations.

Confidentiality and professional secrecy

Documents concerning social welfare clients are considered confidential. Information from such documents can only be given out with the client's specific consent or if the law separately requires.

All those working for or holding positions of trust in social welfare services are bound by professional secrecy. This means that they may not, generally speaking, provide information to outsiders without the client's consent.

If some information is essential in order to arrange a client's welfare, care or training, a public or a private service provider can disclose this without the client's consent under certain conditions. In special situations, for instance, information can be given to the police, a court of law or some other authority. Whoever receives the information is then bound by the same secrecy duty.

Interpreting

If a service provider does not speak the client's language, an interpreter must be arranged whenever possible. If the client has a sensory or speech defect, interpretation must likewise be provided.

Right of appeal

Decisions on social welfare can be appealed, primarily under the Social Welfare Act. Various other acts also contain provisions on right of appeal. Clients are always entitled to receive decisions in writing. The documents must then state how the client can appeal the decision. More information about appeals can be obtained from a social welfare ombudsman (see below). The new Social Welfare Client Act in no way changes the client's right of appeal.

Complaint

In addition to existing legal safeguards, the new Act makes it possible for clients to file a complaint if they are dissatisfied with their treatment within the social welfare system. Such complaints must be responded to within a reasonable time. This new complaint facility means that the situation can be improved fairly easily and quickly. Filing a complaint does not restrict the client's right to file an appeal or extraordinary appeal on the matter.

Social welfare ombudsman

Each municipality has a social welfare ombudsman who deals with both public-sector and private-sector social welfare. If clients are dissatisfied with the treatment or service they have received, they can ask this ombudsman to act as an arbitrator. The ombudsman assists and advises social welfare clients and helps them to file complaints. He/she also monitors aspects of client rights and status in the municipality concerned and reports annually to the municipal executive board.

Ensuring the quality of social work

Every municipality must have at least one official dealing with social welfare clients who is a properly qualified social worker. In urgent cases, only a qualified social worker may decide on provision of care and other related action without the client's consent.

The Act on the Status and Rights of Social Welfare Clients (812/2000), commonly known as the Social Welfare Clients Act, came into force at the beginning of 2001.

This brochure can also be found on the Internet at: www.stm.fi/english

Clients can pick up this free brochure from their local social welfare office or any social welfare unit.

**For further details, contact
The social welfare ombudsman
in your home municipality:**

Name:

Address:

Telephone number:

**Social and Health Departments at
Provincial State Offices:**

Southern Finland Provincial State Office, tel. 020 516 131

Western Finland Provincial State Office, tel. 0205 17 121

Eastern Finland Provincial State Office, tel. 020 516 161

Oulu Provincial State Office, tel. 02051 7181

Lapland Provincial State Office, tel. 02051 7171

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