

ASPECTS OF STATE CONTROL OF SOCIAL ASSISTANCE AS A FUNCTION OF SOCIAL PROTECTION MANAGEMENT IN THE REPUBLIC OF MOLDOVA

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SUMMARY

World experience proves that no state can successfully carry out radical reforms in economic and political, social and cultural life without also having a developed network of social assistance services and specialists, able to protect people in difficulty. In this context, in addition to regulations, reforms, training, financing, programs, projects, the need to control their application and capitalization is imposed.

As a result, the field of social assistance, which includes a wide spectrum of specific benefits and services, each with particularities in regulation, application, financing, but indispensable for the categories of beneficiaries to whom they are addressed, it is necessary to establish and apply the control function through to institutions with attributions and functions in that direction.

Key words: control, control mission, evidence, report, social assistance, recommendation.

ASPECTE ALE CONTROLULUI DE STAT AL ASISTENȚEI SOCIALE CA FUNCȚIE A MANAGEMENTULUI PROTECȚIEI SOCIALE ÎN REPUBLICA MOLDOVA

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REZUMAT

Experiența mondială demonstrează că nici un stat nu poate realiza cu succes reforme radicale în viața economică și politică, socială și culturală fără a dispune și de o rețea dezvoltată de servicii de asistență socială și de specialiști, capabili să protejeze persoanele aflate în dificultate. În acest context pe lângă reglementări, reforme, perfecționări, finanțări, programe, proiecte, se impune necesitatea controlului aplicării și valorificării acestora.

Ca rezultat, domeniul asistenței sociale, care include un spectru larg de prestații și servicii specifice, fiecare având particularități în reglementare, aplicare, finanțare, dar indispensabile pentru categoriile de beneficiari cărora le sunt adresate, este necesar de instituit și aplicat funcția de control prin intermediul unor instituții cu atribuții și funcții în direcția respectivă.

Cuvinte-cheie: control, misiune de control, probe, raport, asistență socială, recomandări.

Introduction. Social assistance is an operative way of implementing support possibilities through multiple benefits and social services, for those in extraordinary situations for a short or long period of time. The theory of social assistance is often exceeded by the flexibility of practice, the ways in which employees in the system link theory to practice do not always have a written reflection, and the benchmarks are mostly regulated and not theoretical [5].

The control activity reflects that function of management, which is expressed through a complex of information collection, processing and monitoring actions, through which managers ensure that the activities carried out are carried out according to the plan or forecast, measuring the progress towards the proposed objectives and detecting deviations from the proposed plan in order to take the necessary corrective measures [4].

The topicality of studying the control function in social assistance emerges from the importance of the field and the expected effect, from the reforms that are carried out and the need to implement the approved changes, from the fact that resources (financial, human, time) are limited, and the beneficiaries need these services and services in optimal terms and conditions.

Results. Unlike other social sciences, social assistance is characterized by the close connection between theory and practice, between accumulated knowledge and formed skills. However, the practice of social assistance is much more complicated, much more elastic, often imposing non-standardized methods of solving problems.

The field of social assistance, as a component of social protection, is also subject to control activity. State control and accreditation in the field of social assistance is carried out by the State Social Inspectorate, which is

an administrative authority subordinate to the Ministry of Labor and Social Protection [1].

This authority's mission, basic functions, main attributions, general rights and other normative provisions are established in the Regulation on the organization and operation of the State Social Inspectorate, approved by the Government. The State Social Inspectorate is the legal successor of the Social

Inspection and has been active since June 2023.

One of the main functions of the State Social Inspectorate is the exercise of state control in terms of establishing the right and granting social services and establishing the right and granting social assistance benefits throughout the territory of the Republic of Moldova [3].

exercising control over compliance with the regulations of the legislation in the field of establishing the right and granting social assistance benefits and social services

- communication and public information regarding the mission, importance, priorities, specific measures and results of the Inspectorate's activity

representing interests in courts, in relations with similar bodies abroad and with other public institutions and domestic and international organizations

- evaluating and monitoring the impact of the Inspectorate's control activity on entities subject to state control in the field of social assistance

accreditation of social service providers according to the provisions of Law no. 129/2012 regarding the accreditation of social service providers

Figure 1. Functions of the State Social Inspectorate

Source: developed by the author based on the Regulation on the organization and operation of the State Social Inspectorate [3]

In the context of carrying out the control function, the State Social Inspectorate has several attributions set out below:

a) ensures the exercise of control over the implementation of the provisions of the normative acts relating to the establishment of the right and the granting of social assistance benefits and social services by social service providers, regardless of the type of property and the legal form of organization;

b) finds contraventions in the part related to the implementation of the legal provisions that regulate the establishment of the right and the granting of social assistance benefits and social services, in accordance with the provisions of the Contraventional Code of the Republic of Moldova no. 218/2008;

c) draws up, in accordance with the law, minutes regarding the contravention and sends, as the case may be, the file to the court or another body for examination;

d) prepares written reports, in which the findings of the control mission carried out, the recommendations for improving the activity, as well as the period during which the observed deviations are to be remedied are recorded;

e) order measures to the public administration authorities, which have established the rights to the granting of social assistance benefits and the provision of social services, the re-evaluation of the cases and files of the beneficiaries, as appropriate, and in the situation where there are suspicions of fraud, abuse and negligence, notify the bodies for the protection of the competent legal norms;

f) orders the controlled entities to take legal measures to remedy the identified deficiencies, identifies the legal

liability of the guilty persons and notifies the competent law enforcement bodies, as the case may be;

g) proposes, in accordance with the law, the suspension or withdrawal of the accreditation of the social service.

The control missions are carried out based on the provisions of the Inspection Standards, which aim to establish the general regulatory principles applicable to the types of control carried out by the State Social Inspectorate. The inspection standards are defined as the set of concepts, guiding principles, procedures and methods on the basis of which the inspector determines the set of verification steps and procedures that allow the achievement of the set objective [6].

At the same time, the inspection standards regulate the main operational processes of the State Social Inspectorate, contributing to:

a) the delimitation of the operational processes and specific stages of the inspection activity;

b) defining the reference framework on the basis of which the activity of inspection;

c) stimulating process improvement within the institution;

d) ensuring the complexity and quality of the mission report, supporting, in the same time, the credibility of inspectors in front of users of inspection reports.

The State Social Inspectorate establishes effective systems for planning the process of achievement of its mission, as a result of developing the Strategic Development Plan for a period of three years and the annual activity plan based on the analysis of institutional capacities, the establishment of development priorities

and principles [3].

The planning of control/inspection missions in the field of social assistance includes both social benefit inspection missions and social service inspection missions, which are carried out based on:

- a) The risk profile, developed and approved annually within the annual activity plan of the institution;
- b) Requests/petitions received from citizens, the Ministry of Health, Labor and Social Protection, other state institutions.

It is constantly aimed at ensuring the sufficiency of allocating the necessary resources for the planned activities, in order to achieve the approved annual activity plan. The strategic plan and the annual activity plan can be amended, according to the procedure established by the internal normative act. The State Social Inspectorate has and applies an internal normative act regarding the policies and procedures for the development and approval of activity plans, monitoring and systematic reporting on their implementation.



Figure 2. Stages of the inspection mission of social services and benefits

Source: developed by the author based on the Inspection Standards

At the planning stage of the inspection mission, the Social Benefits Inspection Mission Plan is drawn up in the Social Assistance Automated Information System, responsible of this process being the Head of the Directorate.

It is reflected in the Inspection Mission Plan [6]:

- a) specifying the mission objective;
- b) the risk profile used to select cases for inspection;
- c) defining the inspection targets, with the establishment of the sample of beneficiaries who will be subjected to the inspection procedures and techniques;
- d) formation of the inspection team;
- e) activities for each member of the inspection team;
- f) the deadlines for carrying out the inspection.

After drawing up the Inspection Mission Plan, in the planning process the members of the inspection team carry out the following actions [3]:

a) analyzes the data from the requests for social aid and aid for the cold period of the year included in the inspection plan and prepares the "Control sheet", which is completed/drawn up at the beneficiary's home;

b) requests information from entities, in order to verify the correctness of the data declared in the application and the changes made during the payment period;

c) analyze data from other information systems, in order to facilitate the process of collecting inspection samples;

d) analyzes the level of implementation of the recommendations submitted in the previous mission.

In the process of planning a social services inspection mission, the inspector is required to go through the stages reflected in Figure 3.

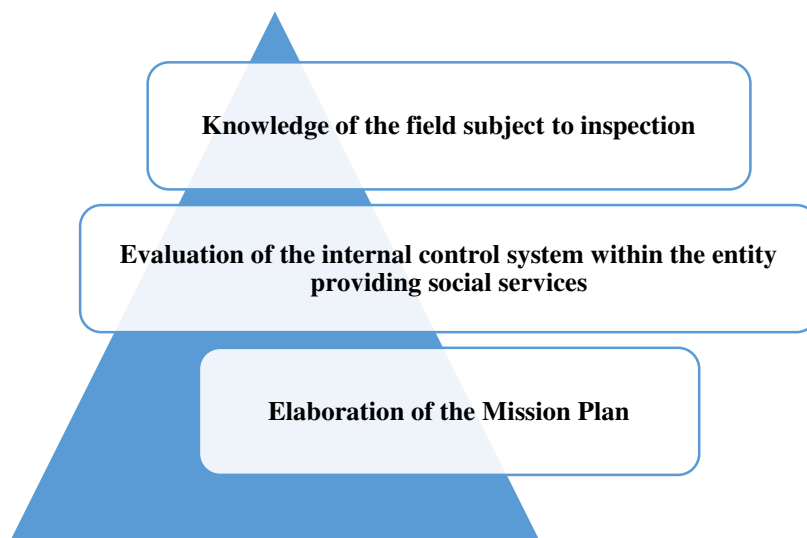


Figure 3. Stages of planning the social services inspection mission

Source: developed by the author based on the Inspection Standards

At the inspection execution stage, in order to

document irregularities (cases with errors and suspected

cases of fraud) in the process of establishing and paying social benefits collect the following types of evidence:

a) documentary inspection evidence – obtained on the basis of documents, being presented in written form or in electronic format (scanned);

b) analytical inspection evidence - obtained as a result of the verification, analysis and interpretation of the data resulting from the actions related to the granting of social benefits;

c) physical inspection evidence - obtained by direct observation of the events, being presented in the form of photographs, video recordings, etc.;

d) verbal inspection evidence – obtained in the form of answers to interviews, questionnaires, explanations, etc.

The inspector is obliged to argue the detected irregularities (cases of error and cases of suspected fraud) through inspection evidence that meets the following characteristics: they are credible, relevant and sufficient. Inspectors apply professional judgment in determining the credibility, relevance and sufficiency of evidence. Credibility and relevance are related to the quality of the evidence. The sufficiency of inspection evidence is related to its quantity.

Inspection evidence is collected for each inspected case, through the use of to the inspector of the following work techniques and procedures :

1) *analytical procedures*: consist of the analysis of information related to the establishment and payment of social benefits to beneficiaries, including the analysis and examination of documents from the personal files of social benefits beneficiaries, documents presented by third parties, etc.;

2) *interviewing*: consists in obtaining information from qualified persons inside and outside the verified entity;

3) *confirmation*: consists in verifying the correctness of the data declared in the application regarding the welfare of the family, during visits to the home of the beneficiary of social benefits, or receiving a written answer given to a question addressed to the managers of a public entity and beneficiaries of social benefits to verify some related topics of the correctness of establishing and paying social benefits [2].

During the execution stage of the social services inspection mission, to obtain evidence, inspectors must use the following techniques and work procedures:

a) *document analysis*: to compare the existing indicators at the entity level in the aspect related to the provision of social services to beneficiaries and significant trends over a certain period, as well as in the analysis and examination of documents from the personal files of beneficiaries;

b) *observation*: involves following the activities, processes or internal procedures carried out by the persons responsible in the provision of services;

c) *investigation/interview*: consists of obtaining information from qualified persons inside and outside the verified entity;

d) *confirmation*: consists in receiving an answer to a question addressed to a public entity to verify some topics related to the process of establishing social service

beneficiaries.

The inspection samples are processed in the "Social Assistance Automated Information System", by going through the inspection steps and entering the data, the amount of the social benefit due to the family being automatically recalculated [6].

In the event that the inspection evidence reveals the correctness of the establishment and payment of the social benefit to the beneficiary family, and the recalculated amount of social aid and aid for the cold period of the year coincides with the amount established and paid to the beneficiary by the territorial social assistance structure, the inspection process is completed by validation of the application for social aid and aid for the cold period of the year. In the cases found with irregularities, the stage of reporting the results of the inspection is passed [2].

All samples collected during the performance of the inspection mission constitute the inspection documentation and are attached to the Inspection Mission File.

At the reporting stage of the inspection mission, after the validation/non-validation of all inspected cases, the head of the inspection team draws up the Inspection Report per district, which represents a generalization report at the district level, summing up the information included in all the individual Reports of inspection completed within a mission.

The report of the district inspection mission must be:

a) complete, to contain the findings and data from the Individual Inspection Reports;

b) objective, be balanced, without distortions, so as not to create suspicions regarding the credibility and independence of the inspector(s) responsible for carrying out the inspection mission;

c) accessible, which implies the use of language as clear and simple as possible to be easily read and understood by the beneficiaries of the report. Not to give the possibility of erroneous interpretations.

d) timely, which implies compliance with the elaboration deadline, without delays and qualitatively;

e) convincing, which involves conclusive and accurate presentation of results, and conclusions and recommendations must be supported by sufficient and appropriate inspection evidence.

The recommendations submitted in the Report of the inspection mission per district must emerge from the synthesis of the findings and conclusions regarding the existing deficiencies in the process of establishing and paying social aid and aid for the cold period of the year and be:

a) aimed at removing the causes that lead to shortcomings or deficiencies in the management of the institution in the respective activity component;

b) clear, concise, simple in form and detailed in content, for their understanding;

c) practical (executed within the established limits, taking into account the restrictions of legal norms);

d) oriented towards results that can be evaluated and formulated in such a way that their achievement can be monitored.

For the years 2019 - 2022, inspection missions were

planned for 26 entities that provide public home care services. During the inspection missions, the following activities were carried out [7]:

- a total of 4931 files were checked, including 3925 files of beneficiaries and 1006 files of service personnel. The share of verified files constituted 30% of the total number of beneficiaries per entity.

- visits were made to the homes of 686 beneficiaries, which were carried out in 2019 and between February and March 2020, at nine inspected entities.

As a result, several irregularities were identified:

- upon the admission of beneficiaries to the Service and compliance with the eligibility criteria

- when assessing the beneficiary's needs, drawing up the individualized care plan and signing the service agreement.

- when assessing the beneficiary's needs, drawing up the individualized care plan and signing the service agreement - in the process of verifying compliance with the regulatory framework regarding the provision of home care and the requirements for monitoring and evaluating the provision of home care services.

- regarding the initial and continuous training of the staff

- regarding the employment and management of the Service's personnel.

All these irregularities cause significant negative effects: providing services at an ineffective level and quality, serving beneficiaries who are not eligible, services not provided to people who need these services, inadequate or erroneous remuneration, etc..

According to the Control Report on the formation and operation of the Personal Assistance Social Service, the Directorate of Social Assistance and Protection of the Nisporeni Family, the planned control mission was carried out, the period subject to inspection 2019-2023. 226 people benefited from assistance in 2023, 65 from the city. Nisporeni, and 161 people from 21 rural localities, 18% more than in 2020 [8].

Between January and December 2023, the State Social Inspectorate carried out 16 control missions on the correct and uniform application of laws and other normative acts that regulate the granting of social assistance benefits, as follows:

- correct application and unitary of the laws and other normative acts that regulate the granting of social aid and aid for the cold period of the year - 6 control missions;

- unemployment status eligibility for family members receiving social assistance and aid for the cold period of the year - 6 control missions (4 planned missions; 2 unexpected missions);

- the method of establishing and granting emergency financial aid, the correctness of the implementation of the provisions of the Regulation on the method of establishing and paying emergency financial aid being verified - 3 unannounced control missions [9].

From the total amount subject to inspection procedures, which is 24071.17 thousand lei, unjustified payments were found in the amount of 13948.84 thousand lei, or what constitutes 58% of the total amount

checked. At the same time, cases were found in which the amount of social aid established for the beneficiaries was in a smaller amount.

Irregularities were established that led to the reduction of the payments of social benefits paid to the beneficiaries in the total amount of 30732.00 thousand lei. The amount forwarded for restitution as a result of the control missions carried out in 2023 is 13349.62 thousand lei, or 96% of the amount found to have been granted unjustifiably.

For each case identified with irregularities, individual control reports were drawn up and submitted to the territorial social assistance structures in order to take the necessary measures to remedy the detected errors.

In the process of the control mission, several irregularities were detected, both regarding the correspondence of the beneficiary status, the professional correspondence, the assessment of the applicants' needs, the elaboration of the assistance plan, the monitoring and evaluation of the service, the completion of the file upon employment and along the way, thus causing more damages. Several recommendations were specified, which need to be implemented according to a plan with reporting on the achievement in terms established at the State Social Inspectorate.

At the same time, the Criminal Code was supplemented with an article that will regulate liability for violating the rules regarding the provision of social assistance. Thus, the violation by the territorial social assistance structure of the decision-making period regarding the granting or non-granting of social benefits is sanctioned with a fine of 50 to 150 conventional units applied to the person with a responsible position [4].

At the same time, the intentional establishment and granting by the territorial social assistance structure of the right to social services, social aid and/or aid for the cold period of the year to the person who does not meet the conditions established by law, if thereby causing damage to the budget of state in a size that exceeds 100 conventional units, is sanctioned with a fine from 100 to 200 conventional units applied to the person with a responsible position with or without the deprivation of the right to hold certain positions for a period of 3 months to one year.

Refusal by the responsible persons within the central public authorities, local public authorities or by natural and legal persons under private law to make available to the inspectors of the State Social Inspectorate the documents and information necessary to carry out the actions of supervision, control, evaluation and monitoring is sanctioned with a fine of 20 to 50 conventional units applied to the natural person, with a fine of 50 to 100 conventional units applied to the person with a responsible position and with a fine of 100 to 150 conventional units applied to the legal person.

The monitoring of the implementation of the recommendations submitted by the State Social Inspectorate is a component part of the inspection activity and represents a sequence of activities structured from a logical point of view, organized in order to track and assess the actions taken by the entity regarding the remedy of deficiencies/deviations found by the

inspection. As part of the monitoring process, the State Social Inspectorate also ensures the follow-up of the amounts recommended for restitution by the beneficiaries of social benefits [6].

The person in charge of monitoring analyzes and generalizes, at an interval of 10 days, the data received from the targeted entity regarding the measures taken, including the supporting documents, and classifies the activities, ensuring the record of the recommendations depending on the level of execution:

a) *executed*, the information presented by the audited entity/other bodies and institutions concerned in the Inspection Mission Report confirms that the necessary measures have been taken in order to implement the recommendation;

b) *partially executed*, the information presented by the entity is not complete (either the confirmatory documents are not attached, or the measures taken are not sufficient, only some actions have been initiated);

c) *not executed*, the entity did not present any information that would certify the undertaking of actions in order to comply with the submitted recommendations or the actions undertaken are not appropriate.

In case of non-implementation or partial implementation of the recommendations, the following will be undertaken:

a) contacting and communicating by phone with the managers within the targeted entity;

b) informing in writing the management of the entity and the higher hierarchical body, other bodies, for taking a stance.

The inspectors are obliged to verify the implementation of the previously submitted recommendations within the inspection missions. If no inspection missions are planned for the entities that did

not ensure the implementation of the recommendations, the management of the State Social Inspectorate can decide to initiate an unannounced verification of the level of implementation of the recommendations. At the end of the unannounced verification action, the inspector draws up the Report on the implementation of the recommendations.

The State Social Inspectorate prepares statistical reports on the level of execution a recommendations submitted for implementation to the inspected entities.

Conclusion. In the state control activity in the field of social assistance, the State Social Inspectorate carries out control missions, being empowered with functions and attributions, and more recently ascertains and examines contraventions in accordance with the provisions of the Contravention Code.

The local public administration authorities of the first level will provide, at the request of the State Social Inspectorate, the necessary information to carry out the state control regarding the provision of social assistance in the administered territory.

The control of social assistance is carried out in strict accordance with the standards and regulations in force, according to the approved plan, as well as based on complaints, reasoned requests.

The stages of the inspection mission are planning, execution and reporting. At each of the stages, it is important to apply the right methods, carry out the related activities, and respect the established deadlines.

It is important that through the controls it is not necessary to establish sanctions, that is, the recommendations should have the character of continuous improvement and improvement of the field of social assistance.

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