



**REPUBLIC OF ALBANIA
THE PARLIAMENT**

LAW no. 121/2016

ON SOCIAL CARE SERVICES IN THE REPUBLIC OF ALBANIA

Based on articles 78 and 83, paragraph 1 of the Constitution, on proposal of the Council of Ministers,

THE PARLIAMENT
OF THE REPUBLIC OF ALBANIA

D E C I D E D:

PART ONE

GENERAL PROVISIONS

CHAPTER I

SCOPE OF APPLICATION

Article 1

Purpose of the law

The purpose of this law is to determine rules on the provision and delivery of social care services which are useful for the well-being and social inclusion of individuals and families in need of social care.

Article 2

Scope of application

This law determines:

- a) the type of benefits and facilities, the individuals and groups of individuals who fulfil the conditions to benefit from them, as well as the procedures to apply for and to be granted the rights of social care services;
- b) the role and responsibilities of public and non-public bodies entrusted with the enforcement of the law.

Article 3

Definitions

The following terms in this law shall have the following meaning:

1. "Social care services" means an integrated and organised system of benefits and facilities, that are provided by the practitioners of the respective fields of public or non-public subjects, in order to ensure well-being, independence and social inclusion of individuals and families in need of social care.

2. "Residential services" are 24/7 and long-term services of care provided to individuals in need (children or adults), in public and non-public residential centres.

3. "Community services" are services provided to all the categories of beneficiaries of the social care services in local community centres or other premises, including day-care services or temporary replacement of the guardian.

4. "Pre-social services" are services which include informing beneficiaries of the social care services by service providers, assisting beneficiaries in determining their needs, making the initial assessment, supporting and assisting for the choice that corresponds to the needs of the beneficiary in the social service system.

5. "Homecare services" are social care services provided at the home of categories in need which are unable to receive community, day and residential services.

6. "Specialised services" are services provided by the professionals of various specialisations. These services are provided at regional and municipal level to children with pervasive disorder of development, mental illness, communication disorder, children in need of physical recovery, sexually abused children, children in conflict with the law as well as abused, violated or trafficked women and girls as well as all the other categories in need of these services.

7. "Telephone or *online* consulting service" is a service provided through the 24/7 telephone line for the support, consulting in time of crisis and referral of cases of domestic violence and protection of children, according to the prepared and approved protocols.

8. "Beneficiary of social care services" is the subject, individual or family that fulfils the conditions to avail of the rights related to social services.

9. "Child" is any person under 18 years of age.

10. "Child in need of special protection" is the person up to 18 years of age, who may be victim of abuse, negligence, exploitation, trafficking, discrimination, violence, abandonment or a criminal activity, as well as the individual under 18 years of age who has committed or who is accused of commission of a criminal offence.

11. "Disabled person" is a person, child or adult, who suffers long-term physical disorder, mental disorder, intellectual disability or sensory impairment, which in interaction with various barriers, may prevent the person's full and effective participation in society, on equal footing as the rest of the society.

12. "Victims of violence" are all the persons, groups of persons or families that are victims and/or potential victims of violence, including domestic violence or abuse, according to the legislation in force.

13. "Victim of trafficking" is the natural person who is the subject of trafficking in human beings according to the definition in letter "e" of article 4 of the law no. 9642, dated 20.11.2006,

“On ratification of Council of Europe Convention on Action against Trafficking in Human Beings””.

14. “Emergency situation” is a critical, whether or not temporary, situation created by social factors which cause or might cause immediate, serious harm, or which are seriously harmful to life, health or well-being of the person unless emergency and preventive measures are taken.

15. “Administrative procedure”, “Administrative act”, “Administrative Competence”, “Public body”, “Party” shall have the meaning provided for in the Code of Administrative Procedures.

16. “Guardian” is the person providing guardianship services to the child according to the provisions of the Family Code.

17. “Foster family” is an alternative family, assigned by the court to provide to the child a family environment, conditions for upbringing, physical care and emotional support as defined in the Family Code.

18. “Personal assistant” is the person chosen and instructed by a disabled person to assist the latter to overcome obstacles in daily life, according to the provisions of the legislation in force on inclusion and accessibility of disabled persons.

19. “Discrimination” is any distinction, exclusion, restriction or preference, based on gender, race, colour, ethnic origin, language, gender identity, sexual orientation, political opinion, religion or philosophical beliefs, economic status, education or social status, pregnancy, ancestry, parental responsibility, age, family or marital status, civil status, residence, health status, genetic predispositions, disability, membership in a particular group or on any other grounds, which aim or consequence is to prohibit or to make impossible the exercising of fundamental human rights recognized by the Constitution of the Republic of Albania, international acts ratified by the Republic of Albania and the laws in force, on similar terms as to the others.

20. “Single person” is the person who has no family or who lives alone.

21. “Single parent” is the parent who has not been married or who cares by himself/herself for the child/children.

22. “Person above the working age” is the person who at the time of assessment of criteria to benefit social service, is above the working age determined in that given year, according to the legislation in force on social security.

23. “Local government units” are municipalities and regions, according to the legislation in force on administrative-territorial division of the local government units.

24. “Social worker of the local government unit” is the professional of the needs assessment and case referral unit according to the respective legislation in force shall be responsible for identification of needs, referral, management and follow-up of cases.

25. “Case management” means ensuring and coordinating referral of persons in need of social care to the entire process of service provision, whenever it is necessary, until their full integration.

26. “Non-public subject, social services provider” is any non-public provider who is licensed by the responsible authority according to the legislation in force on licensing to provide social care services.

27. “National Electronic Register” is the electronic database of beneficiaries, providers, responsible institutions, type and duration of social care services.

28. “Social service employee” is the employee to serve to the beneficiary categories of social care services, as part of the public and non-public system of provision of social care services.

29. “Social care service fees” are the fees set by decision of the municipal council in accordance with the criteria approved by decision of the Council of Ministers, by type of service and manner of their definition.

CHAPTER II

SPECIAL PRINCIPLES

Article 4

Principles

Social services are administered based on the universal principles in the field of protection of human rights and particularly based on these fundamental principles:

a) principle of universality. Social care services shall be created, operate and they shall be supervised based on a system of legal rules that provide adequate guarantees to be applied similarly as to the beneficiaries who are under similar circumstances.

b) principle of social justice. Everyone shall have the obligation to ensure the main living conditions to oneself and other persons under his/her legal obligation to provide support and everyone shall have the obligation to contribute through work, income and assets to reducing the situation of poverty of oneself or family members, especially children and other members who are unable to take care of themselves.

c) principle of subsidiarity. Social care services shall be provided closer to the citizens and to the extent possible by the local structures.

ç) principle of social support. The subjects that meet the conditions to avail themselves of social care services shall have the right to use them in the manner determined by law and as long as they are under the conditions of impossibility and difficulty.

d) principle of de-institutionalisation. Social care services shall be ensured and offered, to the extent possible, at home or community of the service beneficiary, in order to ensure the social well-being and effective use of funding.

dh) principle of partnership. Functioning of the social service system is based on a close cooperation between the central and local government, as main funders of social services with the non-profit organisations and other public subjects, which scope of activity is the provision of social services to individuals and families in need of social care.

e) principle of respect for human rights and integrity of the beneficiary. Provision of social care services shall be based on respect for human rights, integrity of individuals, religious belief and comprehensive education.

ë) principle of non-discrimination. It shall be prohibited any form of discrimination of the beneficiaries of social care services based on the grounds mentioned in the legislation in force on protection against discrimination.

f) principle of confidentiality and personal data protection. Personal data of the individual who has been granted social care services, shall be confidential and protected and processed according to the law in force on personal data protection. The social worker, as any other person committed to providing social care services, shall maintain personal data confidentiality of the persons who are subjects of this law, of which he/she becomes aware of because of the respective function or task. The obligation to maintain confidentiality shall apply even upon expiry of the employment relations, functions or tasks.

PART TWO

CATEGORIES OF BENEFICIARY SUBJECTS AND TYPES OF SOCIAL CARE SERVICES

CHAPTER I

SUBJECTS ENTITLED TO THE RIGHT TO USE SOCIAL CARE SERVICES

Article 5

Categories of beneficiaries of social care services

1. The persons or families lacking minimum subsistence means and unable to provide them through work or property income or other sources, as well as all the persons who are unable to meet their livelihood needs, by themselves or through the help of family members, because of personal and social conditions shall have the right to use social care services.

2. Social care services shall be used by the Albanian citizens residing in the Republic of Albania.

3. Social care services shall be used even by foreign citizens, stateless persons and refugees residing in the Republic of Albania.

4. Persons, who have been granted the status of the refugee and supplementary protection in the Republic of Albania, shall enjoy the right to social care similarly as Albanian citizens based on the respective documentation, prepared for this purpose by the authority responsible for asylum and refugees, according to the legislation in force on asylum.

Article 6

Beneficiaries of social care services

1. Beneficiaries of social care services shall include these social groups:

a) families and children, as well as the child who enjoys international protection in the Republic of Albania, according to the legislation in force on asylum;

b) disabled persons;

c) adults who have social problems, victims of violence, victims of trafficking, established drug and alcohol addiction;

ç) pregnant girls or single parent of a child up to one year old;

d) children and young adults in conflict with the law who have completed the period of sentence and who need social care services for re-integration into society, as well as those who enjoy international protection upon the decision of the authority responsible for asylum and refugees in the Republic of Albania;

dh) elderly people in need.

2. The person who is not a beneficiary of social care services, according to paragraph 1 of this article, shall have the right, against respective fees, to request temporary accommodation in the institutions providing this service, be them residential or community centres, according to the conditions defined in this law, until the lapse of special circumstances because of which this service is applied for.

Article 7

Categories not entitled to social care services

The following categories shall not be entitled to social care services:

- a) Albanian citizens who reside abroad;
- b) asylum-seekers who have not been granted the status of refugees;
- c) Albanian citizens, aliens or stateless persons who need emergency assistance, because of natural disasters and wars;
- ç) persons who serve punishment of deprivation of liberty, upon a final court decisions.

CHAPTER II

SOCIAL CARE SERVICES AND MANNER OF THEIR PROVISION

Article 8

Types of social care services

1. Social care services shall be organised as community services, foster care institutions and families for all the categories of identified beneficiaries.
2. The following are the types of social services:
 - a) pre-social services;
 - b) services in community centres, including developmental centres;
 - c) services in residential centres, including shelters; ç) social services in emergency situation;
 - d) alternative care services to children without parental care; dh) specialised services;
 - e) telephone or *online* consulting service.
3. Social care services shall be residential services when their provision at home or in the community is inappropriate and unavoidable.
4. The request and documentation to use social care services shall be submitted to the social worker of the local government unit within the needs assessment and case referral structures of the local government units.
5. The criteria and procedures for admission with the residential centres and use of services in the community shall be determined by decision of the Council of Ministers.

Article 9

Classification of social care services

1. Social care services, according to the manner of financing, shall be classified into public and non-public services.
2. Public social services shall include social care services that are provided in community centres, residential centres and day centres or at home. These services shall be funded by the State Budget and the local budget of local government units.
3. Non-public services shall be classified into profit and non-profit services. Profit social services may not request or obtain funding from the State Budget and the municipal budget. Non-profit social services shall enjoy the right to request

or to be granted funding from the State Budget or the municipal budget, only if they have concluded a contract with the subject responsible for providing social care service.

4. Specialised social services shall be part of social care services, which are provided by the ministry responsible for social affairs and by the local government units at regional level.

5. Non-public social services shall include social care services that are provided by non-public subjects in residential centres, day centres, or at home.

Article 10

Pre-social services

1. Pre-social services shall be considered as community services and consist of:

- a) information and counselling;
- b) homecare service;
- c) psycho-social support; ç) early intervention.

2. Pre-social services shall be provided by certain professionals from the needs assessment and case referral structures of the local government units.

Article 11

Information and counselling

Information and counselling shall be services aiming at improving the situation of the person by guiding the latter on the most appropriate opportunities for the persons' needs, in the system of social care services.

Article 12

Homecare service

1. Homecare service is a service to the individual, single person, provided at home or at a foster family.

2. Homecare service shall be provided to the children, elderly people, disabled persons, who are unable to take care of themselves and who may not be assisted by family members or the guardian.

3. Homecare service is a combination of day-care services including:

- a) supply and distribution of ready-to-eat at home;
- b) supply with medications or other supplies;
- c) keeping of personal hygiene;
- ç) fulfilment of other daily needs, based on a case by case assessment;
- d) psycho-social support.

Article 13

Psycho-social support

1. Psycho-social support shall be provided individually or collectively and it shall aim at encouraging, rehabilitating, developing cognitive, functional, communication or social skills of the beneficiaries.
2. Psycho-social support may be provided even as part of specialised services when deemed necessary from the needs assessment and case referral structures.

Article 14

Early intervention

1. Early intervention is an individual social service provided at home, in social centres for provision of services in the community or compulsory educational institutions and it shall consist of professional assistance and incentives to the child up to 8 years of age, consulting to the parents and other birth family members or foster family members, in order to reintegrate the child into society.
2. Early intervention shall include child's case referral to the social and specialised service centre, compulsory educational institution or medical institution, according to the special characteristics of the child.

Article 15

Community services

1. Social care services, mainly in community centres, shall be provided as full day or half day services.
2. The full day service shall have a duration from six to eight hours per day, while the half day service may not last more than 6 hours per day.
3. During the period of stay in the community centre it shall be guaranteed physical safety, provision of personal hygiene services, medical care, education, psycho-social rehabilitation, leisure time in community, strengthening of the individual/family, as well as any other necessary services, according to the beneficiary's identified needs.
4. Full day services may be used during one or several days of the week or during all the week days.
5. The conditions and manner of provision of the service shall be defined by decision of the Council of Ministers.

Article 16

Services in developmental centres

1. Services in developmental centres are community services which aim is to provide and improve the status and quality of life of the disabled person up to 21 years of age.
2. The types of services provided in developmental centres shall be the following:
 - a) psycho-social intensive therapy for mental recovery and social rehabilitation aiming at integration into community;

- b) psychomotor service for recovery and improvement of psychological parameters and fine and global motor skills;
- c) recovery of physical parameters;
- ç) specialised orthophonic services for recovery of individuals with autism spectrum disorders or communication ability;
- d) recovery to work therapy;
- dh) development therapy.

Article 17

Shelters

1. Service in shelters shall be residential social care service provided temporarily, including specialised service, shelters, physical safety, food, medical care, psycho-social rehabilitation, physical therapy, professional activities, leisure in the community, education, depending on the beneficiary's identified and selected needs.

2. The beneficiaries of service in shelters shall include:

- a) the child, who is found without parental supervision, or at risk or street children;
- b) the child in need of special protection;
- c) the adult or elderly person, who has no permanent or temporary residence and who is unable to take care for him/herself;
- ç) women and pregnant girls or single parent with a child aged up to 1 year old;
- d) children and adults, victims of domestic violence, victims of abuse, victims or potential victims of trafficking, or at potential risk for life;
- dh) children and adults at risk because of the health situation, disability, drug or alcohol addition or social exclusion.

3. This service may be provided during all the weekdays and it shall include even referral to another social service.

Article 18

Temporary housing

1. Temporary housing shall be a service provided to individuals in difficult and emergency situations, until their referral to another social service.

2. Beneficiaries of this service shall not be subject to the ordinary process of case assessment, but they shall only be referred through the social worker.

3. The structures responsible for assessment and referral, once the emergency situation is over, shall make the case is assessed further in relation to the person in need.

4. This housing service may be provided even in the birth family or in the foster family.

5. Temporary housing shall have a duration of up to six months, but it may be extended up to one year, where appropriate.

Article 19

Treatment of the child in emergency situations

1. If a social worker of the local government unit is informed of or deems reasonably that the child is in an emergency situation, he/she shall take the following actions:

- a) remove the child from the current location and shelter the child in the closest temporary shelter;
- b) help the child by hospitalising the child or informing the police immediately if so required because of the situation;
- c) communicate with the child to understand the child's situation;
- ç) inform the child of the steps to be taken according to this article.
- d) refer the child to the child protection unit.

2. The social worker, immediately after sending the child to the temporary shelter, shall inform the parent or the legal representative of the child.

3. The temporary shelter when the child is placed shall address a request for the emergency protection order to the competent court, in order to ensure protection of the child, by legitimating the child's stay in the social care centres.

4. If the court issues the emergency protection order, the child shall stay in the social care centres, according to the conditions and criteria established in this law.

5. The social care institution, after issuing of the protection order, shall, if so indicated by the circumstances, submit to the court a request to impose or replace guardianship.

6. The social worker of the local government unit shall monitor the well-being of the child in the family if the court does not consider reasonable the issuing of the emergency protection order.

Article 20

Treatment of the exploited or trafficked child

Institutions, which by law are responsible for the treatment of exploited or trafficked children, shall be obliged to take all the measures and specific actions to help and support children, victims of exploitation or victims of trafficking, until their physical and psycho-social recovery, after a special assessment of circumstances of each child, in order to find a sustainable solution, according to law no. 9049 dated 20.11.2006 "On ratification of the Council of Europe Convention on action against trafficking in human beings".

Article 21

Services in residential centres

1. Services in residential centres shall be considered long-term and organised sheltering services provided to categories in need, who may not be provided the homecare service.

2. Categories in need shall be placed in social care centres upon the consent of the individual or respective legal representative after assessing the social, economic and medical situation of the individual.

Article 22

Long-term housing

1. Long-term housing shall be provided to individuals in need of constant care, in order to fulfil the fundamental needs, when such care may not be provided at home or in the foster family.

2. Persons in need of constant care shall be:

a) disabled persons, by age, type and levels of harm, when care may not be provided at home, by providing the proper institutional forms of care;

b) elderly and seriously ill persons who suffer permanent changes to their health situation.

Article 23

Organised housing

1. Organised housing is a social care service at local level, which is provided 24 / 7 in residential centres to meet the social, cultural, educational, recreational fundamental needs of beneficiaries from public or non-public services.

2. Organised housing shall be provided to elderly persons, orphans, children without parental care or guardianship, disabled persons, by providing the proper residential forms of care, following exhaustion of all the opportunities to provide care at home, in the foster family or in the community centres.

3. The beneficiaries of organised housing services shall be allocated a certain amount of ALL for personal expenses. This amount shall be determined by decision of the Council of Ministers.

4. The persons, who wish to use the organised housing service and who have personal income may be admitted for public organised housing institutions against a fee.

5. In any event, priority to be admitted for organised housing service shall be given to the categories defined in paragraph 2 of this article.

Article 24

Alternative care services to children without parental care

1. Children shall be provided with alternative care when they are permanently/temporarily deprived of family environment, or they may not stay in this environment as it is against their best interest.

2. Alternative care may be:

a) placement in an alternative family or foster care institution for children;

b) placement in an adoptive family.

3. Alternative care services for children without parental care shall be provided in foster family, according to the specific needs of the child, foreseen in the legislation in force.

4. The procedure of identification of the foster family shall be organised and supervised by the social service structures of the local government units, which shall establish the multidisciplinary commissions for the case assessment. Organisation and functioning of

multidisciplinary commissions shall be determined by instruction of the minister responsible for social affairs.

5. The criteria, documentation and procedure to be followed by the social service structures of local government units, for identification of the foster family, as well as the measures for the funding of expenses of the children placed in a foster family shall be determined by decision of the Council of Ministers.

6. The Minister responsible for social affairs shall issue an instruction on the procedures and enforcement of service standards.

Article 25

Public services

1. The beneficiaries of social care services shall avail themselves of public services, including education and health. Their expenses shall be covered by the State Budget.

2. The beneficiaries of social services, defined in paragraph 1 of this article, shall fall under the category of economically inactive persons, in the sense of the compulsory health insurance scheme. The contribution to the compulsory health insurance fund for this category shall be paid by the State Budget.

PART THREE

ADMINISTERING AND FUNCTIONING OF THE SYSTEM OF SOCIAL CARE SERVICES

CHAPTER I

Article 26

General criteria of functioning and coordination

1. The social care service system shall provide services, at no charge or against fees, according to the cases defined in this law.

2. In any case, the methodology of determination of fees and their level shall follow a joint instruction of the minister responsible for social affairs and the minister of finance.

3. The ministry responsible for social affairs shall coordinate and provide general support to social care services.

Article 27

Subjects providing social care services

1. Social care services shall be provided by public or non-public legal persons, licensed for this purpose. The responsible authority shall, according to the legislation in force on licenses, license the activity of social care services and subjects providing them, defined in this law.

2. Social care services that are funded privately shall be provided by non-public subjects, but under the conditions defined in this law.

3. The social care services, in any case, shall be provided in accordance with the standards prepared by the ministry responsible for social affairs.

Article 28

Admission to the system of social care services

1. Admission to the system of social care services shall start upon the request of the individual in need, his/her representative, the psychologist, but it may start even ex officio by the social worker of the local government units when the situation of need for services is identified.

2. The request to benefit social care services shall be submitted to the social worker of the needs assessment and case referral unit within the special social services structure of the local government unit.

3. The municipal council shall decide whether to approve or refuse the request for admission to the system of social care services, within 15 days from the date of submission of the request. Decisions of the municipal council may be appealed against through judicial channels.

4. In case the social care service to the individual is not provided by the local government unit, the mayor of the municipality shall refer the case to another local government unit, on its initiative or through the regional directorate of the State Social Service. The decisions of the mayor of the municipality may be appealed against through judicial channels.

Article 29

National Electronic Register

1. The National Electronic Register shall be administered at central level by the ministry responsible for social affairs through the State Social Service and it shall be accessible by all the local government units.

2. Each local government unit shall have the obligation to enter data in the register at its disposal and report to the State Social Service on regular basis.

3. The data entered in the register shall be collected by the State Social Service and they shall be reported to the ministry responsible for social affairs on regular basis.

4. The National Electronic Register shall be established and administered in accordance with the legislation in force on the state database.

5. Specific rules of functioning and administering of the National Electronic Register shall be defined by decision of the Council of Ministers.

Article 30

Responsibility for enforcement of the system of social care services

1. The enforcement of the system of social care services that are funded by the state budget and budget of the local government units shall be the responsibility of the public bodies entrusted with this task at central and local level.

2. The main institutions responsible for administering the system of social care services shall be the following:

- a) ministry responsible for social affairs and its subordinate institutions;
- b) the region;
- c) the municipality.

Article 31

Role of ministry responsible for social affairs

1. The ministry responsible for social affairs shall organise and administer the system of provision of social care services, in line with the requirements and standards for their provision.

2. The ministry responsible for social affairs shall have the following main roles and functions:

- a) draft the policy documents of reforming and modernising the system of social care services, in order to improve effectiveness and their provision;
- b) draft and update the minimum standards of service provision;
- c) draft and/or propose the legal and sub-legal acts to complete the regulatory framework of functioning of the system of social care services;
- ç) define the criteria and conditions to be met by the subjects providing social care services;
- d) draft and undertake awareness campaigns that encourage assistance, voluntary work and other forms of support to the individuals and families in need of social care services;
- dh) draft cooperation documents among the stakeholders involved in the enforcement of the system of social care services, in order to coordinate cooperation effectively;
- e) plan, as a separate item in the budget, the funding of social care services delegated to municipalities as a transfer to the social fund;
- ë) draft and approve training and education manuals on the manner of provision of social care services by the providers, in order to enforce uniformity of the law;
- f) give advice and instruct the local government units on the structures to be established by them for the enforcement of the system of social care services and the manner of planning and providing services;
- g) draft and submit for approval the funding needs by the State Budget on the activities of the social care services.

Article 32

State Social Service

1. The State Social Service is an institution under the ministry responsible for social affairs.

2. The Statute of the State Social Service shall be approved by decision of the Council of Ministers.

3. The structure and organogram of the State Social Service shall be approved by order of the Prime Minister.

Article 33

Role of the State Social Service

1. The State Social Service shall monitor enforcement of the legislation on social services all over the country, through the structures of central units and regional directorates.

2. The State Social Service shall have the following roles and functions:

- a) draft the template documentation for the beneficiaries of social services;
- b) make the needs assessment of social care services;
- c) collect, analyse and process information on the progress of the system of social care

services and report on regular basis to the ministry responsible for social affairs;

- c) draft the annual report of needs assessment for the social care services and for the capacity of public and non-public services;
- d) train the staff of the local government units dealing with aspects of social services;
- dh) coordinate the process of drafting of social plans, by ensuring compliance of these plans with the national strategies;
- e) update and maintain the National Electronic Register with data on the beneficiaries and subjects requesting social care;
- ë) send to the minister the social statistics related to social care and social payments.

Article 34

Role of the Inspectorate of Social Care Services

1. The Inspectorate, dealing with the field of social care services, here and after the Inspectorate, shall be the public budgetary legal person, under the minister responsible for social affairs.
2. The Inspectorate of Social Care Services shall be responsible for the control and verification of compliance with the legal requirements in the field of social care services.
3. The Inspectorate shall function under this law and the law governing inspection in the Republic of Albania.
4. The manner of organisation, functioning and activity of the Inspectorate shall be determined by decision of the Council of Ministers.
5. The structure and organogram of the Inspectorate shall be approved by order of the Prime Minister, on the proposal of the minister responsible for social affairs.

Article 35

Functions and competences of the Inspectorate

1. The Inspectorate, in implementing this law, shall perform the following functions:
 - a) control enforcement of the criteria and conditions by the public and non-public subjects providing social services, according to this law, the sub-legal acts in implementing this law and other legal acts in force;
 - b) inspect the standards of services provided by the providers of the social care services;
 - c) cooperate with and give information to other state bodies over cases falling under their competence, concerning the activity of provision of social care services;
 - ç) inspect the premises and documentation of subjects that provide social care services, which have the obligation to allow and make available to the Inspectorate the information and documentation necessary for inspection;
 - d) impose fines and other administrative measures against public and non-public subjects, when violation of provisions of this law is found;
 - dh) propose to the minister responsible for social affairs, the removal of the licence of the social service provider, who within ten days, shall take the final decision on the proposal;
 - e) report on regular basis on the results of inspection of social care services to the ministry responsible for social affairs.

2. The Inspectorate shall process the complaints against subjects that perform the activity of provision of social services, received directly or submitted by any other institution or individual.

3. The Inspectorate shall decide, after processing the complaints, in line with the Code of Administrative Procedures and in accordance with the competences conferred by this law.

4. The rules on the processing and handling of complaints shall be approved by order of the minister responsible for social affairs.

Article 36

Role of the municipality

1. The municipality shall provide and administer the social care services within its territory by:

- a) identifying the needs;
- b) assessing the needs based on the vulnerability map;
- c) drafting the local social plan; ç) planning local budget;
- d) planning the main basket of social services;
- dh) contracting the provider of social care services through procurement procedures, according to the legislation in force on public procurement;
- e) coordinating the necessary social care services with the State Social Service.

2. Special structures shall be established for the social care services to administer the social care services.

3. The needs assessment and case referral unit shall be established in each administrative unit, under the municipality.

4. The municipality shall assign one social worker of the local government unit for six to ten thousand inhabitants.

5. The municipalities, with a population of less than six thousand inhabitants, shall be guided and supported by the regional office of the State Social Service to perform their functions.

Article 37

Role of the social worker of the local government units

The social workers of the local government units shall be part of the special social care services structures and/or needs assessment and case referral unit and they shall have the duty to:

- a) verify the social and economic situation of individuals and families in need of social care services through case identification;
- b) help in preparing documentation for the persons who apply for social care service through counselling, mediation and referral to the social services at national, regional or local level;
- c) participate in the process of drafting of social care plans concerning persons who will be provided with or who will be refused the social care services through assessment, follow-up, monitoring and closure of the case;
- ç) prepare the documentation and proposals to be approved by the municipal council;
- d) collect and prepare information, statistics and keep the register of beneficiaries, follow the expenses for persons in need of social care services;

dh) collect information on the public and non-public service networks that operate in the territory of the municipality.

Article 38

Role of the region

1. The regional council shall prepare a regional social plan which will be coordinated with the social plan of the local government units and it shall submit such plan to the ministry responsible for social affairs.

2. The head of the region shall decide providing specialised services in regional coordination of cases of social care services established at regional level.

3. The head of the region shall establish the “*ad hoc*” needs planning committee consisting of representatives from all the local/regional structures and civil society, based on voluntary participation.

CHAPTER II

ACCREDITATION AND CONTINUING EDUCATION

Article 39

Accreditation

1. All the subjects, public/non-public, profit or non-profit, foreign and local, that have expertise and experience in organising activities of continuing education in the field of social care services, licensed to provide training and qualification, shall be accredited by the ministry responsible for the social care services, on regular basis, to assess the level of fulfilment by them of the standards pre-defined by the Council of Ministers.

2. The rules on the manner of completion of the process of accreditation shall be determined by the Council of Ministers.

Article 40

Professionals of social care services

1. The ministry responsible for social affairs shall carry out the mandatory process of registering professionals.

2. The minister responsible for social affairs shall approve, through an order, the rules on the procedures of registration and re-registration of professionals of social care services.

Article 41

Associations of professionals of social care services

1. The professionals of social care services shall be registered with the respective association of professionals and they shall be subject to the corresponding tasks and benefits.

2. The functioning of the associations of the professionals shall be governed by special laws.

Article 42

Continuing professional education

1. The Ministry responsible for social affairs shall create a mandatory programme for the continuing professional education, known as “Certification programme of professionals of social care services”, a programme which is a periodic-cycle based system, under which the professionals must collect certain credits of continuing professional education based on the procedures, criteria and standards approved by the Council of Ministers. The certification is a process finalising the fulfilment by the professional of social care services of criteria of each cycle of the certification programme and it is related to the career progress of the professional for assistance and social services.

2. The professionals of assistance and social services are obliged to undertake updated professional continuing education to improve their knowledge and professional skills, in a way that improves quality of service.

3. Employment or contracts in the public and non-public social care institutions shall be terminated if the professionals of the social care services fail to receive any credits during their continuing education. The professional shall be re-entitled to the right of employment or conclusion of employment contract with the institutions after taking the certification exam. If the professional of social care services collects the credits of continuing education, but below than the required limit, he/she must take a certification exam within six months from the date of notification. Employment or contracts in other institutions shall be terminated in event of failure to pass the exam. The professional shall be re-entitled to the right to employment or conclusion of the contract with social care institutions, public and non-public, after taking successfully the certification exam. The public and non-public institutions of social care services shall be obliged to draft and implement continuing education programme for their professionals.

4. The institutions, dealing with social care services, shall be subject to sanctions, if they employ specialists who fail to meet the requirements foreseen in this article.

5. The institutions, dealing with social care services shall facilitate continuing professional education of social care professionals.

Article 43

Quality assurance of continuing education activities, accreditation

1. Accreditation is the process of approval of continuing education activities or/and provider of continuing education activities, based on the procedures, standards and criteria approved by the decision of the Council of Ministers.

2. The providers of continuing education activities shall be all the public or non-public structures, profit or non-profit, local and foreign, that have expertise and experience in organising continuing education activities in the field of assistance and social services, according to the approved criteria.

3. The providers of continuing education activities shall be obliged to ensure the quality of activities performed by them, through compliance with the quality criteria and accreditation and standards of continuing professional education.

4. The criteria, standards and procedures of accreditation of continuing education activities as well as providers of continuing education activities shall be approved by decision of the Council of Ministers.

Article 44

Continuing Education Board

1. The Continuing Education Board in the ministry responsible for assistance and social services shall be chaired by the minister responsible for assistance and social services and it shall consist of:

- a) National Continuing Education Centre;
- b) State Social Service;
- c) ministry responsible for social affairs;
- ç) National Centre of Quality, Security and Accreditation of Institutions;
- d) Association of Nurses;
- dh) Association of Social Workers;
- e) Association of Psychologists.

2. The Continuing Education Board shall be the highest decision-making authority in the system of certification and re-certification of professionals of social care services and accreditation of continuing education activities. This board shall meet not less than four times per year and, extraordinarily, when necessary, the chair may convene the board even more frequently. The meetings of the board shall be valid when more than half of the members are present therein. The Continuing Education Board shall make the decisions by simple majority.

3. The Continuing Education Board shall perform the following functions:

a) draft the criteria, the standards and the procedures of accreditation of continuing education activities and providers of continuing education activities, as well as the criteria and procedures of the process of certification and/or re-certification of professionals of the social care services;

b) approve the fees of accreditation of the continuing education activities;

c) approve the list of independent experts in each field of expertise who will be included in the external assessment of activities, as part of the process of accreditation and the amount of their remuneration, according to the legislation in force;

ç) process the complaints submitted by the professionals of the social care services on the procedures of recognition and registering of respective credits;

d) process the complaints submitted by the providers of continuing education activities on the external assessment process, which are not settled by the National Continuing Education Centre;

dh) take the necessary measures for the conduction of the re-certification exam of all the professionals of the social care services who fail to fulfil the requirements of the certification programme;

e) monitor the implementation of the certification programme to ensure fulfilment of tasks of the responsible institutions.

4. The members of the Continuing Education Board shall be remunerated according to the legislation in force on the remuneration of members of boards, councils or commissions.

CHAPTER III

FINANCING OF SOCIAL CARE SERVICES

Article 45

Sources of funding

The sources of funding for the social care services provided by public and non-public institutions shall consist of:

- a) funding allocated by the State Budget, including the social fund;
- b) funding allocated by the budget of local government units;
- c) income generated from assets and other activities of the municipality; ç) service fees to the beneficiaries of social care services.

Article 46

Funding mechanisms

1. The local government unit shall, on regular basis, plan, establish, administer and maintain the social care services provided within its territory through the budget of the local government unit.

2. The minister responsible for social affairs shall instruct the local government units for the funding of social care services. The criteria defined in the decision of the Council of Ministers shall be applied for the social care services provided against the payment of fees and they shall become part of the fiscal package and annual budget of the municipality. In principle, the fees shall be paid by the beneficiaries of the social care service and they shall aim at covering some of the current expenses for the concerned service units.

3. The fees of public services funded by the state budget shall be defined by joint instruction of the minister responsible for social affairs and Minister of Finance as follows:

- a) contribution of beneficiaries of social care services, defined in article 23 of this law;
- b) gifts, sponsorships, donations and other funding from organisations, natural or legal persons.

Article 47

Social fund

1. The municipality, in cooperation with the ministry responsible for social affairs, shall create and administer the social fund, through which it shall be ensured financial support to the local government units, in order to improve the standards and administering capacities of existing services of social care, to create new services and to develop social policies. It shall be prohibited the use of the social fund for the funding of objectives other than those defined in this paragraph.

2. The social fund shall consist of:

- a) annual income from the State Budget;
- b) extra-budgetary funding by local or foreign organisations or other persons;

- c) income from application of fees for various social care services;
- ç) income from own sources and assets of the ministry responsible for social affairs;
- d) income from own sources and assets of the municipality.

3. The financial means in the social fund, which are not used in the current fiscal year, shall be conveyed to the succeeding year as part of the social fund.

4. The procedure of creation and functioning of the social fund shall be governed and approved by decision of the Council of Ministers.

Article 48

Funding

1. The ministry responsible for social affairs, as regards the financing of the social care service shall foresee in its budget the funding of social care services which are transferred to local government units where these social care services operate. In this case, in the beginning of the year the minister responsible for social care services shall distribute and transfer the social fund and other transfers for any social care services to the budget of the local government units, considering the criterion of the urgent needs and priorities of any local government unit for providing these services.

2. The methodology of calculation of the funding of social care services shall be determined by the ministry responsible for social affairs in cooperation with the Ministry of Finance and it shall be approved by decision of the Council of Ministers.

3. The funding of social care services by the State Budget shall be defined in compliance with the needs assessment and possibilities of the State Budget.

CHAPTER IV

Article 49

Sanctions

1. The violation of obligations defined in article 25, 27 paragraph 2, 35, 37 and 38 of this law and the sub-legal acts implementing the law, unless they constitute a criminal offence, shall constitute an administrative misdemeanour and:

- a) shall be punished by fine, according to the law on administrative misdemeanours;
- b) shall be subject to a disciplinary measure.

2. The Inspectorate of Social Care Services, in order to enforce the legislation on the social care services, shall take the following sanctions:

a) fine from 50 thousand lek to 100 thousand lek against the subjects beneficiary of social care services and suspension of the licence of non-public subjects in case of serious irregularities or repetition, when it finds administrative misdemeanour due to violation of obligations defined in article 25 of this law and the sub-legal acts implementing the law;

b) initiation of disciplinary proceedings and taking of measures against violation of the obligations defined in article 27 paragraph 2 and 35 by the employees of the public institutions enforcing this law, in line with the rules of the Labour Code or the civil service law, according to the classification of the employee;

c) application of the provisions on administrative misdemeanours of the legislation in force on public procurement concerning violation of obligations defined in article 37 and 38 of this law;

ç) compensation for damage if damage has been caused.

3. The Inspectorate of the Social Care Services shall perform as well inspection based on the violations found by the monitoring conducted by the State Social Service.

4. The Inspectorate of the Social Care Services shall, when it deems exhaustion of the elements of the criminal offence by the responsible persons, file a criminal report to the competent authorities.

5. Any violation of management of budgetary funding that is planned and used for the social care services, unless it constitutes a criminal offence, shall constitute an administrative misdemeanour and it shall be punished by fine according to the provisions of the legislation on the management of the budgetary system.

6. Any measure taken by the Inspectorate of Social Care Services may be appealed against through judicial channels.

7. Income generated from the fines imposed according to this article, shall be disbursed to the State Budget.

Article 50

Complaint

1. When the applicant/beneficiary of social services, deems that the official decision of the respective body is unfair, he/she may file a written complaint before the local government unit/State Social Service within 10 calendar days from the date of notification. The local structure shall process the complaint and notify the complainant in writing, within 7 calendar days from the date of receipt of the complaint.

2. The applicant/beneficiary of social services shall have the right to submit a complaint in writing to the Inspectorate of the Social Care Services, within 10 calendar days from the date of receipt of the reply by the local government units/State Social Service, after exhaustion of the complaint defined in paragraph 1 of this article.

3. The Inspectorate of the Social Care Services, after the complaint processing and verification, shall inform in writing the interested person and the local government unit/State Social Service within 10 working days from the receipt of the complaint.

4. The applicant/beneficiary of social services, who claims an infringed and/or denied legal right, shall have the right to bring charges before the court, in accordance with the provisions of the legislation in force on the adjudication of administrative disputes.

Article 51

Sub-legal acts

1. The Council of Ministers, within 4 months from the entry into force of this law shall be in charge of issuing sub-legal acts implementing article 3, paragraph 29; 8, paragraph 5; 15, paragraph 5; 23, paragraph 3; 24, paragraph 5; 29, paragraph 5; 32, paragraph 2; 34, paragraph 4; 39, paragraph 1 and 2; 42, paragraph 1; 43, paragraph 4; 46, paragraph 2; 47, paragraph 4; and 48, paragraph 2, of this law.

2. The Prime Minister, within 4 months from entry into force of this law, shall be in charge of issuing sub-legal acts implementing article 32 paragraph 3; and 34 paragraph 5 of the law.

3. The minister responsible for social affairs within 6 months from the entry into force of

this law shall be in charge of issuing sub-legal acts implementing article 24, paragraph 4 and 6; 26, paragraph 2; 27 paragraph 3; 35, paragraph 4; 40, paragraph 2; and 46, paragraph 3, of this law.

Article 52

Transitory and final provisions

1. All the residential centres providing residential services shall be transferred to the local government units within two years from the entry into force of this law.
2. The provisions or some of the provisions of the law no. 9355, dated 10.3.2005, “On assistance and social services”, amended, dealing with social care services shall be repealed.
3. The sub-legal acts governing the activity of provision of social care services, adopted before the entry into force shall continue to apply to the extent they do not contradict this law, until their revision and issuing of other acts, in line with the requirements and time limits established in this law.

Article 53

Repeals

The following repeals shall be made to law no. 9355, dated 10.3.2005, “On assistance and social services” amended,:

1. Article 4, paragraph 5, 15 and 16, articles 6, 12, 13, 14, 15, 16, 17, 18, 20, paragraph 4, 22, 23 and 24.
2. Article 26 paragraph 1, the phrase “and of social services, norms and standards of services, as well as control of their enforcement at all central and local levels, in the public and private sector”.
3. Article 27, paragraph 5, letter “b” and “c”, paragraph 6 and 7. 4. Article 29, paragraph 3, 4, 5, 6, 8 and 12.
5. Article 31, letter “a”, the phrase “and the needs of individuals for social care services”, letter “c”, the phrase “and person who will be provided with social care services”, letter “e”, “f”, letter “g”, the phrase “and person who need social care services”, and letter “gj”, of this article.
6. Article 32, article 33, the phrase “and social services” and articles 37, 38, 39, 42/4.
7. The word “services” and the phrase “social care services” everywhere in the law shall be repealed.

Article 54

Entry into force

This law enters into force 15 days after publication in the Official Gazette.

DEPUTY SPEAKER

Valentina LESKAJ

Adopted on 24.11.2016