

## **SOCIAL WELFARE ACT 710/1982**

### **Chapter 1 – Scope of the Act**

#### **Section 1**

- (1) For the purposes of this Act, 'social welfare' means social services, social assistance, social allowance, social loans and related measures intended to promote and maintain the social security and functional capacity of the individual, the family and the community. (1134/2002)
- (2) The provisions of this Act shall apply to social welfare except where otherwise provided by law.

#### **Section 2 (385/2011)**

The Act on Planning and Government Grants for Social Welfare and Health Care (733/1992), the Act on Central Government Transfers to Local Government for Basic Public Services (1704/2009) and the Act on Restructuring Local Government and Services (169/2007) shall apply to any municipally organized activities referred to in this Act, unless otherwise provided by law.

Section 2 amended by Act 385/2011 is in force on a temporary basis from 4 May 2011 to 31 December 2014. Previous wording:

#### **Section 2 (1715/2009)**

The Act on Planning and Government Grants for Social Welfare and Health Care (733/1992) and the Act on Central Government Transfers to Local Government for Basic Public Services (1704/2009) shall apply to any municipally organized activities referred to in this Act, unless otherwise provided by law.

#### **Section 2a (491/2014)**

Section 2a was repealed by Act No. 491/2014.

### **Chapter 2 – Administration**

#### **Section 3 (1541/2009)**

- (1) The Ministry of Social Affairs and Health is responsible for general planning, guidance and supervision concerning social welfare.
- (2) The Regional State Administrative Agencies are responsible for planning, guidance and supervision concerning social welfare within their area of operation.
- (3) The National Supervisory Authority for Welfare and Health operating under the Ministry of Social Affairs and Health guides the operations of the Regional State Administrative Agencies in order to harmonise their principles of operation, procedures and decision practices in the guidance and supervision of social welfare. Furthermore, the Supervisory Authority guides and supervises social welfare in particular when it is question of:

- 1) issues that are important as a matter of principle and of great consequence;
- 2) issues regarding the area of operation of several Regional State Administrative Agencies or the whole of the country;
- 3) issues related to the supervision of a health care service or a health care professional being dealt with by the Supervisory Authority; and
- 4) issues that the Regional State Administrative Agency concerned is disqualified to deal with.

(4) Further provisions on the division of duties in the guidance and supervision between the National Supervisory Authority for Welfare and Health and the Regional State Administrative Agencies can be laid down by Government decree.

(5) Provisions on performance of the functions of State administrative authorities under this Act in the Province of Åland will be issued by Government decree.

#### **Section 4 (413/2001)**

- (1) The National Research and Development Centre for Welfare and Health acts as the expert government agency concerning social welfare matters, and provisions on it are laid down in the Act on the National Research and Development Centre for Welfare and Health (1073/1992).
- (2) The Act on the National Research and Development Centre for Welfare and Health No. 1073/1992 was repealed by Act on the National Institute for Health and Welfare No. 668/2008.

#### **Section 5**

- (1) Municipalities shall see to the planning and implementation of social welfare in accordance with this Act and other provisions of the law.
- (2) Municipalities may organize social welfare in accordance with section 4 of the Act on Planning and Government Grants for Social Welfare and Health Care. (736/1992)
- (3) The provisions of this Act concerning municipalities and municipal residents also apply to joint municipal boards and the residents of their member municipalities in so far as the social welfare organized by the joint municipal board is concerned, unless otherwise provided by the Act on Planning and Government Grants for Social Welfare and Health Care. (736/1992)

#### **Section 6 (736/1992)**

- (1) Functions related to the implementation of social welfare under this Act as well as the functions that are according to other acts the responsibility of the municipal social welfare board or a comparable organ shall be the responsibility of one or several multimember organ/s appointed by the municipality. (22.12.2006/1329)
- (2) The organ shall also represent the municipality, assert its rights, exercise its right of action in individual cases concerning the implementation of social welfare, and conclude agreements and enter into other legal transactions on behalf of the municipality in such matters.
- (3) A division of the organ may also be authorized to make decisions on other matters besides those referred to in section 71a, paragraph 1, of the Local Government Act.

**Section 7 (736/1992)**

When all the social welfare functions of two or more municipalities are assigned to a joint municipal board, it shall appoint a joint organ as referred to in section 6, paragraph 1, for its member municipalities. The responsibility for the functions of municipal social welfare boards under other acts shall also be assigned to this organ.

**Section 7a** was repealed by **Act No. 736/1992**.

**Section 8 (736/1992)**

State civil servants whose functions include guidance and supervision of social welfare shall not be eligible for membership of organs referred to in section 6, paragraph 1, within their administrative district.

**Section 9** was repealed by **Act No. 736/1992**.

**Section 10 (736/1992)**

- (1) Each municipality shall have professional staff to deal with functions related to the implementation of social welfare.
- (2) Each municipality shall have access to services provided by such officeholders engaged in client service work who meet the professional qualifications required of social workers. (22.9.2000/813)

**Section 11**

Each municipality shall maintain adequate and appropriate facilities and equipment for social welfare activities.

**Section 12 (813/2000)**

- (1) The decision-making power and the right of action laid down in the law of the organ referred to in section 6, paragraph 1, can be delegated through official regulations to officeholders subordinate to the organ, except for decisions concerning involuntary care of an individual.
- (2) In urgent cases, an officeholder referred to in section 10, paragraph 2, who has been appointed by the organ referred to in section 6, paragraph 1, is entitled, in accordance with criteria adopted and general guidelines issued by it, to decide in urgent cases on behalf of the organ on involuntary care and related other measures and in those cases also, either personally or by proxy, to exercise the organ's right of action.

**Chapter 2a (1428/2004) – Trial concerning the arrangement of certain functions****Section 12a (1428/2004)**

With a view to forming appropriate entities of social welfare and health care services so as to meet the needs of older people and other client groups municipalities or joint municipal boards can experiment with arranging certain social welfare and primary health care functions by way of derogation from the provisions concerning them as laid down in this Chapter.

**Section 12b (1428/2004)**

- (1) The Ministry of Social Affairs and Health approves which municipalities and joint municipal boards take part in the trial based on their applications. If an application concerns changing the internal division of organs in the municipality, the municipality must have examined before submitting its application the appropriateness of uniting the multimember organ in charge of the implementation of social welfare and the multimember organ in charge of the implementation of primary health care.
- (2) A municipality or joint municipal board can be approved for the trial if:
  - 1) the trial will improve co-ordination of the social and health care services for older people and other client groups to be covered by the trial as well as promote the provision of good services; and
  - 2) the trial will not, to any considerable extent, affect adversely the entirety of social welfare or primary health care services.
- (3) The Ministry of Social Affairs and Health announces which municipalities and joint municipal boards are to be covered by the trial. The trial can last up to 31 December 2008
- (4) The municipalities and joint municipal boards taking part in the trial are in charge of its monitoring and assessment. They shall provide the Ministry of Social Affairs and Health with the information it may request about the trial. A preliminary assessment of the trial shall be submitted to the Ministry of Social Affairs and Health by 31 December 2007, and the final assessment within six months of completion of the trial.

#### **Section 12c (1428/2004)**

- (1) In the trial, exception can be made from the provisions of section 6, paragraph 1, of this Act and of section 6, paragraph 1, of the Primary Health Care Act (66/1972) to the effect that social services for older people and primary health care functions regarding older people are wholly or partly in charge of one municipal multimember organ. It can be the organ in charge of the implementation of either social welfare or primary health care, or another organ that is solely in charge of these social and health care services. Corresponding services for other client groups can also be linked to the trial.
- (2) In the trial the home services referred to in section 17, paragraph 1 (3) of this Act and the home nursing referred to in section 25 of the Health Care Act (1326/2010) can be arranged partly of wholly integrated, in the form of *home care*. The provision of home care can also be managed so that municipal home service functions are assigned to the relevant organ of the joint municipal board in charge of primary health care, or so that the home nursing functions that are managed by the joint municipal board for primary health care are transferred to organs responsible for social welfare of the municipalities concerned. (1342/2010)

#### **Section 12d (1428/2004)**

- (1) The unit in charge of home care services is regarded as a social welfare unit if it is subordinate to the organ in charge of the provision of social welfare, and as a health care unit if it is subordinate to the organ in charge of the provision of primary health care. In case a new organ is established for the trial, the home care unit is regarded as either social welfare or health care unit depending on how its functions are focused within the unit.
- (2) For the purpose of this Chapter *home care client* refers to a person applying for or receiving home care.

**Section 12e (1428/2004)**

As far as the functions of the home care unit do not constitute health care or medical care, the decision on arranging home care for a client is subject to the provisions of section 6 of the Act on the Status and Rights of Social Welfare Clients (812/2000) regarding authorities' decisions and of Chapter 7 of this Act regarding appeal.

**Section 12f (1428/2004)**

- (1) The provisions laid down on patient records are applied to the drawing up, retaining and confidentiality of the home care documents concerning health care and medical care of home care clients as well as to supplying of information from them. The drawing up, retaining and confidentiality of other documents concerning a client's home care as well as supplying information from them are subject to the provisions of social welfare records.
- (2) The staff of a home care unit is entitled to use information from the register on home care as required by their duties.

**Section 12g (1428/2004)**

- (1) When a home care patient is cared for at a health centre of the municipality or joint municipal board concerned, the health centre is entitled, notwithstanding confidentiality provisions:
  - 1) to receive and use such information from the home care records concerning the patient as is necessary for organizing or delivering health care or medical care for the patient when the organ in charge of the implementation of primary health care is in charge of home care;
  - 2) to receive such information from the home care records concerning the patient that is necessary for organizing or delivering health care or medical care for the patient when some other organ is in charge of home care; and
  - 3) to receive information from other home care records that is necessary for organizing or delivering health care or medical care for the patient concerned.
- (2) Home care units are entitled, notwithstanding confidentiality provisions:
  - 1) to receive and use such information from the patient records of the health centre of the municipality or joint municipal board concerned that is necessary for organizing or delivering home care for the patient when the organ in charge of home care is in charge of the implementation of primary health care;
  - 2) to receive such information from the patient records of the health centre of the municipality or joint municipal board concerned that is necessary for organizing or delivering home care for the client when some other organ is in charge of home care; and
  - 3) to receive information from other authorities as laid down in section 20 of the Act on the Status and Rights of Social Welfare Clients.

**Section 12h (1428/2004)**

- (1) Home care units have the right to establish a technical connection to the confidential information in their registers that they are under section 12g(1) entitled to supply to the health centre of the municipality or the joint municipal board concerned. The health centre of the municipality or the joint municipal board has the right to establish a technical connection to the confidential information in its patient registers that it is entitled to supply to the home care unit in virtue of section 12g (2)(1) and (2). Home care units have the right to obtain information referred to in section 12g (2)(3) as laid down in section 21 of the Act of the Status and Rights of Social Welfare Clients.

- (2) The technical connection established on the basis of this section may also be used for searching confidential information without consent of the person for the protection of whose interests the confidentiality duty has been provided. Before establishing the technical connection the authority requesting information shall specify that the protection of the information is ensured appropriately.

Chapter 2a added by Act No. 1428/2004 is in force on a temporary basis from 1 January 2005 to 31 December 2014.

### **Chapter 3 – Municipal social welfare**

#### ***General responsibilities of municipalities (1378/2010)***

##### **Section 13**

- (1) Municipalities shall see to the following functions related to social welfare, the content and scope of which shall be as provided by the relevant legislation in each case:
- 1) organize social services for their residents;
  - 2) provide social assistance to persons living in the municipality;
  - 3) pay social allowance to their residents;
  - 4) organize guidance and counselling on social welfare benefits and other forms of social security and their use;
  - 5) provide information on social welfare and other forms of social security; and
  - 6) organize training, research and experimental and development activities concerning social welfare and other forms of social security; and
  - 7) grant social loans to their residents.
- (1134/2002)
- (2) In addition to what is provided in paragraph 1, municipalities are also required to take measures to improve social conditions generally and to eliminate social grievances in their area.

##### **Section 14**

- (1) For the purposes of this Act, 'municipal resident' means a person domiciled in the municipality as referred to in the Municipality of Residence Act (201/1994).
- (2) If a person has no domicile as referred to in paragraph 1, he/she shall be considered a resident of the municipality where he/she lives.

##### **Section 15**

- (1) In urgent cases, or when the circumstances otherwise so require, a municipality shall see to it that institutional care and other social services are also provided for persons living in its area other than municipal residents.
- (2) In cases where institutional care is estimated to be necessary for a period longer than 14 days, the organ referred to in section 6, paragraph 1, shall without delay notify to the corresponding organ of the municipality which would have been responsible for providing the care under section 13 of the provision of institutional care. (736/1992)

##### **Section 16**

- (1) If, in cases referred to in section 15, a person other than a municipal resident has been provided with institutional care estimated to be protracted, an administrative court may authorize the organ

referred to in section 6, paragraph 1, to transfer the person to the municipality where the person is resident. (1134/2002)

- (2) At the request of a person receiving institutional care, however, the organ referred to in section 6, paragraph 1, shall always take the measures referred to in paragraph 1 for transfer of the person to the municipality where he/she is resident. (736/1992)
- (3) An application for the transfer referred to in paragraph 1 shall be submitted to the administrative court which has jurisdiction over the municipality providing the institutional care. (1134/2002)
- (4) However, no transfer shall be ordered if it would be unreasonable for the person concerned in view of appropriate care or in other respects.

### **Section 16a (1378/2010)**

- (1) A person who wants to move to another municipality but cannot due to his/her age, disability or other such reason live there independently may apply for social services and a place in a care facility in that municipality on the same grounds as if he/he would be resident in that municipality. The municipality must immediately inform the applicant's municipality of residence of the application and of taking it under consideration. The municipality must consider the application, assess the applicant's need for services together with the person's municipality of residence and make a decision on the matter. An application will not be considered, however, if the applicant has already submitted a corresponding application to another municipality and the processing of the matter is still under way.
- (2) If the municipality decides to grant the service in the manner prescribed in paragraph 1, the applicant must within two weeks after having been notified of the decision inform the municipality of his/her intention to receive the service. The applicant has the right to move to the care facility within three months from having been notified of the decision. If the applicant fails to observe the deadlines prescribed above, his/her right to the services in accordance with the decision will cease to be in effect.

### ***Social services***

#### **Section 17**

- (1) Municipalities shall be responsible for organizing the following social services as hereinafter provided:
  - 1) social work;
  - 2) child guidance and family counselling;
  - 3) home services;
  - 4) housing services;
  - 5) institutional care;
  - 6) family care;
  - 7) activities supporting the access to employment and specific work for people with disabilities; and
  - 8) measures to establish maintenance for a child.

(581/2008)
- (2) Municipalities are also responsible for organizing child and youth welfare, special care for the mentally handicapped, services and support for people with disabilities, services related to care for substance abusers, the statutory functions of child welfare officer, other measures related to the investigation and establishment of paternity, adoption counselling, family conciliation, measures

pertaining to the conciliation related to the enforcement of decisions on child custody and visiting rights and expert services pertaining to court conciliation of matters concerning child custody and meeting rights, and provision of support for informal care and other social services, and for the duties laid down in the Act on Rehabilitative Work (189/2001), in accordance with any further provisions laid down concerning these services. (317/2014)

- (3) If a social welfare client needs rehabilitation that the social welfare authorities are not legally liable to provide or which it is not expedient to provide in the form of social services, the social welfare authority shall give the client information on other rehabilitation options and instruct the client to use, as needed, the services provided by the health care, employment or educational authorities or the Social Insurance Institution or some other service providers in cooperation with the bodies organizing them. The provisions of the Act on Cooperation on Client Services within Rehabilitation (497/2003) shall also be observed. (500/2003)
- (4) A municipality may arrange other necessary social services besides those referred to in paragraphs 1 and 2. (607/1991)

### **Section 18**

'Social work' means guidance, counselling and investigation of social problems by professional social welfare staff and other support measures intended to maintain and promote the security of individuals and families, their ability to cope and the functionality of communities.

### **Section 19**

'Child guidance and family counselling' means provision of expert assistance with child upbringing and family matters and social, psychological and medical research and care promoting favourable child development.

### **Section 20**

'Home services' means performance of or assistance with functions and activities related to housing, personal care and attendance, child care and upbringing, and other conventional functions and activities in normal daily life.

### **Section 21**

Home services are provided on the grounds of impaired functional capacity, family circumstances, overexertion, illness, childbirth, injury or other similar reasons, to persons in need of assistance in coping with the functions and activities referred to in section 20.

### **Section 22**

'Housing services' mean the provision of service housing and supported accommodation.

### **Section 23**

Housing services are provided in the case of persons who, for special reasons, need help or support with organizing housing or their living conditions.

### **Section 24**

- (1) 'Institutional care' refers to the provision of treatment, upkeep and rehabilitation in a social welfare unit providing continuous care.
- (2) Institutional care is provided in the case of a person who needs assistance, treatment or other care which cannot be provided, or which it is not expedient to provide, in the person's own home by making use of other social services. (311/1992)

#### **Section 24a (122/1995)**

The Ministry of Social Affairs and Health shall issue orders concerning the specification of institutional care and the relevant negotiation procedure between municipalities and the Social Insurance Institution and the related acquisition of opinions.

#### **Section 25 (311/1992)**

- (1) 'Family care' means the provision of care, upbringing or other 24-hour attendance in the case of persons in a private home other than their own.
- (2) The aim of family care is to give the persons cared for an opportunity for family-like care and close human relationships and to promote their basic social security and social development.
- (3) Family care is provided in the case of persons who are not considered to need institutional care and who cannot be expediently provided with care, upbringing or other attendance in their own home or by making use of other welfare and health care services.

#### **Section 26 (311/1992)**

- (1) 'Family home' refers to a private home that provides family care on the basis of a commission agreement in accordance with section 1 (1) of the Family Carer Act (312/1992) or permission referred to in section 7 of the Act on Private Social Services (922/2011). (923/2011)
- (2) In its health conditions and other circumstances, a family home shall be suitable for the care to be provided.
- (3) Provisions on family carers are laid down in the Family Carer Act. (604/1996)

#### **Section 26a (311/1992)**

- (1) The maximum number of persons that may be cared for in a family home at the same time is four, including children under school age and other persons requiring special care or attendance that live in the same household with the carer, except in the case of care of siblings or members of the same family.
- (2) Notwithstanding paragraph 1, the maximum number of persons that may be cared for in a family home at the same time is seven if the care, upbringing or other attendance in the family home is the responsibility of at least two persons residing in the family home and at least one of them meets the qualifications laid down in section 1, paragraph 3, of the Family Carer Act and the other the qualifications laid down in section 1, paragraph 2, of the Act.
- (3) If special cause exists, an exception can be made to the provisions of paragraphs 1 and 2 regarding the maximum number of persons cared for at the same time. 'Special cause' primarily refers to a

situation where all the persons in family care at the same time are adults and the intercourse between them and the nature of their placement in family care, together with their functional capacity and need for care, make it possible to deviate from the maximum number.

**Section 27 (736/1992)**

- (1) Municipalities can establish, acquire or otherwise reserve the number of service housing and supported accommodation units and places for institutional care required to meet local needs.
- (2) Municipalities can, as needed, also acquire or reserve other dwellings to be used by the organ referred to in section 6, paragraph 1, for housing persons referred to in section 23.

**Sections 27a – 27c** were repealed by **Act No. 937/2005**.

**Section 27d (68/2002)**

- (1) By activities supporting the access of people with disabilities to employment is meant the organization of specific rehabilitation and other supportive measures promoting their placement in employment.
- (2) Activities supporting the access of people with disabilities to employment are organized for persons who have, due to their disability or illness or for comparable reasons, particular long-term difficulties in managing the ordinary functions in everyday life and who are in need of, in addition to the services and measures of the labour administration, the supportive measures referred to in paragraph 1 in order to find employment on the open labour market.
- (3) As a part of the activities to support the access of people with disabilities to employment it is possible to organize work in which the employee is in an employment relationship with the service provider referred to in Chapter 1, section 1, of the Employment Contracts Act.
- (4) The pay for the work referred to in paragraph 3 can be agreed upon by a collective agreement referred to in the Collective Agreements Act (436/1946), which is observed notwithstanding what is provided in Chapter 2, section 7, in the Employment Contracts Act regarding the universally binding character of collective agreements.
- (5) A service provider of services in support of the access of people with disabilities to employment is entitled to give notice to an employee, besides on the grounds laid down in Chapter 7 in the Employment Contracts Act, also when the organizer of the work considers that the employee is not in need of the employment referred to in paragraph 2.

**Section 27e (68/2002)**

- (1) By specific work for people with disabilities is meant maintenance of their functional capacity and activities promoting it. Such work is organized for persons incapacitated for work who due to their disability are not able to take part in the work referred to in section 27d and whose income is mainly based on benefits granted on the basis of illness or incapacity for work.
- (2) A person taking part in work for people with disabilities is not in a contractual employment relationship referred to in Chapter 1, section 1, of the Employment Contracts Act with the organizer of the activity or the service provider.
- (3) The provisions on employees' safety at work are applied to the work for people with disabilities also when the person concerned is not in an employment relationship with his/her employer. The

organizer of work for people with disabilities shall take out an insurance policy referred to in section 57, paragraph 1, of the Employment Accidents Insurance Act (608/1948) for the person engaged in the provided work. As the annual earnings under the insurance are used the minimum annual earnings referred to in section 28, paragraph 6, of the Employment Accidents Insurance Act. (23.8.2002/753)

### **Section 27f (581/2008)**

- (1) If no maintenance has been paid for a child or the child is at risk of not receiving maintenance and the parent's responsibility for paying maintenance has not been confirmed or if the confirmed maintenance is not sufficient for the child's maintenance, the organ referred to in section 6 (1) has the right to bring a legal action on behalf of the child in order to confirm the maintenance or to raise its amount.
- (2) If a child is paid municipal maintenance allowance, the organ has the right to bring action in order to confirm maintenance or to raise its amount, although the child would not have been subject to a lack of maintenance or is not at risk of being left without maintenance. If maintenance allowance is paid for the child, the organ has the right to bring a legal action also to reduce the amount of maintenance.
- (3) The organ shall prior to undertaking the measure referred to in paragraphs 1 and 2 provide the child's guardian and the person responsible for paying maintenance for the child with opportunity to be heard.
- (4) Provisions on the duties of the organ relating to confirmation of the maintenance agreement are laid down in the Child Maintenance Act (704/1975)

### **Section 28 (736/1992)**

Fees may be charged for social services in accordance with the Act on Client Fees in Social Welfare and Health Care (734/1992).

**Section 29** was repealed by **Act No. 736/1992**.

**Sections 30 to 38** were repealed by **Act No. 1413/1997**.

### **Chapter 3a (1310/2003) – Service voucher**

#### **Section 29a (1310/2003)**

- (1) A municipality approves the service providers within social welfare whose services can be purchased by a service voucher granted by the municipality under section 4 (1)(5) of the Act on Planning and Government Grants for Social Welfare and Health Care.
- (2) A municipality can approve only such private service providers that have been recorded in the prepayment register.
- (3) A client may refuse a service voucher offered to him or her, in which case the municipal authority shall advise the client to use services organized in some other ways.

#### **Section 29b (388/2008)**

(1) A municipality can grant service vouchers for purchasing home services provided continuously or on a regular basis or home nursing provided together with it or separately; the value of a service voucher must be at least EUR 22 per hour if the income of the household does not exceed the income limit determined under paragraph 2. The income exceeding the income limit reduces the full amount of the service voucher by a percentage determined according to the household size from the income exceeding the limit divided by 60. The lowest value of a service voucher is however EUR 6 per hour. The value of a service voucher granted for purchasing temporary home service must be reasonable.

(2) Household size, persons      Income limits EUR/month      Reduction percentage

1	484	35
2	892	22
3	1,399	18
4	1,731	15
5	2,095	13
6	2,405	11

(3) If the number of persons in the household is more than six, the income limit will be raised by EUR 294 and the payment percentage will be reduced by 1 percentage unit per each subsequent person.

(4) The value of a service voucher granted for purchasing a home service other than care or attendance that is provided in the client's home by a social or health care professional must be reasonable.

(5) Notwithstanding what is provided in this section regarding the value of a service voucher, the municipality is responsible for paying the service provider at the most the price agreed between the client and the service provider.

(6) The amounts in EU referred to in paragraph 1 are adjusted every two years in accordance with the change in price index for social and health care services. The point figure for the year preceding the year of adjustment is used in the calculation. The amounts referred to in paragraphs 2 and 3 are adjusted every two years by the change in earnings-related pension index referred to in section 98 of the Employees Pensions Act (395/2006). The point figure of the earnings-related pension index that has been confirmed for the year of adjustment in view of the application of section 98 of the Employees Pensions Act is used in the calculation. The year of adjustment is the calendar year preceding the year at the beginning of which the indexation will be made. The index-adjusted amounts in EUR are rounded up to the nearest full euro.

(7) The Ministry of Social Affairs and Health publishes the index-adjusted amounts in EUR in the Statutes of Finland in November of the year of adjustment. The index-adjusted amounts enter into effect on 1 January the year following the year of adjustment.

### **Section 29c**

(1) The taxable earned income and capital income as well as tax-exempt income of the service user and the person living with the service user in the same household in marriage or marriage-like circumstances is taken into account as the monthly income referred to section 29b. If the monthly income varies, the average monthly income of the previous year is taken into account as the monthly income.

(2) The paragraph above notwithstanding the corresponding taxable income established in the most recent taxation can be taken into account as taxable income, increased by the percentages that the

National Board of Taxes determines in its annual decisions on the calculation criteria for the collection of tax to be prepaid.

### **Section 29d (388/2008)**

As forest income is taken into account the average annual proceeds from forest per hectare determined in accordance with section 7 (3) of the Act on the valuation of assets in taxation (1142/2005) multiplied by the forest area. From this amount, 10 per cent and the interest on forestry is reduced. The forest income must also be reduced at the service user's request if the net money value of the annual farm-specific maximum allowable felling is, based on the opinion given by the relevant forestry society or forestry board, at least 10 per cent lower than the forest income. The reduction is the difference between the forest income and the net money value of the maximum allowable felling.

### **Section 29e (943/2012)**

As the income referred to in section 29c the following benefits are not taken into account: child benefit, child increase under the National Pensions Act (568/2007), housing allowance, disability allowance under the Disability Benefits Act (570/2007) for persons aged under 16 years, disability allowance and special diet allowance to persons aged over 16 years, costs of medical care and medical examinations payable under employment accident insurance, conscript's allowance, front-veteran's supplement, study grant, adult education grant, housing supplement as a part of financial aid for students, premium grant and travelling expenses allowance payable as social assistance, maintenance allowance payable under the Act on Rehabilitation Benefits and Rehabilitation Allowance Payable by the Social Insurance Institution (566/2006), compensation for expenses under the Act on Public Employment and Business Service (916/2012), scholarships payable to studies and comparable allowances, compensation for family care costs, or child home care allowance.

### **Section 29f (1310/2003)**

The maintenance paid and other comparable costs due to actual family relations as well as a benefit payable in connection with transfer of real estate (traditional life-annuity contract) for a fixed period or for life are taken into account as a reduction to the income referred to in section 29c.

### **Section 29g (1310/2003)**

The municipality decides when there is reason to provide a service purchased by a service voucher outside the municipality to a municipal resident or, in cases referred to in section 15 (1), to those living in the municipality.

## **Chapter 4 – Procedures for implementation of social welfare**

### **Section 39**

- (1) Social welfare shall primarily be implemented through measures which promote independence and create the financial means and other potential needed to cope independently in day-to-day life.
- (2) When social welfare is implemented, both individual and family problems shall be taken into account so that social welfare measures to solve them can be co-ordinated.

Paragraph 3 was repealed by Act No. 813/2000.

### **Section 40 (430/2003)**

- (1) In a unilingual municipality or joint municipal board social welfare shall be provided in the language of the municipality or the joint municipal board. Provisions on the client's right to use and to be heard in Finnish or Swedish and to obtain documents containing a decision concerning him/her in Finnish or Swedish and the client's right to interpretation when using these languages before authorities are laid down in sections 10, 18 and 20 of the Language Act (423/2003).
- (2) Social welfare in a bilingual municipality or joint municipal board whose member municipalities are bilingual or include both Finnish- and Swedish-speaking municipalities shall be provided in both languages of the municipality or joint municipal board, so that clients are provided with services in the language of their choice, either in Finnish or Swedish.
- (3) Furthermore, municipalities or joint municipal boards shall see to it that citizens of the Nordic countries can, as necessary, use their own language, i.e. Danish, Finnish, Icelandic, Norwegian or Swedish, when using social welfare services. In such cases, municipalities or joint municipal boards shall, as far as possible, see to it that citizens of the Nordic countries are provided with the necessary interpretation and translation assistance.

### **Section 40a (125/2006)**

- (1) In urgent cases the need for social services shall be assessed without delay.
- (2) In non-urgent cases the municipality is responsible for providing persons aged 80 years or over access to an assessment of the need for social services at the latest on the seventh weekday from the date when the client or his or her legal representative or relative or some other person or authority contacted the authority of the municipality responsible for social services in order to obtain services. Correspondingly, the municipality shall provide access to an assessment of the need for social services to those who receive care allowance for pensioners under section 30a (1) of the National Pensions Act.

### **Section 41**

- (1) If absolutely necessary in the interests of a person in obvious need of social welfare on the grounds of severely endangered health, development or safety, and if the need for social welfare cannot otherwise be ascertained, a social worker is entitled, on an order from a senior social welfare officeholder appointed by the organ referred to in section 6, paragraph 1, to gain entry to the dwelling or other place of residence of such person in order to determine the need for welfare. (736/1992)
- (2) If entry to the dwelling or other place of residence is prevented, the social welfare authority shall ask the police authorities for executive assistance as referred to in section 22 of the Act on the Status and Rights of Social Welfare Clients. (125/2006)

## **Chapter 5 – Compensation between municipalities**

### **Section 42**

- (1) A municipality that has provided institutional care for a person other than a municipal resident in the cases referred to in section 15 is entitled, on application, to compensation for the expenses incurred in providing the care for at least a period of 14 days from the municipality that would have been responsible for providing the institutional care under section 13.

- (2) An application for compensation as referred to in paragraph 1 shall be submitted to an administrative court within six months of the date on which the provision of institutional care began. If an application is not submitted within this period, the municipality forfeits its right to compensation for the institutional care which it has provided before the application was submitted and which the municipality concerned has not agreed in writing to pay for. (1134/2002)
- (3) Decisions on claims for the compensation referred to in paragraph 1 shall be made by the administrative court which has jurisdiction over the municipality that provided the institutional care. (1134/2002)

#### **Section 42a (1378/2010)**

If a person is placed in family care, institutional care or housing facilities organized by means of housing services in the area of another municipality and the person uses the right to choose the municipality of residence as referred to in section 3a of the Municipality of Residence Act (201/1994), the responsibility for organizing services is transferred to the new municipality of residence starting from the day of removal.

#### **Section 42b (1378/2010)**

- (1) In situations referred to in sections 16a and 42a the responsibility for covering the actual costs of family care, institutional care or housing services based on the municipality's decision remains with the previous municipality of residence. The new municipality of residence collects a compensation corresponding to the costs from the previous municipality of residence. When calculating the compensation the following items are reduced from the actual costs:
  - 1) central government transfer corresponding to the central government transfer percentage referred to in section 55 of the Act on Central Government Transfers to Local Government for Basic Public Services from the computed costs of social welfare and health care per municipal inhabitant determined on the basis of the age class of the person concerned; and
  - 2) client fees collected from the person in accordance with the Act on Client Fees in Social Welfare and Health Care or otherwise for services covered by the agreement.
- (2) Should they so wish, municipalities can also agree on the level of the compensation referred to in paragraph 1 in some other way. The new municipality of residence is responsible for providing the services and covering the costs that the agreement does not include.
- (3) The provisions of paragraphs 1 and 2 of this section are applied as long as the new municipality of residence will assume responsibility for providing services. If the person's municipality of residence changes, the responsibility for providing services is transferred to the next municipality of residence, while the responsibility for covering the costs referred to in paragraph 1 still remains with the same municipality.

### **Chapter 6 - Supervision of private social welfare**

**Sections 43 and 44** were repealed by **Act No. 604/1996**.

### **Chapter 7 – Appeal**

#### **Section 45**

- (1) A decision made by an officeholder subordinate to the organ referred to in section 6, paragraph 1, cannot be appealed. (736/1992)

- (2) Within 14 days of being notified, persons dissatisfied with a decision as referred to in paragraph 1 are entitled, in accordance with further provisions issued by decree, to have the decision reviewed by the organ referred to in section 6, paragraph 1, if they so demand. The decision shall be accompanied by instructions on submitting the decision for review by the organ. (736/1992)
- (3) The person concerned can be notified of the decision referred to in paragraph 1 by official posted letter. In such cases, the notification shall be considered to have taken place, unless proven otherwise, on the 7th day following the day on which the decision was submitted to a post office for delivery to the address provided by the person concerned. In other respects, the provisions of the Administrative Procedure Act (434/2003) shall be complied with. (30.12.2003/1360)

#### **Section 46 (736/1992)**

- (1) Decisions of the organs referred to in section 6, paragraph 1 can be appealed to an administrative court within 30 days of notification of the decision. Within this period, the appeal can also be submitted to the organ concerned, which shall forward it and its own opinion to the administrative court. (1134/2002)
- (2) The provisions of paragraph 1 do not apply if other provisions concerning appeal apply, if appeal is barred or if the decision concerned can be brought before the joint municipal board under the Local Government Act.

#### **Section 47**

- (1) A decision by an organ referred to in section 6, paragraph 1, is enforceable regardless of appeal if the decision requires enforcement without delay, or if, for reasons arising from the provision of social welfare, its entry into force cannot be delayed and the organ has ordered that it be enforced at once. (736/1992)
- (2) When an appeal has been lodged, the appellate authority can prohibit enforcement of the decision or order that the enforcement be suspended.

#### **Section 48 (584/2007)**

Decisions made by State authorities on a social welfare matter can be appealed as laid down in the Administrative Judicial Procedure Act (586/1996).

#### **Section 49**

- (1) An administrative court decision on provision of a social service, the size of the fee charged for it or the granting or amount of a social loan cannot be appealed. (1134/2002)
- (2) An administrative court decision on grant of social assistance referred to in the Act on Social Assistance (1412/1997) or its amount or on a dispute between municipalities concerning the duty to provide institutional care or compensation for the costs of institutional care can be appealed if the Supreme Administrative Court so grants leave. (1134/2002)
- (3) An application for a leave of appeal is lodged to the Supreme Administrative Court. A leave can only be granted if it is important to bring a case to the Supreme Administrative Court in view of the application of the law in other similar cases or due to the uniformity of case law.

**Section 50 (1134/2002)**

- (1) When an administrative court decision is appealed to the Supreme Administrative Court, the petition of appeal and its appendices can also be submitted to the administrative court so that it can be forwarded to the Supreme Administrative Court.
- (2) The provisions of the Administrative Judicial Procedure Act (586/1996) on leave of appeal apply to the leave of appeal referred to in section 49. When leave to appeal an administrative court decision is applied for, the application may also be submitted to the administrative court.

**Section 51 (1134/2002)**

When action is brought in a case concerning social welfare, otherwise than through appeal, in order to settle a dispute concerning an obligation under public law to provide compensation, payment or maintenance, or a dispute between the parties concerning other legal relationships governed by public law, the dispute shall, unless another forum is prescribed by act or decree, be ruled on by the administrative court which has jurisdiction over the region where the applicant municipality is situated or, if the appellant is not a municipality, over the locality where the applicant is domiciled.

**Chapter 8 - Miscellaneous provisions****Section 52**

A municipality and an educational institute or institution of higher education providing social welfare personnel with education and training may agree on the employment of social welfare units in organizing social welfare training. The municipality is entitled to full compensation from the institution of higher education or other authority or institution providing such training for the direct costs incurred from organizing the training. Any direct benefit gained by the municipality besides the education and training provided shall also be taken into account when the compensation is specified.

**Paragraph 2** was repealed by **Act No. 736/1992**.

**Section 53 (50/2005)**

The municipality shall see to it that its social welfare staff, depending on the length of their basic education, work demands and job description, take part sufficiently in the continuing professional education organized for them. The Ministry of Social Affairs and Health may, as necessary, issue further provisions on the content, quality, amount, organization, monitoring and evaluation of the continuing education.

**Section 54 (736/1992)**

- (1) As necessary, the organ referred to in section 6, paragraph 1, shall cooperate with other municipal authorities, with neighbouring municipalities and with organs referred to in section 6, paragraph 1, of the Primary Health Care Act (66/1972) and with corporations in the municipality whose operations are related to municipal social welfare functions.
- (2) The organ shall also strive to promote cooperation between institutions operating in the municipality in the field of social welfare, and for this purpose, submit proposals and initiatives as necessary.

**Section 55 (670/2008)**

- (1) The National Supervisory Authority for Welfare and Health and the relevant Regional State Administrative Agency can inspect the operations of a municipality and joint municipal board referred to in this Act and the units and facilities used for organising the operations when there are justified grounds for carrying out the inspection. The Supervisory Authority can, for justified reasons, also order the Regional State Administrative Agency to carry out the inspection. The inspection can be carried out without prior notice. (1541/2009)
- (2) The inspector shall be given access to all facilities of the establishment. Notwithstanding confidentiality provisions all the documents requested by the inspector that are necessary for performing the inspection must be presented. Furthermore, the inspector shall, notwithstanding confidentiality provisions, obtain free copies of the documents necessary for performing the inspection as requested by him or her. The inspector may also take photographs during the inspection. The inspector can be assisted in the inspection by experts, as needed.
- (3) The police shall, as necessary, give executive assistance to the National Supervisory Authority for Welfare and Health and the Regional State Administrative Agency for performing the inspection. (1541/2009)
- (4) A record shall be drawn up of the inspection.
- (5) Provisions on matters that shall be taken into account in particular in an inspection and on the detailed content of the inspection procedure, as well as on the record to be drawn up of the inspection and how and how long it shall be retained can be issued by Government decree, as necessary.

#### **Section 56 (1541/2009)**

- (1) If defects endangering client safety or other drawbacks are observed in the organization or provision of social welfare or if an operation is otherwise contrary to this Act, the National Supervisory Authority for Welfare and Health or the relevant Regional State Administrative Agency can issue orders to remedy the defects or to eliminate the drawbacks. When issuing the orders they shall determine the deadline for undertaking the necessary measures. If client safety so requires, the operation can be ordered to be sustained immediately or the use of the unit, a part thereof or a device can be forbidden immediately.
- (2) The National Supervisory Authority for Welfare and Health or the Regional State Administrative Agency can oblige the municipality or the joint municipal board to comply with the orders referred to in paragraph 1 under penalty of a fine or with the threat that the operation will be suspended or the use of a unit, a part thereof or a device will be forbidden.
- (3) The decision of the National Supervisory Authority for Welfare and Health or the Regional State Administrative Agency to sustain an operation or to forbid the use of a unit, a part thereof or a device shall be complied with notwithstanding appeal, unless the appellate authority otherwise orders.
- (4) The provisions of this section do not apply to the operations referred to in the Medicines Act (395/1987), the supervision of which is the responsibility of the Finnish Medicines Agency. If the National Supervisory Authority for Welfare and Health or the Regional State Administrative Agency have, in the course of their supervision, observed defects or other drawbacks regarding pharmaceutical services, those must be reported to the Finnish Medicines Agency.

#### **Section 57 (1541/2009)**

- (1) If it is observed in the context of the guidance and supervision of social welfare that a municipality or a joint municipal board has, when organizing or carrying out its operations under this Act, acted

erroneously or failed to fulfil its responsibilities, the National Supervisory Authority for Welfare and Health or the relevant Regional State Administrative Agency can issue the municipality or joint municipal board or the office-holder responsible for the erroneous action an admonition in order to prevent that such action is repeated in the future.

- (2) If the matter does not give cause to an admonition or other measures, the National Supervisory Authority for Welfare and Health or the Regional State Administrative Agency can draw the attention of the supervised party to appropriate organizing of the operations and observing good administrative praxis.
- (3) An admonition issued or the drawing of attention by the National Supervisory Authority for Welfare and Health or the Regional State Administrative Agency referred to in this section may not be appealed.

**Section 58** was repealed by **Act No. 813/2000**

### **Section 59 (923/2011)**

The supervisory authority referred to in section 3 does not consider complaints regarding social welfare that concern a matter that took place more than five years ago, unless there are particular grounds for considering the complaint.

### **Section 60**

Further provisions on the implementation and application of this Act shall be issued by decree.

## **Chapter 9 – Entry into force**

### **Section 61**

- (1) This Act enters into force on 1 January 1984.
- (2) This Act repeals  
the Social Welfare Administration Act of January 20, 1950 (34/1950),  
the Child Guidance Clinic Act of July 2, 1971 (568/1971),  
chapters 1, 2, 3 and 5 of the Municipal Home Help Act of May 6, 1966 (270/1966), with the exception of section 21, and  
the Social Allowance Act of February 17, 1956 (116/1956), with the exception of section 5,  
and all the subsequent amendments thereto.

### **Section 62**

When another act provides that legislation or provisions repealed by section 61 are to be complied with, the provisions of the Social Welfare Act shall be observed.

### **Section 63**

- (1) If a case governed by the legislation referred to in section 61 is pending, or if the period for initiating or appealing such a case does not end until after this Act enters into force, the provisions valid when this Act takes effect shall apply.
- (2) Likewise, the provisions of the Social Allowance Act and the Poor Relief Act concerning recovery shall apply to recovery of assistance granted under said acts.

**Section 64**

Rules of procedure and regulations confirmed or approved under legislation referred to in section 61, in so far as these do not conflict with the provisions of this Act, shall be complied with until new regulations have been approved. Section 61 notwithstanding, municipal social welfare shall be organized as prescribed in Chapter 2 from the beginning of 1985 at the latest.

**Section 65**

If a municipal social welfare board has granted a person a benefit deemed continuous under legislation referred to in section 61, the social welfare board shall, ex officio and without application, convert it into a benefit under this Act without detracting from the status of the person concerned as a result of the amended legislation.

**Section 66** was repealed by **Act No. 736/1992**.

**Section 67**

Notwithstanding provisions on qualifications for office issued under section 10, a person holding such an office when this Act enters into force shall continue to be qualified for a corresponding office subject to a municipal social welfare board.

**Section 68**

Measures necessary for the implementation of this Act may be undertaken before its entry into force.

*Entry into force of amended Acts:*

**1378/2010**

This Act enters into force on 1 January 2011.

**385/2011**

- (1) This Act enters into force on 4 May 2011 and is in force until 31 December 2014.
- (2) Measures necessary for the implementation of this Act may be undertaken before its entry into force.

**923/2011**

- (1) This Act enters into force on 1 October 2011.
- (2) The provisions in force at the entry into force of this Act shall apply to the consideration of complaints pending before its entry into force.

**910/2012**

This Act enters into force on 1 January 2013.

**943/2012**

This Act enters into force on 1 January 2013.

**317/2014**

This Act enters into force on 1 May 2014.

**491/2014**

This Act enters into force on 1 July 2014. The processing of an application submitted on the basis of section 2a of the Social Welfare Act ceases at the entry into force of this Act.