

## **OVERVIEW OF LEGAL MECHANISMS IN ESTABLISHING SOCIAL CENTRES FOR FAMILY, CHILDREN AND YOUTH IN VILLAGE COMMUNITIES**

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In response to request as of 14<sup>th</sup> of September of the current year, related to legal and financial conditions for establishing of the above-mentioned centres, I inform you of the following

1. In accordance with item 2 of General Provision on the Centre of Social services for Family, Children and Youth (approved by the Resolution of CMU № 1126 as of 27.08.2006), the network of these centres should include village centres.

In addition to the acts of national legislation and provisions, centres are also regulated by decisions, made by self-government bodies (it. 3 in the Provision). Besides, it is envisaged that, village centres of social services are legal persons, they are set up, reorganized and liquidated by village councils (it. 7, 23). Provisions on village centres are approved by corresponding village councils and by oblast centre (it. 17). Plan on developing network of centres, elaborated for 2005-2010 foresees to establish 8 village and 30 village centres in Kyiv Oblast.

2. Functions of village centres include providing of social services, social supervision and social patronage, social-rehabilitation events (it. 8 of the Provision), which need to involve additional specialists. It is also envisaged that local self-government bodies have to provide the centres with premises, means of communication, with furniture and vehicles (it. 19).

3. Directors of village centres are appointed and fired by the Head of Village Council and approved by Oblast Centre of Social Services (it. 15 in the Provision). In their turn, Directors of Centres independently approve the structure and staff of centres (the latter is limited), and costs for payment of salaries, draft provisions on structural sections and job descriptions for workers, as well as appoints and fires employees of the centres (it. 16).

4. Acts on limited number of workers of the centre are approved by local self-government bodies in accordance with the Order of the Ministry of Labour and Social Policy № 1886 as of 06.09.2005. „On

approving typical structure and staff of republican (AR of Crimea), oblast, Kyiv and Sevastopol city, rayon and village centres of social services for family, children and youth”.

The above-mentioned Order foresees to create these centres in the person of Director, leading specialist of the 1st category only in those village councils, where more, than 1000 persons, aged 14-35 years old, live, and costs for payment of their salaries should be allocated in local budgets.

4. Order of MFYS № 1886/2005 does not establish the budget to pay for the work of employees of centres of social services. However, since the 1<sup>st</sup> of January, 2006 workers of local self-government bodies are paid their salaries in accordance with terms, identified in the Resolution of CMU № 268 as of 09.03.2006. „On standardizing the structure and terms of payment for employees of executive bodies system, prosecutor’s bodies, courts and other bodies”. In item of the Resolution, it is indicated that terms of payment are defined by local self-government bodies, and are established for civil servants, managers of departments and specialists of corresponding categories, based on Annexes 48-54 and 57 of Resolution № 268/2006. Decision on providing bonus and other additional payments for employees of local self-government bodies are made by a corresponding council (it. 6 in the Provision).

5. In particular, the rate of salary of the **specialist of I category** in village councils and their executive bodies constitute 400-440 hrn. per month, based on the number of citizens (Appendix 54). Order of payment of additional payments for the grade of civil servants of local self-government bodies is described in Annex 57. In addition to that, it. 3 and 6 in the Provision envisage other kinds of payments and additional payments for officials.

Official payments for Director and Leading specialist in the system of village councils are not defined in Annex 54, that’s why, local self-government bodies can use the schemes of Annex 51: **Head of Sector**, Chief Accountant – 515-540 hrn.; state social inspector – 445-470 hrn., **leading specialists** – 425-450 hrn.

The fact is that passage g) of 2 item in Resolution № 268 allows to establish the rate of payment for employees, whose positions are not mentioned in the Resolution, based on the rate of salary of civil servants and specialists of corresponding categories.

6. That’s why, based on the above-mentioned legislative acts and articles 16, 26 (passage 32), 27 (passage 4), 34 (passages 1,3), 42, 52, 63, 64, 69 (it. 2) of the Law of Ukraine „On local self-

government bodies in Ukraine” № 280 as of 21.05.1997, Articles 3, 5, 7, 10 and 14 (which identifies 7<sup>th</sup> category of positions of the specialists of village councils), Art. 19 and 21 of the Law of Ukraine „On work in local self-government bodies” № 2493 as of 07.06.2001, local self-government bodies can introduce positions and define the rates of payment for managers and specialists of centres of social services for family, children and youth.