

PROGUARD

PILOT ASSESSMENT SYSTEM FOR GUARDIANSHIP

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Introduction to guardianship for unaccompanied and separated children in Europe

EU law provides a number of general provisions concerning the role of the guardian (sometimes referred to as a representative of the child) as well as several references to guardians in key policy documents concerning unaccompanied and separated children from outside of the EU.

However, it is for Member States to determine exactly how guardianship responsibilities are organised. There are very different models of guardianship in different States. For example, we see that some countries are just beginning to develop their formal systems of guardianship for unaccompanied children whereas some countries have more mature systems. Some countries base themselves primarily on their local guardianship system for all children whereas others have special arrangements focusing on unaccompanied and separated children outside their countries of origin. Some countries have the same system nationwide, whereas others have local variations. Some countries have significant experience dealing with guardianship for unaccompanied and separated children, whilst in some countries smaller numbers of such children have been involved. Some countries have guardianship institutions, others are coordinated by NGOs. Some countries have volunteer guardians, others have professional guardians, and some systems are hybrid models of volunteers and guardians.

Depending on how reception and care for unaccompanied and separated children are organized in those countries, the roles of the different actors involved and how many unaccompanied children typically are received by a State. In some systems, guardians play a central role in fulfilling the parental responsibility a State owes to a child who is deprived of parental care and takes decisions, as a parent might, on care plans and arrangements. In other countries, the guardian's role primarily concerns supporting and assisting the child and acting as a link to other actors involved in discharging key responsibilities towards these children. In most if not all countries, the guardian complements the child's legal capacity if it is limited, and thus can ensure applications for status determination are made as appropriate. In some countries, the guardian's role primarily focuses on supporting the child in engaging with the procedural questions that face them; in other countries, the guardian's role also concerns ensuring the child has support and assistance in relation to their reception and care. In all countries, the role of the guardian is distinct from those actors who provide legal counsel and representation, where this is available.

THE PAS IS FOUNDED ON COMMON PRINCIPLES FOR GUARDIANSHIP AND DOES NOT IMPOSE A UNIFORM MODEL Consequently, the PAS does not aim to prescribe a uniform guardianship model on countries. Instead, the PAS aims to identify the common principles each of these different national models, in their different ways, can aspire to fulfil.

PART 1: EXPLANATION FOR REVIEW OF PILOT ASSESSMENT SYSTEM FOR GUARDIANSHIP

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| What is the PAS? | The PAS is a tool which national guardianship systems for unaccompanied and separated children in migration can use to assess themselves on how their system fulfils common and transparently defined European standards on guardianship. |
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| What does the PAS measure? | The PAS focuses on examining what structural elements of guardianship system are in place and thereby to measure the capacity of a system to fulfil the standards. It does not evaluate the operation of the system day to day nor is it intended to act as a tool for assessing the individual practice of guardians. |
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| What is the basis of the PAS? | <p>The standards underlying the PAS derive from the European Commission and the Fundamental Rights Agency Handbook on guardianship for children deprived of parental care¹. The Handbook is translated into all of the EU languages and serves as an invaluable resource to support the PAS.</p> <p>The PAS includes standards concerning non-discrimination, responsibility and accountability, independence and impartiality, child-centred approach, quality, child participation, and sustainability and collaboration with others,.</p> <p>The PAS standards do not impose a uniform guardianship model. Instead they concern the common <i>principles</i> which each of the very different national models of guardianship, in their different ways can aspire to fulfil.</p> |
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¹https://fra.europa.eu/sites/default/files/fra-2014-guardianship-children_en_0.pdf

What framework is used for the PAS?

For each standard, there is a general statement of the standard. There are then indicators which address in more detail particular elements of the system. There are sub-indicators which address each indicator.

The standards are defined in a child-centred manner and the indicators and subindicators will also support the respondents in demonstrating the way in which the system fulfils the rights of children.

Table: Structure of the PAS - tool

| | | |
|-----------|---------------|-----------------------------|
| Principle | | |
| Standard | | |
| Indicator | Sub-indicator | |
| | Element: | Regulatory environment: |
| | | Management of guardianship: |
| | | Practice |

Respondents are prompted to indicate whether and how sub-indicators are met by the different elements of the guardianship system as relevant. The three elements are (a) **the regulatory environment (law & policy) which underpins the system**; (b) **the manner in which the guardianship system is managed**; (c) **typical practice of guardians**.

NB. Questions concerning typical practice are not intended to measure the performance of guardians. They are posed because, in some countries or in relation to some dimensions of guardianship, where the regulatory and management system is not extensive, the state of play can only be assessed through reviewing typical practice of guardians (the de facto national guardianship “system”).

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| | NB. See the glossary below for information on the manner in which the guardianship system is managed. |
| For what uses can the PAS be deployed? | <p>A number of different types of uses have been suggested:</p> <ul style="list-style-type: none"> · In-depth assessment of the structure of the system · Building a big picture or getting a fast-read out of current state of the system · Modular approach, doing one principle, or a number of principles or the full set · Focusing on a particular need – e.g. strengthening and improving coordination · As a management tool – to inform budgeting, funding, working streams · Mapping a system (to check what is in place / what’s not in place) · Sharing information on the system or key practices internationally · Supporting training of key actors |
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| What is the outcome of the PAS? | <p>The outcome of the PAS should be that it provides actors to identify potential improvements to systems. Accordingly the tools to support this outcome should be developed. These might include:</p> <ul style="list-style-type: none"> · A scoring system: potentially based on a traffic light system, with grading or colours, potentially a piechart of colours to show how all the sub-indicators under one indicator are met, to give an impression of the extent to which a principle is fully met <i>Or</i> · An action-oriented output: using icons for actions such as green tick for ok, orange arrow for room for improvement, yellow lightbulbs: things to think about, redflags: urgent need for improvement |
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| <p>Who should undertake the assessment?</p> | <p>National bodies and stakeholders can use the PAS to assess their national guardianship system's strengths and weaknesses and reflect on opportunities for progress. It is not intended as a comparative grading tool for national systems. Accordingly, it should be undertaken by actors who:</p> <ul style="list-style-type: none"> · Are familiar with the system and · Are responsible for the system (ideally) · Deliver the service or - In systems that are evolving or fragmented, are working to raise awareness or improve the system (e.g. multi-agency task-force or an ombudsman) <p>The assessment should provide input from different perspectives of the system. It should reflect the views of all actors involved with the system, including both guardians and actors working with guardians. It should also take into consideration the experience of children (in the first instance through existing information gathered on this). It might involve an independent evaluator and/or an external facilitator.</p> |
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| <p>What is the format of the PAS?</p> | <p>During the pilot phase, we are reviewing:</p> <ul style="list-style-type: none"> (i) How it can be used as a word document (ii) Whether an online tool such as survey-monkey is a useful format (to be piloted in some countries/some principles) (iii) Whether another existing tool might be appropriate (iv) Whether a special tool (online or otherwise) might be needed in the future |

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| When should an assessment be undertaken? | <p>We anticipate that an assessment should be undertaken on a periodic basis (potentially annually or every two years).</p> <p>It could potentially be linked/take into account other monitoring or budgetary processes.</p> |
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| Glossary of terms: | <p>Unaccompanied and separated children: children under 18 years of age who arrive on the territory of Member States unaccompanied by an adult responsible for them whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such a person; it includes a child who is left unaccompanied after he or she has entered the territory of the Member States.</p> |
| | <p>Guardianship: child protection measure in order to safeguard a child's best interests and general well-being and to this effect complement the legal capacity of the child, where this is limited by law. Guardianship provides statutory representation of the child in all proceedings in the same way that a parent represents their child (Source FRA Guidance, UN Committee on the rights of the Child General Comment No 6 and the UN Guidelines for the Alternative Care of Children)</p> |
| | <p>Guardian: a guardian is an independent person who safeguards a child's best interests and general well-being, and to this effect complements the legal capacity of the child, where this is limited by law. The guardian acts as a statutory representative of the child in all proceedings in the same way that a parent represents his or her child (Source FRA Guidance, UN Committee on the rights of the Child No 6 and the UN Alternative Care Guidelines). In some EU instruments and national systems, the term representative is used, in particular when focusing on supporting children in administrative or judicial proceedings.</p> <p>As noted in the introduction, different countries approach the guardianship differently. In some, the roles of</p> |

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| | <p>representative for the purpose of proceedings and the person supporting the child as regards care and welfare are combined, sometimes they are separate Sometimes one or other role - or both - are non existent in the system.</p> <p>The guardian can be distinguished from the qualified lawyer or other legal professional who provides legal assistance, speaks on behalf of the child and legally represents him or her in written statements and in person before administrative and judicial authorities in criminal, asylum or other legal proceedings as provided in national law.</p> |
| | <p>Management system: The system that should be in place to manage and administer guardians. It covers the support and oversight function of the entity entrusted with the management of guardians, and the network of cooperation with other entities that should be established. Such a body might be an agency, foundation, NGO or the judicial system. In some countries the management system might be composed of a number of different elements – e.g. an authority who appoints a guardian, a body who recruits and supervises guardians, and an organization who trains and supports guardians.</p> |
| | <p>Conflict of interest: A situation in which someone in a position of trust has competing professional or personal interests.</p> <p>Impartiality: The ability to judge or consider something fairly without allowing your own interest to influence you.</p> |

PART 2: Short national profile of guardianship

Short national profile providing general context when undertaking an assessment under the PAS on guardianship.

What type of entity do you as respondent represent?

Do asylum-seeking / migrant children have access to the national child protection and guardianship system in your country or is there a separate system?

How many unaccompanied and separated children are typically concerned by the guardianship system in your country? (if possible, give yearly numbers for the last five years)

Is there a clear description in national legislation of what a guardian is? What are their roles / responsibilities / tasks etc.?

Is there a specific law or policy addressing guardianship of children deprived of parental care, including children in migration?

Is there a specific law or policy addressing guardianship of unaccompanied and separated children in migration?

Are individual guardians appointed by judges/administrative decision?

Is there a guardianship authority which manages guardians, in terms of recruiting, vetting, training and assigning guardians?

If there is no guardianship authority with the tasks above, is there an organisation otherwise supporting guardians?

Are guardians professionals, volunteers or do maybe both exist?

Are specific qualifications required of guardians?

Is there mandatory training for guardians?

PART 3 NAVIGATION PANEL

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| 1. Non-discrimination (principle) | |
| All children benefit from equal guardianship services within the state’s territory, irrespective of the place of residence, their age or their immigration status. (standard) | |
| Indicators | 1.1. The guardianship system provides for guardians to be appointed to all children deprived of parental care, including unaccompanied and separated children in migration |
| | 1.2. The scope of guardianship is the same for all unaccompanied and separated children in migration, regardless of their age, gender or (immigration) status |
| | 1.3. The quality of guardianship is the same for all unaccompanied and separated children in migration, regardless of their age, gender or (immigration) status |
| | 1.4. The guardianship system covers efficiently the whole national territory |
| 2. Accountability and responsibility (principle) | |
| Children can depend on guardianship systems which have a clear basis, a responsible authority and monitoring and accountability mechanisms in place. (standard) | |
| Indicators | 2.1. There is a clear basis for guardianship and its essential aspects |
| | 2.2. Responsibility for the guardianship system, and procedures for its effective management, are in place |
| | 2.3. Monitoring, oversight and accountability procedures are written, known and clear |
| 3. Independence and impartiality (principle) | |

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| Children can depend on their guardian being independent and impartial when taking decisions in their best interest. (standard) | |
| Indicators | 3.1. Guardianship is exercised in a way that is both financially and institutionally independent of other authorities and responsibilities |
| | 3.2. Guardianship is exercised in a way that is impartial |
| 4. Child Rights Centred (principle) | |
| Children's rights are respected, protected and fulfilled. (standard) | |
| Indicators | 4.1. The general responsibility of the guardian is to respect, protect and fulfill the rights of the child |
| | 4.2. The guardian undertakes specific activities to safeguard the best interests of the child T |
| | 4.3. The guardian undertakes specific activities to ensure the child's overall well-being |
| | 4.4. The guardian undertakes specific activities to exercise legal representation for the child to complement his or her legal capacity, including supporting the child in legal procedures |
| | 4.5. The guardian undertakes specific activities to help identify and implement durable solutions |
| 5. Child participation (principle) | |
| The child's right to be heard is respected, by informing them in a manner they understand about the scope of guardianship arrangements and available services and support, by enabling them to speak out, complain and influence, and by giving due weight to their viewpoint (standard) | |
| Indicators | 5.1. Thorough information on procedures and rights is provided to the child, in a child friendly way and in a language they understand, age appropriate and taking into account disabilities (e.g. sign language etc). |
| | 5.2. The child's views are heard and taken into account |
| | 5.3. Individual complaint mechanisms are accessible to children |

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| | 5.4. Children are encouraged and enabled to speak out and influence, participate in and contribute to the review and monitoring of the guardianship system |
| 6. Quality (principle) | |
| Children are supported and assisted by qualified, continuously trained and well supported guardians who have sufficient time to respond effectively to their needs. (standard) | |
| Indicators | 6.1. Guardians are qualified |
| | 6.2. There is a clear vetting mechanism for guardians |
| | 6.3. Guardians are continuously trained |
| | 6.4. Guardians have sufficient support and time to deal with each child |
| 7. Sustainability and collaboration (principle) | |
| Children can depend on guardianship systems being an integral part of the national child protection system, being allocated sufficient human and financial resources, being effectively monitored and acting as a link between the child and other agencies or individuals who are responsible for taking action in their regard. (standard) | |
| Indicators | 7.1 Sufficient human/financial resources and sustainable funding are provided |
| | 7.2. Guardians cooperate with other agencies and authorities and act as first point of contact between the child and other agencies responsible for taking action in their regard |

PART 4: Tool to assess how the structure of a guardianship system fulfills 7 European standards on guardianship

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| <p>1. Non-discrimination (principle)</p> | |
| <p>All children benefit from equal guardianship services within the state’s territory, irrespective of the place of residence, their age or their immigration status. (standard)</p> | |
| <p>Indicators</p> | <p>Sub Indicators</p> |
| <p>1.1. The guardianship system provides for guardians to be appointed to all children deprived of parental care, including unaccompanied and separated children in migration</p> | <p><u>1.1.1. Regulatory environment:</u></p> <p>A. Do law and policy explicitly provide for guardians to be appointed for all children deprived of parental care?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Yes by law <input type="checkbox"/> Yes by policy <input type="checkbox"/> No <input type="checkbox"/> I don’t know <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>Please provide further details:</p> </div> <p>B. Do law & policy explicitly provide for guardians to be appointed for all unaccompanied and separated children in migration, independently of any particular status, age, gender or nationality?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Yes by law <input type="checkbox"/> Yes by policy <input type="checkbox"/> No <input type="checkbox"/> I don’t know |

Please provide further details:

C. If not, for which children do law & policy explicitly provide for guardians to be appointed?

- Asylum seeking unaccompanied and separated children
- Unaccompanied and separated children who have been granted international protection
- Child victims of trafficking
- Under a specific age (e.g. 16)
- Others

Please provide further details:

1.1.2. Management of guardianship:

A. Does the system of managing guardians appoint guardians for all children deprived of parental care?

- Yes
- No
- I don't know

Please provide further details:

B. Does the system of managing guardians appoint guardians for all unaccompanied and separated children in migration?

- Yes
- No
- I don't know

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| | <p>Please provide further details:</p> <p>C. If not, for which children does the system managing guardians appoint guardians?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Asylum seeking unaccompanied and separated children <input type="checkbox"/> Unaccompanied and separated children who have been granted protection/residence permit <input type="checkbox"/> Child victims of trafficking <input type="checkbox"/> Under a specific age (e.g. 16) <input type="checkbox"/> Others <p><u>1.1.3. Practice</u> Not relevant given that this indicator concerns the definition of the basis and essential aspects of guardianship.</p> |
| <p>1.2. The scope (duties, rights, responsibilities) of guardianship is the same for all unaccompanied and separated children in migration, regardless of their age, gender or (immigration) status</p> | <p><u>1.2.1. Regulatory environment:</u></p> <p>A. Do law & policy explicitly provide for the same duties, rights and responsibilities of guardianship for all unaccompanied and separated children in migration?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Yes by law <input type="checkbox"/> Yes by policy <input type="checkbox"/> No <input type="checkbox"/> I don't know <p>Please provide further details:</p> |

B. If not, on what ground do the law & policy provide for different duties, rights and responsibilities of guardianship? (e.g. different responsibilities of the guardian according to age? Different rights and duties according to the immigration status, for instance between asylum seeking and non-asylum seeking children?)

- Legal status (e.g. asylum-seeking, children with residence permits)
- Vulnerability status (e.g. children with specific/medical needs)
- Age
- Gender
- other

Please provide further details:

1.2.2. Management of guardianship:

A. Does the system of managing guardians support the guardian in carrying out the same duties, rights and responsibilities for all unaccompanied and separated children in migration ?

- Yes (e.g. through supervision, training, guidance, other)
- No

Please provide further details:

1.2.3. Practice:

A. Do guardians typically carry out the same duties, rights and responsibilities for all unaccompanied and separated children in migration independently of their status, gender, or age?

- Yes
- No

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| | <p style="text-align: center;"><input type="checkbox"/> I don't know</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Please provide further details:</p> </div> |
| <p>1.3. The quality of guardianship is the same for all unaccompanied and separated children in migration, regardless of their age, gender or (immigration) status</p> | <p>1.3.1. <u>Regulatory environment:</u></p> <p>A. Do law & policy explicitly provide for the same standard of quality of guardianship for all unaccompanied and separated children in migration (e.g. professional requirements and qualifications, training, recruitment procedures?)</p> <p><input type="checkbox"/> Yes by law</p> <p><input type="checkbox"/> Yes by policy</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> I don't know</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Please provide further details:</p> </div> <p>B. If not, on what ground do the standards of quality differ?</p> <p><input type="checkbox"/> Legal status, e.g. asylum-seeking, child with residence permit</p> <p><input type="checkbox"/> Vulnerability status, e.g. children with specific / medical needs</p> <p><input type="checkbox"/> Age</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Other</p> |

Please provide further details:

1.3.2. Management of guardianship:

- A. Does the system of managing guardians support the guardian in ensuring the same standards of quality of guardianship for all unaccompanied and separated children in migration (e.g. professional requirements and qualifications, training, recruitment procedures)?
- Yes (e.g. through supervision, training, guidance, other)
 - No

Please provide further details:

1.3.3. Practice:

- A. Do guardians typically provide the same standards of quality of services for all children under their care, independently of their status, gender, or age?
- Yes
 - No
 - I don't know

Please provide further details:

1.4. The guardianship system covers efficiently the whole national territory

1.4.1. Regulatory environment:

A. Do law & policy explicitly require that guardianship covers the entire national territory?

- Yes by law
- Yes by policy
- No
- I don't know

Please provide further details:

B. Do law & policy explicitly require that guardianship standards and practices are harmonized and consistent across the national territory?

- Yes by law
- Yes by policy
- No
- I don't know

Please provide further details:

1.4.2 Management of guardianship:

A. Is the system of managing guardians deployed efficiently across the whole national territory?

- Yes
- No
- I don't know

Please provide further details:

1.4.3. Practice:

A. Do guardians typically work in only one area/part of the country rather than the whole territory?

Yes

No

I don't know

Please provide further details:

2. Accountability and responsibility (principle)

Children can depend on guardianship systems which have a clear basis, a responsible authority and monitoring and accountability mechanisms in place. (standard)

Indicators

Sub Indicators

2.1. There is a clear basis for guardianship and its essential aspects

2.1.1. Regulatory environment:

A. Do law & policy explicitly provide a legal basis for guardianship and define essential aspects of guardianship in a clear manner?

- Yes by law
- Yes by policy
- No
- I don't know (please specify)

Please provide further details:

B. If yes, please specify what the law & policy address:

- Duties, rights and responsibilities of guardians
- Recruitment and appointment procedures
- Professional requirements, qualifications, ethical standards and vetting procedures
- Training requirements
- Privacy, confidentiality, and record keeping procedures
- Monitoring and oversight procedures
- Accountability mechanisms

- Right of children to express their views at different stages of the procedures and a duty to ensure that the competent authorities take such views into consideration and give them due weight

Please provide further details:

2.1.2. Management of guardianship:

A. If the law does not address these issues (or all of these issues), does a guardianship authority define its own responsibilities?

B. If yes, please specify, whether its responsibilities include:

- Duties, rights and responsibilities of guardians
- Recruitment and appointment procedures
- Professional requirements, qualifications, ethical standards and vetting procedures
- Training requirements
- Privacy, confidentiality, and record keeping procedures
- Monitoring and oversight procedures
- Accountability mechanisms
- Right of children to express their views at different stages of the procedures and a duty to ensure that the competent authorities take such views into consideration and give them due weight

Please provide further details:

2.1.3. Practice:

Not relevant given that this indicator concerns the definition of the basis and essential aspects of guardianship.

2.2. Responsibility for the guardianship system, and procedures for its effective management, are in place

2.2.1. Regulatory environment:

A. Do law & policy explicitly appoint an authority to be responsible for guardianship?

- Yes by law
- Yes by policy
- No
- I don't know (please specify)

Please provide further details:

B. Do law & policy explicitly provide that there are procedures for effective management of the guardianship system, through:

- Recruitment and vetting mechanisms
- Development of guidelines
- Coordination and cooperation with other agencies and authorities
- Case administration
- Training
- Support to guardians
- Review and oversight mechanisms
- I don't know

Please provide further details:

2.2.2. Management of guardianship

A. Is there a body taking responsibility for managing the guardianship system?

- Yes

- No
- I don't know (please specify)

Please provide further details:

B.Are there procedures in place to ensure:

- Recruitment and vetting mechanisms
- Development of guidelines
- Coordination and cooperation with other agencies and authorities
- Case administration
- Training
- Support to guardians
- Review and oversight mechanisms
- I don't know

Please provide further details:

2.2.3. Practice:

Not relevant, see above

2.3. Monitoring, oversight and accountability procedures are written, known and clear

2.3.1. Regulatory environment

A. Do law & policy explicitly provide for a way to monitor if duties, rights and responsibilities related to guardianship are correctly implemented, by the guardianship authority and/or by guardians respectively?

- Yes by law
- Yes by policy
- No
- I don't know (Please specify)

Please provide further details:

B. Do law and policy provide for independent external monitoring and evaluation of guardianship?

- Yes
- No
- Other

Please provide further details:

C. Do law and policy provide for the participation of children (taking into account relevant safeguarding protocols) in monitoring and evaluation mechanisms?

- Yes
- No
- Other

Please provide further details:

D. Do law and policy provide for monitoring of:

- financial issues
- case management
- quality of care and services
- level of protection offered to services

E. Do law and policy provide for an independent authority to which the guardian or others can lodge complaints about activities of the guardianship authority and/or guardians?

- Yes
- No
- Other

Please provide further details:

F. Do law and policy provide for disciplinary measures and the circumstances in which these are applied?

- Yes
- No
- Other

Please provide further details:

2.3.2. Management of guardianship

A. Does the guardianship authority monitor regularly how duties, rights and responsibilities are undertaken by guardians?

- Yes
- No

Please provide further details:

B.Does the guardianship authority regularly inform guardians and staff members about monitoring, oversight and accountability procedures?

- Yes
- No

Please provide further details:

C.Does the guardianship authority explicitly provide for reporting obligations for guardians in relation to breaches of their duties and responsibilities?

- Yes
- No

Please provide further details:

D.Does the guardianship authority engage in monitoring of:

- financial issues
- case management
- quality of care and services
- level of protection offered to services

E.Does the guardianship authority ensure the participation of children in monitoring and evaluation mechanisms?

- Yes

- No
- Other

Please provide further details:

F. Is there independent external monitoring and evaluation of guardianship?

- Yes
- No
- Other

Please provide further details:

G. Does the independent external monitoring and evaluation concern:

- financial issues
- case management
- quality of care and services
- level of protection offered to services

H. Is there an independent authority to which the guardian or others can lodge complaints about activities of the guardianship authority? (see also principle 6 on Child participation)

- Yes
- No
- Other

Please provide further details:

I.Does the guardianship authority have a mechanism for disciplinary measures and the circumstances in which these are applied?

- Yes
- No
- Other

Please provide further details:

J.Does the management of guardianship explicitly provide support for the guardian in ensuring that procedures are known and clear?

- Yes (e.g. through supervision, training, guidance, other)
- No

Please provide further details:

2.3.3. Practice

A. Are guardians typically obliged to take responsibility for their own acts, e.g. under an ethical code of conduct?

- Yes (please specify, through)
- No
- Other:

Please provide further details:

B.Are individual guardians typically accountable to an authority for their acts and decisions?

- Yes (please specify, through)

- No
- Other:

Please provide further details:

C.Are guardians typically involved in reporting breach of duties, rights and responsibilities of other guardians or the guardianship authority?

- Yes
- No
- Other

Please provide further details:

D.Do guardians typically have the possibility to provide feedback on the efficiency of procedures?

- Yes
- No
- Other

Please provide further details:

E.Are guardians typically periodically assessed on their knowledge of procedures?

- Yes
- No
- Other

Please provide further details:

F. Are guardians typically informed about the independent authority?

- Yes
- No
- Other

Please provide further details:

G. Is the established complaint mechanism typically effective, hence, is it used by guardians?

- Yes
- No
- Other

Please provide further details:

3. Independence and impartiality (principle)

Children can depend on their guardian being independent and impartial when taking decisions in their best interest. (standard)

Indicators

Sub Indicators

3.1. Guardianship is exercised in a way that is both financially and institutionally independent of other authorities and responsibilities

3.1.1. Regulatory environment:

A. Do law & policy explicitly require that the guardianship service and the guardians are not dependent financially (funding or compensation does not depend on such authorities) or institutionally (guardianship service and guardians do not take instructions from them) on authorities responsible for:

- identification of a child as unaccompanied child;
- delivering care services;
- decisions related to return, residence permit or international protection?

- Yes by law
- Yes by policy
- No
- I don't know (please specify)

Please provide further details:

B. Do law & policy explicitly require the involvement of a judge in appointing the guardianship service and the guardians?

- Yes by law
- Yes by policy
- No
- I don't know (please specify)

Please provide further details:

3.1.2. Management of guardianship:

Does the system of managing guardians ensure the independence of guardians?

- Yes
- No
- I don't know

3.1.3. Practice:

A. Are the appointed guardians typically in a position to intervene and make independent and impartial decisions, assessment, actions and representations guided by the best interests of the child?

- Yes (e.g. through supervision, training, guidance, other)
- No
- I don't know

Please provide further details:

3.2. Guardianship is exercised in a way that is impartial

3.2.1. Regulatory environment:

A. Do law and policy explicitly provide that guardians will not discharge other responsibilities that might impede their impartiality to guardian services and the guardians?

- Yes by law
- Yes by policy
- No
- I don't know (please specify)

Please provide further details:

B. Do law and policy explicitly ensure that the guardian services and the guardians do not have any conflict of interest with those of the child?

- Yes by law
- Yes by policy
- No
- I don't know (please specify)

Please provide further details:

3.2.2. Management of guardianship:

A. Does the system of managing guardians exclude organisations, institutions and/or individuals from guardianship duties if their interests conflict, or could potentially conflict, with those of the child?

- Yes
- No

I don't know

Please provide further details:

B. Does the system of managing guardians provide mechanisms to ensure that no conflicts of interest arise between guardians and other authorities?

Yes

No

I don't know

Please provide further details:

3.2.3. Practice:

A. Do guardians typically have a code of ethics on independence of their role or have training on their independence?

Yes (e.g. through supervision, training, guidance, other)

No

I don't know

Please provide further details:

B. Do guardians have independent complaint mechanisms if they feel the discharge of their responsibility is being interfered with?

Yes (e.g. through supervision, training, guidance, other)

- No
- I don't know

Please provide further details:

4. Child Rights Centred (principle)

Children's rights are respected, protected and fulfilled through guardianship (standard)

Indicators

Sub indicators

4.1. The general responsibility of the guardian is to respect, protect and fulfill the rights of the child

4.1.1. Regulatory environment:

A. Do law & policy explicitly provide that guardianship concerns respecting, protection and fulfilling the rights of the child?

- Yes by law
- Yes by policy
- No
- I don't know

Please provide further details:

B. Do law & policy limit a guardian's responsibilities to a particular aspect of the child's situation, such as the immigration process?

- Yes by law
- Yes by policy
- No
- I don't know

Please provide further details:

4.1.2. Management of guardianship:

A. Does the system of managing guardians explicitly ensure support for the guardian in ensuring respect, protection and fulfilment of the rights of the child?

- Yes (please specify, through training, guidelines, case administration, other support)
- No
- Other

Please provide further details:

B. Does the system of managing guardians involve support for the guardian as regards a particular aspect of the child's situation, such as the immigration process?

- Yes (please specify, through training, guidelines, case administration, other support)
- No
- Other

Please provide further details:

4.1.3. Practice:

A. Do guardians typically have knowledge of the rights of the child and connect their activities to them (e.g. non-discriminatory access to health services)?

- Yes
- No
- Other

Please provide further details:

| | |
|--|---|
| | <p>B.Are the guardian’s activities typically concerned with only certain aspects of the child’s situation such as the immigration process rather than with the general responsibility for respecting, protecting and fulfilling the rights of the child ? Yes (please specify, through training, guidelines, case administration, other support)</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Other</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">Please provide further details:</div> |
| <p>4.2. The guardian undertakes specific activities to safeguard the best interests of the child</p> | <p><u>4.2.1.Regulatory environment:</u></p> <p>A. Do law & policy provide for the guardian’s involvement in Best Interest Assessment (BIA)?</p> <p><input type="checkbox"/> Yes by law</p> <p><input type="checkbox"/> Yes by policy</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> I don’t know</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">Please provide further details:</div> <p>B.Do law & policy provide a means for the guardian to intervene or challenge other actors, in the event that they feel that the best interests of the child are not being met?</p> <p><input type="checkbox"/> Yes by law</p> <p><input type="checkbox"/> Yes by policy</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> I don’t know</p> |

Please provide further details:

4.2.2. Management of guardianship:

A. Does the system of managing guardians support the guardian's involvement in each of these tasks:

- Best Interest Assessment (BIA)
 - Yes (e.g. through supervision, training, guidance, other)
 - No
 - Other

Please provide further details:

- Intervening or challenging other actors, in the event that they feel that the best interests of the child are not being met?
 - Yes (e.g. through supervision, training, guidance, other)
 - No
 - Other

Please provide further details:

4.2.3. Practice:

A. Are the guardian's activities typically concerned with the Best Interest Assessment?

| | |
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| | <ul style="list-style-type: none"> <input type="checkbox"/> this activity is led by the guardian <input type="checkbox"/> this activity is not undertaken at all <input type="checkbox"/> this activity is undertaken by another actor but the guardian can be actively involved in supporting and assisting the child during this activity <input type="checkbox"/> this activity is undertaken by another actor but the guardian is not involved at all <p>B.Are the guardian’s activities typically concerned with intervening or challenging other actors, in the event that they feel that the best interests of the child are not being met?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Yes (e.g. through supervision, training, guidance, other) <input type="checkbox"/> No <input type="checkbox"/> Other <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">Please provide further details:</div> |
| <p>4.3. The guardian undertakes specific activities to ensure the child’s overall well-being</p> | <p><u>4.3.1. Regulatory environment:</u></p> <p>A. Do law & practice provide for the guardian’s involvement in:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Risk assessment <input type="checkbox"/> Individual needs assessment <input type="checkbox"/> Age assessment <input type="checkbox"/> Restoring family links <input type="checkbox"/> Adequate standard of living including housing and material assistance <input type="checkbox"/> Healthcare <input type="checkbox"/> Education and training <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">Please provide further details if this is provided by law or by policy:</div> |

4.3.2. Management of guardianship:

A. In which of the tasks below does the system of managing guardians support the guardian's involvement:

- Risk assessment
- Individual needs assessment
- Age assessment
- Restoring family links
- Adequate standard of living including housing and material assistance
- Healthcare
- Education and Training

Please provide further details on how this is being done (e.g. through supervision, training, guidance, other):

4.3.3. Practice:

Are the guardian's activities typically concerned with:

- Risk assessment

- this activity is led by the guardian
- this activity is not undertaken at all
- this activity is undertaken by another actor but the guardian can be actively involved in supporting and assisting the child during this activity
- this activity is undertaken by another actor but the guardian is not involved at all

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| | <ul style="list-style-type: none"><input type="checkbox"/> other- Individual needs assessment<ul style="list-style-type: none"><input type="checkbox"/> this activity is led by the guardian<input type="checkbox"/> this activity is not undertaken at all<input type="checkbox"/> this activity is undertaken by another actor but the guardian can be actively involved in supporting and assisting the child during this activity<input type="checkbox"/> this activity is undertaken by another actor but the guardian is not involved at all<input type="checkbox"/> other- Age assessment<ul style="list-style-type: none"><input type="checkbox"/> this activity is led by the guardian<input type="checkbox"/> this activity is not undertaken at all<input type="checkbox"/> this activity is undertaken by another actor but the guardian can be actively involved in supporting and assisting the child during this activity<input type="checkbox"/> this activity is undertaken by another actor but the guardian is not involved at all<input type="checkbox"/> other- Restoring family links<ul style="list-style-type: none"><input type="checkbox"/> this activity is led by the guardian<input type="checkbox"/> this activity is not undertaken at all<input type="checkbox"/> this activity is undertaken by another actor but the guardian can be actively involved in supporting and assisting the child during this activity<input type="checkbox"/> this activity is undertaken by another actor but the guardian is not involved at all<input type="checkbox"/> other |
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| | <ul style="list-style-type: none">- Adequate standard of living including housing and material assistance<ul style="list-style-type: none"><input type="checkbox"/> this activity is led by the guardian<input type="checkbox"/> this activity is not undertaken at all<input type="checkbox"/> this activity is undertaken by another actor but the guardian can be actively involved in supporting and assisting the child during this activity<input type="checkbox"/> this activity is undertaken by another actor but the guardian is not involved at all<input type="checkbox"/> other - Healthcare<ul style="list-style-type: none"><input type="checkbox"/> this activity is led by the guardian<input type="checkbox"/> this activity is not undertaken at all<input type="checkbox"/> this activity is undertaken by another actor but the guardian can be actively involved in supporting and assisting the child during this activity<input type="checkbox"/> this activity is undertaken by another actor but the guardian is not involved at all<input type="checkbox"/> other - Education and Training<ul style="list-style-type: none"><input type="checkbox"/> this activity is led by the guardian<input type="checkbox"/> this activity is not undertaken at all<input type="checkbox"/> this activity is undertaken by another actor but the guardian can be actively involved in supporting and assisting the child during this activity<input type="checkbox"/> this activity is undertaken by another actor but the guardian is not involved at all<input type="checkbox"/> other |
|--|--|

4.4. The guardian undertakes specific activities to exercise legal representation for the child to complement his or her legal capacity, including supporting the child in legal procedures

For instance, across the following procedures:

- *Age assessment procedures*
- *Procedures for residence permits*
- *International protection procedures*
- *Dublin procedures*
- *Durable solutions*
- *Compensation & restitution (victim of trafficking or violence)*
- *Civil law procedures (e.g. care)*
- *Criminal procedures (e.g. trafficking)*
- *Police investigations*

4.4.1. Regulatory environment:

A. Do law & policy provide for the guardian's involvement in:

- Informing the child of his/her right to legal advice & representation
- Ensuring that a legal representative be appointed & free legal advice provided where there is an entitlement to it
- Monitoring the work of professionals providing legal assistance and representation
- Facilitating communication between child & legal representative, including through presence of a qualified interpreter or cultural mediator if necessary
- Where necessary, accompanying the child and actively participate in interviews and hearings with the child

If yes, by law or by policy? Please provide further details:

4.4.2. Management of guardianship:

A. Does the system of managing guardians support the guardian's involvement in each of these tasks:-

- Informing the child of his/her right to legal advice & representation
- Ensuring that a legal representative be appointed & free legal advice provided where there is an entitlement to it
- Monitoring the work of professionals providing legal assistance and representation
- Facilitating communication between child & legal representative, including through presence of a qualified interpreter or cultural mediator if necessary
- Where necessary, accompanying the child and actively participate in

interviews and hearings with the child

If yes (e.g. through supervision, training, guidance, other), please provide further details:

4.4.3. Practice:

A. Are the guardian's activities typically concerned with:

-Informing the child of his/her right to legal advice & representation?

- this activity is led by the guardian.
- this activity is undertaken by another actor but the guardian can be actively involved in supporting and assisting the child during this activity
- this activity is undertaken by another actor but the guardian is not involved at all
- this activity is not undertaken at all
- Other

· Ensuring that a legal representative be appointed & free legal advice provided where there is an entitlement to it?

- this activity is led by the guardian.
- this activity is undertaken by another actor but the guardian can be actively involved in supporting and assisting the child during this activity
- this activity is undertaken by another actor but the guardian is not involved at all
- this activity is not undertaken at all
- Other

| | |
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| | <ul style="list-style-type: none">· Monitoring the work of professionals providing legal assistance and representation?<ul style="list-style-type: none"><input type="checkbox"/> this activity is led by the guardian.<input type="checkbox"/> this activity is undertaken by another actor but the guardian can be actively involved in supporting and assisting the child during this activity<input type="checkbox"/> this activity is undertaken by another actor but the guardian is not involved at all<input type="checkbox"/> this activity is not undertaken at all<input type="checkbox"/> Other · Facilitating communication between child & legal representative, including through presence of a qualified interpreter or cultural mediator if necessary?<ul style="list-style-type: none"><input type="checkbox"/> this activity is led by the guardian.<input type="checkbox"/> this activity is undertaken by another actor but the guardian can be actively involved in supporting and assisting the child during this activity<input type="checkbox"/> this activity is undertaken by another actor but the guardian is not involved at all<input type="checkbox"/> this activity is not undertaken at all<input type="checkbox"/> Other · Where necessary, accompanying the child and actively participate in interviews and hearings with the child?<ul style="list-style-type: none"><input type="checkbox"/> this activity is led by the guardian.<input type="checkbox"/> this activity is undertaken by another actor but the guardian can be actively involved in supporting and assisting the child during this activity<input type="checkbox"/> this activity is undertaken by another actor but the guardian is not involved at all |
|--|--|

| | |
|--|---|
| | <input type="checkbox"/> this activity is not undertaken at all <input type="checkbox"/> Other |
| <p>4.5. The guardian undertakes specific activities to help identify and implement durable solutions</p> | <p><u>4.5.1. Regulatory environment:</u> A. Do law & policy provide for the guardian's involvement in:</p> <p>Best Interests Determination</p> <p><input type="checkbox"/> Yes by law <input type="checkbox"/> Yes by policy <input type="checkbox"/> No <input type="checkbox"/> I don't know</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;">Please provide further details:</div> <p>Return and Reintegration</p> <p><input type="checkbox"/> Yes by law <input type="checkbox"/> Yes by policy <input type="checkbox"/> No <input type="checkbox"/> I don't know</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;">Please provide further details:</div> <p>Local Integration</p> <p><input type="checkbox"/> Yes by law <input type="checkbox"/> Yes by policy <input type="checkbox"/> No <input type="checkbox"/> I don't know</p> |

Please provide further details:

4.5.2. Management of guardianship:

A. Does the system of managing guardians support the guardian's involvement in each of these tasks:

- Best Interest Determination
- Return & Repatriation
- Local integration

If yes, please provide further details (e.g. through supervision, training, guidance, other):

4.5.3. Practice:

Are the guardian's activities typically concerned with:

- Best Interest Determination
 - this activity is led by the guardian.
 - this activity is undertaken by another actor but the guardian can be actively involved in supporting and assisting the child during this activity
 - this activity is undertaken by another actor but the guardian is not involved at all
 - this activity is not undertaken at all
 - other

| | |
|--|---|
| | <ul style="list-style-type: none">- Return & reintegration<ul style="list-style-type: none"><input type="checkbox"/> this activity is led by the guardian.<input type="checkbox"/> this activity is undertaken by another actor but the guardian can be actively involved in supporting and assisting the child during this activity<input type="checkbox"/> this activity is undertaken by another actor but the guardian is not involved at all<input type="checkbox"/> this activity is not undertaken at all<input type="checkbox"/> other - Local integration<ul style="list-style-type: none"><input type="checkbox"/> this activity is led by the guardian.<input type="checkbox"/> this activity is undertaken by another actor but the guardian can be actively involved in supporting and assisting the child during this activity<input type="checkbox"/> this activity is undertaken by another actor but the guardian is not involved at all<input type="checkbox"/> this activity is not undertaken at all<input type="checkbox"/> other |
|--|---|

5. Child participation (principle)

The child's right to be heard is respected, by informing them in a manner they understand about the scope of guardianship arrangements and available services and support, by enabling them to speak out, complain and influence, and by giving due weight to their viewpoint (standard)

Indicators

5.1. Thorough information on procedures and rights is provided to the child, in a child friendly way and in a language they understand, age appropriate and taking into account disabilities (e.g. sign language etc).

Sub Indicators

5.1.1. Regulatory environment:

A. Do law & policy explicitly provide for the duty to inform the child about their rights and procedures?

- Yes by law
- Yes by policy
- No
- I don't know

Please provide further details:

5.1.2. Management of guardianship:

A. Does the system of managing guardians support the guardian's involvement in providing information to the child?

- Yes (e.g. through supervision, training, guidance, other)
- No
- I don't know

Please provide further details:

5.1.3. Practice:

A. Are the guardian's activities typically concerned with providing child friendly information to the child about their rights, procedures?

- this activity is led by the guardian.
- this activity is undertaken by another actor but the guardian can be actively involved in supporting and assisting the child during this activity
- this activity is undertaken by another actor but the guardian is not involved at all
- this activity is not undertaken at all
- other

B.If this activity is led by the guardian, does given information typically concern:

- the functions, rights and duties of the guardian;
- confidentiality of communication and its limits as well as accessibility of the guardian;
- the role, rights and duties of legal representatives;
- the individual complaint mechanisms available to a child to report violations of his or her rights;
- the child's rights, taking into consideration their situation (residence status, international protection needs, need for victim support, etc.);
- available assistance and protection measures, existing service providers including helplines;
- various criminal, administrative and civil proceedings the child might be involved in, including access to compensation information
- other

C,When informing the child, do guardians typically make sure that the child's maturity, age and developing capacities are taken into account?

- Yes
- No
- I don't know

Please provide further details:

D.When informing the child, do guardians typically make sure that the child understands and recalls the given information?

- Yes
- No
- I don't know

Please provide further details:

E.Do guardians typically inform the child in setting which ensures confidentiality when giving confidential information?

- Yes
- No
- I don't know

Please provide further details:

| | |
|--|---|
| | <p>F. Do guardians typically give information to the child in their care both orally and in writing/visual aids?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> I don't know</p> <p>Please provide further details:</p> <p>G. When providing information, do guardians typically take into account:</p> <p><input type="checkbox"/> vulnerabilities (e.g. trauma)</p> <p><input type="checkbox"/> gender</p> <p><input type="checkbox"/> cultural considerations</p> <p><input type="checkbox"/> other</p> <p>Please provide further details:</p> |
| <p>5.2. The child's views are heard and taken into account</p> | <p><u>5.2.1. Regulatory environment:</u></p> <p>A. Do law & policy explicitly provide for the duty of guardianship to hear the child's view?</p> <p><input type="checkbox"/> Yes by law</p> <p><input type="checkbox"/> Yes by policy</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> I don't know</p> |

Please provide further details:

5.2.2. Management of guardianship:

A. Does the system of managing guardians support the guardian's involvement in hearing the child's view?

- Yes (e.g. through supervision, training, guidance, other)
- No
- I don't know

Please provide further details:

B. Does the system of managing guardians provide for the appointment of cultural mediators to inform the child and to fully understand the child's views?

- Yes
- No
- I don't know

Please provide further details:

C. Does the system of managing guardians provide for the need to seek expert advice when encountering indicators for vulnerability (e.g. victims of SGBV or trafficking)?

- Yes

| | |
|---|--|
| | <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> I don't know</p> <p>Please provide further details:</p> <p><u>5.2.3. Practice:</u></p> <p>A. Does the guardian typically take into account the child's view on:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Ensuring the well-being of the child <input type="checkbox"/> Respecting the best interest of the child <input type="checkbox"/> Ensuring legal representation for the child <input type="checkbox"/> Improving practice and engagement for and with guardians <input type="checkbox"/> Other <p>Please provide further details:</p> <p>B. How is insured that this really happens?</p> <p>Please provide further details:</p> |
| 5.3. Individual complaint mechanisms are accessible to children | <p><u>5.3.1. Regulatory environment:</u></p> <p>A. Do law & policy explicitly require the establishment of a child friendly individual complaint mechanism?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Yes by law <input type="checkbox"/> Yes by policy |

- No
- I don't know

Please provide further details:

B. Do law & policy explicitly require anonymous and confidential complaint mechanisms to be in place?

- Yes by law
- Yes by policy
- No
- I don't know

Please provide further details:

5.3.2. Management of guardianship:

A. Does the system of managing guardians provide for a child-friendly individual complaint mechanism?

- Yes
- No
- I don't know

Please provide further details:

B.Does the system of managing guardians provide for reliable procedures (e.g. anonymous complaint mechanism) to ensure that children using the complaint mechanism and the reporting procedures will not suffer negative consequences?

- Yes
- No
- I don't know

Please provide further details:

C.Does the system of managing guardians specifically provide for the child to request a change of guardian?

- Yes
- No
- I don't know

Please provide further details:

D.Does the system of managing guardians provide for a regular monitoring of the mechanism and ensure that complaints are addressed in a timely manner?

- Yes
- No
- I don't know

Please provide further details:

[5.3.3. Practice:](#)

| | |
|---|--|
| | <p>A. Are the guardian’s activities typically concerned with supporting and informing the child about the complaint mechanism?</p> <ul style="list-style-type: none"> <input type="checkbox"/> this activity is led by the guardian. <input type="checkbox"/> this activity is undertaken by another actor but the guardian can be actively involved in supporting and assisting the child during this activity <input type="checkbox"/> this activity is undertaken by another actor but the guardian is not involved at all <input type="checkbox"/> this activity is not undertaken at all <input type="checkbox"/> other |
| | |
| <p>5.4. Children are encouraged and enabled to speak out and influence, participate in and contribute to the review and monitoring of the guardianship system</p> | <p><u>5.4.1. Regulatory environment:</u></p> <p>A. Do law & policy explicitly provide for child participation?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Yes by law <input type="checkbox"/> Yes by policy <input type="checkbox"/> No <input type="checkbox"/> I don’t know <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>Please provide further details:</p> </div> <p><u>5.4.2. Management of guardianship:</u></p> <p>A.Does the system of managing guardians provide for a procedure for children to express their views on, and influence the functioning of the system?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Yes, <input type="checkbox"/> No <input type="checkbox"/> I don’t know |

Please provide further details:

5.4.3. Practice:

A. Are the guardian's activities typically concerned with seeking feedback from children on the guardianship system?

- this activity is led by the guardian.
- this activity is undertaken by another actor but the guardian can be actively involved in supporting and assisting the child during this activity
- this activity is undertaken by another actor but the guardian is not involved at all
- this activity is not undertaken at all
- other

6. Quality (principle)

Children are supported and assisted by qualified, continuously trained and well supported guardians who have sufficient time to respond effectively to their needs. (standard)

Indicators

Sub Indicators

6.1. Guardians are qualified

6.1.1. Regulatory environment:

A.Are certain professional qualifications required of guardians?

- Yes by law
- Yes by policy
- No
- I don't know

Please provide further details:

B.If yes, what professional education and/or qualifications is asked of guardians?

- Professional education in social work required
- other education required (e.g. asylum- and migration law incl. residence permits and legal basis)
- certain other skills
- non prof

Please provide further details:

C.If no, are certain other skills (eg human and/or people skills or other skills like flexibility, empathy, patience, strong communication skills etc) required?

- Yes by law
- Yes by policy
- No
- I don't know

Please provide further details:

D.If yes, what non-professional skills are required of guardians?

-
-
-

6.1.2. Management of guardianship:

A.Does the system of managing guardians provide appointed guardians with appropriate initial training?

- Yes
- No
- I don't know

Please provide further details:

B.Does the system of managing guardians provide appointed guardians with appropriate continuous training?

- Yes (e.g. on asylum- and migration law incl. residence permits and legal basis)
- No
- I don't know

Please provide further details:

6.1.3. Practice:

A. Do appointed guardians typically have appropriate professional knowledge and skills in the field of child welfare and/or child protection?

- Yes
- No
- I don't know

Please provide further details:

B.Do guardians have the necessary expertise in:

- asylum- and migration law incl. residence permits and legal basis
- promoting the safety and well-being of the target group
- responding effectively to specific needs (eg, trauma, SGBV, child soldiers, trafficking, etc.)
- child rights
- other

Please provide further details:

6.2. There is a clear vetting mechanism for guardians

6.2.1. Regulatory environment:

A. Do law & policy explicitly require that there is a clear vetting mechanism?

(Vetting is the process of performing a background check, including of the criminal record in the current country of employment as well as previous EU MS, on someone before offering them employment)

- Yes by law
- Yes by policy
- No
- I don't know (please specify).....

Please provide further details:

6.2.2. Management of guardianship:

A. Does the system of managing guardians ensure that vetting mechanisms are followed?

- Yes
- No
- I don't know

Please provide further details:

B. Are there obstacles in recruiting a sufficient number of guardians for all unaccompanied and separated children?

- Yes
- No

| | |
|---|--|
| | <p><input type="checkbox"/> I don't know (please specify)</p> <p>Please provide further details:</p> <p><u>6.2.3. Practice:</u> Not relevant given that this indicator concerns the definition of the basis and essential aspects of guardianship.</p> |
| 6.3. Guardians are continuously trained | <p><u>6.3.1. Regulatory environment:</u> A. Is specific training of guardians required?</p> <p><input type="checkbox"/> Yes by law <input type="checkbox"/> Yes by policy <input type="checkbox"/> No <input type="checkbox"/> I don't know (please specify)</p> <p>Please provide further details:</p> <p>B.If yes, what specific training is required of guardians?</p> <ul style="list-style-type: none"> <input type="checkbox"/> asylum- and migration law incl. residence permits and legal basis <input type="checkbox"/> promoting the safety and well-being of the target group <input type="checkbox"/> responding effectively to specific needs (eg, trauma, SGBV, child soldiers, trafficking, etc.) <input type="checkbox"/> child rights <input type="checkbox"/> other |

6.3.2. Management of guardianship:

A. Does the system of managing guardians allocate sufficient resources to provide training to guardians?

- Yes
- No
- I don't know

Please provide further details:

B. Does the system of managing guardians monitor if guardians are provided with the training that is required?

- Yes
- No
- I don't know

Please provide further details:

6.3.3. Practice:

A. Do guardians typically also have their own responsibility on being continuously trained?

- Yes
- No
- I don't know

Please provide further details:

6.4. Guardians have sufficient support and time to deal with each child

6.4.1. Regulatory environment:

A. Do law & policy explicitly state the maximum number of cases assigned per guardian?

- Yes by law
- Yes by policy
- No
- I don't know

Please provide further details:

B.If there is a maximum number of cases, is this purely a legal/policy question or is it also linked to finance?

Please provide further details:

C.Do law & policy explicitly state the minimum number of contacts of the guardian with the child?

- Yes by law
- Yes by policy
- No
- I don't know

Please provide further details:

6.4.2. Management of guardianship:

A. Does the system of managing guardians ensure that guardians can manage effectively all children assigned to them?

- Yes (e.g. through supervision, training, guidance, other)
- No

I don't know

Please provide further details:

B.Does the system of managing guardians monitor the maximum number of cases assigned per guardian?

Yes (e.g. through supervision, training, guidance, other)

No

I don't know

Please provide further details:

C.Does the system of managing guardians monitor the minimum number of contacts of the guardian with the child?

Yes (e.g. through supervision, training, guidance, standard operating procedures, other)

No

I don't know

Please provide further details:

D.Does the system of managing guardians provide support services to ensure quality?

Yes (e.g. through supervision, training, guidance, standard operating procedures, other)

No

I don't know

Please provide further details:

6.4.3. Practice:

A. Are guardians typically obliged to register all the contacts that they have with the child in the child's care plan?

- Yes
- No
- I don't know

Please provide further details:

7. Sustainability and collaboration (principle)

Children can depend on guardianship systems being an integral part of the national child protection system, being allocated sufficient human and financial resources, being effectively monitored and acting as a link between the child and other agencies or individuals who are responsible for taking action in their regard. (standard)

Indicators

Sub Indicators

7.1 Sufficient human/financial resources and sustainable funding are provided

7.1.1. Regulatory environment:

A. Do law & policy explicitly provide for rules on the type of guardianship (voluntary, professional, both of them)?

- Yes by law
- Yes by policy
- No
- I don't know

Please provide further details:

B.If yes, which type of guardianship is provided for:

- Voluntary
- Professional
- Both voluntary and professional
- Other- please specify

Please provide further details:

C. Do law & policy explicitly provide for rules on the maximum number of children a guardian should have under his/her care?

- Yes by law
- Yes by policy
- No
- I don't know

Please provide further details:

D. Do law & policy explicitly provide for rules on temporary guardians, e.g. in case of a shortage of guardians?

- Yes by law
- Yes by policy
- No
- I don't know

Please provide further details:

E. Do law & policy explicitly provide that adequate financial resources should be in place for guardianship?

- Yes by law
- Yes by policy
- No
- I don't know

Please provide further details:

F. Do law & policy explicitly provide for monitoring of the service's sustainability? (e.g. monitoring systems in place, budget and resources sustainability, durability in time)

- Yes by law
- Yes by policy
- No
- I don't know

Please provide further details:

7.1.2. Management of guardianship:

A. Does the system managing guardians provide for an annual monitoring of number of children arriving and taken care of by the guardianship system?

- Yes (e.g. through supervision, training, guidance, other)
- No

Please provide further details:

B. Does the system managing guardians take into account monitoring, predictions and review for its budgeting mechanisms?

- Yes (e.g. through supervision, training, guidance, other)
- No

Please provide further details:

C.How flexible are the budgeting mechanisms to respond to growing/decreasing needs?

- Very flexible
- Flexible
- Not very flexible
- Not flexible at all

Please provide further details:

D.Does the system managing guardians benefit from permanent funding?

- Yes
- No

Please provide further details:

E. Does the system managing guardians provide for a periodical monitoring of sustainability of the system in accordance to the financial resources employed?

- Yes (e.g. through supervision, training, guidance, other)
- No

Please provide further details:

7.1.3. Practice:

A. Do guardians typically have the possibility to provide feedback on issues related to human resources?

- Yes
- No
- Other

Please provide further details:

B. Do guardians typically have the possibility to provide feedback on issues related to the financial sustainability of the system?

- Yes
- No
- Other

Please provide further details:

7.2. Guardians cooperate with other agencies and authorities and act as first point of contact between the child and other agencies responsible for taking action in their regard

7.2.1. Regulatory environment:

A. Do law & policy explicitly provide that the guardianship system is part of the national child protection system?

- Yes by law
- Yes by policy
- No
- I don't know

Please provide further details:

B.If yes:

- The guardianship system is part of child welfare/youth care departments and/or services
- The guardianship system is not part of the child welfare/youth care but is connected to child welfare because it falls under the child protection national strategy and/or policies

Please provide further details:

C.Do law & policy provide for clear provision of all roles and responsibilities of relevant actors concerned with the protection and decision-making for the child?

- Yes by law
- Yes by policy
- No
- I don't know

Please provide further details:

D.Are collaborations formally established with the following actors:

- Police
- Asylum authority
- Child protection authority
- 116 000 hotlines or similar actors
- Social services
- Reception facilities
- Education authority
- Legal advisers/lawyers
- Person of trust
- Health care, including mental healthcare
- Interpreters/cultural mediators

If yes, please specify for what reasons:

7.2.2. Management of guardianship:

A.Does the system of managing guardians explicitly provide tools supporting and guiding how collaboration with other agencies and authorities should work? (e.g. training, guidelines, protocols...)

- Yes
- No
- Other

Please provide further details:

B. Does the system of managing guardians lead the establishment of collaborations with others?

- Yes
- No
- Other

Please provide further details:

C. Is collaboration periodically assessed and evaluated?

- Yes (please specify how, e.g. with guidelines, an external expert, etc)
- No
- Other

Please provide further details:

7.2.3. Practice:

A. If law and policy don't provide for formally established collaborations, do guardians typically collaborate with the following stakeholders?

- Police
- Asylum authority
- Child protection authority
- 116 000 hotlines or similar actors
- Social services

- Reception facilities
- Education authority
- Legal advisers/lawyers
- Person of trust
- Health care, including mental healthcare
- Interpreters/cultural mediators

If yes, please specify for what reasons:

B. Are guardians typically responsible to establish and implement collaborations?

- this activity is led by the guardian
- this activity is not undertaken at all
- this activity is undertaken by another actor but the guardian can be actively involved in supporting and assisting the child during this activity
- this activity is undertaken by another actor but the guardian is not involved at all

If the answers differ per actor, please specify:

C. Do guardians typically function as the child's first point of contact with other agencies, individuals and service providers?

- yes
- no
- sometimes
- I don't know