

No. 1412/1997

Social Assistance Act

Chapter 1

General provisions

Section 1 Purpose of social assistance

Social assistance is last-resort financial assistance under social welfare, the purpose of which is to ensure a person's or family's living and help them to cope independently. Social assistance is used to ensure the person or family at least the minimum income needed for a life of human dignity.

The purpose of preventive social assistance is to further a person's or family's social security and independent living as well as to prevent social exclusion and long-term dependence on social assistance. (923/2000)

The purpose of preventive social assistance is to further a person's or family's social security and ability to function in society.

The purpose of travelling expenses allowance is to support a person's participation in rehabilitative work. (191/2001)

Section 2 Right to social assistance

All those in need of support and unable to make a living through paid work, self-employment or other benefits securing a living, or from other income or assets, by being cared for by persons liable to provide them with maintenance, or in some other way, are entitled to social assistance.

All people are responsible for looking after themselves and for their own maintenance according to their abilities and also for the maintenance of their spouse and underage children and adopted children to the extent laid down in the Marriage Act (234/1929), Child Maintenance Act (704/1975) and other acts.

Section 2 a (1294/2002) Responsibility for registering as unemployed jobseeker

A person aged 17–64 is responsible for registering as an unemployed jobseeker at the employment office if he or she:

- 1) does not work as a wage/salary earner or self-employed person;
- 2) does not study on a fulltime basis;
- 3) is not a person referred to in Chapter 3, section 3 (1) or sections 4 (1)–(5) of the Unemployment Allowances Act (1290/2002);

4) is not prevented from accepting work because he or she is in institutional care or because of a disease diagnosed by a physician; or

5) is not prevented from accepting work for acceptable reasons comparable to those referred to above.

If the applicant for social assistance does not register as a jobseeker at the employment office, the basic amount of social assistance can be reduced in regard to him or her as laid down in section 10 of this Act.

Section 3 Family

In this Act 'family' is used to mean parents, a parent's minor children or adopted children, married couples, and men and women living in circumstances similar to marriage who live in a common household.

When social assistance is granted, all the members of the family are considered recipients of social assistance as of the payment date. Social assistance is considered to be divided among the recipients in equal shares unless circumstances indicate otherwise.

Section 4 Implementation

In municipalities, the functions laid down in this Act shall be carried out by the multi-member body referred to in section 6 of the Social Welfare Act (710/1982), appointed by the municipality concerned.

Section 5 Central government transfer to local government

The Act on Planning and Government Grants for Social Welfare and Health Care (733/1992) applies to operations organised by municipal authorities under this Act, unless otherwise provided by law.

Section 5a (1218/2005) Central government transfer for the expenditure on basic social assistance

Municipalities are paid central government transfer for financing the basic social assistance referred to in section 7. The amount of the government transfer is 50 per cent of the municipality's expenditure on basic social assistance. The region referred to in the Act on the Regional Self-Government Experiment in Kainuu Region (343/2003) is considered comparable to a municipality.

In matters regarding central government transfer to local government the State Provincial Offices function as the government aid authority.

Section 5b (1218/2005) Confirmation, payment and review of advance payments of government transfer

The State Provincial Offices shall confirm, without application, the amount of the advance payments payable to the municipalities each budget year by 10 January at the latest.

The amount of the advance payment is determined on the basis of the actual expenditure on basic social assistance in the year that began two years prior to the budget year. The monthly advance payment is 50 per cent of one twelfth of the expenditure referred to.

The advance payments are paid to the municipality in equal instalments on the 11th day of each month at the latest. The advance payments are paid in integer euro.

For adjustment of the advance payments the municipality shall furnish the State Provincial Office annually by 31 August at the latest with information on the expenditure on basic social assistance incurred by the end of June in the budget year, as well as an estimate of the expenditure on basic social assistance to be incurred from July to December. The State Provincial Office will adjust the advance payments for the rest of the year on the basis of the information given by the municipality, if the estimate of the expenditure on basic social assistance for the budget year differs by at least 5 per cent from the expenditure used in the calculation of the advance payments according to paragraph 2. The advance payments are adjusted from the beginning of October to the effect that the annual total amount of the advance payments corresponds to 50 per cent of the estimated expenditure on basic social assistance for the budget year. (1202/2007)

Section 5c (1218/2005) Confirmation of central government transfer to local government

For determining the final government transfer for the expenditure on basic social assistance the municipality shall submit to the State Provincial Office a report on the actual expenditure on basic social assistance at the latest by 30 April in the year following the budget year (*report on government transfer*). The expenditure is reported in the amount from which the instalments for basic social assistance collected through the reclaim of social assistance in the budget year have been deducted.

On the basis of the report on government transfer submitted by the municipality the State Provincial Office shall make a decision on the final government transfer to be paid for the expenditure on basic social assistance at the latest after three months have passed from receipt of the report.

When submitting the report on central government transfer the social assistance wholly covered by the state under the Act on Integration of Immigrants and Reception of Asylum Seekers (493/1999) is not included in the expenditure on basic social assistance.

Section 5d (1218/2005) Payment of the final instalment and reclaim of government transfer

The final instalment of the government transfer payable to a municipality is paid at the latest when one month has passed from the confirmation of the final government transfer. In case the payment of the final instalment is delayed, an annual interest on overdue payments in accordance with the interest rate referred to in section 4 (1) of the Interest Act (633/1982) shall be paid on it.

If a municipality has received too much government transfer, the excess will be reclaimed to the state by deducting it from the advance payment payable to the municipality later.

Notwithstanding what is provided in paragraph 2 the State Provincial Office may oblige the municipality to refund the excess amount of government transfer if it is considerable. If the amount to be refunded is not paid by the due date set by the State Provincial Office, an annual interest on overdue payments shall be paid on it in accordance with the interest rate referred to in section 4 (1) of the Interest Act.

If the final government transfer differs less than EUR 10 from the government transfer paid in advance, the difference is neither paid nor reclaimed.

Chapter 2

Structure and size of social assistance

Section 6 (1218/2005) Specification of social assistance

The amount of social assistance is the difference between the expenses and the disposable income and assets specified under this Act. The income and assets are taken into account first when granting the basic social assistance referred to in section 7.

Section 7 (1218/2005) Basic social assistance

When basic social assistance is granted, the expenses to be covered by the basic amount and other basic expenses are taken into account as provided below.

Section 7a (1218/2005) The basic amount

The expenses to be covered by the basic amount include food, clothing and minor health care costs, expenses on personal hygiene and cleanliness of the home, use of local transport, subscribing to a newspaper, a TV licence, use of a telephone, hobby and recreational pursuits, and comparable everyday living expenses of the person and family.

Paragraph 2 was repealed by Act 64/2006.

Section 7b (1218/2005) Other basic expenses

In addition to the expenses to be covered by the basic amount, the following expenses are taken into account, to the extent appropriate, as other basic expenses:

- 1) housing costs referred to in section 6 of the Housing Allowances Act (408/1975); (64/2006)
- 2) expenses on household electricity;
- 3) home insurance premiums; and
- 4) health care costs higher than minor costs.

Section 7c (1218/2005) Supplementary social assistance

When supplementary social assistance is granted, the following special expenses are taken into account to the extent appropriate:

- 1) costs of child day care;
- 2) expenses related to housing other than those referred to in section 7b; and (64/2006)

3) expenses arising from special needs or circumstances of a person or family that are considered necessary for ensuring their living or for promoting their independent living.

As special needs or circumstances of a person or family can be considered for instance long-term receipt of social assistance, long-term or serious illness, and special needs related to children's leisure activities and hobbies.

Paragraph 3 was repealed by Act 64/2006.

Section 8 Deduction of certain expenses

Insofar as expenses are compensated or an equivalent benefit is obtained on some other grounds, they shall not be considered to qualify for social assistance.

Section 9 Size of the basic amount

The basic amount of social assistance per month is:

- 1) for persons living alone and single parents EUR 361.86; (583/2007)
- 2) for persons over 18 other than those referred to in subparagraph 1, 85 per cent of the basic amount referred to in subparagraph 1, unless otherwise provided in subparagraph 3;
- 3) for persons over 18 living with their parents, 73 per cent of the basic amount referred to in subparagraph 1;
- 4) for children aged 10–17 years, 70 per cent of the basic amount referred to in subparagraph 1; and
- 5) for children aged under 10 years, 63 per cent of the basic amount referred to in subparagraph 1.

A parent living with a child over 18 and not married, or living in circumstances similar to marriage as referred to in section 3 (1) of this Act, qualifies for the basic amount referred to in paragraph 1 (1).

If there are more than one children as referred to in paragraph 1 (4) and (5) in the family, the basic amount is 5 percentage points lower than provided in paragraph 1 for the second child and 10 percentage points lower for the third and every subsequent child.

Paragraph 4 was repealed by Act 1218/2005.

Section 9a (1218/2005) Review of the basic amount

The amounts of the basic amount of social assistance are adjusted as provided in the National Pension Index Act (456/2001).

The amounts of the basic amounts laid down in section 9 correspond to the figure of the national pension index according to which the amount of the national pensions payable in January 2001 was calculated.

Section 10 Reduced basic amount

The size of the basic amount can be reduced by up to 20 per cent in regard to a person whose need for social assistance is due to the fact that:

- 1) the person has without justifiable cause refused a job specifically and demonstrably offered or an employment measure that would secure a living for a reasonably long period, or if the person has through negligence acted in such a way that work or an employment measure could not be offered;
- 2) an immigrant referred to in the Act on Integration of Immigrants and Reception of Asylum Seekers (493/1999) has without justifiable cause refused the drawing up of an integration plan or refused to take part in the employment promoting measures agreed on individually in the integration plan, or if the immigrant has through negligence acted in such a way that an integration plan could not be drawn up;
- 3) a person referred to in section 3 of the Act on Rehabilitative Work (189/2001) has refused to take part in drawing up an activation plan; or
- 4) a person referred to in section 3 (1) of the Act on Rehabilitative Work has without justifiable cause, as referred to in Chapter 8, section 7, of the Unemployment Allowances Act, refused to participate in rehabilitative work or interrupted or, for a reason attributable to the person him/herself, had to interrupt participation in rehabilitative work.

(1294/2002)

When the basic amount is reduced, a plan on action to promote the client's independent living shall always be drawn up, if possible with the applicant for social assistance and, if necessary, jointly with the employment authorities and other authorities.

The basic amount can be reduced more than is laid down in paragraph 1, but no more than a total of 40 per cent:

- 1) if it can be judged from the repeated action of the person referred to in paragraph 1 that he or she does not want to accept work or participate in the measures referred to in the Act on Public Employment Service (1295/2002), the Act on Integration of Immigrants and Reception of Asylum Seekers or the Act on Rehabilitative Work; or
- 2) if a person, after the basic amount of social assistance for him or her has been reduced as referred to in paragraph 1, without justifiable cause refuses an employment measure, or if he or she acts in such a way that no employment measure can be offered, and also, without justifiable cause, refuses a planned action to promote functional capacity as referred to in paragraph 2.

(1294/2002)

The reduction referred to in paragraphs 1 and 3 can only be made if it will not endanger a living essential in providing security needed for a life of human dignity and cannot otherwise be considered unreasonable. The reduction cannot last more than two months at a time from the refusal or negligence concerned.

Section 10a (1294/2002) Premium grant and travelling expenses allowance

According to the Act on Rehabilitative Work, social assistance recipients participating in rehabilitative work are paid a premium grant equivalent to the maintenance allowance referred to in Chapter 10, section 3 (1), in the Act on the Public Employment Service per day of participation. An increased premium grant is paid in accordance with what is provided regarding the amount of and the conditions for granting a maintenance allowance payable to students participating in adult education in Chapter 10, section 3 (2), of the Act on the Public Employment Service. A premium grant is not however paid for those days for which the person receives the maintenance allowance referred to in Chapter 7, section 8, of the Unemployment Allowances Act.

Persons taking part in rehabilitative work are paid, in addition, social assistance in the form of travel expenses allowance for the travel expenses incurred through participation in rehabilitative work according to the cheapest way of travelling.

Section 11 Income to be taken into account

The disposable income of the person or the family members shall be taken into account as income.

However, the following income shall not be taken into account:

- 1) earned income and financial assistance considered insignificant;
- 2) the regular income of a child under 18 in so far as this exceeds the income to be taken into account under sections 7 and 7c in the child's case; (1218/2005)
- 3) income in so far as it represents travel expenses and other expenses related to a job or work;
- 4) maternity allowance under the Maternity Allowance Act (477/1993) and benefits under the Act on Disability Benefits (570/2007); (583/2007)
- 5) the maintenance allowance referred to in the Unemployment Allowances Act and the Act on the Public Employment Service and the maintenance allowance referred to in the Act on the Rehabilitation Benefits and Rehabilitation Allowance Granted by the Social Insurance Institution (566/2005); and neither (583/2007)
- 6) the compensation and income referred to in section 8. (49/2005)

In addition to what is provided in paragraph 2, a minimum of 20 per cent of the person's earned income, but no more than EUR 150 per month, is not taken into account as income. (49/2005)

Paragraph 3 added by Act 49/2005 is in force on a temporary basis until 31 December 2009. (710/2008)

Section 12 Assets to be taken into account

Disposable assets of the person or the family members at the time social assistance is granted shall be taken into account as assets.

However, the following assets shall not be taken into account:

- 1) the regular home used by the person or family and the necessary home movables;

- 2) necessary equipment for working and studying;
- 3) the assets of a child under 18 in so far as they exceed the expenses to be taken into account under sections 7 and 7c in the child's case; or (1218/2005)
- 4) other assets considered to be necessary to ensure a continuous living.

Section 13 (923/2000) Preventive social assistance

Municipalities grant preventive social assistance to achieve the objectives referred to in section 1 (2) and decide on the grounds.

Preventive social assistance can be granted for instance for measures to support the activation of the assistance recipient, to secure housing, to alleviate difficulties as a result of over-indebtedness or a sudden deterioration of the financial situation and for other purposes to promote the recipient's independent living.

Chapter 3

Procedure in social assistance matters

Section 14 Application for and grant of social assistance

Social assistance is granted on application by the body in the municipality where the person or family lives regularly.

If a person or family lives more than occasionally in more than one municipality, social assistance is granted by the body in the municipality where the person or family incurs living expenses.

If the need for support is urgent, social assistance is granted by the body in the municipality where the family or person is living when the application is submitted.

Paragraph 4 was repealed by Act 1202/2007.

Section 14a (1202/2007) Processing of social assistance matters

Social assistance matters shall be processed in municipalities so that the clients' right to the necessary living and care is not endangered. In an urgent case the decision shall be made, based on the information available, on the same weekday as the application is received or at the latest on the weekday following that day. In non-urgent cases the decision shall be made without delay, but at the latest on the seventh weekday from receipt of the application. A decision on granting social assistance shall be executed without delay.

Notwithstanding what is provided in paragraph 1, a decision on an application that concerns the month following the date of application shall be made and executed on the first weekday of the said month at the latest, if more than seven weekdays have then passed from receipt of the application. If the application applies to a later period than the month following the date of application, the decision shall be made and executed at the latest on the first weekday of the period referred to in the application.

If the application is deficient, the client shall be given or sent, on the seventh weekday from receipt of the application at the latest, a specified admonition to supplement the application within a prescribed period of time. The decision on social assistance shall be given without delay, but at the latest on the seventh weekday from receipt of the supplemented application. If the client has not supplemented the application within the prescribed period or given an acceptable cause for delay, the decision is made without delay based on the information available, but at the latest on the seventh weekday from the expiry of the prescribed period. By the client's consent the decision can be made on the basis of the information available before the expiry of the prescribed period.

Social assistance clients shall be provided an opportunity to discuss personally with the social worker or social advisor at the latest on the seventh weekday following the day when the client asked for it.

Section 15 Period for which social assistance is specified

Social assistance is specified by the month. If necessary, it can be granted and paid for a period shorter or longer than a month.

When the expenses referred to in sections 7 and 7c and the income and assets referred to in sections 11 and 12 are calculated as grounds for social assistance, expenses, income and assets are taken into account over the period for which the social assistance is specified. Income can, however, be divided into instalments to be taken into consideration during several social assistance periods if this is reasonable because of the grounds for receipt or the purpose of the income, or because it constitutes a single sum. (1218/2005)

Earned income that was not known when the decision on social assistance was made can be taken into account afterwards if social assistance is applied for during the first two calendar months following the decision, unless it can be regarded unreasonable. When social assistance is granted the applicant shall be informed about the possibility to take the income concerned into consideration retroactively. (49/2005).

If special causes exist, social assistance or a part of it can be granted retroactively to pay proven expenses entitling the applicant to social assistance.

Section 16 Payment of social assistance

Social assistance is paid to the applicants for use in supporting them and their families.

If special cause exists, social assistance can be paid to a member of the applicant's family or to a person caring for the recipient for use in maintaining the recipient, or used otherwise to pay the person's living expenses.

Section 17 Duty to provide information and make notification

Applicants for social assistance, their family members and those liable to maintain them, and if necessary their providers and guardians, shall provide the body with all essential information affecting social assistance. Correspondingly, provisions of sections 11–13 of the Act on the Status and Rights of Social Welfare Clients (812/2000) apply to the provision of information. (49/2005)

Recipients of social assistance shall immediately inform the body of any changes in the information referred to in paragraph 1.

If necessary, the persons referred to in paragraph 1 shall be given an opportunity to submit evidence of a separate household.

Section 18 Review of social assistance

Social assistance shall be reviewed if changes take place in the circumstances of the person or family or in their need for support.

Chapter 4

Reclaim of social assistance

Section 19 Prohibition on reclaim

Social assistance cannot be reclaimed unless provided otherwise in this Chapter.

Section 20 Grounds for reclaim

When it decides to grant social assistance, the body can at the same time order the support or part of it to be reclaimed:

- 1) from the recipient, if he or she has income or assets or the right to benefit ensuring a living but was not in control of said income, assets or benefit or was unable to use them for some other reason when the support was granted;
- 2) from the recipient, if he or she has deliberately neglected the duty to make an independent living;
- 3) from the recipient, if grant of support was caused by participation in a strike, though only in respect of the support granted to the person taking part in the strike; and
- 4) a person liable to maintain the recipient if said person deliberately neglected the duty to do so.

If the support was granted based on incorrect information that was deliberately given, or on deliberate neglect of the notification duty laid down in section 17, the municipality can reclaim the support from the person who provided the information or neglected the duty in so far as grant of the support was therefore based on incorrect information.

Section 21 Preconditions for and obstacles to reclaim

The precondition for reclaim of social assistance is that, when the relevant decision is taken or later, the person liable for repayment is entitled to income or assets from which the repayment can be collected without endangering the person's living or that of someone that he or she cares for or is liable to care for.

The regular dwelling, necessary movables and necessary working equipment of persons liable for repayment cannot be sold at execution during their lifetime or otherwise used to recover social assistance.

Social assistance cannot be reclaimed from the assets referred to in paragraph 2 even after the death of the liable person if this would endanger the living of a person that he or she cared for or was liable to care for.

Section 22 Deciding on reclaim

In the cases referred to in section 20 (1), applications for the reclaim of social assistance shall be submitted to the provincial administrative court within three years of the date on which the support was paid, and in the cases referred to in section 20 (2), within five years of said date.

A necessary explanation shall be appended to the application on the reasons for grant of the support and on the person liable for repayment and his/her ability to make the repayment.

If, when the support was granted, it was decided that it could only be reclaimed from the liable person's assets after death, the application to reclaim the support must be submitted within a year of said death.

Section 23 Reclaim from anticipated benefit

If the social assistance was granted either wholly or in part as an advance against anticipated pension, maintenance, financial assistance or some other continuous or lump-sum income, compensation or receivables, the body can, notwithstanding provisions elsewhere in the law, recover and collect income, compensation and receivables due to the person concerned for the period during which social assistance was paid as an advance, and use them for reclaim of said support. The body shall immediately remit the assets remaining after reclaim of the social assistance to the recipient of support.

If the body has notified the payer of the income, compensation or receivable referred to in paragraph 1 at least two weeks before the payment date that the said income, compensation or receivable cannot be paid to the actual recipient, payment with legal effect can only be made to the body.

Chapter 5

Miscellaneous provisions

Section 24 Appeal

The provisions of Chapter 7 of the Social Welfare Act apply to appeal in matters referred to in this Act.

Decisions of the State Provincial Office on confirmation or reclaim of government transfer under sections 5a–5 d may not be appealed. (952/2006).

If a municipality is dissatisfied with a decision concerning confirmation or reclaim of government transfer under sections 5a–5d it is entitled to submit a written claim for rectifying the decision to the

State Provincial Office, within 30 days from being informed of the decision. Decisions issued on account of a claim for rectification may be appealed to the Supreme Administrative Court as laid down in the Administrative Judicial Procedure Act (586/1996). (1218/2005)

Section 25 was repealed by Act 815/2000.

Section 26 Prohibition on execution and assignment

Social assistance cannot be levied in execution.

Any agreement to assign a right under this Act to another person is null and void.

Section 27 Further provisions

Further provisions on the implementation of this Act will be issued by Decree, as necessary.

Section 28 Entry into force

This Act enters into force on 1 March 1998.

This Act applies to decisions on social assistance made after its entry into force.

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

Entry into force of amended provisions:

49/2005:

This Act enters into force on 1 April 2005.

Section 11 (3) is in force until the end of 2008.

1218/2005:

This Act enters into force on 1 January 2006.

This Act repeals the Decree on Social Assistance of 30 January 1998 with amendments.

The Act applies to decisions on social assistance made after its entry into force.

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

Notwithstanding what is provided in section 5a, the advance payment of government transfer is based in 2006 on 90 per cent of the municipality's expenditure on social assistance in 2004 and in 2007 on 90 per cent of the expenditure on social assistance in 2005. The monthly advance payment of government transfer is 50 per cent of the twelfth part of the expenditure that it is based on.

583/2007:

This Act enters into force on 1 January 2008.

At the entry into force of this Act the social assistance under payment according to category II of municipalities is changed as from January 2008 so as to be paid without separate application according to section 9 of this Act.

The amounts in euro laid down in section 9 of this Act correspond to the figure of the national pension index according to which the amount of the national pensions payable in January 2001 was calculated.

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

1202/2007:

This Act enters into force on 1 January 2008.

The Act applies to the processing of applications for social assistance submitted after its entry into force.

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

710/2008:

This Act enters into force on 1 January 2009.