Government proposal 111/2016, inclusive of amendments made by the Education and Culture Committee

Government proposal for a new Youth Act

A proposal is presented for a new Youth Act to replace the existing Youth Act of 2006.

The objectives of the new Act are to promote young people’s social inclusion and opportunities for exerting an influence; improve their skills and capabilities to function in society; support their growth, independence and sense of community and facilitate the acquisition of knowledge, adoption of skills and pursuit of free-time hobbies and activities in civic society; as well as to promote non-discrimination and realisation of civic rights while improving young people’s growth and living conditions. Underlying these objectives are the principles of solidarity, multiculturalism, internationalism, sustainable development, healthy lifestyles, respect for life and the environment and cross-sectoral cooperation.

The Ministry of Education and Culture is responsible for the overall administration, coordination and development of the national youth policy, and for the creation of favourable conditions for the pursuit of this policy within the central government. The proposed piece of legislation foresees a State Youth Council and an Assessment and State Aid Commission operating under the auspices of the ministry. Municipalities would be obligated, with due consideration to local conditions, to create the necessary preconditions for local youth work and activities by providing services and premises for young people and supporting their civic engagement.

It is proposed that the State Youth Council address broad issues of fundamental importance to young people and assess the impact of the measures taken by government on the young people and the services and activities intended for them. A key aspect of the workings of the State Youth Council would be to carry out evidence-based assessments of young people’s growth and living conditions and generate up-to-date information on young people and their living conditions.

Under the proposed Act, registered associations and foundations pursuing the objectives and promoting the underlying principles of this Act may be approved as national youth work organisations eligible for state aid. Eligibility for state aid could be revoked if the organisation ceases to meet the statutory criteria for state aid.

Additionally, the proposed Act would include provisions on state grants to national youth work centres of expertise. The new Act also proposes provisions on youth workshops, granting of state aid to the workshops, and the possibility of conducting drug tests in the youth workshops. At the same time, the provisions on the state’s responsibility for youth policy and local youth work would be updated. The Act would set out provisions on a programme for national youth work and policy which would serve as the key strategic document in the efforts to support the growth, independence and social inclusion of young people and
improve their growth and living conditions. Additionally, the duties of the youth work organs operating under the auspices of the Ministry of Education and Culture would be reviewed. At the same time, the provisions on the eligibility for state aid of national youth work organisations and the granting of state aid would be updated.

The Act is due to enter into force on 1 January 2017.
Youth Act

Chapter 1

General provisions

Section 1

Scope of application

This Act sets out provisions on the promotion of youth work and activities, youth policy and the related responsibilities of the central and local government, cooperation as well as state funding.

Aside from the provisions of this Act, the international obligations undertaken by Finland shall apply.

Section 2

Purpose of the Act

The purpose of this Act is to:

1) promote the social inclusion of young people and provide them with opportunities for exerting an influence and improve their skills and capabilities to function in society;
2) support the growth, independence and sense of community of young people and facilitate the acquisition of knowledge and adoption of skills necessary for this purpose;
3) support young people’s free-time pursuits and engagement in civic society;
4) promote non-discrimination and equality among young people and the realisation of their rights; and
5) improve young people’s growth and living conditions. The principles underlying the purpose of the Act are:
1) solidarity, cultural diversity and internationality;
2) sustainable development, healthy lifestyles, respect for life and the environment; and
3) cross-sectoral cooperation.
Section 3

Definitions

For the purposes of this Act:
1) young people means those under 29 years of age;
2) youth work means the efforts to support the growth, independence and social inclusion of young people in society;
3) youth policy means coordinated actions to improve young people's growth and living conditions and intergenerational interaction;
4) youth activities means activities in which young people engage in voluntarily on their own terms;
5) national youth organisation means a registered organisation that pursues the purposes and promotes the underlying principles of this Act and whose operations extend to all parts of the country;
6) national youth work organisation means, aside from a national youth organisation, a registered association or foundation providing youth activities or youth-work services that pursues the purposes and promotes the underlying principles of this Act and whose operations extend to all parts of the country;
7) national youth work centre of expertise mean an entity that seeks to develop and promote competence and expertise in youth-related issues on a nationwide basis. A centre of expertise may consist of a contract-based consortium of two or more entities.

Chapter 2

National youth work and policy

Section 4

State’s responsibilities

The Ministry of Education and Culture is responsible for the overall administration, coordination and development of the national youth policy, and for the creation of favourable conditions for the pursuit of the policy in the central government.

Responsibility for local administrative duties in respect of youth work and policy rests with the regional state administrative agencies. Further provisions on these duties shall be issued by government decree.

When performing the duties defined herein, the state shall, as appropriate, engage in cooperation with municipalities, youth organisations, other entities and the young people themselves.

Section 5

National youth work and policy programme
The Government shall adopt a national youth work and policy programme every four years. The programme specifies more detailed objectives for the national youth work and policy and the support to be provided for these efforts. The implementation of the programme will be monitored and the programme revised as appropriate.

The programme is prepared by the Ministry of Education and Culture in consultation with other relevant ministries. Young people and key actors engaged in youth work and policy are to be consulted in the course of preparation.

Further provisions on the content and preparation of the programme may be issued by government decree.

Section 6

State Youth Council

The Government will appoint a State Youth Council operating under the auspices of the Ministry of Education and Culture.

The State Youth Council is to:
1) address issues of fundamental and far-reaching importance to young people and assess the impact of the measures taken by central government on the young people and the services and activities intended for them;
2) introduce initiatives and proposals to develop youth policy;
3) generate up-to-date data on young people and their living conditions;
4) issue a statement to the Ministry of Education and Culture on the issues to be addressed in the national youth work and policy programme;
5) monitor international developments and cooperation in this field. The Council may include sub-committees responsible for the preparation of the issues to be addressed.

Further provisions on the duties and appointment of the State Youth Council shall be issued by government decree. The composition of the Council shall also be determined by government decree.

Section 7

Assessment and State Aid Commission

In matters relating to state aid to be granted to national youth work organisations, the Ministry of Education will be assisted by an Assessment and State Aid Commission appointed by the Government. The Commission may appoint sub-committees from among its members for the preparation of issues.

The Commission is to:
1) issue a statement to the Ministry of Education and Culture on the eligibility to state aid of national youth work organisations and national youth work centres of expertise;
2) make a proposal to the Ministry of Education and Culture on the distribution of state aid to national youth work organisations and national youth work centres of expertise;
3) prepare assessments of the activities of state-subsidised organisations at the request of the Ministry of Education and Culture.

Further provisions on the duties and appointment of the Commission shall be issued by
government decree. The composition of the Commission shall also be determined by government decree.

Chapter 3

Local youth work and policy and cross-sectoral cooperation

Section 8

Local government’s responsibilities

The responsibility for youth work and policy rests with the local government. In pursuing the objectives and promoting the underlying principles defined in section 2, local governments are obligated, with due consideration to local conditions, to create the necessary preconditions for local youth work and activities by providing services and premises for young people and supporting their civic engagement.

In performing the duties specified in subsection 1, the local government is required, when necessary, to engage in cooperation with other authorities providing youth services as well as with the young people themselves, their families, youth work organisations, congregations and other parties engaged in youth work.

Section 9

Cross-sectoral cooperation

For the purpose of planning cross-sectoral cooperation between local authorities and developing such cooperation, local governments shall establish a steering and service network or appoint a cooperation team whose activities target all the young people living in the municipality. The network or other cooperation team shall operate in interaction with youth organisations, congregations and other entities providing youth services. Two or more municipalities may have a shared network. The networks will not address issues related to any individual young person.

The network or other equivalent cooperation team is to:

1) gather information on young people’s growth and living conditions and assess their situation in the light of this information in support of decision-making;

2) improve the coordination of services intended for young people and promote shared procedures in referring young people to the services while ensuring a smooth exchange of information;

3) promote cooperation in the implementation of youth activities.

Section 10

Outreach youth work

The mission of outreach youth work is to reach young people in need of assistance and provide access to services and other support designed to promote their growth, independence, social inclusion and life management skills as well as to improve access to education and facilitate entry into the labour market. Outreach youth work is based on voluntary participation
by and cooperation with the young person involved.

When the local government engages in outreach youth work, it shall designate a local government official or other person contracted by the local government to assume responsibility for the implementation of outreach youth work. The outreach youth worker shall have adequate training for and experience in working with young people. Outreach youth work may be provided by a single municipality or several municipalities together. The municipality may organise outreach youth work by acquiring the services from an entity providing youth services. If so, the municipality shall ensure that the services are provided in accordance with this Act.

Outreach youth work shall primarily be initiated in response to the information provided by the young person himself or herself or his or her own assessment of the need for support. Additionally, outreach youth work may be initiated in response to information provided by other authorities.

Section 11

Disclosure of information for outreach youth work purposes

No information may be disclosed for outreach youth work purposes except with the young person’s consent unless otherwise provided in this Act or other laws.

Regardless of non-disclosure provisions, information identifying the young person involved and his or her contact details shall be disclosed to the young person’s home municipality for outreach youth work purposes as follows:

1) an education provider shall disclose information on a young person who has completed his or her basic education but who is not pursuing any studies beyond the completed basic education;
2) an education provider shall disclose information on a young person who ceases to participate in vocational education or general upper secondary education;
3) the Defence Forces and the Centre for Non-Military Service shall disclose information on a young person who is exempted from military or non-military service because of lack of fitness or who decides not to complete military or non-military service.

The education or training provider, Defence Forces and the Centre for Non-Military Service may decide not to disclose information on the young person referred to in subsection 2, if they – considering the information available and the young person’s situation and his or her need for support in the light of all the relevant circumstances – determine that he or she is not in need of services and other support within the meaning of section 10.

Additionally, an authority other than an authority defined in this section or the Social Insurance Institution of Finland Kela may, regardless of non-disclosure provisions, disclose information identifying the young person involved and his or her contact details, if such an authority or Kela – considering the information available and the young person’s situation and his or her need for support in the light of all the relevant circumstances – determine that the young person is in need of immediate support in order to access the services and other support.

If a registered association, foundation or other organisation offering free-time activities determine that a young person is in need of outreach youth services, they may, subject to the express consent of the young person or the consent of the guardian of a minor young person, disclose information identifying the young person and his or her contact details for outreach youth work purposes.

Those disclosing information pursuant to this section shall, in advance and using an appropriate means of communication, notify the young person or the guardian of a minor young person that information on the young person may, in the cases referred to in subsection 2 and 4,
be disclosed for outreach youth work purposes.

Provisions on child welfare notices and anticipatory child welfare notices are set out in sections 25 and 25c of the Child Welfare Act (417/2007). Provisions on contacting social services for the purpose of assessing the need for support are set out in section 35 of the Social Welfare Act (1301/2014). If a party required by law to disclose information has contacted an authority comparable to social services, no notification need to be filed with outreach youth work services based on the same information.

Section 12

Processing of information on young people by outreach youth services

The identifying information and contact details disclosed for outreach youth work purposes may be provided in electronic format. The information obtained in the course of outreach youth work or otherwise may be combined in order to identify the young people in need of support and to carry out the duties of outreach youth services. When the affairs of any individual young person are addressed in the context of outreach youth work, records shall be made of the party disclosing the identifying information and contact details of the young person, any further measures to be taken, the type of information disclosed and the parties to which such information is released. The file controller responsible for the processing and management of the personal information is the local municipality.

Information obtained in the course of outreach youth work may only be disclosed to another authority with the consent of the young person, or if he is she is a minor, with the consent of his or her guardian. However, a minor may make decisions regarding the disclosure of his or her personal information according to their level of maturity. All the information shall be promptly destroyed when no longer necessary for the performance of duties.

A person engaged in outreach youth work may not, without the consent of the young person involved, or if he or she is a minor, without the consent of his or her guardian, disclose to third parties any information that may come to his or her attention in the course of the duties foreseen in this Act regarding the young person’s personal circumstances, state of health, benefits received, supportive action or financial position.

Chapter 4

Youth workshop activities

Section 13

Youth workshop activities

The purpose of youth workshop activities is to provide training to improve young people’s capabilities to access and complete education and training, enter the open labour market or access some other service needed. The purpose of workshop activities is to improve young people’s life management skills as well as promote their growth, independence and social inclusion. Young people acquire these skills and capabilities by working or engaging in rehabilitative activities according to their ability. A personal training plan is prepared for each young individual in the workshop. Youth workshop activities may be organised by the local
municipality or several municipalities together or an entity providing services for young people. Youth workshops shall have expertise in providing individual and work training for young people. Youth workshops shall monitor their own performance.

As a rule, young people are referred to workshops by the authorities or an entity performing a public function. Young people themselves may also seek admission to a workshop. A written contract is made on the training to be provided to a young person referred to the workshop. Information provided in the contract or in the course of the performance of the duties specified in subsection 1 may be processed in the context of youth workshop activities in order to identify the young people involved and to carry out the youth workshop activities. The organiser of youth workshop activities shall identify the tasks involving processing of sensitive information.

Section 14

Processing of information on young people in the context of youth workshop activities

The organiser of the youth workshop activities is the file controller responsible for the processing of personal information. When the affairs of any individual young person are addressed in the context of youth workshop activities, entries are made in the personal data file of the contract referred to in section 13, the personal training plan, the data obtained as a result of monitoring the training, any further measures to be taken, and the type of information disclosed and the parties to which such information is released. The individuals responsible for the training of young people shall also be entered in the personal data file.

Information is gathered on young people for the purpose of planning training, demonstrating the progress made in the development of skills and capabilities and determining the outcomes of the training received and any need for other services on the part of the young person involved. Such information is obtained from the young person himself, by observing the progress made in training, or from the authorities or other entity performing a public function that referred the young person to the workshop.

Information obtained in the course of youth workshop activities may only be disclosed to another authority or other entity performing a public function with the consent of the young person, or if he or she is a minor, with the consent of his or her guardian. However, a minor may make decisions regarding the disclosure of his or her personal information according to their level of maturity. All the information shall be promptly destroyed when no longer necessary for the workshop activities, but no later than four weeks as of the date of entry of the information in the personal data file.

The organiser of youth workshop activities or an employee of such an organiser may not, without the consent of the young person involved, or if he or she is a minor, without the consent of his or her guardian, disclose to third parties any information that may come to his or her attention in the course of the duties foreseen in this Act regarding the young person’s personal circumstances, state of health, benefits received, supportive action or financial position. However, a minor may make decisions regarding the disclosure of his or her personal information according to their level of maturity.

Section 15

Drug testing in connection with youth workshop activities

The organiser of youth workshop activities may ask a young person to present a certificate of
a drug test on suspicion that he or she is under the influence of drugs while undergoing training in the workshop or has a drug addiction. A further precondition for testing is that testing is necessary for ascertaining the young person’s functional capacity and that he or she performs tasks that require extraordinary precision, reliability, independent judgement or quick reactions and where working under the influence of drugs or while being addicted to drugs:

1) seriously endangers the life and limb of the young person him- or herself or others;
2) seriously compromises road safety;
3) significantly increases the risk of illicit trafficking or distribution of substances referred to in section 3 (1)(5) the Narcotics Act (373/2008).

A drug test certificate means certification by a registered health care professional attesting that the young person has undergone a test to detect the presence or absence of a substance referred to in section 3(1)(5) of the Narcotics Act and an account based on the test whether the young person has used narcotics for purposes other than medical treatment in a way which undermines his/her functional capacity. The certificate shall be presented within a reasonable period of time determined by the organiser of youth workshop activities. A guardian of a minor young person shall be informed of any request for a drug test.

The information obtained as a result of the drug test may only be used for revising the young person’s training plan and the contract referred to in section 13. The information obtained as a result of the drug test may only be processed by those who are responsible for the young person’s training in the youth workshop or who make the decision on revising the contract. The drug test certificate shall be filed separately from other personal information. If the organiser of youth workshop activities does not receive the requested drug test certificate and a plan is in place to assign the young person to the type of tasks defined in subsection 1, the young person’s training plan and the contract referred to in section 13 may be revised.

The organiser of youth workshop activities shall defray the cost of the drug test certificate referred to in this section.

In all other respects, a drug test performed on a young person shall be governed by the provisions of section 19 of the Occupational Health Care Act (1383/2001).

Chapter 5

State funding

Section 16

Central government transfers to local government

Provisions on the central government transfers to local governments for the purposes of this Act are set out in the Act on the Financing of Education and Culture (1705/2009).

Section 17

Eligibility of national youth work organisations for state aid

To qualify for state aid, a national youth work organisation shall first be approved as eligible for such aid by the Ministry of Education and Culture.

A youth work organisation pursuing the objectives and promoting the underlying principles
defined in section 2 may be accepted as eligible for state aid. When the eligibility of a youth
work organisation for state aid is assessed, due consideration shall be given to the nationwide
coverage, quality, scope and social impact of its activities as well as the ways in which the
organisation promotes non-discrimination, equality and social inclusion among young people.

However, an organisation whose principal mission is to promote studies in a single field of
training, study or field of activity is not eligible for state aid. Similarly, an organisation with the
primary mission of promoting organisation on a professional or trade union basis is not eligible
for state aid.

An organisation in respect of which specific provisions exist regarding state aid, or for which
a specific appropriation is allocated in the state budget, is not eligible for state aid under this
Act.

Further provisions on the criteria for approval of organisations within the meaning of this
section regarding eligibility for state aid and the approval procedures may be issued by
government decree.

Section 18

Granting of state aid to a national youth work organisation

An appropriation may be included in the annual state budget for funding the activities of a
national youth work organisation.

The national youth work organisation may allocate the subsidies received for the activities of
its registered regional or local affiliated associations as provided in section 7(2) of the Act on
Discretionary Government Transfers.

When the amount of state aid to a youth work organisation is determined, due consideration
shall be given to the organisation’s management of its finances as well as the nationwide
coverage, quality, scope and social impact of its activities. Other considerations in the
determination of the amount of state aid include the ways in which the organisation promotes
non-discrimination, equality and social inclusion through its activities and otherwise pursues
the objectives and promotes the underlying principles set out in section 2. State aid is only
granted for not-for-profit activities. Expenses incurred in the course of any business operations
or other such activities are not eligible expenses.

Further provisions on the criteria for the granting of state aid pursuant to this section and the
procedures to be followed when aid is granted may be issued by government decree.

Section 19

Granting of state aid to a national youth work centre of expertise

An appropriation may be included in the annual state budget for funding the activities of national youth work centres of expertise.

The eligibility for state aid of a given centre of expertise is determined by the Ministry of
Education and Culture. The precondition for eligibility for state aid is that the centre of
expertise develops and promotes basic and special expertise in youth-related fields as well as
expert and other services in youth-related fields by generating, compiling, making use of or
sharing knowledge and information on young people, youth work or youth policy. Additionally,
the centre of expertise shall pursue the objectives and promote the underlying principles defined
in section 2.

When eligibility for state aid is assessed, due consideration shall also be given to the centre’s management of its finances and its operational resources, its national role in the context of youth work, social impact, programme for national youth work and policy and the existing system and network of centres of expertise. Eligibility for state aid is valid for a fixed period of time.

When the amount of state aid is determined, account shall be taken of the type and standard of the centre’s activities and their social impact. State aid is only granted for not-for-profit activities. Expenses incurred in the course of business operations or other such activities are not eligible expenses. Any surplus shall be used for youth work and its further development.

Further provisions on the centres of expertise and their duties, the criteria for eligibility for state aid and the necessary preconditions for receiving state aid may be issued by government decree.

Section 20

Granting of state aid to national youth centres

An appropriation may be included in the annual state budget for funding the activities of national youth centres.

The eligibility of a given national youth centre for state aid is determined by the Ministry of Education and Culture. A necessary precondition for eligibility for state aid is that the youth centre pursues the objectives and promotes the principles set out in section 2 and that the youth centre’s main all-around activity is to offer young people guided adventures, nature- or environment-related or cultural or camping activities. At the same time, the youth centre shall seek to promote the international orientation of young people and sustainable development. When eligibility for state aid is determined, due consideration shall be given to the centre’s management of its finances and its operational resources, the social impact of its activities and the nationwide system and network of centres.

When the amount of state aid is determined, account shall be taken of the type and standard of the centre’s youth work activities and their social impact. State aid is only granted for not-for-profit activities. Expenses incurred in the course of business operations or other such activities are not eligible expenses. Any surplus shall be used for the further development of youth work activities and the maintenance and development of the infrastructure used for youth work activities.

Further provisions on the criteria for eligibility for state aid and the necessary preconditions for receiving state aid may be issued by government decree.

Section 21

Granting of state aid to youth workshop activities

An appropriation may be included in the annual state budget for funding the activities of youth workshops.

To qualify for state aid for its activities, a youth workshop shall first be approved as eligible for such aid by the Ministry of Education and Culture. A youth workshop pursuing the objectives and purposes of youth workshop activities as well as the objectives and underlying principles defined in section 2, may be accepted as eligible for state aid. When eligibility for state aid is determined, due consideration shall be given to the workshop’s financial and operational resources and the social impact of its activities.
When the amount of state aid is determined, account shall be taken of the type and standard of the youth workshop’s activities and the ways in which it pursues the objectives and promotes the underlying principles defined in section 2. State aid is only granted for not-for-profit activities. Expenses incurred in the course of business operations or other such activities are not eligible expenses. Any surplus shall be used for the maintenance and further development of youth workshop activities.

Further provisions on the criteria for eligibility for state aid for youth workshop activities and the necessary preconditions for receiving state aid may be issued by government decree.

Section 22

Other government grants

An appropriation may be included in the annual state budget for research in the field of youth work and youth policy; international youth work and policy cooperation; construction, renovation and fitting-out of youth work facilities; outreach youth work; and the development of youth work activities.

Section 23

Withdrawal of eligibility for state aid

The Ministry of Education and Culture may withdraw eligibility for state aid in respect of a youth work centre of expertise, the national youth centre referred to in section 20 and the youth workshop referred to in section 21 if they cease to meet the criteria for state aid pursuant to this Act or any regulations issued hereunder.

The Ministry of Education and Culture may withdraw the approval for eligibility for state aid in respect of an organisation, if its activities, in two consecutive years, fail to meet the criteria for state aid pursuant to this Act or other regulations issued hereunder.

Chapter 6

Miscellaneous provisions

Section 24

Participation, consultation and influence

Provisions on the opportunities to be provided for young people to participate and exert an influence in youth councils or similar youth advocacy groups are set out in section 26 of the Local Government Act (410/2015).

Aside from the provisions of this Act, the local and central government authorities shall offer and organise opportunities for young people to be involved and exert an influence in the processing of issues related to local, regional and nationwide youth work and policies, or otherwise ensure that they are consulted in said contexts. Additionally, young people shall be consulted in matters that affect them.
Section 25

State aid authority

For the purposes of this Act, the state aid authority is the Ministry of Education and Culture. The Ministry may allocate funds out of the state budget appropriations to state regional administrative agencies for distribution as state aid.

Section 26

Financing of the central government transfers and state aid

The central government transfers and state aid pursuant to this Act are to be financed primarily from earnings from betting, pools and lotteries.

Section 27

Appeal

A request for a review of the decision of the Ministry of Education and Culture may be filed as provided in the Administrative Procedure Act (343/2003). A decision on the request for review may be appealed to the administrative Court as provided in the Administrative Judicial Procedure Act (586/1996). A decision of the administrative court regarding withdrawal of eligibility for state aid referred to in section 23 may be appealed as provided in the Administrative Judicial Procedure Act. Other decisions of administrative courts are only appealable subject to leave to appeal issued by the Supreme Administrative Court.

Section 28

Discretionary right of disclosure

Any non-disclosure obligation notwithstanding, any party performing duties pursuant to this Act is entitled to disclose to the police information necessary for the purpose of assessing any threat to life and limb and preventing any acts of threat if they become aware of circumstances suggesting that a person may be at risk of being exposed to violence.

Chapter 7

Entry into force

Section 29

Entry into force
This Act shall enter into force on 20_____.
This Act repeals the Youth Act of 2006 (72/2006).

If any reference is made elsewhere in this Act to the Youth Act in force at the time of entry into force of this Act, this Act shall apply instead of the previous Act now repealed.

Section 30

Transitional provisions

State aid for youth work centres of expertise, the national youth centres referred to in section 20 and the youth workshops referred to in section 21 for 2017 shall be granted pursuant to the provisions of the Act in force at the time of entry into force of this Act.

The Youth Council and the Assessment and State Aid Commission shall serve out their present term except that the name of the Youth Council shall be changed into State Youth Council upon the entry into force of this Act.

The Ministry of Education and Culture will, no later 1 July 2017, review the eligibility for state aid of the organisations and youth centres that have received aid under the Youth Act now repealed without any specific application.

The first national youth work and policy programme pursuant to section 5 will be adopted for years 2017–2019.