

ENIL Personal Assistance Survey

Country/region: Spain

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* Data is provided according to the legislation. Is to be mentioned that there exist some (4 or 5) projects providing PA that won't be mentioned in the study

PART 1: KEY INFORMATION ABOUT PERSONAL ASSISTANCE

LEGISLATION/POLICY	
Is there legislation covering personal assistance (PA)?	YES It's a national legislation but most of the competencies are transferred to the regional level and a few to the local.
Is PA currently provided on a pilot basis?	NO
What is the total number of registered PA users in the country?	2413 (2073 of them in the Basque Country region) (May 2015)
Has this number increased, decreased or stagnated (eg due to waiting lists) in the last 5 years?	Increased
Does everyone, regardless of type of impairment, have access to PA?	At national legislation level there is no restriction, but at regional level there is. Some regions have implement policies that deny access to PA to people with intellectual diversity. Regions have been taken to the court.
Does everyone, regardless of age, have access to PA?	At national legislation level there is no restriction but at regional level, some regions have implement policies that deny access to PA to children.

	Regions have been taken to the court.
Are there restrictions on what PA can be used for?	YES PA is defined as a support for daily activities, work and study (no leisure, social activities).
CHANGES IN LEGISLATION/POLICY	
Have there been any changes in legislation/policy restricting the use of PA in the last 5 years?	YES There has been an increase of the co-payment for services or budgets provided by the law. On the other hand, PA is now available for all the levels of "dependency" (before only the highest dependency levels were entitled for PA).
Have any other limitations been introduced that prevent/restrict PA use in the last 5 years?	NO
If negative changes/restrictions have taken place in the last 5 years, what were the reasons (eg structural, financial etc.)?	The increase in the co-payment, as well as other restrictions were justified as financial reasons.
ELIGIBILITY ASSESSMENTS	
Who carries out eligibility assessments for PA?	There is not a special assessment for PA, the assessment is for entering in the system defined by the law. Once you are in the system you can choose among the different services or budgets provided by it. PA is one of the budgets. This assessment is done at the regional level.
How often are assessments repeated?	Never, unless required from the people.
Is there a specific assessment tool that is used?	YES It's a medical scale.
FUNDING	
	By the state: YES

How are PA services funded?	<p>By the regional or local authority: YES</p> <p>Both: YES</p> <p>State define the “basic level” of coverage that can be increased by regional or local levels. This does not mean that the basic level is completely funded by the state as, part of it, it’s covered by the regional level.</p> <p>Four regions have increased the basic level: Valencia, Castilla la Mancha, Galicia y Pais Vasco.</p>
Is PA a means tested service?	<p>YES</p> <p>Yes, in the sense that almost everyone contribute to the payment of the service (co-payment or re-payment).</p>
What is the maximum number of PA hours per day/week that can be approved?	<p>With the maximum wage provided by the basic level (without taking into consideration the co-payment) roughly 2,5 to 3 hours a day.</p>
What is the hourly rate that is funded?	<p>There is not a fixed hourly rate.</p>
Are direct payments/personal budgets available for funding PA?	<p>YES</p> <p>In theory the system is designed to be a direct payment system but there are so many complexities to hire a PA that in fact PA is provided as a service.</p>
What is the total number of direct payments/personal budget holders in the country?	
Are family members allowed to be paid as PAs?	<p>YES</p>
PROVIDERS AND SUPPORT	
Is there a choice of providers of PA services?	<p>YES</p> <p>(although not sure if they are, precisely, PA)</p>
If PA can be provided by user-cooperatives, do they have to be accredited?	<p>YES/NO</p> <p>User-cooperatives (strictly speaking) do not exist. Right now, there is no clear legislation on</p>

	who can provide PA.
Are PA users provided with training on how to manage their assistance?	NO Not a requirement within the law.
Are people with intellectual disabilities allowed to manage their own assistance?	YES In theory, there is no restriction (in the state law). Maybe at regional level it exists. But reality is that there are so few people with intellectual diversity in the system that answer is not conclusive.
Are support services such as peer support/peer counselling/IL training provided by user organisations funded by the state or the local authority?	NO

PART 2: ADDITIONAL INFORMATION

Please provide background information about the introduction of PA into legislation/policy (which actors were involved in advocating for PA, was there inspiration drawn from a certain country, which public stakeholders were needed to set it up, which challenges arose in the process of developing the legislation/policy, what resources were needed)?	In 2005 the "Law to Promote Personal Autonomy and Care for Dependency Situations" (LEPA) was presented. This law was designed to care for older people but, during the negotiation stage, coverage was extended to situations of dependency. An allowance for personal assistance is introduced into the law. The subsequent regulatory development of the law reveals what already sensed: the provision is clearly insufficient, limited to productive activities, excluding recreation and conditions for access to it are very restrictive.
Are there any current challenges in implementing the PA legislation/policy?	Probably, taking out PA from LEPA. Setting up a work framework for PA (defining: labour conditions, wages and allowing people to directly hire people).
Has the legislation/policy on PA led to empowerment of disabled people, setting up of CILs or cooperatives etc.?	Yes, but in most cases not directly connected to national legislation but with some other formulae.
Is PA used in the process of	Not really

<p>de-institutionalisation (to help people leave institutional care)?</p>	
<p>Was any research carried out in the country on the costs of PA? If yes, please provide links or attachments.</p>	<p>http://www.cedd.net/redis/index.php/redis/article/view/91/pdf_3</p> <p>http://w110.bcn.cat/BarcelonaAccessible/Continuats/Documents/Impacto Social Servicio Asistente Personal CAST.pdf</p>
<p>If family members are allowed to work as PAs, is this considered problematic or beneficial?</p>	<p>This is a subjective question. In my opinion, it is more problematical than beneficial.</p>