

ENIL Personal Assistance Survey

Country/region: Estonia

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Author's notes

The personal assistance service ('PA') provision in Estonia is incredibly fragmented. Since the legislation establishing PA does not provide any specific guidance for defining and providing the service, the responsible local municipalities and cities have filled this legal gap with 'orders' adopted by the municipal councils or city councils. These orders though, are all different. Furthermore, there is no research published, where it would be possible to find statistical information on PA.

While answering this survey, my approach was to describe the functioning of the state legislation and the range of different ways used for PA provision. While describing the 'classical' or 'typical' practices my answer is based on my own impression from reading through some of the orders, rather than any verified statistical information.

PART 1: KEY INFORMATION ABOUT PERSONAL ASSISTANCE

LEGISLATION/POLICY	
Is there legislation covering personal assistance (PA)?	YES The Social Welfare Act (1995) sets personal assistance as a measure for providing disabled people with equal opportunities and active participation in the community [§26(6)]. According to the same legislation, the rural municipality or city government is responsible for appointing the personal assistant.
Is PA currently provided on a pilot basis?	NO
What is the total number of registered PA users in the country?	There is no public data on this issue in Estonia. According to Meelika Siilsalu (member of the PA provision team in NGO Händikäpp) in Tartu city,

	there are about 40 personal assistance users while the whole city has about 100 000 inhabitants.
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?	YES/NO According to the §26(6) in the Social Welfare Act (1995) a personal assistant can be appointed for anyone with a disability. Classical practice is, that the target group of the personal assistance service is people with mobility- or visual impairment.
Does everyone, regardless of age, have access to PA?	YES Most of the municipalities have decided to have no age limitations.
Are there restrictions on what PA can be used for?	YES Classical practice is that according to the order of the municipal council, the personal assistant is not supposed to provide any other service, while working as an assistant. For instance the PA does not have to provide translation, gardening etc. However, helping a service user in this kind of tasks is permitted.
CHANGES IN LEGISLATION/POLICY	
Have there been any changes in legislation/policy restricting the use of PA in the last 5 years?	<u>NO</u>
Have any other limitations been introduced that prevent/restrict PA use in the last 5 years?	YES In 2012 Estonia began to prepare the Workability reform, which includes passing the Work Ability Allowance Act (2014), which is going to be in force in January 2016; some amendments in the Social Welfare Act (1995); and few smaller amendments in the surrounding legislations, which are currently not approved by the Parliament as of yet. The provisions allowing for PA in the Social Welfare Act are not going to

	<p>be amended.</p> <p>According to Saar Poll OÜ (2014, p. 65) the new workability allowance system has many different mischiefs and weaknesses, but it is important to acknowledge, that this research was carried out in 2013, while the Workability Allowance Bill was in drafting stage. As the exact details of the Workability Reform are still changing, it is not really possible to verify the relevance of Saar Poll's research in the current moment.</p>
<p>If negative changes/restrictions have taken place in the last 5 years, what were the reasons (eg structural, financial etc.)?</p>	<p>There is no public data on this issue as of yet. The Workability Reform is likely to have negative impact on the lives of disabled people, but this has to be monitored, once the legislative changes are in force.</p>
ELIGIBILITY ASSESSMENTS	
<p>Who carries out eligibility assessments for PA?</p>	<p>Considering the different orders passed in the cities and municipalities, it is very hard to point out any classical practice. Legally it is the responsibility of the city or the municipality. In practice, different methods for assessment are applied, like an assessment tool, decision made by an official or a council in the relevant authority at the level of city or municipality.</p>
<p>How often are assessments repeated?</p>	<p>Like the method of assessment, the frequency of this process is regulated by the municipal council order and varies quite a lot in different municipalities.</p>
<p>Is there a specific assessment tool that is used?</p>	<p>NO</p> <p>Some municipalities have adopted an assessment instrument, but there is no concrete tool, which would be used across the whole country.</p>
FUNDING	
<p>How are PA services funded?</p>	<p>By the state: NO</p> <p>By the regional or local authority: YES</p> <p>Both: NO</p>
<p>Is PA a means tested service?</p>	<p>NO</p>

	Classical practice in the different municipalities is that the service user has to pay an hourly contribution, which is few euro cents per hour.
What is the maximum number of PA hours per day/week that can be approved?	It is not regulated by any kind of legislation. The municipalities possibly have provisions setting a limit of this kind, but it is rather a rare practice.
What is the hourly rate that is funded?	Different municipalities use different types of employment contracts for the personal assistance service and the salaries are paid in different ways too. Some municipalities pay a monthly salary to a personal assistant and some have established an hourly rate as the assistant gets paid for the exact number of hours worked. Typical salary for an assistant is around 1.50-2.00 €. Salary fund depends on the actual tax rate, the PA has to pay; the type of employment contract etc.
Are direct payments/personal budgets available for funding PA?	YES/NO It is not a widespread practice. Though, some smaller municipalities give a personal assistance service user a monthly allowance to organize their own assistance.
What is the total number of direct payments/personal budget holders in the country?	There is no public data on this issue, but this number is rather low.
Are family members allowed to be paid as PAs?	YES/NO This issue is not covered in the Social Welfare Act (1995). Therefore, like the other issues discussed before, it is decided by the municipality, if a family member can work as a personal assistant, or not. In practice, a family member working as a personal assistant is very rare.
PROVIDERS AND SUPPORT	
Is there a choice of providers of PA services?	YES/NO Classical practice is that the service provider gets appointed by the municipality and the process of appointing the service provider varies in different municipalities.
If PA can be provided by user-cooperatives, do they have to	NO

be accredited?	
Are PA users provided with training on how to manage their assistance?	<p>YES</p> <p>It is rare practice, but in the City of Tartu the PA service provider, NGO Händikäpp, is providing the service users with training on Independent Living and personal assistance.</p>
Are people with intellectual disabilities allowed to manage their own assistance?	<p>NO</p> <p>Classical practice is that people with intellectual disabilities are not eligible for PA service.</p>
Are support services such as peer support/peer counselling/IL training provided by user organisations funded by the state or the local authority?	<p>YES</p> <p>It is also a very rare practice, but in the City of Tartu, the city is funding peer counselling for disabled people and has appointed the NGO Händikäpp as the service provider since 2014.</p>

PART 2: ADDITIONAL INFORMATION

<p>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)?</p>	<p>The NGO Händikäpp introduced to the Estonian Ministry of Social Affairs, the personal assistance service at the beginning of this century. The leader of the lobby work was Margit Rosental. Inspiration came from the Swedish personal assistance practice and contacts with ENIL.</p> <p>The biggest challenge was to tackle the stigmatization in society.</p> <p>Main tools for advocacy were explaining the human rights perspective, and the international human rights treaties.</p>
<p>Are there any current challenges in implementing the PA legislation/policy?</p>	<p>Very frequent response from the Ministry of Social Affairs to the Independent Living movement's proposals is that they do not find funding. From the Independent Living movement side, it is difficult to oppose this argument.</p> <p>There is no meaningful participation of disabled people in the policy making.</p> <p>The quality of the law making on disability issues is so poor, that the law passed by the parliament is often useless. For example, the Work Ability</p>

	Allowance Act (2014) had to be amended, before it came into force.
Has the legislation/policy on PA led to empowerment of disabled people, setting up of CILs or cooperatives etc.?	Yes, absolutely! Disabled people are able to leave their homes. Young disabled people are able to move out from their parents' house. Personal assistance service prevents institutionalisation of some disabled people. From CILs perspective, thanks to personal assistance, the advocacy activities in CILs are possible.
Is PA used in the process of de-institutionalisation (to help people leave institutional care)?	Since the personal assistance is one of the community-based services, it certainly plays a role in the deinstitutionalisation process, but it is not mentioned in particular in the Estonia DI planning.
Was any research carried out in the country on the costs of PA? If yes, please provide links or attachments.	There is no research papers published.
If family members are allowed to work as PAs, is this considered problematic or beneficial?	There is no public data on this issue. As it is very rare practice in Estonia, the research could be not more than few case studies.

Reference list

Papers

Saar Poll OÜ, (2014) Töövõimetoetuse seaduse mõjuanalüüs – eelhindamine (Effect analysis of the Workability Allowance Act – preliminary assessment), Tallinn. Available at: https://www.sm.ee/sites/default/files/content-editors/Ministeerium_kontaktid/Uuringu_ja_analuusid/Sotsiaalvaldkond/tvk_sem_ojuanalyyis_eessonaga.pdf (Accessed at 10.12.2015)

Legislation

The legislation is available in English

Social Welfare Act (1995), available at: <https://www.riigiteataja.ee/en/eli/523012015002/consolide> (Accessed at 10.12.2015)

Work Ability Allowance Act (2014), available at: <https://www.riigiteataja.ee/en/eli/502042015015/consolide> (Accessed at 10.12.2015)