

ENIL Personal Assistance Template

Country: Spain

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Background of the legislation	<p>The Act on the “Promotion of Personal Autonomy and care for dependant persons” was submitted in 2006. (LEPA - spanish acronym). The Act was initially designed for the elderly but during the negotiation process a greater coverage for dependant persons was included. As a consequence, compensation for PA was included.</p> <p>The subsequent development of the Act confirmed the suspicion: the compensation is actually insufficient, not universal, (it is limited to major disabilities) limited to productive activities excluding leisure and the conditions of access are restricted.</p>
Type of legislation	National Act, but with a greater coverage in certain regions. It recognizes the right to Personal Assistance.
Administrator of PA services	PWD receive a direct payment and become the administrators. Nevertheless, due to the fact that the personal assistant job position is not yet recognised in Spain, services companies mostly carry out recruitment.
Funder of service	<p>The Social Security with the contribution of the autonomous communities (by financial benefits), the Act on the “Promotion of Personal Autonomy and care for dependant persons” (by the PA compensation) and certain programmes run by different provinces: Gipuzkoa (pioneer on IL), Barcelona and Madrid.</p> <p>However, the coverage is still insufficient. The beneficiaries of the dependency benefits participate in the funding, according to the type and cost of the service and their personal economic ability.</p>
Disabilities covered	Theoretically, all disabilities are covered, though in practice it is practically impossible to access PA for people with a non-physical disability.
Possible amount of hours per day/week of PA	Maximum 3h/per day
Assessment of needs: tool and how often	The assessment of the situation of dependency is based on the medical model approach. The autonomous communities determine the bodies for assessing the situation of

	<p>dependency, which issue a report on the degree and level of dependency, specifying the care that the person may require.</p> <p>The territorial council agree on common criteria for the composition and action of the assessment bodies in the autonomous communities.</p> <p>The degree and levels of dependency, (I, Moderate Dependency; II, Severe Dependency and III, Major Dependency) for the purposes of assessment, are determined by means of the application of the scale that is agreed upon in the territorial council for the system for autonomy and care for dependency.</p> <p>This scale includes in its references the International Classification of Functioning, Disability and Health (ICF) adopted by the World Health Organisation.</p> <p>The scale establishes the objective criteria for assessing a person's degree of autonomy, his/her capacity to perform the various activities of daily living, the intervals in assessment for each of the degrees and levels of dependency and the protocol with the procedures and techniques to be performed in order to assess the aptitudes that are observed, where applicable.</p> <p>The scale assesses the person's ability to perform by him/herself the basic activities of daily living, as well as the need for support and supervision in performing such activities for people with intellectual disabilities or mental illness.</p> <p>The assessment takes into account the appropriate reports on the person's health and on the setting in which he/she lives and considers, where applicable, technical aids and prostheses that have been prescribed for him/her.</p> <p>The degree or level of dependency may be reviewed at the request of the interested party, his/her representatives or on an official basis by the competent public administrations, for any of the following reasons:</p> <p>a) Improvement or worsening of the situation of dependency. b) Error in diagnosis or in the application of the corresponding scale. The benefits may be altered or extinguished according to the beneficiary's personal situation, when there is a variation in any of the requirements set for acknowledgement, or in the event of non-compliance with the duties stated in the act.</p>
Hourly rate funded	Only PWD with a major dependency (Degree III) are entitled to receive a monthly amount to pay their PA: Degree III (level

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	1/ 625,47 €), Degree III (Level 2/ 833,96 €)
Age	Theoretically there is no restriction. However, the internal regulations determinate the age of 18 years old to access PA.
Number of users in the country	1300 users in 2012.