

## **SPANISH POLICIES AND INDEPENDENT LIVING**

The choice for disabled people to live independently in their own homes and in the community is stipulated in the Act 39/2006, of 14th December, on Promotion of Personal Autonomy and Care for Dependent Persons (LEPA) and the Act 51/2003.

However, there are not any structured policies promoting independent living that follow the UN Convention on the Rights of Persons with Disabilities (2006). Only some groups of people with disabilities (still few in number) are playing a role in promoting independent living. In addition, there are important differences among Autonomous Communities in applying new Acts and in developing new regulations to facilitate independent living.

Although there are new laws and policies supporting people with disabilities, the emphasis has not been placed on community approaches to stimulate independent living. Consequently, segregated residential options continue to be the main option, and public administration organisations spend most resources on these.

Personal assistance services and assistive equipment and adaptations are supported and regulated by law. Nevertheless, availability of support (types, resources, and people) differs between the Autonomous Communities (there are 17 in Spain). Because they have specific regulations, important differences can be found among Spanish territories.

Eligibility criteria derived from the LEPA for the assignation of the Personal Assistance Service are based on a medical approach (i.e. level of dependence). The scale used is focused on physical disabilities and aims to measure functional capabilities, instead of the assistance required for daily living. Services with a more inclusive approach, such as personal assistant services, are insufficient in terms of the financial support available as well as in terms of the legal regulation of these professionals by the various Autonomous Communities.

Support for personal assistance is financially constrained and it is only available for those disabled people classified as having major dependency. Financial support for non-professional carers also varies with the level of dependency, and level I (i.e. limited or intermittent support needs for personal autonomy) is not eligible.

According to Ripollés, Rodríguez-Picavea and Romanach (2007, p.24), the cost of a personal assistant working 40 hours/week is 1,000€ (750 € in salary, plus 250€ in Social Security) and individuals with major disabilities require an average of two personal assistants. On the other hand, according to 2009 data, the minimum pension for

major disability ranges from 1,044.29€ to 819.83€. These figures reflect the insufficient financial amounts provided for professional assistance.

Support for assistive equipment and adaptations is regulated at the level of the Autonomous Communities and there are significant differences between them. There are also financial limits for the different technical aids so disabled people must co-fund these.

To date, less than one per cent of disabled people classified as having major dependency are receiving personal assistance.

A key independent living lobby group is the Forum on Independent Living, which was created by disabled people in 2001. According to this organization (March, 2009), the Act on Promotion of Personal Autonomy and Care for Dependent Persons (LEPA) contradicts Article 19 of the UN Convention on the Rights of Persons with Disabilities (with has been enacted in Spain since May, the 3rd, 2008), because the Act is based a medical approach, whereas the Convention assumes a social approach.

## **TYPES OF SUPPORT FOR INDEPENDENT LIVING IN THE COMMUNITY**

For those disabled people who want help to live in their own homes there are personal assistance services, and support for assistive equipment and adaptations, both of which stem from the LEPA (2006). As we will explain in the next section, there is also support available to informal carers, by means of their inclusion into the Social Security System, as for any other Spanish worker. There are also many day centers, but they offer daily care rather than support for independence.

Support is also available to family members (parents or informal carers) who provide practical help to disabled people in their own homes, and a number of measures derived from the LEPA have improved the support that existed previously. Thus, in 2007 the Government determined by means of Royal Decree 615/2007, the inclusion of non-professional carers in the Social Security systems , as well as the requirements and procedures for affiliation, registration and contribution. The intention is to overcome the isolation faced by many and to accord a higher degree of autonomy for carers, by means of a public system of care for dependent persons and acknowledgement of the work done by carers and family members (LEPA, p. 8).

## **PROJECTS OF INDEPENDENT LIVING IN SPAIN**

### **Project of "Independent Living." By the Deputation (Diputación Foral) of Gipuzkoa, Basque Country.**

In 2004, there is the first Spanish pilot project on "Independent Living" by the government as the Basque Country, through an Individual Assistance Act in 2004.

This project, aimed at people with severe physical functional diversity, promotes the direct payment system, whereby people with disabilities participating in it, directly receive the amount awarded to recruit their respective / as Personal Assistants.

Therefore, it is the person with functional diversity who contracts, pays the salary and if necessary dismissed their personal assistants. This initiative started with three people with physical and functional diversity, and these days there are more than 40 people included in the programme.

### **Office of Independent Living (OVI) of Madrid .**

Pilot Project " Independent Living and promotion of the social participation," with a budget of 2,921,829 euros for three years (2006-2008), is established by a Special Administrative Contract, published by the Department of Family and Social Affairs of the Community of Madrid, and whose management is awarded in open competition to ASPAYM-Madrid, resulting in the creation of that community's first Office of Independent Living (OVI) of Spain.

Thus, this OVI, a pioneer in Spain, is the technical and administrative unit through which the Project is developed, which begins in July 2006, and is part of the "Area 1. Social Care", through the " Program 3. Independent Living" of the Plan of Action for Persons with Disabilities in the Community of Madrid (2005-2008).

Offers, primarily, "Personal Assistance Services, up to 16 hours / day (Monday to Sunday, including holidays), self-managed, and free for 35 people with severe physical functional diversity of the Community of Madrid, as it is fully funded by mentioned Department of Family and Social Affairs.

Similarly, such OVI, attaches great importance to provide training in "Independent Living and Personal Assistance."

In every moment, following the Independent Living Philosophy, it is the person who manages their own personal assistants, as long as he selects and chooses, determines tasks and schedules, and, equally, dispenses their services if need.

It also is in charge of giving approval to the payment of the salary and and actively participates in the development of certain OVI own activities.

ASPAYM-Madrid, through the management of the project, it becomes the developer and pioneer in the traditional associations of people with functional diversity of this country, to provide resources and services based on the real needs of people with functional diversity, according to those criteria that determine these people. This project has been promoted by experts on Independent Living, who also have a need for Personal Care.

### **Office of Independent Living (OVI) of Barcelona.**

The pilot project "Towards Independent Living," with a budget of 264,337 euros for one year (2006-2007), was established as a Collaboration Agreement between the Municipal Institute of People with Discapacitat (IMD) of the City of Barcelona and the first OFFICE OF INDEPENDENT LIVING (OVI) in Barcelona.

This OVI Barcelona was established in February 2006 and starts in October of that year as part of the pilot project mentioned. This project involves 9 persons with physical functional diversity of the city of Barcelona and are part of the Forum for Independent Living and the OVI Association (Independent Living Office) and have also been involved in the design of the project.

Fundamentally, the OVI is managing the project through the resources provided by the IMD, which has relations of collaboration and project monitoring under the consent of each of the participants in the project.

Being faithful to the principles of self-determination and personal responsibility of the Independent Living Movement, each participant in the project individually signed an agreement with the IMD for the Personal Assistance of the Pilot Project "Toward Independent Living" which is to ensure the direct control that each participant has in the management of their personal assistance.

Each request is approved according to the individual budget assigned by the IMD for the management of his/her assistance according to PIVI (Individual Plan of Independent Living) designed by each participant and also the IMD approves the OVI as manager of the assistance.

In this sense, the OVI offers "Personal Assistance Services", also self-managed and free for 9 persons from the project. Likewise, it also supports the development of Individual Plans for IL, promotes and generates the necessary resources, provides information, training and support for users and also promotes research initiatives and dissemination on issues related to the principles of independent living

## **Office of Independent Living (OVI) of Galicia**

VIGalicia is a non-profit association, composed and maintained by disabled people whose main objective is to promote the independence, breaking with discriminant models and ensure that functionally diverse Galician citizens take control over their own lives. VIGalicia was the driving force behind the personal care system in Galicia, prompted the proposal to Parliament and was approved by this institution in 2007. This initiative later resulted in the birth of the Personal Assistance Pilot Program involving 30 users in Galicia. In March 2010 VIGalicia incorporated among its services an Office of Independent Living (OVI). The OVI provides required information on independent living, advice and recruitment of personal assistants (self-managed by the user).

Currently, users of personal assistance from the OVI access the service according to the rules of the Galician Decree 15/2010 of 4<sup>th</sup> February, which regulates the procedure for the recognition of the dependence and the right to provisions for autonomy and dependency care.