

Open-Ended Working Group on Ageing

9th Session, to be held in July, 23-26 2018

Questionnaire on Long-term care

by Imsero – Institute of Older Persons and Social Services, Spain

1)

Long-term care known as Dependency in Spain is regulated by Law 39/2006, of December 14, on Promotion of Personal Autonomy and Care for Dependent Persons.

Article 2 of the aforementioned Law defines Dependency as the permanent state in which persons that for reasons derived from age, illness or disability and linked to the lack or loss of physical, mental, intellectual or sensorial autonomy require the care of another person/other people or significant help in order to perform basic activities of daily living or, in the case of people with mental disabilities or illness, other supports for personal autonomy.

Allowances for long-term care are provided through services, services through economic allowances and the economic provision of care in the family environment.

2)

The challenge faced by older persons is to meet the needs of those who, finding themselves in a situation of special vulnerability, require support to carry out the essential activities of daily living, to achieve greater personal autonomy and to fully exercise their citizenship rights.

3)

- Availability depends on each Autonomous Community as they have the competence in long-term care.
- Every year, the Imsero approves the Quality Plan directed to Centers under its scope all over Spain. The Autonomous Communities hold the responsibility to establish the quality of the services, having in mind always the agreements of the Territorial Council of Social

Services and the System of Autonomy and Care for Dependent Persons.

- Law 39/2006, of December 14, on the Promotion of Personal Autonomy and Care for Dependent Persons, establishes in Article 27 (mandatory at the national level) that the beneficiary's preference shall be considered concerning the economic services and allowances foreseen in the resolution of recognition of his/her degree of dependency within the modalities of intervention most appropriate to his/her needs as established by the competent Administration.
- The competence belongs to the Autonomous Communities. Several protocols have been approved for National Centers, specifically:

1.- Protocol of actions about disruptive behavior of the user

http://www.imserso.es/InterPresent1/groups/imserso/documents/binario/im_089266.pdf

2. - Containment Protocol

http://www.imserso.es/InterPresent1/groups/imserso/documents/binario/im_089261.pdf

3. - Drug acquisition, administration and control protocol

http://www.imserso.es/InterPresent1/groups/imserso/documents/binario/im_089256.pdf

- Law 3/2017, of June 27, of the General State Budgets, has increased the budget item 31.34 in 102,522,190 euros. The Royal Decree 1082/2017, of December 29, which sets the minimum level of guaranteed protection to the beneficiaries of the System for Autonomy and Care for Dependent Persons, has updated the amounts of the minimum level of protection guaranteed by the General State Administration for each beneficiary of the System for the Autonomy and Care for Dependent Persons: grade III, Major Dependency, Grade II, Severe Dependency and Grade I, Moderate Dependency. Those updates have been adopted in the 6th Meeting of the Conference of Presidents, on January 17, 2017, where an agreement was reached to analyze "the current financing mechanisms, especially those contained in Law 39/2006, of

December 14, and to evaluate its adaptation to the allowances' needs associated with the dependency". A Commission to the analysis of the Situation of Dependency was assigned; this Commission concluded the "Report of the Commission for the Analysis of the Situation of the Dependency System", which was presented in the Plenary Session of the Territorial Council of Social Services and Dependency, in the meeting held on October 19, 2017.

- The competence belongs to the Autonomous Communities. Concerning the state-level centers several protocols have been approved, in particular:

1. - Protocol for the detection and action in situations of abuse in the centers of Imserso

http://www.imserso.es/InterPresent1/groups/imserso/documents/binario/im_114934.pdf

2. - Protocol of action against gender violence in the centers of Imserso

http://www.imserso.es/InterPresent1/groups/imserso/documents/binario/im_102206.pdf

4)

A person is considered to be in a situation of dependency only when he/she meets the requirements established in Law 39/2006, of December 14. This person will be entitled to the portfolio of services of the Autonomous Community in which he/she resides, to an economic allowance linked to the service, or to an economic allowance for care in the family environment. The above-mentioned conditions will consider the degree of dependency recognized within the intervention modalities most appropriate to their needs as established by the competent Administration.