

LAW ON THE PROMOTION OF PERSONAL AUTONOMY AND CARE FOR DEPENDENT PERSONS

AREA INTERNACIONAL
SECRETARÍA GENERAL
IMSERSO



EXPLANATORY MEMORANDUM:

Care for dependent persons means to care for the needs of these people, who because they are in particularly vulnerable situation, require support in order to carry out the essential activities of daily living, attain a greater degree of personal autonomy and be able to fully exercise their citizen rights.

Up to now, it has been the families, and specially women, that have traditionally taken on the care of the dependent persons constituting what has been referred to as “informal support”. The changes in the family models and the gradual incorporation of almost three million women into the job market in the last decade introduce new factors in this situation, which mean that it is indispensable to review the traditional care system in order to ensure adequate capacity to care for the people in need of such assistance.

PURPOSE OF THE ACT

To regulate the basic conditions that shall guarantee equality in the exercise of the subjective citizen right to the promotion of personal autonomy and care for dependent persons

DEFINITION OF DEPENDENCY

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 support for personal autonomy.

DEPENDENCY CARE BENEFITS

May be either services or financial benefits

- Services:
- a) Services for the prevention of situations of dependency and for the promotion of personal autonomy
 - b) Personal Alert System
 - c) Home Help Service: {
 - Housekeeping tasks
 - Personal care
 - d) Day and Night Centre Service: {
 - Day Centre for older persons
 - Day Centre for persons under 65 years
 - Day Centre with specialised care
 - Night Centre
 - e) Residential Care Service: {
 - Residence for dependent older persons
 - Centre offering care for dependent persons, according to the various types of disability

- Financial benefits:
- a) Financial benefit linked to service
 - b) Financial benefit for care in the family setting and support for non-professional
 - c) Financial benefit for personal assistance carers

DEGREES OF DEPENDENCY

The situation of dependency shall be classified in the following degrees:

DEGREE I. Moderate dependency: when the person needs help in order to perform various basic activities of daily living, at least once a day or when the person needs intermittent or limited support for his/her personal autonomy

DEGREE II. Severe dependency: when the person needs help in order to perform various basic activities of daily living two or three times a day, but he/she does not want the permanent support of a carer or when he/she needs extensive support for his/her personal autonomy.

DEGREE III. Mayor dependency: when the person needs help in order to perform various basic activities of daily living several times a day, or, due to his/her total loss of physical, mental, intellectual or sensorial autonomy, he/she needs the indispensable and continuous support for his/her personal autonomy.

SYSTEM FOR AUTONOMY AND CARE FOR DEPENDENCY

The System guarantees the basic conditions and common content to which the Act refers.

The instrument for articulating the System is the **Territorial Council of the System for Autonomy and Care for Dependency**

Shall be formed by the Minister of Labour and Social Affairs and all the Autonomous Communities.

The levels of protection in the System are:

- a) The minimum level established by the General State Administration
- b) The level of protection that is agreed upon between the General State Administration and the Administration of each of the Autonomous Communities
- c) Any additional level of protection that may be established by each Autonomous Community.

Local Entities shall participate in the management of the services of care for dependent persons, in accordance with the regulation of their respective

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