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Regulatory trajectory and current organisational framework of *social services and social care*

SPAIN

Catalonia



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**REGULATORY TRAJECTORY AND CURRENT ORGANISATIONAL FRAMEWORK
OF
SOCIAL SERVICES AND SOCIAL CARE**

***SPAIN
Catalonia***

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COST Action IS1102 SO.S. COHESION - Social services, welfare state and places
The restructuring of social services in Europe and its impact on social and territorial cohesion and governance

In the last 20 years social services have experienced significant restructuring throughout Europe, involving cuts in public funding, devolution (from central to local governments), and externalisation (from public to private providers). Among the reasons for such changes have been stressed the fiscal crisis of the State (on the supply side) and the need to ensure greater efficiency, wider consumer choice and more democratic governance (on the demand side). Although relevant research is available on such processes, the recent global financial crisis and the awareness that, among services of general interest, social services are a major vehicle of social and territorial cohesion have brought social services back on the EU agenda.

The Cost Action IS1102 – which runs from 2012 to 2015 – brings together institutions carrying out research on these themes in different nations, from different disciplinary points of view, and with different emphases, with a view to jointly assess the effects of the restructuring processes, from 5 points of view: a) efficiency and quality; b) democratic governance; c) social and territorial cohesion; d) training and contractual conditions in social work; e) gender and equal opportunities. The Action provides a structured comparative context to share and valorise existing knowledge with the purpose of disseminating findings at the local and international scale and identifying inputs for a European social policy platform.

Some of the output of the Action is published in the form of *COST IS1102 Working papers*, freely available for consultation. While acknowledging the key role of the Cost Programme in general – and of the IS1102 Action in particular – in favouring the production of these papers, the responsibility of their contents remains with the authors.

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1. Outline of Spanish social services and social care

History of Spanish social services and the social care system

This first part of the text includes a historical overview of the social services and care system in Spain. Spain has had 17 regional governments (autonomous governments) since the 1980s. Here we shall focus on Catalonia, a historically recognised region, which along with the Basque Country and Galicia has its own language and a strong nationalist feeling of Catalan identity. One of the main features is that there is not a single law governing social services throughout Spain; each region has its own law. Nevertheless, there is a state-wide law, which I will also describe below, Law 39/2006 or LAPAD, that improves the autonomy of the elderly and disabled people.

Social services and social care are modern democratic terms. The antecedents to the modern social services in Spain can be traced back to the Enlightenment and, particularly, the liberal constitution of Cadiz in 1812. In the 18th century, Charles III passed laws to help poor and underprivileged citizens and to repress disorganised begging and drifting. Charles IV enacted a royal order to alienate the goods of hospitals, asylums and almshouses on 25 September 1789. As compensation, these institutions had to perceive 3% of their value as previous owners, but this amount was never paid (Vilà, 2003).

The Liberal Constitution of Cadiz 1812 laid down general rules for charity (*beneficencia pública*). The constitution decentralised the system and the process and each city hall had to take care of charity institutions and “policies” (art. 321. “to take care of hospitals, orphanages and other beneficence institutions”). However, the mission of provincial governments was to control and propose new regulatory measures.

The first Charity Law, 6 February 1822: *Ley Orgánica de Beneficencia* (*Tienio Liberal* 1820-1823) was a liberal and more radical law. City halls were in charge of public trust/funding. The state designed and controlled the creation of centres but contributed very little funding. Charity funding was received through foundations, and royal and ecclesiastic institutions. Maternity homes were set up for women who were pregnant and gave birth to illegitimate children, taking care of them until the age of 6. Asylums, *Casas de Socorro*, were places where children older than 6 could live, as could the disabled, the poor and those who were not able to work. As well as these institutions, the law also provided for – and, in fact, prioritised – home help.

The Second Charity Law (*Ley de Beneficencia*), passed on 20 June 1849 arose out of the moderate Constitution of 1837. This law was similar to the former one; however, it was a conservative liberal period and private resources were promoted. There was no decentralized law; therefore, city halls did not organize charity. This was organized by other general administrations in a more conservative way: “general, provincial, and municipality” (art. 4). The Church set up *Juntas de Beneficencia* (Charity Boards). A group of wealthy “Ladies”, *Juntas de Señoras*, occupied the vice-presidency (Art. 12).

In the 20th century, the Spanish Government allowed regional governments, *mancomunidades*, to be created but only Catalonia actually set up its own: the *Mancomunitat de Catalunya* (1914-1925). At that time, charity institutions were in a deplorable state and the new Catalan government decided to create institutions and social insurances to improve social conditions. Social protection was extended to cover not only women, children and the handicapped but also older people, unemployed and mentally ill. Policies also focused on housing. The *Mancomunitat* built mental

asylums, maternity homes and charity houses, and provided public support, mainly for the poor and deprived. There were social insurances for older people, children were provided with asylum and a Catalan Institute for Friendly Societies (*Institut Català de Mutualitats*) was founded.

Although it was a short historical period with a very adverse conditions (because of the coup d'état), the Spanish II Republic (1931-1939) witnessed very advanced and modern reforms: civil marriage, divorce and the legalisation of abortion. In the Catalan case, politicians carried on the task of the *Mancomunitat*. As well as the Regional Statute, Catalonia had an internal statute, which regulated social assistance. The Catalan government, the *Generalitat* of Catalonia, organized social care for women about to give birth, children, older people, the mentally ill and the disabled. It also cooperated with insurance companies to protect workers from adverse circumstances. These private assistance institutions were also governed by the *Generalitat*.

The most important achievements in care for children and older people were the following:

- Child care: renovation of buildings and improvement in health measures and the care of children between the ages of 0-3 (kindergarten). The *Generalitat* launched a campaign to get contributions for children with tuberculosis by selling stamps: *Segells pro infància*
- Elderly care: refurbishment of asylums (internal) and conversion into “homes” (residences); occupational therapy; labour therapy
- Mental illness: improvement in the rights of the mentally ill, who were provided with labour therapy and protection

During the Franco dictatorship neither personal nor social rights were recognized. The dictatorship can be divided into two clear periods. The first was the post-Spanish Civil War period, the economic autarky that stretched from 1939 to 1953, and which was characterised by shortage. In the second period, Spain opened itself out to the world, thanks to agreements with the United States and President Dwight D. Eisenhower, and a concordat with the Vatican in 1953. The regime underwent political changes under an Opus Dei technocratic government, which strengthened the regime's position due to the economic growth in the 1960s.

Because of the Fascist dictatorship (1939-1975), Spain did not build a welfare state after World War II, as northern and central European countries did. Despite the lack of aid and the repression practised by the regime, some of the social reforms of this period provided the background for the debates and the construction of the social services during the transition to democracy in the second half of the 1970s and 1980s.

The Spanish post-war was a period of great hardship for Spanish families and aid was only provided by relatives and neighbours (informal aid). Services were not provided in a market sector. There was no demand for services and, therefore, they were not provided. It was not until the 1960s, with the incorporation of women into the labour market, that there was an increase in care for children, older people and the disabled because the demand had appeared.

After the Civil war all social organizations were abolished, because association was forbidden. The only associations created by the Franco regime were the Spanish National Organization for the Blind (*Organización Nacional de Ciegos Españoles*, ONCE) in 1938 and an association for the physically handicapped (*Asociación Nacional de Inválidos Civiles*, ANIC) in 1954. Because associations were forbidden many of these groups were part of church organizations or belonged to the State.

In general terms, it is difficult to describe the public sector because of the ambiguity of the benefits offered and the arbitrary way in which they were delivered. The services provided by the central administration were the following (Vilà, 2011; 2003):

- *Auxilio Social*: This was created in 1937 during the Civil War and the aid was given by Franco's side. The aid provided by the Republican government was called the *Socorro Rojo*. The *auxilio social* gave food to those without and responded to the needs of mothers and children. *Auxilio social* was part of the Fascist Party (*Falange Española y de las Jons*)
- In 1947, the National Institute of Social Assistance was created. The *Instituto Nacional de Asistencia Social (INAS)* became the *Instituto Nacional de Auxilio Social* (1967) and once again the *Instituto Nacional de Asistencia Social (INASS)* in 1974. In 1985, during the democracy, it was renamed the National Institute of Social Services. *Instituto Nacional de Servicios Sociales*, INSERSO, which plays an important and central role in elderly care and social care
- National funds: The charity-protected funds *Fondo de protección de la beneficencia* provided economic support to *Auxilio social*. After the 1960s, funding increased because of economic growth. The most important fund was the National Fund for Social Assistance (*Fondo Nacional de Asistencia Social*, FONAS or FNAS). This fund gave allowances and benefits for older people, ill or handicapped and had some social service equipment
- National Program for Workers' Promotion. *Programa Nacional de Promoción Profesional Obrera (PPO, 1964)*. The aim of this programme was to increase employment by training workers.
- Protection of Minors: Ministry of Justice (*Consejo Superior de Protección de Menores, CSP*). This institution has two main functions: one as a Juvenile Court (Law 1948) and the other as an organisation providing social assistance (*Juntas de Protección de Menores*) and foster care.

As well as the institutions that belonged to the central administration, there was the National Movement (*Movimiento Nacional* or *Movimiento*). It was promoted by the regime and was the only legal channel of social participation. *El Movimiento* set up the following organizations for young people and women. They all preached Fascist values:

- The *Frente de Juventudes* later became the *Organización Juvenil Española (OJE)*. Its objective was to indoctrinate young people on the values of the Fascist regime.
- *La Sección Femenina* was a social service provided by Fascist women during Franco's dictatorship. They were in charge of the *Auxilio Social* and all women had to spend one year in the service. The *Sección Femenina* developed a variety of cultural, social and educational programmes. The most important were:
 - Rural homes (*Hogares rurales*) for peasant women
 - *Cátedras ambulantes* (itinerant chairs) for cultural and social leisure
 - *Centros sociales polivalentes*. Multi-purpose cultural centres
 - Kindergarten

Also controlled by the regime was the *Obra Sindical de Educación y Descanso*. Some of its aims were to protect mothers and children, to provide social assistance, education and professional training, and to stimulate employment.

Local corporations were governed by the Local Regime Law, 24 June 1955 (*Ley de regimen local, 24 de Junio 1955*). Art. 101 determined the local functions: charity, the foster care of minors, the prevention of begging, and the provision of hostels and pharmaceutical assistance to extremely poor families. In Barcelona at that time, "*Llars Mundet*" (Mundet Homes) were built where more than 6,000 menus were given out every day. Nowadays it is the site of a campus of the University of Barcelona (Vilà, 2003).

Apart from those institutions, the main activity in the field of social services during the Franco dictatorship was carried out by *Cáritas* (founded by Rogelio Duocastella), a Catholic organization,

and the Social Security, which focused on family protection. They were involved in the following activities:

- Kindergartens and children's homes
- Credit cooperatives
- Savings "banks"
- Summer camps (*Colonias de vacaciones*)
- Schools (*escuelas de preaprendizaje*)
- Popular libraries
- Workers' homes (*Residencias de obreros*)
- Social centres for poor people
- Services to assist emigrants

Law 193/1963, 28 December, on Social Security, *Ley de Bases de la Seguridad Social*, founded and regulated a Social Security system, which had different areas. Even though no social rights were recognized, workers were provided with assistance on education, health and training, as we can see from the following benefits:

- Health assistance for maternity and illness
- Family protection
- Preventive medicine, hygienic measures, safety at work, re-education and rehabilitation of the handicapped, employment and social promotion, among others

During the transition to democracy in Spain (1975-1982), the concept of social services began to be used, and human and social rights were recognized (Spanish Constitution 1978). The concept of social services was first used in Spain thanks to social studies carried out by social workers, such as the comparative research by Glòria Rubiol during the 1970s. Before the proclamation of the Spanish Constitution on 1978, there was an important economic agreement among the various social institutions (the Moncloa Agreements) on 25 October 1977. It consisted of an economic, social and political agreement among the main political parties, entrepreneurs and the communist trade union (*Comisiones Obreras*, CC.OO, to succeed in the democratic process and to solve the economic situation. The reform of the Social Security was recommended by the *Libro Blanco de la Seguridad Social* (the Social Security White Paper) and the Moncloa Agreements were signed by all parties.

As far as the Spanish Constitution is concerned (6 December 1978, 27 December 1978), a democratic regime recognises social rights for all citizens. It should also be pointed out that the Constitution recognised the historical nationalities within Spain and adopted a decentralized concept of the State. The articles referring to social rights and social care issues are the following:

- Art. 10. The dignity of the person
- Art. 39 Childhood and family protection
- Art. 40 Income redistribution and full employment
- Art. 41 Public Social Security that guarantees all citizens assistance in times of need
- Art. 42. Emigrants
- Art. 43 Health protection
- Art. 47 Right to housing
- Art. 48. Participation of young people
- Art. 49 Attention to disabled people
- Art. 50 Older people

A period that was of utmost importance in the construction of the social services' framework was immediately after the city council elections in 1979. During the first mandate (1979-1982) social services did not have a specific councillor in charge. The task was to change old structures into a

modern and efficient social services system. In the next mandate, the social services constituted a specific council area and they were structured by social care and sectorial social services (children, older people, people with disabilities, etc.). These were combined with mainstream programmes such as drugs, women and others. Furthermore, there was a decentralized process to implement services in all municipal districts.

Barcelona's social service system was followed by other city councils in Catalonia and even in Spain. Its main features were:

- Unification and integration of social services
- Municipal centres of social services
- Modernization of social services and their equipment
- Decentralization and civic participation

The first statutes of autonomy, called “fast-track statutes”, were basically those of the historical nationalities of the Basque Country, Catalonia, Galicia and Navarra. Andalucía was also included, though not for historical reasons. The process of recognition of the other regions as autonomous communities took considerably longer (from 1979 to 1983). Spain has 17 autonomous communities, plus Ceuta and Melilla, which are autonomous towns in the north of Africa. Between 1982 and 1992 each autonomous community (regional government) implemented its own law on social services in a decentralized pattern. This differentiation among autonomous communities also involved a difference in the territorial competences.

Democratic Social Services and Social Care System in Spain between 1975 and 2005

Since the transition to democracy in Spain, the social service and social care systems (*sistemas de bienestar social*) have been developed and structured in three main frameworks. The first generation's laws on social services or social action (1982-1992); the so-called second laws on social services (1993-2003), which were not implemented by all the autonomous communities and which were less transformative than would be expected from a second generation of social services laws. These second laws (not transformative enough to be called a second generation of laws) were followed by what has been considered to be the second generation laws (2003-2010), all of which were launched after Law 39/2006 of Personal Autonomy (LAPAD) for older people and the disabled. Therefore, all these laws, as well as focusing on social rights (*derechos subjetivos*), were adapted to implement the LAPAD

There are three types of competence: exclusive competences (*competencias territoriales*), which are the responsibility of the regional government; shared competences (*competencias exclusivas*), which means that state and regional government have equal power; and executive competences (*competencias ejecutivas*), which means that the regional government can only apply state laws.

The autonomous communities have shared competences in Social Security issues. The State legislates and establishes the economic bases on this issue. Since the “Dependency Law” 39/2006 LAPAD the autonomous communities have fewer territorial competences (*competencias*) in social services.

First Laws of Social Services or Social Action (1982-1992)

All these laws were implemented after legislative reforms; the new regional statute for each autonomous community permitted territorial competences. Even though all the laws wanted to establish the right to social services, in the case of Catalonia the Autonomous Statute did not provide the mechanisms to guarantee them. Social rights were guaranteed only if economic resources were available and not the other way round. Therefore, they were not considered social rights (*derechos subjetivos*). This was one of the main features of these laws.

The principles behind these laws are public accountability, prevention and participation. And in terms of organization, they were characterised by decentralisation, planning and coordination. Although there were 17 different social services laws, all with their own features, they also had a lot in common, as we will see. To sum up, there is no common law for social services in Spain. Nevertheless, in this period there were some important laws that were common to all and that were needed for coordination among the different governments. For example:

- Law 13/1982, 30 April, on the Social Integration of the Handicapped. *Ley 13/1982, 30 Abril, de Integración Social de Minusválidos (LISMI)*. Section VIII focuses on the following social services that target disabled people:
 - a) Home help service and information
 - b) Home care services for disabled people and families with severe difficulties in social integration
 - c) Employment centres for those who have difficulties in finding work in the ordinary market
 - d) Specialized centres: severe disabilities
 - e) Sport and cultural activities

This law was extended by Law 51/2003, 2 December, on equal opportunities, non-discrimination and universal accessibility for disabled people (LINDAU), *igualdad de oportunidades, no-discriminación y accesibilidad universal de las personas con discapacidad*.

- Law 7/1985, 2 April, lay down the basic regulations of the local system (*Ley 7/1985 2 de Abril, reguladora de las Bases de Régimen Local*). This law stipulates:
 - f) The autonomy of local governments.
 - g) All city councils of more than 20,000 inhabitants have territorial competences (*competencias*) on “service delivery, promotion and social reinsertion”.
 - h) City councils can do complementary activities.
 - i) New territorial organizations can be established such as: councils (*comarcas*), provinces (*mancomunidades*), metropolitan areas, among others.
 - j) The provincial governments (*diputaciones*) only have the role of coordinating municipalities, assistance and cooperation.
- Plan of basic social service benefits, 1987 (*Plan concertado de prestaciones básicas de servicios sociales*) This Plan was made to make up for the lack of a State Law on Social Services by inter-administrative cooperation. The basic features were the following: information; prevention and social insertion; home aid, housing and cohabitation, network and programmes of city council services.

Second Spanish Laws on Social Services (1993-2005)

The second series of laws regulating the social services were passed in 1993, starting with a new Law on Social Services in Galicia (Law 4/1993, 23 April). These new laws were implemented largely for social and political reasons, and are summarized below:

- Social changes: demography, high rates of life expectancy and an increase in the number of older people; new immigration flows and unemployment, among others, which means an increase in new needs
- New territorial competences in services and allowances
- New role of the third sector (associations) and the market
- New normative documents on the different sectors
- Social services and social intervention
- Political changes in regional parliaments

These issues persisted in the second generation laws after law 39/2006 on personal autonomy (LAPAD) had been passed. Even though these second laws made references to social services, none of them made explicit mention of social rights, except the law for Asturias (art. 20). Furthermore, the confusion about universalism still persisted and a considerable number of measures were implemented to achieve equal opportunities among citizens, as was stressed in the Spanish Constitution of 1978 (Vilà, 2009). The new features in this series of laws were the following:

- Personal services and personal care
- Long-term assistance
- Increase in the private sector in the system (market and NGOs)
- Quality and efficiency of social services

All these second laws, except La Rioja's, included users' rights and duties. Users were given a more active role and provided with a professional they could consult. The funding of the social service system was one of the main issues, which was solved by setting a minimum budget income for each region and local government and obliging vacant land to be assigned for building social service centres. Most of the social services were provided by the administration; however, depending on personal or even family income some services involved co-payment (home care).

In general terms, the social service framework remained the same – it was divided into primary and specialized services – although some of the services changed their names and were also enlarged. Jurisdictional distribution also remained the same: planning and general coordination were the responsibility of regional governments and the provision of primary social services to the responsibility of local authorities (city councils)..

The laws for Asturias and Madrid mentioned the concept of “dependency” or personal autonomy and regulated the corresponding benefits. Cantabria also passed the 6/2001, 20 November, the Project dependent people (*Ley 6/2001, 20 de noviembre, de Protección de las Personas Dependientes*). Catalonia did not pass a second law in this period. However, there was an important decree (Decree 17/1994, 16 November) that reformulated the Catalan Social Service system.

As far as organization was concerned, social services were divided into primary, and secondary or specialized services. The primary services consisted of information, guidance, advice and support, assessment, family and social integration, home care, and tableware, among others. The secondary services consisted of housing, food, home care (long-term care), day care centres, and home care.

The Spanish law of dependency (LAPAD 39/2006)

In Spain 2.8 million people, or 6.7% of the population, cannot do the basic activities of daily life. These figures will increase in the coming years, because of low birth rates and an increase in life expectancy. Carers are usually women between 45 and 64 years old, who often have difficulties in doing their work because they need greater physical strength and suffer from fatigue. Neither do they have time for leisure activities nor remuneration for their care activities.

The recent Law 39/2006, 14 December, Promotion of Personal Autonomy and Care for Elderly People and Disabled People (*Ley 39/2006 de 14 de diciembre, de Promoción de la Autonomía Personal y Atención a las Personas en Situación de Dependencia*, LAPAD), is the only law on social services for the whole of Spain. It provides a common framework on social services and a stable system for the country, which guarantees services for the older people and people with disabilities. The LAPAD conceives a level of quality in social care and social services.

Although lack of personal autonomy, dependency and long-term care can affect people of all ages, the law focuses particularly on care for older people. There is only specific mention of minors under 3 years old with disabilities, and there is even a special instrument to assess them.

Three administrations are involved in the implementation of the law – the general state administration, the autonomous communities and the local administration – all coordinated by the Territorial Council (*Consejo Territorial, CT*), which guarantees the quality of the service. The System for Autonomy and Care (*Sistema para la Autonomía y Atención a la Dependencia SAAD*) was also created so that the law could be successfully enforced all over the state.

The minister of the Spanish government, the ministers of the autonomous government, and representatives of the local administration are members of the CT. The largest number of participants are from the autonomous communities. The SAAD integrates public and private services, coordinates them between the various administrations and is enforced by social workers at the local level in social service centres.

A certain amount of funding is provided from the central administration's annual budget. However, the funding provided by the autonomous community should at least be the same as that provided by the state. The State also signs agreements with the regional governments, which can be annual or multiannual. The final budget that each administration has depends on a variety of variables: the number of possible users; geographic dispersion of the population, for instance, the population of some islands, Spanish emigrants who have returned and other factors. A third level of budget was established that depended on the regional governments' budgets. This is one of the reasons why there are differences in implementation among regions.

In 2009 the two regions with the greatest number of allowances were Catalonia (15,9315) and Andalusia (27,3674), both of which were ruled by Labour parties at that time. According to Margarita Castilla and Jessica Virués (2010) not all regions have made the same number of assessments. Therefore, implementation can be different and depends on each autonomous community's policy implementation.

Each autonomous community assesses its own cases (Art. 27), and determines the rules of the assessment process. However, the CT had to establish common criteria for its members and its work. The basic criteria that have to be applied if a disability is to be recognised were drawn up by CT and SAAD (Royal Decree 504/2007, the scale of "Dependency"). However, a disability has to be recognised or certified by the autonomous community and is valid throughout Spain.

The chart below shows the different levels and degrees that the law uses to measure people's dependency. Due to the financial crisis, the implementation of the law has been postponed for level II and I since July 2011:

Table 1.1. Law 39/2006 (LAPAD) from 2007 to 2014. Royal Decree 20/2011, 30 December, on urgent financial and budget measures to reduce public deficit. Royal Decree 20/2013, 13th July, on urgent measures to guarantee budget stability and to promote competitiveness

| 1 st year | 2 nd and 3 rd year | 3 rd and 4 th year | 5 th and 6 th year | 7 th and 8 th year |
|---|--|--|--|--|
| 2007 | 2008/09 | 2009/10 | 2011-12 (1 st July 2011) postponed until 2013 | 2013-14 Postponed until 2014 |
| DEGREE III <i>Great dependency</i> | DEGREE II <i>Severe dependency</i> | DEGREE II <i>Severe dependency</i> | DEGREE I <i>Moderate dependency</i> | DEGREE 1 <i>Moderate dependency</i> |
| LEVELS 2 and 1 | LEVEL 2 | LEVEL 1 | LEVEL 2 | LEVEL 1 |
| Royal Decree- Law 20/ 2012, 13 th July | | | | |
| DEGREE III | DEGREE II | | DEGREE I Postponed until 1 st July 2015 | |

Source: Royal Decree 20/2011, 30th December, on urgent financial and budget measures to reduce public deficit.
Royal Decree 20/ 2012, 13th July, on urgent measures to guarantee budget stability and to promote competitiveness

With the Royal Decree- Law 20/ 2012, 13th July¹ the levels were eliminated and only the degrees remained. These new measures will be implemented after 1st July 2015, for those people who have already been evaluated with Degree I level 1 and for those of Degree 1 level 2 evaluated after 1st January 2012, as well as those already evaluated only with a Degree 1. As an exception, those people who presented the application form before 1st July 2011 and had been evaluated with Degree 1, level 2 already have their Individual Care Programme (PIA). Furthermore informal cares (wives, daughters mainly) are not included in the social security system as before, which was a way to regulate and recognise care work.

The law provides for these general figures and services:

- **Support for personal autonomy:** people with mental or intellectual disabilities
- **Informal care:** relatives who live at home or who visit and help the disabled people
- **Home care:** supplied by market agents (agencies, self-employed, etc.)
- **Third sector:** personal assistant who works on improving a person's independency
- **Personal assistance:** private, not-for-profit organizations run by volunteers who are moved by principles of solidarity

Not many applications (only 654) have been made for prevention services and personal assistance, perhaps because these services are still unknown. Most of the benefits provided by the law are cash transfers for informal carers (252,836 throughout Spain most of whom are relatives, most frequently the daughter). Carers are considered to be the main support in long-term care. The Individual Care Programme (PIA), which will be discussed below, envisages the possibility of a carers' wage, a cash transfer or payment for informal care (Art. 18). Carers are included on the Social Security register, so they have the same advantages as regular workers. The amount received for Degree III level 2 was a maximum after a means test of €561 per month and for Degree III level I €464. Other benefits or allowances are not permitted: for instance, disabled people can only receive one benefit for their disability at any one time. That means they cannot perceive the allowance envisaged in the LISMI, a fundamental law in the 1980s (*Ley 13/1982, 30 de abril, de Integración Social del Minusválidos*) or social security benefits.

The law distinguished between services and cash transfer, which could be received periodically or occasionally. This latter type of benefit was usually paid when there was a need for house reforms. Depending on the case and the amount of funding available, a third kind of assistance could also be provided. The following chart shows the various benefits and allowances provided by law 39/2006 (Vilà, 2009: 100):

Table 1.2. Benefits and allowances provided by the Law 29/2006, LAPAD

| BENEFITS AND ALLOWANCES PROVIDED FOR BY THE LAPAD | | |
|--|---|---|
| SERVICES | CASH TRANSFER | |
| | PERIODIC ALLOWANCES | SINGLE PAYMENTS |
| <ul style="list-style-type: none"> - Prevention of disabilities and promotion of autonomy - Telecare - Home care: housework and personal care - Day care centres for the older people - Day care centres for people under 65 - Specialized day care centres - Night care centres - Residential care (care home): <ul style="list-style-type: none"> o Older people o Disabled (different types of dependency) | <ul style="list-style-type: none"> - Service related - Informal home care and care in a family environment - Personal assistance | <ul style="list-style-type: none"> - Cash transfer for - Buying technical equipment - Adapting homes to the requirements of the disabled |

¹ Royal Decree- Law 20/ 2012, 13th July 2012 of urgent measures to guarantee Budget stability and to promote competitiveness

Source: Law 39/2006, 14 December, Promotion of Personal Autonomy and Care for Elderly People and Disabled People (LAPAD)

Cash transfers could also be used for hiring a personal assistant (Art. 19), to improve the autonomy of the disabled for some hours every day. The economic conditions for a personal assistant were established by the CT and SAAD (Art. 20). However, the lack of precision in the economic conditions established by law meant that there were big differences in implementation among the autonomous communities. The figure of the personal assistant is not in widespread use, except in the Basque Country (80.3%). Law (14.4) envisaged that the cash transfer for informal care would only be used in exceptional cases but users preferred this option. The final decision was always taken by social workers. The chart below shows some figures of users' preferences

Table 1.3. Users' preferences on benefits

| CASH-TRANSFER FOR INFORMAL CARE | RESIDENTIAL CARE CARE HOMES | HOME CARE |
|---------------------------------|-----------------------------|-----------|
| 252,836 | 93,079 | 52,225 |

Source: SAAD-IMSERSO, 2009.

The importance of this law is that it has responded to the increase in the number of older people because of longer life expectancy and low birth rates and has improved elderly care. The LAPAD, then, has had a significant impact on Spanish welfare, which was previously based only on family support. As a consequence, women's rights and gender inequalities have been recognized and improved.

Procedure for applying for a dependency benefit or allowance.

Applications or claims are presented by the families or users at the local level (primary social services) or regional department of social welfare. Later, they are transferred to a more specific service, a "Dependency Team" or specialised service, which can work with a multidisciplinary team specialized in gerontology and made up of a physician, a nurse and a social worker (called PADES, in the case of the Catalan services).

In the Catalan case, users can apply to local social services (primary level) or directly to the regional department with an application form and a medical report. The social services make a pre-diagnosis of family resources, personal resources and neighbourhood resources. With all this information, social workers decide whether this case should move up to a second level and a specialized elderly care team or remain on the first level.

For every new case of dependency, the social services do the paperwork and send it to the autonomous government. Then, the Dependency Assessment Service (*Servei de Valoració de la Dependència*, Sevad) contacts the patient to make a home appointment and carry out the assessment. They do this using the Dependency Assessment Scale (*Barem de Valoració de la Dependència*, BVD) and send a report to the Catalan Government's Health Care Authority (*Direcció del Servei d'Atenció a les Persones*) which, in turn, sends the decision to the claimant.

At the same time, after the degree of dependency has been determined, the Catalan government provides the social services with a monthly list of all the cases that have been assessed and that are waiting to receive benefits. The list is provided by the ProdeP (the Catalan government's programme implemented by the Welfare and Family Department and the Health Department (*Programa per a l'impuls i l'ordenació de la promoció de l'autonomia personal i l'atenció de les persones en situació de dependència*), which has three main branches:

- Board of directors
- Advisory board
- Participation board (third sector entities)

When new cases are communicated to the social services through the ProdeP list, social workers have to:

- 1) Check whether the applicants have been attended by that local social service department before, look through all the paperwork available (file) and determine
 - 1.1. if they are residents in the municipality
 - 1.2. if they are in a care home and, if so, which one
- 2) Open a casework if they have not been attended previously.
- 3) Conduct interviews:
 - 3.1 By telephone to ask for all the documents needed to calculate the allowance (payment of taxes and pensions, etc.)
 - 3.2 Home visit and assessment to determine, for instance, if reforms are needed for better accessibility and better quality of life.

The second step after the assessment and determining the degree and level of dependence is to draw up an Individual Care Programme (Plan Individual de Atención, PIA). As mentioned above, the Health Department of Catalonia also provides a special service for caring for the older people. PIA is a social report, which includes the social resources and the cash transfer assigned. It gives a general description of the situation of dependency and the reason for long-term care. It contains information on the following points:

- Health
- Cohabitation unit
- Family support
- Social networks
- Economic situation

Challenges for the PIA

Social workers have to be familiar with all the resources that can be provided. Families have their own expectations and wishes, and social workers have to use them as a base and convince and redefine them, if necessary. In many cases, they explain that the funds or benefits are for the disabled person, not the care-giver. Cases can be highly diverse. People can be diagnosed with the same degree and level of disability but still have different needs, which means that the PIA has to be completely individualized.

The Spanish laws on social services after the LAPAD (39/2006), 2006-10

The laws implemented after the LAPAD were regarded as being the second generation of Spanish social services laws, because they made important changes with respect to the previous ones. They were the result of changes and new needs in Spanish society: immigration, the elderly population, poverty, risk of social exclusion, long-term care, elderly care and disabled people, gender violence, and child abuse among others.

Furthermore, the need to adapt the social service laws to the new state law the – LAPAD (39/2006) – implies some changes. These laws have reinforced the system of social services and moved from determining a pattern of care to recognizing social rights (*derechos subjetivos*), the central point of these second generation laws on social services.

All the laws conceptualize benefits as guaranteed or non-guaranteed benefits. The specific terminology and the emphasis can depend on the autonomous community. For instance, Navarra, Cantabria, Catalonia and the Balearic Islands distinguish between **guaranteed benefits** and **non-guaranteed benefits**. Galicia and Aragon have **essential benefits** and **normalized** (Galicia) **or complementary** (Aragón) **benefits**. The Basque Country and La Rioja regard all benefits as a social right (Casado and Fantova, 2007)

The main features of these second generation laws are:

- Rights and duties to access to benefits
- System organization: levels and networks
- Benefits, allowances and activities: technical or services, cash transfer, technologies and portfolio of social services
- Territorial competences and administrative competences
- Participation
- Budget: sources and types of payment

Some important features of the Catalan Social Services' Law 12/2007, 11 October

The following are some of the leading features of the Catalan Social Service law:

- Chapter V deals with the rights and duties of social workers (3 social workers for every 15,000 inhabitants)
- Each person or cohabitation unit must have a social worker assigned at the primary level of social services to the basic social service teams called (*Equips Bàsics d'Atenció Primària, EBASP*)
- Title V deals with training and research on social services (to improve quality and efficiency)
- Deontology. According to Gloria Rubiol (2008) it is very rare for social services laws to mention the deontology of the professional (Art. 86). Respect and dignity to users and wellbeing of users
- Rights of professionals. Social workers must treat all information confidentially but at the same time they must have the right to take notes. Social workers have the right to be treated well by the rest of their colleagues and users.
- There is a portfolio of services, which is quadrennial, but which can be revised beforehand to adapt to the annual budget. It includes all the services that are regulated for and economic benefits

2. Classification, terminology and definition of social services: the case of Spain and Catalonia

This section includes some conceptualization on social care and social services, and explains the Spanish case. It also contains a chart with some services in the domain of education, social services and social care and health in Spain and in Catalonia mainly. Each service is defined by its specific name and its principal characteristics are described. There is a huge variety of services, some of which are grouped according to the target population.

The social services and social care in Spain also need to be conceptualised to clarify some particular trends of the Spanish Social Service and Social care system. The English term “social care” does not have a clear translation or equivalence in Spanish. The closest term is “atención a las personas” or “cuidado”, which are hardly used. For older people and disabled people the concept of “dependency” and personal autonomy also refers to long-term care. Therefore, in these two cases the focus is on achieving personal autonomy and carers’ needs. This slight difference in the use of these last terms explains why the Spanish law on Elderly care and Disabled people (Law 39/2006 LAPAD) has been implemented by the Social Services and not the Health department, which would have been another option.

The concept of social services of general interest (SSGI) accepted by the United Nations and the European Union includes, not only social services, but also health, housing, education,

employment, social security and social protection. The general term used in Spain in this particular case is welfare systems (*sistemas de bienestar social*).

With the progressive implementation of the LAPAD in 2006, the Spanish social service and social care system became universal, including all ages and not only selected target populations. After the financial crisis in 2008, however, the crucial question now is whether this situation can be maintained. The new Royal Decrees in 2011 and 2012 made some important cuts in the Spanish welfare state, as we shall see below. As a consequence, the tendency seems to be to return to a system of social services that targets at-risk populations and socially-excluded groups, which does not provide services to all population.

Table 1.4. Spanish/Catalan terminology, definitions of Education, Social Services included in the domains of Social Care and Health

| Domains | Services in Spanish and Catalan language | English terminology used | National/sub-national (<i>legal</i>) definitions |
|--|--|---|--|
| Education | <i>Educación infantil</i> | Pre-school | 3-6 years old. Schools from 3 to 12 years old (Primary school) |
| | <i>Educación Primaria obligatoria</i> | Primary | 6-12 years old (Primary school) |
| | <i>Educación Secundaria Obligatoria (E.S.O.)</i> | Compulsory Secondary education | 12-16 years old (Secondary school) |
| | <i>Enseñanzas profesionales (Catalonia)</i> | Professional training | 16-18 years old. Students do not need to have passed the ESO (compulsory education). Professional training, sharing school activities with practice in enterprises, factories or other kind of business |
| | <i>Programas de Cualificación Profesional Inicial (PQPI)</i> | | |
| | <i>Formación profesional: Ciclos formativos de grado medio</i> | Professional modules | Mechanics, electricity, electronic, informatics, dissing, sports, business and others |
| | <i>Eseñanza artística</i> | Professional modules | These art modules includes art and crafts, dissing, cultural conservation, music, dance and theatre |
| | <i>Enseñanza de idiomas</i> | Official Foreign languages school (<i>Escuelas Oficiales de Idiomas, EOI</i>) | Certifies an advance level of languages |
| | <i>Formación de adultos</i> | Schools for continuing education | After 18 years old (16 years old, can be admitted exceptionally with authorization) . These schools certify official degrees. |
| | <i>Bachillerato (distintas modalidades)</i> | Precollege studies | The precollege studies have different specialities: <ul style="list-style-type: none"> - Technology and sciences: mathematics and physics - Biology and environmental studies - Social sciences - Humanities - Arts |
| <i>Grados universitarios, Máster y Doctorado</i> | Higher /tertiary education | Bologna process: Royal Decree 1393/2007, 29th October <ul style="list-style-type: none"> - Undergraduate studies: 240 credits - Masters: 60 and 120 credits | |
| <i>Ciclos formativos de grado superior</i> | Vocational training | After the age of 18 (previous studies of <i>Bachillerato</i> or an access exam in some specialities) | |

| | <i>University test for people of 45 years old</i> | Continuing education | Access to different careers |
|--|--|---|---|
| Social and care services (Catalonia) | | | |
| Childcare | <i>Jardín de Infancia (Ilar d'infants)</i> | Childcare - day care - kindergarten | Education Department |
| Elderly care | <i>Servicios de información de servicios sociales</i> | Information Services on social services | Telephone service and office service |
| Long-term care | <i>Servicio de atención domiciliaria</i> | Home Care Service | - Home aid - Technology support and care |
| | <i>Residencias y residencias asistidas</i> | Care homes | Care Homes and geriatric wards, if is necessary |
| | <i>Centros de Día</i> | Day centres | |
| | <i>Pisos tutelados</i> | Foster Care homes | |
| | <i>Casals per la gent gran</i> | Social centres for older people | |
| | <i>Hogares del jubilado</i> | Active Aging Office | This office helps on the development of active aging (access to culture, new technologies and rights) |
| | <i>Oficinas para el envejecimiento activo (Oficina de la gent gran activa)</i> | | |
| Social and care services (State level. Spain) | <i>Instituto de Mayores y Servicios Sociales (IMSERSO)</i> | Social Services and Elderly Institute | This programme of holidays for people retired uses summer holidays' resources during the winter |
| Elderly care | - <i>Programa de vacaciones para mayores</i> | - Holidays for the elderly | |
| | - <i>Programa de termalismo</i> | - Spa's holidays | |
| | - <i>Teleasistencia domiciliaria</i> | - Home telecare | |
| | <i>IMSERSO:</i> | <i>IMSERSO:</i> | 20% of Spanish people over 65 that live alone (1.358.937) and most of them are women (76.8%) |
| | - <i>Proyecto piloto "cerca de ti"</i> | - Pilot programme "close to you" | |
| People with disabilities | <i>Centres d'Atenció a persones amb Dicapacitat, CAD</i> | Care Centres for disabled | Assesses and certifies people's disability |
| Long-term care | <i>Centre per l'Autonomia personal Sírius</i> | Centre for personal autonomy (Sírius) | Provides information and advice to promote personal autonomy for people with disabilities and the elderly |
| | <i>Programa de suport a l'autonomia de la propia llar</i> | Personal autonomy at home programme | Promotes personal autonomy for mentally or physical disabled people and their partners (maximum 4 people) |

| | | | |
|--|---|--|---|
| | <p><i>Entitats i establiments d'atenció a persones amb discapacitat:</i></p> <ul style="list-style-type: none"> - Centres d'Atenció a persones amb discapacitat CAD - Establiments i serveis de persones amb discapacitat (Institut Català d'Assistència i Serveis Socials, ICASS) - Entitats de suport a la pròpia llar - Centres de desenvolupament infantil i atenció precoç (CDIAP) | <p>Care Centres for people with disabilities:</p> <ul style="list-style-type: none"> - Care centres for people with disabilities - Services and centres for people with disabilities (ICASS) - Centres for personal autonomy at home - Centre for Children development and challenging behaviour CDIAP | <p>Services and centres for people with disabilities (ICASS) includes:</p> <ul style="list-style-type: none"> - Care homes - Specialized care centres - Occupational therapy - Challenging behaviour centres |
| Substance abusers | <p><i>Xarxa d'Atenció a les Drogodependències (XAD)</i></p> | <p>Care network for Substance abusers</p> | <ul style="list-style-type: none"> - This network is integrated by public centres ruled by local administrations, non-profit organizations and the Health Catalan Institute (ICS) - Social Services Centre offers as well Public Centres specialized for young and adults (Health Department) |
| | <p><i>Centre d'Atenció i Seguiment a les Drogodependències (CAS)</i></p> | <p>Centre for Substance Abusers'</p> | <ul style="list-style-type: none"> - Teams of physicians, social workers, psychologist, nurses mainly (therapeutic communities and hospital detoxification units) |
| | <p><i>Serveis Social de reinserció</i></p> | <p>Social services for rehabilitation and social integration</p> | <ul style="list-style-type: none"> - Day care centres - Home help support - Home cares |
| Ex-convicts | | | <p>There is not a specific public services. There are non-profit organizations that work after being in prison. Most of the public services are during the period the convict is in prison</p> <p>Social Services Centres</p> |
| Women and minors with social problems | <p><i>Cases d'acolliment (Infància i dones. Catalan government)</i></p> | <p>Women and minors with social problems</p> | <p>Social Services Centres. Third Sector organizations. Police offices (Local and Regional police)</p> |
| | <p><i>Oficina d'Atenció la Víctima , OAV (Catalan government)</i></p> | | |
| | <p><i>Serveis d'acolliment i recuperació</i></p> | <p>Sheltered and recovery services</p> | <p>Catalan Law 5/2008, to eradicate gender violence. Art. 58.1. Right of women and their children to have a space of protection due to domestic violence and having a risk situation</p> |

| | | | |
|---|--|---|--|
| | <i>Serveis substituïtors de la llar</i> | Temporary Home services | Temporary services that substitute their homes. They have psychological, medical, social, juridical and leisure support for women who suffers gender violence |
| | <i>Acolliments i adopcions</i> | Temporary Foster care and adopted children | Institut Català de l'Acolliment i l'Adopció (ICAA). This institute centralised all the processes for foster care and adoption |
| | <i>Direcció General d'Infància i Adolescència (DGAIA)</i> | Childhood and Adolescence | The DGAIA is the institute in charge of all social policies on childhood and adolescence. There are a specific team for minors with problems in each <i>Comarca</i> (group of municipalities). This professional teams are called: <i>Equip d'Atenció a l'Infància i l'adolescència</i> (EAlA) |
| Immigrants and other groups experiencing social disadvantages | <i>Centre d'Internament per Estrangers CIE</i> | Immigrants and other groups experiencing social disadvantages | Social Services Centres. Third Sector organizations |
| | <i>L'atenció social a les persones amb VIH/Sida</i> | Social Care for people with HIV/AIDS | Social services. Specialized services and ICASS(Catalan Social Services and Social Care Institute) and Health Department (allowances) |
| | <i>Servei de prevenció per a persones afectades de VIH/sida</i> | Prevention and information service for people with HIV/aids | |
| | <i>Serveis socials de reinserció</i> -servei temporal de llar amb suport -servei temporal de llar residència | <i>Rehabilitation and social integration services:</i> -temporary service of house support - temporary service of home care | - Personal rehabilitation and social integration |
| | | | |
| Health | <i>Médico/a de Família</i> | Family doctors | |
| | <i>Centro de Atención Primaria</i> | Community health centres | |
| | <i>Hospitales</i> | Hospital/clinic system | |
| | <i>Centros sociosanitarios</i> | Nursing homes and geriatric wards (for the temporally illness) | |

Source: Department of Welfare and Family. Generalitat of Catalonia (regional government)

3. The regulatory pathway of the welfare state in social services (legislative milestones)

This second section will include chronological tables of three domains: education, social care and social services, and health. Particular emphasis will be placed on the system of care and social services. In this last domain, because of the decentralisation of the Spanish social services system we will focus on the case of Catalonia. This structural organization means that there is an enormous variety of services, some of which are very similar in function, but different in how they are implemented or what they are called.

There is not a single law governing social services and social care throughout Spain. Each autonomous community (regional government) has its own. The table describes the three important series of laws, grouped chronologically: the first generation of social services laws (1982-1992); the second social services laws (1993-2005); the second generation of laws after the “Dependency” Law LAPAD 39/2006. They will all be explained and compared in the explanatory text at the end of the document.

- The construction and restructuring of the welfare state in education
- The construction and restructuring of the welfare state in social and care services
- The construction and restructuring of the welfare state in health services

Table 1.5. Chronology of the building and restructuring of the Spanish welfare state in Education

| Year | State level concerned | Legislation/Act (number/title/type*) | Content (synthetic) |
|------|-----------------------|--|---|
| 1857 | National | (<i>Ley Moyano</i>) | This was the only Education Law until 1970. Catholic and private schools in primary and secondary education were promoted. Technical and professional studies were regulated in postsecondary education. Furthermore, the law regulated teachers' training and teachers and school organization |
| 1970 | National | General Education Law 14/1970, 4th August RCL 1990/2045. (<i>Ley General de Educación y Financiamiento de la Reforma Educativa, LGE</i>) | The main goal of this law is to modernize the Spanish Educational System. General Education from 6 to 14 years old. It gives a general education with standards of quality as a response to the socioeconomic development of the population during 1960's. Since then, teachers training has been undertaken at Universities (<i>Escuelas Universitarias de Formación del Profesorado. Plan 1971</i>) |
| 1983 | National | University Reform Law 11/1983, 25th August (<i>Ley de Reforma Universitaria, LRU</i>) | There is a reform because of the increase in numbers of students. New Universities in the different regions (<i>Autonomous Autonomies</i>) were built. Institutionalization of Professors as civil servants. |
| 1985 | National | Education Law, 8/1985, 3rd July (<i>Ley Orgánica del Derecho a la Educación, LODE</i>) | One more step forward to universalize and modernize the Spanish educational system. It improves public education and promotes equal opportunities for all the population |
| 1990 | National | General Education Law 1/1990, 3rd October (<i>Ley Orgánica de Ordenación General del Sistema Educativo, LOGSE</i>) | This law tries to follow the European laws on Education: enlargement of the compulsory education (3-16); comprehensive schools and inclusion of pupils with specific and special needs. Focusing in other pedagogical aspects such as: evaluation process; children education (3-6) and citizenship education. Another main feature was not to have different itineraries: academic and professional |
| 1995 | National | Law 9/1995, 20th November (<i>Ley Orgánica de la Participación, la Evaluación y el</i> | Last and fourth Educational Law launched by the Socialist Party (PSOE 1982-1996) |

| | | | |
|------|-------------------------------|---|--|
| | | <i>Gobierno de los centros docentes, LOPEG)</i> | |
| 1999 | Regional (Andalucía) | Law 9/1999, 18 th November – LAN/1999/392 | The main goal of this law is to reduce social differences and disadvantages in achievement among students |
| 2002 | National | General Education Law 10/2002, 23rd December (Ley Orgánica de Calidad de la Educación, LOCE) | This law was implemented by the right-wing party (<i>Partido Popular</i>). The main goal was to have a system of opportunities based on the need to improve the excellence among students. Students are grouped according to different itineraries since the age of 14 years old |
| 2006 | National | General Education Law 2/2006, 3rd, May RCL 2006/ 910 (Ley Orgánica de Educación, LOE) | The first principal of this law is to improve the quality of the Educational System, the quality of opportunities, to improve students' achievement and the collaboration with the community: students and families. The second principle is to have an educational system that you can use during all your life. The third principal is a compromise with the main European Educational goals (EU) and the 21 st Century Educational Agenda |
| 2007 | Regional (Castilla-La Mancha) | Social Participation on Education Law 3/2007, 8 th March (<i>Ley de Participación Social en Educación</i>) | In 1999, Castilla-La Mancha assumes the competences on Education (Act 12/1999, 3 rd December). The main goal of this law is to increase the social participation in the education process: programmes, control and management of public and private schools and enlargement of local empowerment |
| 2007 | National | Royal Decree 1393/2007, 29 th October, regulation of University studies | Based on the University reforms to be in the Bologna process |
| 2007 | Regional (Andalucía) | Andalucía Education Law 17/2007, 10 th December LAN 2007/574 | The main goal of the law is that Andalucía will reach the European average of those most developed countries in the EU. Furthermore, to improve school management in order to be more efficient and adequate to society's needs. At the same time, teachers' conditions have to be incentivized and teachers' training has to be improved |
| 2008 | Regional (Cantabria) | Cantabria Education Law 6/2008, 26 th December | In 1999, Cantabria assumed the territorial jurisdiction on Education (Act 7/1999, 28 th , January). The main goal of this law is to organize the participation in educational programmes, management democratization and to control the social needed, through the Cantabric School Councils and the Cantabric society |
| 2009 | Regional (Catalonia) | Catalonia Education Law 12/2009, 10 th (LEC) | The main goal of this law is the right of all citizens to have access to education in quality standards and in egalitarian conditions. Furthermore, the law describes a Catalan educational system based on the Catalan tradition and its school organization (public and private schools). At the same time, the educational Catalan system has the will to build a Catalan citizenship identified with a common culture, in which the Catalan language is the basic tool of social integration. In 2006, there was the National Agreement on Education ("Pacte Nacional d'Educació"). Many social organizations have, as a common interest, education, as a way to improve culture citizenships and a better conditions for future generations |
| 2010 | Regional (Castile-La Mancha) | Castile - La Mancha Educational Law 7/2010, 20 th July | This Law aims to develop its own educational policy, as well as the solidarity with the rest of the Spanish Autonomous Communities (regional governments). In 1997, politicians signed an Agreement on Education (<i>Pacto por la Educación en Castilla- La Mancha</i>). The main goals of the law are: adequacy among rural areas and crowded urban areas; increasing in the numbers of schools, improving or having a better quality on education, to achieve an egalitarian system and social cohesion, by means of an Intercultural Education. Likewise, the law mentions the will to stabilise a better teachers' labour conditions |
| 2011 | Regional (Extremadura) | Extremadura Education Law 4/2011, 7 th March | In 2000, Extremadura assumed competences on Education. The law is the culmination of this process and implements the principles of the educational system in Extremadura, which are the following: integral education, individualized, in order to improve the achievement of all students, and their education during all life |

Source: Vilà. A. (2009) Informe tendencias de la nueva legislación de los Servicios Sociales. Madrid: EAPN

Table 1.6. Chronology of the building and restructuring of the Spanish welfare state in Social and care services

| Year | State level concerned | Legislation/Act (number/title/type*) | Content (synthetic) |
|------|--|--|--|
| 1812 | State (The War of Independence, 1808-1814) | The constitution of Cadiz (Art. 321) | Liberal law. The city council was in charge of education, <i>charity (beneficiencia pública)</i> and health |
| 1822 | State | Charity Law, 6th of February 1822: <i>Ley Orgánica de Beneficiencia (Trienio Liberal 1820-1823)</i> | Liberal and more radical law. The City council was in charge of charity. The State designed and controlled the creation of centres, with scarcely economic participation. There were two modalities: home help or reclusion into institutions, and the law prioritised home help |
| 1849 | State | Charity Law, 20 th of June 1849: <i>Ley de Beneficencia</i> Constitution 1837 (moderate) | Charity was centralized by the Province, instead of being done by the municipality. The State designed and controlled without a scarcely economic participation in the creation of centres. There were two modalities: home help or reclusion into institutions, and this second law underlined the reclusion into institutions. General Direction of Public Trust (<i>Dirección General de Beneficencia</i>). <i>Juntas</i> of local church members, politicians and other appointed representatives The government was in charge of <i>public and private</i> charity and built new centres and abolished others. Those referring to corrective measures were excluded of <i>public</i> charity. Classification of the centres: General centres (mental illness, <i>deaf and dumb</i> ; blinds; the disabled and “decrepit people”); Provincial centres (hospitals; almshouses, maternity homes, “founding hospitals”, <i>casas de expósito</i> , and orphan homes and “forsaken or unprotected”) City Hall centres (“home aid or public trust home aid”, <i>beneficiencia domiciliaria</i> , refugee houses and hospitals <i>hospitals de pasajeros</i>) |
| 1852 | State | Royal Decree, 14 th March 1852 | Charity was regulated |
| 1864 | State | | Red Cross. Red Cross (<i>Orden Hospitalaria</i>) |
| 1875 | State | Royal Decree, 27 th April 1875 (Alfonso XII) | Pseudoprivatization of Charity |
| 1885 | State | Royal Decree, 27 th January 1885 | The goal was to simplify the normative texts and to clarify to which type of institutions belonged, whether private or public |
| 1899 | State | Royal Decree 14 th March 1899 | Traditional institutions and the savings banks |
| 1900 | State | Law, 30 th January 1900, on labour accidents. <i>Ley de accidentes de trabajo Sectoral Law</i> | |
| 1902 | State | Council or Board to protect women. <i>Patronato Real para la Represión de la Trata de Blancas Sectoral Law</i> | This council was of the Ministry of Justice. They had provincial and local councils (<i>Juntas provinciales y locales</i>) with moral attributes to control the morality of those women under 16 years old |
| 1904 | State | Law of Childhood protection and Begging repression, 12 th August 1904 <i>Sectoral Law</i> | One of the most modern laws in Europe. Firstly, It covered minors under 10 and later it was enlarged to 16 years old (<i>Hospitales, Hospicios, Casas de Misericordia, Inclusas (0-6), casas de huérfanos (6-12)</i>) |
| 1905 | Regional (Catalonia) | | Social Institute. <i>Institut Social</i> . This institute was specialized on working women and traders (bourgeoisie) |
| 1908 | State | Law, 27 th February 1908 <i>Sectoral Law</i> | National Institute of Prevision. <i>Instituto Nacional de Previsión</i> (previous to the Social Security, <i>Seguridad Social</i>) |
| 1911 | Regional (Catalonia) | | Social Museum. <i>Museu Social</i> , which main goal was social issues. Conference about bad working conditions were organized |

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| 1912 | Regional (Catalonia) | | Employment list (<i>borsa de treball</i>) its main goal was to create job opportunities and to increase the employment (Social Museum, Diputació de Barcelona and Barcelona city council) "Garden city" (<i>ciutat jardí</i>) was an initiative based on the Garden City Committee of London in order to decentralize the industry from cities and to contribute to a healthier and cheaper life, as well as, to improve life in the countryside |
| 1913 | State | Royal Decree, 18 th December 1913. | This RD authorizes the creations of <i>Mancomunitats</i> in all provinces |
| 1914-1925 | Regional (Catalonia) | Royal Decree, 26 th March 1914. Foundation of <i>Mancomunitat of Catalonia. Real Decret pel qual es regula la Mancomunitat de Catalunya</i> Catalan government: <i>Mancomunitat de Catalunya</i> , 6 th April 1914 <i>Structural Law</i> | The government of the <i>Mancomunitat</i> found Catalan charity in a deplorable situation and focused on the creation of institutions and social insurances: - <u>Institutions</u> : Mental asylum, maternity homes, charity houses and publicly support, mainly for poor and the deprived population - <u>Social insurances</u> : elder people; insurance for children asylum, Catalan Institut for Friendly Societies (<i>Insitut Català de Mutualitats</i>) Health and Social Assistance were the same department since then. In 1920-21 Health and Beneficence became the same department and Social Assistance was a separate department with a new denomination: Social Policy (<i>Política social</i>) |
| 1922 | State | Royal Decree, 4 th March 1922, National Institute for Reeducate Handicapped. <i>Instituto Nacional de Reeduación de Inválidos</i> <i>Sectoral Law</i> | |

Source:

Table 1.7.

| SECOND SPANISH REPUBLIC (1931-1936) | | | |
|-------------------------------------|---|--|---|
| 1931 | State | Constitution 1931 <i>Structural Law</i> | - Universal Suffrage - Art. 43. Rights of family, economy and culture. The state has to assist illness people and the elderly, to protect motherhood and childhood - Art. 46. Social conditions: health insurances; injury insurance; unemployment, old-aged; death; women and young work, among others |
| 1931 | State | Spanish Red Cross Act, 20 th April 1931, <i>Sectoral Law</i> | The Spanish Red Cross (<i>Cruz Roja Española</i> , CRE) becomes part of the Health Office or Department |
| 1931 | State | Spanish Red Cross statutes Act, 13 th October <i>Sectoral Law</i> | The Spanish Red Cross functions and statutes |
| 1932 | Regional (Catalan Government. <i>Generalitat de Catalunya</i>) | | Social Assistance Department (Conselleria d'Assistència Social). There is an important effort to regulate Public Health Service in Catalonia especially to poor, deprived and unprotected people. They try to substitute the institutional beneficence for poor to the "right" to give assistance to all population |
| 1932 | Regional (Catalan Government. <i>Generalitat de Catalunya</i>) | Regional Statute <i>Estatut d'Autonomia</i> , 9 th September 1932 <i>Structural Law</i> | The Catalan government (Generalitat de Catalunya) had competences in beneficence and internal health (<i>sanitat interior</i>) |
| 1933 | Regional (Catalan Government. <i>Generalitat de Catalunya</i>) | Internal Statute of Catalonia that regulates the social assistance (<i>Estatut Interior de Catalunya</i>) <i>Estatut Interior del 26 de maig de 1933</i> <i>Structural Law</i> | Art. 14 The Generalitat organizes the maternity, for children, the elderly and for ill and disabled people. Likewise, The Generalitat cooperates with insurances to protect workers for adverse circumstances. Those private assistance institutions will be also run by the Generalitat |

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| 1933 | State | Law 4-9-1933 <i>Ley de vagos y maleantes Sectoral Law</i> | Coercive law |
| 1933 | Regional (Catalonia) | | <ul style="list-style-type: none"> - CHILDCARE: They try to renovate buildings and to improve the health measures, childcare 0-3 (kindergarten) To get contributions the Generalitat had a campaign to sell stamps for children with tuberculosis "<i>Segells pro infància</i>" - ELDERLY CARE: Renovating the buildings from asylums (internal) to "homes" (residences); occupation therapy and <i>labortherapy</i> |
| 1934 | Regional (Catalonia) | Law, March 1934. <i>Ley de Bases para la organización de la Sanidad y la Asistencia Social Structural Law</i> | Focused on the public sector, "coordination" among the private and the public sector |
| 1934 | Regional (Catalonia) | Law of juridical capacity of women and between the spouses. <i>Llei de capacitat jurídica de la dona i entre conjugues Sectoral Law</i> | The authority of the husband is abolished and women's have their own juridical recognition |
| SPANISH CIVIL WAR (1936-1939). FRANCO DICTATORSHIP (1939-1975) | | | |
| 1936 | | | <i>Fondo de Protección de la beneficencia</i> that gave resources to the <i>Auxilio Social</i> and was ruled by the General Direction of Beneficence of the Ministry of Governance |
| 1936 | Regional (Catalonia) | Abortion Law, 25 th December 1936. <i>Llei de la Reforma Eugènica de l'Avortament</i> , (Catalan Government) <i>Sectoral Law</i> | The Catalan government had a different position that the Spanish Second Republic government. The Catalan government has accepted the abortion until three months and under the assumption that there was a physical or mental mother's disease; for eugenic reasons; neomalthusian reasons and sentimental or ethic reasons. The abortion was possible in the Catalan Health System |
| 1937 | Franco's side | | <i>Auxilio Social</i> (to face the extreme situation of poverty and necessities) integrated to Falange Española and called before <i>Auxilio de invierno</i> . The Republican Side had the <i>Socorro Rojo</i> |
| 1938 | Franco's side | <i>Carta o Fuero del Trabajo</i> , 9 th March 1938 <i>Structural Law</i> | This is one of the fundamentals laws of the Franco's Regime. (II, 1) Married women will be relieved from working at the factories (III,2). Family benefit, (III,5) Regime Trade Union (<i>Sindicato vertical</i>). To improve the life in the countryside (V,4 and V,5). Workers and social insurance for the elderly and the disabled (X,1 and X,2). The family is the essence of the society (XII, 3). The mission of the Regime's "Trade Unions" is to improve and help workers and employees. Youth employment (XVI) |
| 1938 | Franco's side | 13 th December 1938 Act <i>Sectoral Law</i> | <i>National Blind Organization</i> . Organización Nacional de Ciegos Españoles (ONCE) |
| 1938 | Franco's side | Regulations by Law of Mutilated Soldiers. Decree 5 th April 1938 <i>Reglamento del Benemérito Cuerpo de Mutilados de Guerra por la Patria Sectoral Law</i> | This institution was only for those soldiers of Franco's side. The Republican soldiers and their widows were not recognized and were not indemnified until the 1980's, when the Socialist Party took office (PSOE) |
| 1939 | Franco's side | Act, 28 th December 1939 <i>Funcions of Sección Femenina Sectoral Law</i> | <i>La Sección Femenina</i> was a Fascist women's social service during Franco's Dictatorship. They were in charge of the <i>Auxilio Social</i> and were compulsory for women to expend one year in the service. The <i>Sección Femenina</i> developed different cultural, social and educative programs. The most relevant were: <ul style="list-style-type: none"> - Rural Homes (<i>Hogares rurales</i>) for peasant women - <i>Cátedras ambulantes</i>: for cultural and social leisure - <i>Centros sociales polivalentes</i>: Polyvalent cultural centres - Kindergarten |

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| 1941 | State | Law, 18 th October 1941 (Foundation of the Social Marine Institute) <i>Sectoral Law</i> | Foundation of the Social Marine Institute (<i>Instituto Social de la Marina, ISM</i>). Social services exclusively for people who worked in this sector |
| 1942 | State | Law 6-12-1940 from Youth Front, work contract and holidays. Bill 20 th April <i>Ley 6-12-1940, del Frente de Juventudes; contratos de trabajo; vacaciones</i> <i>Sectoral Law</i> | El <i>Frente de Juventudes</i> that later became the <i>Organización Juvenil Española (OJE)</i> . Its goal was to indoctrinate the youth into the values of the fascist regime |
| 1942 | State | Law of the Parliament. <i>Ley Constitutiva de las Cortes</i> 17 th July 1942 <i>Structural Law</i> | |
| 1943 | State | Act, 27 th July 1943 Bill of 20 th September 1943 <i>Orden de Dependencia del Servicio de libertad vigilada y del Patronato Nacional de presos y penados</i> <i>Sectoral Law</i> | Council or Trust for prisoners and punishable. <i>Patronato Nacional de Presos y Penados</i> . Ministry of Justice. This council gave benefits to children and relatives of prisoners |
| 1945 | State | Fuero de los Españoles, 17 th July 1945 <i>Structural Law</i> | Art. 22, the obligation of parents to provide food and education to their children. Art. 28. The State guarantees the workers to be under their protection. Art. 29. The State will maintain institutions of assistance and protection and will promote those created by the Church, corporations and privately |
| 1945 | State | Law 17 th July 1945. <i>Ley de Enseñanza Primaria</i> <i>Sectoral Law</i> | School Service for Nutrition. <i>Servicio Escolar de Alimentación</i> |
| 1947 | State | | <i>Instituto Nacional de Asistencia Social, INAS</i> (New denomination of the old <i>Auxilio Social</i>) |
| 1947 | State | Insurance for the elderly and the disabled Act 18 th April 1947 <i>Sectoral Law</i> | Elderly allowance (Law 1 st September 1939 RCL 1939, 1149) that substitutes the old Workers retirement (<i>Retiro obrero</i>) The regulation of elderly allowances (<i>Reglamento</i> 2 nd February 1940) |
| 1955 | State | | Agrarian Service. <i>Servicio de Extensión Agraria</i> . This service included social aspects and was in the Ministry of Agriculture 1 st Social and Economic Development Plan 1964-1967 (<i>Plan de Desarrollo Económico y Social</i>) that includes communitarian development |
| 1955 | State | Law of Local Regimes, 24 th June 1955 <i>Ley de regimen local, 24 de Junio 1955</i> | Art. 101 Its functions includes: beneficence, minors' protection, prevention and repression of begging, hostels and pharmacy assistance to extremely poor families |
| 1956 | | Spanish Institute of Emigration. <i>Instituto Español de Emigración</i> <i>Sectoral Law</i> | This Institute assisted those Spanish emigrants abroad |
| 1957 | State | | <i>Sección Social de Cáritas Nacional</i> . Caritas also creates sociological research institute (<i>Centro de Sociología Aplicada, CESA</i>) and a Journal (<i>Documentación Social</i>) |

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| 1958 | State | Law of the Principles of the National "Movement" <i>Ley de Principios del Movimiento Nacional</i> . 17 th May 1958 <i>Structural Law</i> | (IX) All the Spaniards have the right to Justice. All the laws will be based on the Christian ideals of Social Justice. (XII) The State will provide the best working conditions of workers as well as employment |
| 1958 | State | 29 th November 1958 Act | National Civil Handicapped Association. <i>Asociación Nacional de Inválidos Civiles (ANIC)</i> , similar to ONCE, but not as successful |
| 1960 | State | Law 45/1960, 21 st July 1960, <i>Fondos Nacionales para la aplicación Social del Impuesto y el Ahorro Sectoral Law</i> | <i>Fondos Nacionales para la aplicación Social del Impuesto y el Ahorro</i> . This law is based on the principles of the National Fascist Movement (<i>Movimiento Nacional</i>) and the <i>Fuero del Trabajo</i> . They were relevant in the built of the "social policies" of the regime. <i>Fondos Nacionales (FN)</i> : <i>Fondo Nacional de Asistencia Social (FONAS or FNAS)</i> <i>Fondo Nacional para el Fomento del Principio de Igualdad de Oportunidades (PIO)</i> , <i>Fondo Nacional de Protección del Trabajo (FNPT)</i> and <i>Fondo de Crédito para la Difusión de la Propiedad Inmobiliaria</i> . The first benefits for the elderly, ill and people unable to work were given by FONAS, as well as, the equipment and the maintenance of some social services |
| 1963 | State | Law 193/1963, 28th December, on Social Security. <i>Ley de Bases de la Seguridad Social</i> <i>Structural Law</i> | Suppression of a system of some social insurances (market) to a social security system. This law includes the social assistance and social services and "social enterprises" <i>obras sociales</i> . This has to be understood under a process of Spanish economic growth and certain "populism" from Franco's Regime. |
| 1963 | State | | <i>Instituto Nacional de Auxilio Social</i> (new denomination of the old <i>Auxilio Social</i>) |
| 1964 | State | Department of Labour. <i>Orden del Departamento de Trabajo</i> <i>Sectoral Law</i> | National Programme for Workers' Promotion. <i>Programa Nacional de Promoción Profesional Obrera (PPO)</i> . The aim was to promote workers socially and to have specialist to build the industrialization of the country. This programme had intensive training courses for adults |
| 1966 | State | Social Security Act 907/1966, 21st April <i>Sectoral Law</i> | Social Security Act |
| 1967 | State | "State Organic Law" 1/1967, 10 th January <i>Ley 1/1967 Orgánica del Estado</i> <i>Structural Law</i> | |
| 1968 | State | Act 1530/1968, 12 th June <i>Sectoral Law</i> | Minors' protection. <i>La Obra de Protección de Menores y el Patronato de Protección a la Mujer</i> . This was developed through the Franco's Dictatorship) Ministry of Justice |
| 1970 | State | Law 16/70, 4 th August Social rehabilitation. <i>Ley de Peligrosidad y Reinserción Social</i> <i>Sectoral Law</i> | This Law reforms the Law , 4 th August 1933. <i>Ley de Vagos y Maleantes</i> |
| 1973 | State | Institutionalization POA . <i>Servicio de Acción Formativa</i> <i>Sectoral Law</i> | The POA became a Service of Workers Training, and had the responsibility of founding employment, before and under the <i>Sindicato Vertical</i> |
| 1975 | State | Act 1 st March 1975. Decreto-Ley The POA a Service of Employment and Training. <i>Servicio de Empleo y Acción Formativa</i> <i>Sectoral Law</i> | The <i>Servicio de Empleo y Acción Formativa</i> became a service of employment "colocación obrera" |
| 1985 | State | | Abolition of the old <i>Auxilio Social</i> and creation of the <i>Instituto de Mayores y Servicios Sociales, IMSERSO</i> |

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| 1994 | State | Social Security Law 1/1994, 20 th June. <i>Ley General de la Seguridad Social Structural Law</i> | <i>Ley de la Seguridad Social</i> . This law is a text that includes different administrative regulations. |
| SPANISH DEMOCRATIC TRANSITION (1975-1981) | | | |
| 1977 | State | Royal Act, 15 th April 1977. General Direction of Social Assistance and Social Services. <i>Dirección General de Asistencia Social y Servicios Sociales Structural Law</i> | <i>Dirección General de Asistencia Social y Servicios Sociales</i> was part of the Ministry of Labour. This organism had the beneficence issues, Social Assistance, Social Services and Social Security. This was only an organization reform, but did not affect the juridical regulation, each institution where the same that before (Beneficence, Social Assistance, Social Services and Social Security). |
| 1977 | State | Royal Decree-Law, 1 st April 1977. <i>Real Decreto-Ley Structural Law</i> | The organs of social intervention of the <i>Movimiento</i> , the fascist participation in society through the <i>Falange Española Tradicionalista</i> de las JONS |
| 1977 | State | Moncloa Agreements 25 th October 1977. <i>Pactos de la Moncloa Sectoral Law</i> | Economic, social and political agreement among the main political parties, entrepreneurs and the communist Trade Union, <i>Comisiones Obreras</i> (CC.OO) to achieve the democratic process and to solve the economic situation. The reform of the Social Security was recommended by the <i>Libro Blanco de la Seguridad Social</i> and the agreement was in the <i>Pactos de la Moncloa</i> |
| 1978 | State | Royal Act and Law, 16 th November, <i>Social Security, Health and Employment 1978. Real Decreto-Ley, Seguridad Social, la salud y el empleo Sectoral Law</i> | This Law regulated the institutional management of Social Security, Health and Employment. The Social Security had social services for the elderly and disabled people (IMSERSO). |
| 1978 | State | Spanish Constitution (6 th December 1978), 27 th December 1978 RCL 1978/2836 <i>Structural Law</i> | Art. 10. The dignity of the person Art. 39 Childhood and family protection Art. 40 Rent redistribution and full occupation The Art. 41 announced a public Social Security for all citizens to guarantee assistance in situations of necessity. Art. 41. <i>Los poderes públicos mantendrán un régimen público de Seguridad Social para todos los ciudadanos, que garantice la asistencia y prestaciones sociales suficientes ante situaciones de necesidad, especialmente en caso de desempleo. La asistencia y prestaciones complementarias serán libres.</i> Art. 42. Emigrants Art. 43 Health's protection Art. 47 Housing right |
| 1982 | State | Law 13/1982, 30 th April, on Social Integration of Handicapped Ley 13/1982, 30 Abril, <i>de Integración Social de Minusválidos (LISMI)</i> | Title VIII. Disabled people on the autonomous laws of social services |
| 1985 | State | Law 7/1985, 2 nd April, regulates the Bases of Local areas Ley 7/1985, 2 Abril, <i>reguladora de las Bases de Régimen Local</i> | This law regulates: k) The autonomy of local governments l) All city councils of more than 20,000 inhabitants have competences in "service delivery, promotion and social reinsertion" m) City councils can do complementary activities n) New territorial organizations can be established such as: <i>comarcas, mancomunidades</i> , metropolitan areas, among others o) The provincial governments (<i>diputaciones</i>) have just a coordination role among municipalities, assistance and cooperation to municipalities |

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| 1987 | State | Plan for Basic services and allowances among Public Administrations <i>Plan Concertado de Prestaciones Básicas de Servicios Sociales entre las Administraciones Públicas</i> | This Plan was done in order to make up for the absence a State Law on Social Services |
| FIRST LAWS OF SOCIAL SERVICES OR SOCIAL ACTION (1982-1992) | | | |
| 1982 | Regional (Bask Country) | Law 6/1982, 20 th May, on Social Services | |
| 1983 | Regional (Navarra) | Law 14/1983, 30 th March, on Social Services | |
| 1984 | Regional (Madrid) | Law 11/1984, 6 th June, on Social Services | |
| 1985 | Regional (Murcia) | Law 8/1985, 27 th December, on Social Services. <i>Ley 8/1985, 9 de diciembre, de servicios sociales de la Region de Murcia</i> | |
| 1985 | Regional (Catalonia) | Law 26/1982, 27 th December, on Social Services | |
| 1986 | Regional (Castilla-La Mancha) | Law 3/1986, 16 th April, on Social Services | |
| 1987 | Regional (Balears Islands) | Law 9/1987, 11 th February, on Social Action | |
| 1987 | Regional (Aragón) | Law 4/1987, 25 th March, on Social Action. <i>Ley 4/1987, 25 de marzo, de ordenamiento de la acción social</i> | |
| 1987 | Regional (Asturias) | Law 5/1987, 11 th April, on Social Services | |
| 1987 | Regional (Extremadura) | Law 5/1987, 23 rd April, on social services | |
| 1987 | Regional (Canarias) | Law 90/1987, 28 th April, on social services | |
| 1987 | Regional (Galicia) | Law 3/1987, 28 th April, on social services | |
| 1988 | Regional (Andalusia) | Law 2/1988, 4 th April, on social services of Andalusia | |
| 1988 | Regional (Castile and León) | Law 18/1988, 28 th December, on social action and social services | |
| 1989 | Regional (Valencia Community) | Law 5/1989, 6 th June, on social services of the Valencia Community | |
| 1990 | Regional (La Rioja) | Law 2/1990, May 10 th , on social services of Autonomous Community of La Rioja | |

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| 1992 | Regional (Cantabria) | Law 5/1990, 27 th of May, on social action | |
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Source: Author's own compilation.

Table 1.8. Seconds Laws on Social Services

| SECOND LAWS OF SOCIAL SERVICES (1993-2005) | | | |
|---|-------------------------------|---|--|
| 1993 | Regional (Galicia) | Law 4/1993, 23 rd April, on social services | |
| 1996 | Regional (Bask Country) | Law 5/1996, 18 th October, on social services | |
| 1997 | Regional (Valencia Community) | Law 5/1997, 10 th July, on social services. <i>Ley 5/1997, 10 de Julio, por la cual se regula el sistema de servicios sociales en el ámbito de la Comunidad Valenciana</i> | |
| 2002 | Regional (La Rioja) | Law 1/2002, 1 st March, on social services | |
| 2003 | Regional (Asturias) | Law 1/2003, 24 th February, on social services | |
| 2003 | Regional (Madrid) | Law 11/2003, 27 th of March, on social services | |
| 2003 | Regional (Murcia) | Law 3/2003, 10 th April, on social services. <i>Ley 3/2002, de 10 de abril, del sistema de servicios sociales de la Región de Murcia</i> | |
| SOCIAL SERVICES LAWS FROM (2006-2010). SOCIAL SERVICES LAWS AFTER THE LAPAD (<i>Ley 39/2006 de 14 de diciembre, de Promoción de la Autonomía Personal y Atención a las Personas en Situación de Dependencia LAPAD</i>) | | | |
| 2006 | Regional (Navarra) | Law 15/2006, 14 th of December, on social services (<i>Ley Foral 15/2006, de 14 de diciembre, de servicios sociales de Navarra</i>) | |
| 2007 | Regional (Cantabria) | Law of Cantabria 2/2007, 27 of March, of rights and social services | |
| 2007 | Regional (Catalonia) | Law 12/2007, 11 th of October, of social services of Catalonia | |
| 2008 | Regional (Galicia) | Law 13/2008, 3 rd December, on social services of Galicia | |
| 2008 | Regional (Bask Country) | Law 12/2008, 5 th of December, on social services | |
| 2009 | Regional (Balears Islands) | Law 4/2009, 11 th of June, on social services of Balears Islands | |
| 2009 | Regional (Aragon) | Law 5/2009, 30 th of June, on social services of Aragon | |

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| 2009 | Regional (La Rioja) | Law 7/2009, 22 nd December, on social services of La Rioja | |
| 2010 | Regional (Castile-La Mancha) | Law 14/2010, 16 th of December, on social services of Castile-La Mancha | |
| 2010 | Regional (Castile and Leon) | Law 16/2010, 20 th of December, on Social Services of Castile and León | |
| ELDERLY CARE and DISABLED PEOPLE | | | |
| 2003 | State | 16/2003, May 28 th , on National Health System cohesion and quality | Art- 14 Patients with functional deficit's rehabilitation |
| 2006 | State | Law 39/2006, 14 December, Promotion of Personal Autonomy and Care for Elderly People and Disabled People <i>Ley 39/2006 de 14 de diciembre, de Promoción de la Autonomía Personal y Atención a las Personas en Situación de Dependencia (LAPAD)</i> | First Spanish Law on Social Services and Social Care to promote Autonomy and care for elderly people and disabled people - Provides a stable system for the country which guarantees services for the elderly and people with disabilities - Conceives a level of quality in social care and social services - Makes the rights, created by the System for Autonomy and Care, are effective (<i>Sistema para la Autonomía y Atención a la Dependencia SAAD</i>) |
| 2007 | State | IMSERSO Resolution, 23 rd May | The State Administration and Autonomous Communities (Regional governments) will elaborate proposals for co-payment among administrations |
| 2007 | State | Royal Decree 504/2007, 20 th April | The scale is approved in that RD |
| 2007 | State | Royal Decree 615/2007, 11 th May | Regulates Social Security for Carers of disabled people and older people |
| 2007 | State | Royal Decree 727/2007, 8 th June | - Plans to prevent the situations of lack of autonomy Art. 14 Other benefits or allowances are not permitted: for instance, disabled people can only receive one benefit for their disability at any one time. That means they cannot perceive the allowance envisaged in the LISMI or Social Security. In other cases, could be a reduction of the amount perceived.(In the LAPAD is it mentioned art. 31) |

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Table 1.9. Chronology of the building and restructuring of the Catalan case in the domain of Social Services

| Year | State level concerned | Legislation/Act (number/title/type*) | Content (synthetic) |
|------|-----------------------|--|--|
| 1979 | Regional (Catalonia) | Catalan Statute of Autonomy , LCAT 1979, 318 | The territorial jurisdiction of Catalan Statute on social services was: Art. 9.25. Social assistance Art. 9.26 and 27. Youth and promotion of women Art. 9.28. Public institutions on custody of minors |
| 1983 | Regional (Catalonia) | Law 12/1983, 14 th July Incremental law | |
| 1985 | Regional (Catalonia) | Law 26/1982, 27 th December, on Social Services | 1 st Catalan Social Services Law (First Generation) |

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| 1994 | Regional (Catalonia) | Decree 17/1994, 16 th November Incremental law | This Decree includes the previous laws: Law 12/1983, 14 th July; Law 26/1985, 27th December, on social services and Law 4/1994, 20 th April, on assistance and social services. It was an important law that reformulated the Catalan Social Service law, almost a second Catalan law of social services |
| 1994 | Regional (Catalonia) | Decree 394/ 1996, 12 th December | This Decree approves cash payments for social services and those public prices for some social services |
| 1996 | Regional (Catalonia) | Decree 284/1996, 23 rd July, | Catalan Social Service System regulations |
| 2002 | Regional (Catalonia) | Legislative Decree 3/2002, 24 th December Incremental Law | Public budgets of Catalonia |
| 2003 | Regional (Catalonia) | Law 27/2003, 21 st January , primary level | |
| 2006 | Regional (Catalonia) | Royal Decree 887/2006, 21 st July | This law approves the regulations of the Law 38/2003 |
| 2007 | Regional (Catalonia) | Law 12/2007, 11 th of October, of social services of Catalonia | 2 nd Catalan Social Service Law (2 nd Generation). Recognition of social rights (<i>drets subjectius</i>): guaranteed benefits and non-guaranteed |
| 2011 | State | <i>Real Decreto-ley 20/2011, de 30 de diciembre, de medidas urgentes en materia presupuestaria, tributaria y financiera para la corrección del déficit público</i> | This Royal Decree modifies the Law 9/2009, 6 th October, on parental leave enlargement and the Law will be pass on 1 st January 2013 |
| CHILDHOOD AND CHILDCARE | | | |
| 1900 | State | | A Law regulated working conditions for women and children. It provided a working time reduction for breastfeeding and prohibited maternal work for three weeks after deliver. |
| 1907 | State | Law 8 th January 1907 prohibition of women's pregnancy work and lactation <i>Llei de 8 de gener de 1907 de prohibició del treball de la dona embarassada i la lactancia</i> | |
| 1908 | State | Royal Decree 25 th January 1908 prohibits women's and children's work in dangerous and unhealthy factories <i>Real Decret 25 de gener de 1908 que prohibeix el treball de les dones i els menors en determinades indústries insalubres i perilloses</i> | - Work in dangerous and unhealthy factories were forbidden for minors under 16 and women under 23 |
| 1919 | State | ILO Maternity Protection Convention | Spain Government ratified this convention. |
| 1929 | State | | First maternity insurance for 12 weeks. This was extended by the Second Republic and the Civil War (1931-1939) |
| 1939?-69? | State | | The Law discourages the employment of married women. A breadwinner model was imposed. However, second jobs for men and informal work for women were widespread |
| 1976 | State | Application of the Principle equality among men and women, 14 th February, num. 39 | Derogated, 15 th August 2009 art. 34 Directive <i>Directiva 2006/54/CE, de 5 de julio</i> |
| 1978 | State | Spanish Constitution (6 th December 1978), 27 th December 1978 <i>Structural Law</i> | Art. 14 Principle of equality among Spaniards and no discrimination for race, sex, religion or others |
| 1980 | State | Workers' Statute Law 8/1980, 10 th March <i>Estatuto de los Trabajadores</i> | This is the main law regulating work in Spain. It has extended maternity leave 14 weeks, one-hour breastfeeding working time reduction, 2 days of birth leave for fathers. In case of acute illness, parental leave can be allowed for maximum of 3 years and there is the possibility of unpaid reduction of working hours for mothers and fathers with children under 6 years or handicapped children. The law extended rights to employees in private sector, too. Civil servants had the right to return to previous job when vacancy was available |

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| 1981 | State | Royal Decree 1292/1981, 5 th July | The Generalitat of Catalonia has got the competences (<i>competencias</i>) from the State in minors' matters. |
| 1985 | Regional (Catalonia) | Law 1/1985, 13 th June, minors protection <i>Llei 1/1985, 13 de juny, de protecció de menors</i> | The Generalitat has the entire competences (<i>competencias exclusivas</i>) and this Law regulates all the "minors' protection" to substitute the old beneficence laws for a public service. The law defines the kind of intervention that has to be done to young people involved in social conflicts and offences. The law also develops a chapter about foster care or children in foster homes; another about centres or households. At the end, the law sets out those principles that have to be followed to implement the law |
| 1986 | State | Directive of Equality among men and women in the professional regimes of Social Security Directive 1986/378/CEE, 24 th July | The reform adapted European policies (EEC) and was derogated by the art. 34 of <i>Directiva 2006/54/CE, de 5 de julio</i> |
| 1987 | State | Law of the State 21/1987, 11 th November 1987 <i>Ley del Estado 21/1987</i> <i>Structural Law</i> | This Law modifies the Civil Code and the Civil Law on foster care and other forms of minors' protection (<i>Ley de Enjuiciamiento Civil en materia de adopción y otras formas de protección de menores</i>) and the intervention of the administration and the court on minors' issues This is the Law that has introduced a major number of changes in reference to the minors' protection |
| 1988 | Regional (Catalonia) | Law 12/1988, 21 st November , on minors protection <i>Ley 12/1988, 21 de Noviembre de protección de menores</i> | Modifies and derogates the Law 11/1985, 13 th June (RCL 1986, 1756). This is also a result of the new Law of the State, 11 th November 1987 (RCL 1987, 2439) that had modified the Civil Code and the Civil Law on foster care and other forms of minors' protection (<i>Ley de Enjuiciamiento Civil en materia de adopción y otras formas de protección de menores</i>) and the intervention of the administration and the court on minors' issues |
| 1989 | State | Law 3/1989, 3 rd March | As a consequence of being member of the European Community, Maternity leave was extended to 16 weeks, allowing mothers to transfer the 4 weeks to the father. Breastfeeding leave could also be transferred to the fathers and an adoption leave of 8 weeks was introduced |
| 1990 | State | Ratification of United Nations Convention of the Rights of Children 30 th November 1990 <i>Instrumento de Ratificación de la Convención sobre los Derechos del Niño, adoptada por la Asamblea General de las Naciones Unidas el 20 de noviembre de 1989</i> | |
| 1991 | Regional (Catalonia) | Law 37/1991, 30 th December, of minors' protection, forsaken and adoption <i>Llei 37/1991, 30 de desembre sobre mesures de protecció dels menors desamparats i de l'adopció</i> <i>Incremental Law</i> | |
| 1994 | State | | The reform of Social Security included that maternity leave was detached from the sickness scheme (75% were paid by employees) and payment was increased to 100% |
| 1995 | Regional (Catalonia) | Law 8/1995, 27 th July, protection to childhood and adolescence and modification of the Law 37/1991 <i>Ley 8/1995, 27 de Julio, de atención y protección de los niños y los adolescentes y modificación de la Ley 37/1991</i> <i>Incremental Law</i> | Modification of the Law 37/1991 and this law 8/1995 has been derogated by the Law 14/2010, 24 th of May |

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| 1996 | State | Law 1/1996, 15 th January, minor protection <i>Ley Orgánica 1/1996, de 15 de Enero, de Protección Jurídica del Menor Incremental Law</i> | The aim of this Law is to have a juridical framework according to the convention of United Nations of Children Rights, which was ratified by Spain the 30 th November 1990 . Its aim is to implement a profound institutional reform on minors' institutions and its conception, following the previous laws on this matter |
| 1999 | State | Law 39/1999, 5 th November of reconciliation of work and family life <i>Ley de conciliación de la vida familiar y laboral Ley 39/1999, 5 de noviembre</i> | This law promotes the reconciliation among work activities and family life. It was presented as completing the transposition of the EU directives. Maternity leave becomes flexible. It allows mothers to take 20 weeks and part time, after 6 weeks of compulsory maternity leave. There was also extended 10 weeks the mother's right to transfer maternity leave to the father. It creates an unpaid leave to care for dependent relatives for up to one year or part time work. These measures did not benefit temporary workers and self-employed (half of the workforce). |
| 2000 | State | Law 5/2000, 12 th January Penal responsibility of Minors <i>Ley Orgánica 5/2000, 12 de Enero, de Responsabilidad Penal de los Menores.</i> | The government will punish more drastically those punishable acts committed by minors |
| 2002 | Regional (Catalonia) | Law of reconciliation of work and family life for public employees (Generalitat of Catalonia) <i>Ley 6/2002, de 25 de abril , de Medidas relativas a la Conciliación del Trabajo con la Vida Familiar del Personal de las Administraciones Públicas Catalanas</i> | This includes a month full-paid for the father after Maternity leave; one third working time reduction on full pay for one year from the end of maternity or paternity leave, and one third working time reduction (80% of earnings) or half time (60% of earnings) until the child is 6 years old |
| 2003 | Regional (Catalonia) | Law family support 18/2003, 4 th July <i>Incremental Law</i> | This law was promulgated by the Catalan right government and underlines the importance of preserving the family (reconciliation of work and family life and to promote an increase of birthrate) |

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| 2006 | Regional (Catalonia) | <p>Law of reconciliation work and family for the employees of Catalan Administration Law 8/2006, 5th July <i>Ley 8/2006, 5 de Julio, de Medidas Relativas a la Conciliación del Trabajo con la Vida Familiar del Personal de las Administraciones Públicas Catalanas y de modificación de los artículos 96 y 97 del Decreto Legislativo 1/1997) y, posteriormente, la Ley 18/2003, del 4 de julio , de Apoyo a las Familias.</i></p> <p><i>Incremental Law</i></p> | <p>This law tries to do a synthesis of all measures established before, in relation to reconciliation work and family life and to create a system that permits a major implication of the administration's employees to family life.</p> <ul style="list-style-type: none"> - Art. 4 Extended leave unpaid for taking care of a child for maximum three years - Art. 5 Extended leave unpaid for elderly care, only relatives of second grade of consanguinity - Art. 6 Extended leave unpaid, if the husband or wife has to live in another locality, minimum for 2 years and maximum 15 years - Art. 7 Extended leave unpaid for women that have suffered domestic violence, for an unlimited period - Art. 11 Maternity Leave paid for 16 weeks that can be enlarged to two more weeks in case multiple childbirth or adoption or foster. The Parental leave can be taken by the mother or the father for all period. The permission is distributed according to whom has had the first parental leave and it can be taken simultaneously or one after the other. - Art. 13 Parental Leave (modified Law 5/2007, 4th July) paid for 4 weeks - Art. 14 Breastfeeding leave for 1 hour per day (can be divided in 30 minutes). It starts after Maternity leave for maximum 20 weeks - Art. 15. Parental leave for premature babies. Maximum 12 weeks for hospitalization and that period is added after the Maternity leave - Art. 16 Parental leave for handicapped or disabled children. 2 hours per day of schedule flexibility and work permissions to attend meetings at child's school of especial needs |
| 2006 | Regional (Catalonia) | Catalan Statute of Autonomy, 6/2006 Act, July 19 th | |
| 2007 | State | Organic Law of Equality 3/2007, 22nd March Ley de Igualdad Structural Law | The aim of the law was to cope with the women inequality situation in the society: gender violence, low wages, widow pensions, high rates of women's unemployment and leadership positions, and reconciliation of work and family |
| 2007 | Regional (Catalonia) | Law 5/2007, 4 th July, economical measures <i>Ley 5/2007, de 4 de Julio, medidas fiscales y financieras</i> | Chapter III. Social measures Art. 26. Allowance for home needs to those people who have no resources because a relative of first or second grade of consanguinity has died. The goal of this measure is to use their habitual homes and have and be independents |
| 2007 | Regional (Catalonia) | Government agreement 121/2007, 16 th October. Team of Detection and Prevention of Child abuse and maltreatment (UDEPMI) <i>Acuerdo de gobierno 121/2007, 16 de octubre-, el Dep. de Acción social y ciudadana establece la Unidad de Detección y Prevención del Maltrato Infantil (UDEPMI)</i> | After the increase of children abuse and maltreatment, the Catalan government decided to create a more effective group or team to detect faster children and adolescence abuse. The Catalan ombudsman signed a Protocol (13 th September 2006), where was underlined the important role of the General Direction to Childhood and Adolescence Care, DGAIA (<i>Direcció General d'Atenció a la Infància i l'Adolescència</i>) |

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| 2009 | State | Law 9/2009, 6 th October, on parental leave enlargement <i>Ley 9/2009, de 6 de Octubre, de ampliación de duración del permiso de paternidad en los casos de nacimiento, adopción o acogida</i> | This Law had to be launched 1 st January 2011. It includes 4 weeks of parental leave, exclusively for the father. However, it was modified by Royal Decree 20/2011, 30 th December and 1 st January 2013 had to be implemented. This parental leave of 4 weeks has been postponed again until 2014 |
| 2010 | Regional (Catalonia) | Law 14/2010, 24 th May, of rights and opportunities for childhood and adolescence <i>Llei 14/2010, 24 de Maig dels drets i les oportunitats en la infància i l'adolescència (LDOIA)</i> | This Law tries to focus on children and teenagers as subjects with rights and opportunities instead of having been understood as a collective needed of protection and attention from adults. The law has the entire territorial jurisdiction on minors' protection, family promotion and childhood. The law includes all the childhood and adolescence, those minors who are in a situation of risk and exclusion and those who are not. The Law has as innovative aspects: <ul style="list-style-type: none"> - Childhood participation boards or councils - Territorial councils for childhood (<i>Taules territorials d'Infància</i>) - Risk situation and unprotected or helplessness - Children abuse - Notifications to teenagers about the administrative resolutions - Childhood's solicitor: A supervisor of applications, complains and the ombudsman's allegations - Changes on foster home: the law has included new modalities - New juridical regime of preadoption: biological parents have two months to be opposed to a resolution of foster care before legal adoption |
| 2010 | Regional (Catalonia) | Decree 101/2010, 3 rd August childhood education <i>Decreto 101/2010, de Ordenación de las enseñanzas de primer ciclo de educación infantil</i> | Decree about the curricular education of childcare from 0-3 to 3-6. Catalan Department of Education |
| 2011 | State | <i>Real Decreto-ley 20/2011, de 30 de diciembre, de medidas urgentes en materia presupuestaria, tributaria y financiera para la corrección del déficit público</i> | This Royal Decree modifies the Law 9/2009, 6 th October, on parental leave enlargement and the Law will be passed on 1 st January 2013, as it was mentioned above, to 2014 |
| ELDERLY CARE | | | |
| 1933 | Regional (Catalan Government. Generalitat de Catalunya) | Internal Statute of Catalonia that regulates the social assistance (<i>Estatut Interior de Catalunya</i>) <i>Estatut Interior del 26 de maig de 1933</i> <i>Structural Law</i> | Chapter II Art. Primary school are compulsory, free, laic and in Catalan Art. 14 The Generalitat organizes maternity, childcare, elderly care, and care for ill people and disabled people. It will also cooperate with the insurances to protect workers for adverse circumstances. Those private assistance institutions were also run by the Generalitat <ul style="list-style-type: none"> - Actions for elderly people in institutional assistance. Asylum where transformed in household, therapies based on labour and occupation, open centres to be in and out or "couple houses" (<i>cases de matrimonis</i>) |
| 1963 | State | Law 193/1963, 28th December on Social Security. <i>Ley de Bases de la Seguridad Social</i> <i>Structural Law</i> | III. Social services and social assistance. Firstly, social services were regulated specifically in the fields of rehabilitation of handicapped, preventive medicine, hygienic, security at work and training Secondly, the main goal of the law was to prevent, educate and to improve people's conditions |

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| 1978 | State | Royal Decree 36/1978, 16 th November | Handicapped and the elderly were not part of the Social Security. They were included in another organism IMSERSO <i>Instituto de Mayores y Servicios Sociales</i> (Elderly and Social Service Institute) at the same time created by this Decree |
| 1978 | State | Spanish Constitution (6 th December 1978), 27 th December 1978 RCL 1978/2836 <i>Structural Law</i> | Art. 50. Older people. Public services guarantees sufficient economy to survive for those elderly citizens through pensions and its economic actualizations. A part from the family aid, a social service system will assure to solve health, housing, culture and leisure. |
| 1979 | Regional (Catalonia) | Organic Law 4/1979, 18 th December. Catalan Statute of Autonomy | The term "social service" is not included in the Statute. The art. 9.25, just includes social assistance. |
| 1983 | Regional (Catalonia) | Law 12/1983, 14 th July <i>Incremental Law</i> | |
| 1985 | Regional (Catalonia) | Law 26/1985, 27th December, on social services Structural Law | |
| 1994 | Regional (Catalonia) | Law 4/1994, 20 th April, on assistance and social services <i>Incremental Law</i> | |
| 1994 | Regional (Catalonia) | Decree 17/1994, 16 th November Decreto Legislativo 17/1994, 16 de noviembre <i>Incremental Law</i> | This Decree includes the previous laws: Law 12/1983, 14 th July; Law 26/1985, 27th December, on social services and Law 4/1994, 20 th April, on assistance and social services. It was an important law that reformulated the Catalan Social Service law |
| 1996 | Regional (Catalonia) | Decree 284/1996, 23 rd July <i>Incremental Law</i> | Regulation of Catalan Social Services |
| 2000 | Regional (Catalonia) | Decree 176/2000, 15 th May | Modifies the Decree 284/1996 and is the general regulation of Catalan Social Services System |
| 2003 | Regional (Catalonia) | Decree 27/2003, 21 st January Primary assistant | Art. 8, 9 and 10 and Annex 2 that certifies the situation of need |
| 2006 | State | Law 39/2006, 14 December, Promotion of Personal Autonomy and Care for Elderly People and Disabled People (LAPAD) Ley 39/2006 de 14 de diciembre, de Promoción de la Autonomía Personal y Atención a las Personas en Situación de Dependencia (LAPAD) | First Spanish Law on Social Services and Social Care to promote Autonomy and care for older people and disabled people (please see section 1.3) |
| 2007 | State | Royal Decree 504/2007, 20 th April approves the scale to assess the situation of dependence (Law 39/2006) | |
| 2007 | Regional (Catalonia) | Decree 115/2007, 22 nd May, the Generalitat institution is the institution in charge of the rule the 39/2006, 14 th December Law (LAPAD). <i>Decreto 115/2007, 22 de mayo, por el cual se determinan los órganos de la Generalitat competentes para aplicar la ley 39/2006, 14 de diciembre (LAPAD)</i> | |
| 2007 | Regional (Catalonia) | Law 12/2007, 11 th of October, of social services of Catalonia | - The Catalan social service creates the Catalan System for Elderly Care and People with Disabilities, SCAAD (<i>Sistema Català d'Autonomia i Atenció a la Dependència</i>) in order to create an inclusive systems. The SCAAD develops and adapts the LAPAD system in Catalonia |

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| 2007 | Regional (Catalonia) | Orden ASC/432/2007, 22 nd November, rules public prices and people participation in SAAD funding, in the territorial area of Catalonia. <i>Orden ASC/432/2007, 22 de noviembre, por la cual se regulan los precios públicos y el régimen de participación de las personas beneficiarias en la financiación de los servicios del SAAD, en el ámbito territorial de Catalunya</i> | |
| 2007 | Regional (Catalonia) | Orden ASC/433/2007, 23 rd November, regulates the benefits criteria of SAAD in Catalonia. <i>Orden ASC/433/2007, 23 de noviembre, por la cual se establecen los criterios para determinar el importe de las prestaciones económicas del SAAD, en el ámbito territorial de Catalunya</i> | -establishes the criteria to establish the benefit's amount of SAAD and its maximum. The state had as a maximum E. 831.47 benefits for care homes in 2009. The Generalitat completed the amount with E. 498.88 (for the highest grade and less economic capacity) |
| 2007 | Regional (Catalonia) | Orden ASC/478/2007, 28 th November, SAAD personal data in the Catalan Department of Social Action and Citizenship <i>Orden ASC/478/2007, 28 de noviembre, por la cual se crea el fichero de datos personales del SAAD, en el ámbito competencial del Departamento de Acción Social y Ciudadanía</i> | |
| 2008 | Regional (Catalonia) | Orden ASC/55/2008, 12 th February, establishes the criteria among the SCAAD <i>Orden ASC/55/2008, 12 de febrero, por la cual se establecen los criterios para determinar las compatibilidades y las incompatibilidades entre las prestaciones del SCAAD y las prestaciones del Sistema Público de Servicios Sociales, en el ámbito territorial de Catalunya</i> | - Establishes complementary services which made possible a Home Aid Service SAD (<i>Servicio de Atención a Domicilio</i>) or Day Care Centre with and allowance or economic benefit (informal carer or personal assistant). Therefore, the Catalan SCAAD has the most compatible regime of all Spanish State - 5,000 people had informal care benefits and Home Aid Care benefits (SAD) at the same time in Catalonia in 2009 |
| 2008 | Regional (Catalonia) | Orden ASC/344/2008, 14 th July, rules the personal assistant benefit and the protection level of SCAAD is enlarged <i>Orden ASC/344/2008, 14 de julio, por la cual se regula la prestación económica del asistente personal y se amplía el nivel de protección del SCCAD</i> | Regulates the need and the attributions of a personal assistant Art. 10 SCAAD has a minimum guaranteed benefit. The 25% is guaranteed when the patient has already similar economic benefit regulated by the Law 39/2006 (LAPAD) |
| 2008 | Regional (Catalonia) | Decree 151/2008, 29 th July, approves Social Services portfolio 2008-09 <i>Decreto 151/2008, 29 de Julio, por el cual se aprueba la Cartera de Servicios Sociales 2008-09</i> | It is quadrennial, but the first portfolio is biannual in order to face an adequacy with social needs and the fast evolution of public social services system. It can be also revised in advance according to annual budget needs, if it is necessary |
| 2009 | Regional (Catalonia) | Order ASC/238/2009, 6 th May, actualization o reference cost, social module and co-payment for Social Services portfolio's benefits <i>Orden ASC/238/2009, 6 de Mayo, por la cual se actualizan el coste de referencia, del módulo social y el copago relativos a las prestaciones de la Cartera de Servicios Sociales 2008-2009</i> | |
| 2010 | Regional (Catalonia) | Royal Decree Law 8/2010, 20 th May, extraordinary measures to reduce public deficit <i>Real Decreto Ley 8/2010, 20 de Mayo, por el cual se adoptan medidas extraordinarias para la reducción del déficit público</i> | |
| 2010 | Regional (Catalonia) | Orden ASC/471/2010, 28 th September, rules the benefits and professionals that are personal assistant in Catalonia. <i>Orden ASC/471/2010, 28 de septiembre, por la cual se regulan las prestaciones y los profesionales de la asistencia personal en Cataluña</i> | |
| 2010 | Regional (Catalonia) | Decree142/2010, 11 th October, approves the social service portfolio | |

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| 2011 | Regional (Catalonia) | Royal Decree 175/2011, 11 th February , modifies Royal Decree 727/ 2007, 8 th June to determine benefits of the Law 39/2006 and the Royal Decree 615/2007, 11 th May , regulates Carers social security <i>Real Decreto 175/2011, 11 febrero , por el que se modifica el Real Decreto 727/ 2007, 8 de junio, sobre los criterios para determinar las intensidades de protección de servicios y la cuantía de las prestaciones económicas de la Ley 39/2006, 14 de diciembre, de promoción de la autonomía personal y atención a las personas en situación dependencia, y el Real Decreto 615/2007, 11 de Mayo, por el cual se regula la Seguridad Social de los cuidadores de las personas en situación de dependencia</i> | |
| 2011 | Regional (Catalonia) | Decree 332/2011, 3 rd May restructuring the Department of Wellbeing and Family | The Office Active Elderly People belongs to this department |
| 2011 | European Union | Decision 940/2011/UE, 14 th December 2011, to declare 2012 "European Year for Active Ageing and Solidarity between Generation" | |
| 2012 | Regional (Catalonia) | Order BSF 100/2012, 11 th April of allowances and benefits from the Department of Wellbeing and Family to those associations with programmes on the "European Year for Active Ageing and Solidarity between Generation" <i>Ordre BSF 100/2012, 11 d'abril per la qual s'aproven les bases i s'aprova la convocatòria per a la concessió de subvencions del Departament de Benestar Social i Família a entitats per a programes i actuacions amb motiu de l'Any Europeu de l'Envelliment Actiu i de la Solidaritat Intergeneracional</i> | |
| DISABLED PEOPLE | | | |
| 1982 | State | Law 13/1982, 30 th April, on Social Integration of the Handicapped <i>Ley 13/1982, 30 Abril, de Integración Social de Minusválidos (LISMI)</i> | Title VIII. Disabled people on the regional laws of social services |
| 1983 | State | Royal Decree 1451/1983, regulates selective Jobs and promotes handicapped work <i>Real Decreto 1451/ 1983 por el que en cumplimiento de lo previsto en la Ley 13/1982, de 7-4-1982, regula el empleo selectivo y las medidas de fomento del empleo de trabajadores minusválidos</i> | |
| 2001 | State | Royal Decree 946/2001, 3 rd August, members of the "Royal Trust for Disability" <i>Real Decreto 946/2001, 3 de Agosto composición del Consejo del Real Patronato sobre Discapacidad</i> | |
| 2003 | State | Law 51/2003, 2 nd December, equality of opportunities, no discrimination and universal accessibility of people with disabilities (LIONDAU) <i>Ley 51/2003, 2nd Diciembre, de igualdad de oportunidades, no discriminación y accesibilidad universal de las personas con discapacidad (LIONDAU)</i> | |
| 2004 | State | Royal Decree 170/2004, 30 th January, modifies Royal Decree 1451/1983 <i>Real Decreto 170/2004, 30 de enero, modifica el Real Decreto 1451/1983</i> | |
| 2004 | State | Royal Decree 290/2004, 20 th February , regulates work enclaves to promote jobs for disabled people <i>Real Decreto 290/2004, 20 de febrero, regula los enclaves laborales como medida de fomento del empleo de las personas con discapacidad</i> | |

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| 2004 | State | Royal Decree 338/2004, 27th February , modifies the members of "Real Trust for Disability", regulates in the Royal Decree 946/2001 | |
| 2004 | State | Royal Decree 1865/2004, 6 th September , regulates National Council for Disability <i>Real Decreto 1865/2004, 6 de Septiembre, regula el Consejo Nacional de la Discapacidad</i> | |
| 2004 | State | Royal Decree 2271/2004, 3rd December , regulates the public employment and jobs provision for disabled people <i>Real Decreto 2271/2004 3 de Diciembre, Regula el acceso al empleo público y la provisión de puestos de trabajo de las personas con discapacidad</i> | |
| 2006 | State | Order PRE/1822/2006, 9 th June general criteria to adapt additional time in selective processes to access to public employment the disabled people <i>Orden PRE/1822/2006, 9 de junio, establece criterios generales para la adaptación de tiempos adicionales en los procesos selectivos para el acceso al empleo público de personas con discapacidad</i> | |
| 2006 | State | Royal Decree 1414/2006, 1st December, determines people with disabilities for the Law 51/2003 <i>Real Decreto 1414/2006, 1 de diciembre. Determina las personas con discapacidad a los efectos de la Ley 51/2003</i> | |
| 2011 | State | Law 26/2011, 1st August, normative adaptation to the International Convention about Disabled People Rights. <i>Ley 26/2011, 1 de agosto, adaptación normativa a la Convención Internacional sobre los Derechos de las personas con discapacidad</i> | |

Source: Author's own compilation.

Table 1.10. Chronology of the building and restructuring of the Spanish welfare state in the domain of Health

| Year | State level concerned | Legislation/Act (number/title/type*) | Content (synthetic) |
|------|---|--|---|
| 1811 | State | Decree, 22th July 1811 <i>Decreto de las Cortes generales y extraordinarias de Cádiz, 22 de julio de 1811</i> | The <i>Cortes de Cádiz</i> reestablished the <i>Tribunal Protomedicato</i> and those reforms needed to improve Medicine and its study. |
| 1814 | State | Royal Decree, 11 th September 1914, to abolish <i>Protomedicato</i> and Medicine and Pharmacy established by <i>Cortes de Cádiz</i> (1811) <i>Real Decreto 11 de Septiembre de 1914</i> | Royal Decree by Fernando VII to abolish the liberal measures of Cadiz Parliament (<i>Cortes de Cádiz</i>) |
| 1823 | State | " <i>Ley Municipal</i> " | City Council's Physicist |
| 1847 | State | Royal Decree on Health | |
| 1855 | State | Organic Law on Health, 28 th November 1855 | |
| 1904 | State | General Instruction on Health | |
| 1922 | Regional (Catalonia) Mancomunitat de Catalunya | | Catalan Health Service under the <i>Mancomunitat</i> of Catalonia. Fights against malaria, typhoid fever and tuberculosis. It was built a centre for tuberculosis social assistance in Barcelona (Poble-Sec neighbourhood). Physicists could have training on these diseases. |
| 1967 | State | Decree 2.766/167, 16th November, benefits and health services in the Social Security Regime | |
| 1974 | State | Decree 2,065/1974, 30th May, approval of the rewritten text of the General Law on Social Security <i>Decreto 2.065/1970, 30th May, por el que se aprueba el texto refundido de la Ley General de la Seguridad Social</i> | |
| 1986 | State | Law 14/1986, 25th April, General Health. <i>Ley 14/1986, 25 de abril, General de Sanidad</i> | |

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| 1989 | State | Royal Decree 1,088/1989, 8th September, Social Security health benefits are enlarged to people with not enough economic resources <i>Real Decreto 1.088/1989, de 8 de septiembre, por el que se extiende la cobertura de la asistencia sanitaria de la Seguridad Social a las personas sin recursos económicos suficientes</i> | |
| 1993 | State | Royal Decree 83/1993, 22nd January, on selection of medicines in order to be paid by the National Health System <i>Real Decreto 83/1993, 22 de enero, por el que se regula la selección de medicamentos a efectos de su financiación por el Sistema Nacional de Salud</i> | |
| 1994 | State | Royal Decree 1/1994, 20th June, approval of the rewritten text of the General law of Social Security <i>Real Decreto Legislativo 1/1994, de 20 de junio por el que se aprueba el texto refundido de la Ley General de la Seguridad Social</i> | |
| 2000 | State | Royal Decree 29/2000, 14th January on new management of the National Health Institute <i>Real Decreto 29/2000, de 14 de enero, por el que se desarrolla las nuevas formas de gestión del Instituto Nacional de Salud</i> | |
| 2002 | State | Law 41/2002, 14 th , regulation of patient autonomy and rights and duties in reference to clinic information and documentation <i>Ley 41/2002, 14 de noviembre, básica reguladora de la autonomía del paciente y de derechos y obligaciones en materia de información y documentación clínica</i> | |
| 2003 | State | Law 16/2003, 28th May, on cohesion and quality of the National Health System <i>Ley 16/2003, de 28 de mayo, de cohesión y calidad del Sistema Nacional de Salud</i> | |
| 2003 | State | Royal Decree 1.087/2003, 29th August, reestablishment of the organic structure of Health and Consume Ministry <i>Real Decreto 1,087/2003, 29 de agosto, por el que se establece la estructura orgánica del Ministerio de Sanidad y Consumo</i> | |
| 2006 | State | Royal Decree 29/2006, 26 th July, rational use of medicines and products | |
| 2006 | State | Royal Decree 1,030/2006, 15th September, portfolio of National Health System common services <i>Real Decreto 1,030/2006, 15 de septiembre, por el que se aprueba la cartera de servicios comunidades del Sistema Nacional de Salud y el procedimiento para su actualización</i> | |
| 2009 | State | Order TIN/971/2009, 16 th April, regulation of transport expenses for professional risk or visits to physicians <i>Orden TIN/971/2009, de 16 de abril, por la que se establece la compensación de gastos de transporte en los casos de asistencia sanitaria derivada de riesgos profesionales y de comparecencias para la realización de exámenes o valoraciones médicas</i> | |
| 2012 | State | Royal Decree 16/2012, 20th April, urgent measures to guaranty the National Health System, and to improve quality and services. <i>Real Decreto-ley 16/2012, de 20 de abril, de medidas urgentes para garantizar la sostenibilidad del Sistema Nacional de Salud y mejorar la calidad y seguridad de sus prestaciones</i> | The Health System are not universal due to the fact that it becomes related to the social security system, after the age of 26 only person is member of the Public Health System as long as is working in the formal market Immigrants in an irregular situation, not been legally in the country, are not allowed to have health care, only as an urgent measure |

| | | | |
|------|-------|--|--|
| 2012 | State | Decree-Law (17th May 2012), on Health reform, drugs' co-payment. <i>Decreto Ley de reforma sanitaria que establece el copago farmacéutico</i> | |
|------|-------|--|--|

Sources: Blasco Lahoz, José Francisco (2010). *Legislación básica sobre asistencia sanitaria*. Valencia: Tirant lo Blanch
Macpherson, Ana, and Celeste López "Efectes col·laterals. La sanitat es limita per als que no cotitzen i s'encareix per als malalts crònics". *La Vanguardia*, 8th May 2012.

4. The current organisational framework in the provision of social and care services

The division of labour within the state

This section focuses on the various programmes of care for the older people and people with disabilities provided by the Catalan regional government, the Generalitat of Catalonia. The services provided for the disabled in Catalonia are listed at the end.

In general terms, the decentralization of Spanish social service system means that between the regional government and the municipality there is a vertical division of labour. On the horizontal level, the Catalan government records the demand for municipal services and inspects all the services implemented. The municipality prescribes and organizes the services in its territorial competences, but under regional control.

Table 1.11. The division of labour within the state (which level does what) in elder care services

| Phases | Central/ Federal | Regional/ County | Municipal/ Local | Sub-municipal |
|------------------------|------------------------------------|---|---|---|
| Legislation/regulation | X | XX | X | |
| Funding | 1/2 State government (Law 39/2006) | ½ Regional Governments (Law 39/2006) and different allowance and services (depends on Region conditions and capacities) | Some services such as Home Aid Services | Social Services organization at the local level |
| Programming/planning | | Territorial competences (Regional government) | Local authorities. Services Implementation (PIA, Care Individual Program) | |
| Production/delivery | | Regional Government Regional organism coordinated with the Local Authorities (Centres for Childhood and adolescence or sectorial services. ICASS, EAIA among others) | Local authorities Implementation (PIA, Care Individual Program) | Local authorities organization |
| Monitoring/evaluation | | Assessment of some programmes XX | Local authorities | |

Source: Department of Welfare and Family. Generalitat of Catalonia (regional government)

The division of labour among actors

Table 1.12. The division of labour among actors in Elderly care and disabled people services

| Phases | Funding: cash transfers services In-kind benefits Others | Implementation | | | Division of labour among actors | | | | | |
|----------------------------|--|---|---|---|---------------------------------|----------------------------------|---------------|--|----------------------|---|
| | | Programing/ Planning | Production/ delivery | Monitoring/ evaluation | Social services | Market | | Non-profit | | Family/ users |
| | | | | | | For profit organi- sations | Hired help | Organisa- tions/ associa- tions | Voluntary workers | |
| Legislation/ Regulation | Decree 394/1996, 12 th December Decree 27/2003, 21st January. Royal Decree 504/2007, 20th April Law 39/2006, 14th December (LAPAD) Royal Decree 504/2007, 20th April Catalan Social Services Law 12/2007 | | | | | | | | | |
| Services | Home Care Services Serveis d'Atenció Domiciliària b) Home Aid: <i>Servei d'Ajuda a Domicili</i> Home care: House work and personal care (Home Care Assistant, HCA) In-kind benefits | Local authorities (social services. City Council) | Local authorities (social services. City Council) | Local authorities (social services. City Council) | X | | X | | X | |
| | Home Care Services Serveis d'Atenció Domiciliària: Technological and Care Service (Tele- alarm and Telecare) In-kind benefits | Local authorities (social services. City Council) | Local authorities (social services. City Council) Provincial government (Diputació de Barcelona) | Local authorities (social services. City Council) | | | X | X (Red Cross) | | Informal care (older people) |
| | Service of Dependence prevention (<i>Servei de prevenció de les situacions de dependència</i>) Preventive programmes and Rehabilitation programmes In-kind benefits | State General Administration, Regional government and Local authorities (social services. City Council) | Local authorities (social services. City Council) and Health Department | Local authorities (social services. City Council) and Health Department: quality planning | X | X | X | X | X | Informal care (older people and disabled people) |

| | | | | | | | | | |
|---|---|---|--|---|---|---|---|--|--|
| Dependence Assessment Service (<i>Servei de Valoració de la Dependència</i>) | State General Administration, Regional government and Local authorities (social services. City Council) | Dependence Assessment Service (<i>Serveis de Valoració de la Dependència, SEVAD</i>) Regional Government (Generalitat of Catalonia). Nursing, Social Workers, psychologist and physicians | SEVAD, Generalitat of Catalonia | X | X | X | | | |
| Day Care Centres Individual Care (Generalitat of Catalonia) Individual Care Programme, PIA (<i>Programa Individual d'Atenció, PIA</i>). Addressed to older people (+65) (means-tested) Cash transfer In-kind benefits | Regional government and Local authorities (social services. City Council) PIA: Local authorities (social services. City Council) | PIA: Local authorities (social services. City Council) | PIA: Local authorities (social services. City Council) The inspection is made by the Regional Government (Generalitat of Catalonia) | X | X | | X | | long-term care Informal care |
| Integral Care to Elderly People at Rural Areas (<i>Servei d'Atenció Integral a les Persones Grans en l'àmbit rural</i>): Home care and family carers support or care at geriatric wards (long-term care) Geriatric assistance or a Home Care Assistant (HCA) to maintain older people at their communities trying to cope with ordinary life Addressed to older people (+65) | These services have not been launched yet | These services have not been launched yet | At least one geriatric professional for service | | | | | | |
| Care Homes Services: Care Home (<i>llar residència</i>) Ward (<i>residència assistida</i>) (means-tested) Cash transfer In-kind benefits Addressed to older people (+65) | State General Administration, Regional government and Local authorities (social services. City Council) Individual Care Programme PIA | Individual Care Programme PIA: Local authorities (social services. City Council) | Social services (Local authorities) The inspection is made by the regional government (Generalitat of Catalonia) | X | X | X | | | Users can choose among different centres |

| | | | | | | | | | |
|--|---|--|---|----------|----------|--|--|--|--|
| <p>Services of Promotion of personal autonomy for people in Nursing homes and wards (<i>Serveis de Promoció de l'autonomia personal per a persones ateses en centres sociosanitaris</i>) In-kind benefits (means-tested) (18,4 Euros) Co-payment (18,4 Euros)</p> | <p>Department of Health (Regional government)</p> | <p>Department of Health (Regional government)</p> | <p>Department of Health (Regional government)</p> | <p>X</p> | <p>X</p> | | | | |
| <p>Services of Promotion of personal autonomy for people in Nursing homes, wards and Health Centres Services for personal autonomy for those people in Psychiatric Centres for long-term care (Social Services Portfolio) (<i>Serveis de Promoció de l'autonomia personal per a persones amb dependència ateses en centres de llarga estada psiquiàtrica a la Cartera de Serveis Socials</i>)</p> | <p>Department of Health (Regional government)</p> | <p>Department of Health (Regional government)</p> | <p>Department of Health (Regional government)</p> | <p>X</p> | <p>X</p> | | | | |
| <p>Services for long-term care for people with disabilities Mental and physical disabilities Day care centres specialized (temporal or permanent) Addressed to mentally and physically disabled people from 18 to 65 years old (certificated by the government) Means-tested E. 35,78 E. 739,48 per month Social Module E. 340,68 per month Co-payment E. 398, 80 per month</p> | <p>Regional government and Local authorities (social services. City Council)</p> | <p>Catalan Care and Social Services Institute (<i>Institut Català d'Atenció i Serveis Socials</i>, ICASS) (Regional Government) CAD, and Territorial services (Province).</p> | <p>ICASS (Regional Government) CAD, Territorial services (Province).</p> | <p>X</p> | <p>X</p> | | | | |

| | | | | | | | | | |
|---|---|--|---|----------|----------|----------|----------|--|--|
| <p>Services for long-term care for people with mental disabilities</p> <p>Care Homes Centres (temporal or permanent) for people with mental disabilities, who need especial help from social services' portfolio</p> <p>Care Homes Centres (temporal or permanent) for people with mental disabilities (behaviour disorders), who need especial help from social services' portfolio</p> <p>Care Homes Centres (temporal or permanent) for people with mental disabilities (with health problems or mental health problems added), who need especial help from social services' portfolio</p> | <p>Regional government and</p> <p>Local authorities (social services. City Council)</p> | <p>Catalan Care and Social Services Institute (<i>Institut Català d'Atenció i Serveis Socials</i>, ICASS) (Regional Government)</p> <p>CAD, Territorial services (Province).</p> | <p>ICASS (Regional Government)</p> <p>CAD, Territorial services (Province).</p> | <p>X</p> | <p>X</p> | | | | |
| <p>Services of long-term care for people with mental and physical disabilities</p> <p>Personal autonomy service at home (Home care aid service)</p> <p>Addressed to people with mental and physical disabilities from 18 and less than 65 years old. The Degrees has to be certificated by the government. A 33% minimum or superior disability, and 25% having the same pathology, except mental disability</p> | <p>Regional government and</p> <p>Local authorities (social services. City Council)</p> | <p>Department of Social Welfare and Family (Generalitat o Catalonia. Regional Government)</p> <p>Third Sector Association accredited by the ICASS</p> | <p>Department of Social Welfare and Family (Generalitat o Catalonia. Regional Government)</p> | <p>X</p> | | <p>X</p> | <p>X</p> | | |
| <p>Services for long-term care for people with disabilities</p> <p>Leisure Service for people with mental disabilities</p> <p>There is not a normative regulation for funding: depends on the social budget</p> | <p>Regional government and Third Sector (non-profit organizations)</p> | <p>Regional government and</p> <p>Third Sector (non-profit organizations)</p> | <p>Regional government</p> | | | | <p>X</p> | | |

| | | | | | | | | | |
|--|---|---|--|----------|----------|--|----------|--|----------|
| <p>Informal carers' support (<i>Support a les persones cuidadores no professionals</i>)</p> <p>Specialized Service for Support for Informal Carers (<i>Servei especialitzat de suport als familiars cuidadors no professionals</i>)</p> <p>Addressed to relatives or close friends, who are carers</p> | <p>Regional government</p> <p>Local authorities (social services. City Council)</p> | <p>Department of Social Welfare and Family (Regional Government)</p> <p>Saving Banks (Caixa Catalunya. Social Foundation) 2009-</p> | <p>Local authorities (social services. City Council)</p> | <p>X</p> | | | <p>X</p> | | |
| <p>Informal carers' support (<i>Support a les persones cuidadores no professionals</i>)</p> <p>Carers can apply for a temporary residential aid in the following cases:</p> <ul style="list-style-type: none"> -Carer holidays - Carer Sever Illness - Break period: Preventive carer illness or tiredness -Temporary homeless (building renovation or others) <p>15 days maximum for holidays and 1 month for other reasons related to her/his health</p> <p>In-kind service</p> | <p>Local authorities (social services. City Council)</p> <p>Health Department (Regional Government)t PADES (support team at home)</p> | <p>Local authorities (social services. City Council)</p> <p>Health Department (Regional Government)t PADES (support team at home)</p> | <p>Local authorities (social services. City Council)</p> | <p>X</p> | <p>X</p> | | <p>X</p> | | |
| <p>Informal carers' support (<i>Support a les persones cuidadores no professionals</i>)</p> <p>Informal carers' benefits</p> <p>The carer has to be registered at the Social Security</p> <p>Addressed to carers: husband or wife; relatives until third grade of consanguinity and included adoptions</p> <p>Cash transfer</p> | <p>Regional government</p> <p>Local authorities (social services. City Council)</p> | <p>Local authorities (social services. City Council) (elaboration PIA)</p> | <p>PIA revision</p> <p>Local authorities (social services. City Council)</p> | <p>X</p> | | | | | <p>X</p> |

| | | | | | | | | | |
|---|--|---|--|----------|----------|----------|----------|----------|----------|
| <p>Dependent children under 3, long-term care (<i>Infants menors de 3 anys amb dependència</i>)</p> <p>-Cash-transfer for a service -Cash-transfer for informal carer -Home help aid (<i>Servei d'Ajuda a Domicili</i>) - Early Care Service (<i>Servei d'Atenció Precoç</i>)</p> <p>Addressed to minors under 3 years old (Specific Scale of Assessment, <i>Escala de Valoració Específica, EVE</i>)</p> <p>Cash-transfer In-kind services</p> | <p>Department of Social Welfare and Family (Regional government)</p> <p>Catalan Care and Social Services Institute (ICASS) Regional government)</p> <p>Local authorities (social services. City Council)</p> | <p>Catalan Care and Social Services Institute (ICASS) Regional government)</p> <p>Local authorities (social services. City Council)</p> | <p>Department of Social Welfare and Family (Regional government)</p> <p>Catalan Care and Social Services Institute (ICASS) Regional government)</p> <p>Local authorities (social services. City Council)</p> | <p>X</p> | <p>X</p> | | <p>X</p> | <p>X</p> | <p>X</p> |
| <p>Centre for Children development and challenging behaviour (<i>Servei de desenvolupament infantil d'Atenció Precoç</i>)</p> <p>Children 0-6 (CIDIAP's evaluation)</p> | <p>Catalan Care and Social Services Institute (ICASS)</p> <p>Local authorities (social services. City Council)</p> | <p>Centre for Children development and challenging behaviour (<i>Centre de Desenvolupament Infantil / Atenció Precoç, CIDIAP</i>)</p> | <p>CDIAP Department of Social Welfare and Family</p> <p>Catalan Care and Social Services Institute (ICASS)</p> <p>Local authorities (social services. City Council)</p> | <p>X</p> | <p>X</p> | <p>X</p> | | | |

Source: Department of Welfare and Family. Generalitat of Catalonia (regional government)

Mentally disabled people programmes and services

- Day Care Centre temporal or permanent service (*Servei de Centre de Dia d'atenció especialitzada temporal o permanent*)
- Care Home for mentally disabled people temporal or permanent service (*Servei de Centre Residencial temporal o permanent per a persones amb discapacitat intel·lectual*)
- Home help aid service (*Servei de suport a l'autonomia de la pròpia llar*)
- Residential or Care Home Service (*Servei d'acolliment residencial*)
- Occupational Centres Service (*Servei de centres ocupacionals*)
- Leisure Service (*Servei de temps lliure*)
- Foster Care (*Servei de tutela*)

Care Homes Services

Care Homes services from the Department of Welfare and Family (Regional government of Catalonia). These services have different modalities in relation with users' needs:

- Intermittent support: it is used occasionally and just when is needed
- Limited support: used for a limited period of time in some aspects of the user's life (family, work, school, community life among others)
- Extended support: continued help in some aspects of users' ordinary life. She/he has the need of a third person
- Generalized support: Need of help during of life to do all ordinary life activities and has the need of a third person

The three types of services can be:

- Home help aid (*servei de la llar amb suport*)
- Care Home temporal or permanent (*servei de la llar residència temporal o permanent*)
- Care Home Centre (*servei de centre residencial o permanent*). A Care Home Centre is a 24 hours service and users do not need to also have a day care centre, as in the case of the other service mentioned above.

Home help aid has not been implemented yet.

Services of Occupation Centres

Day Care Centres for Mentally Disabled People between 16 and 65 for rehabilitation and work. The main goal is achieve maximum social integration through an occupation

- Day Care Centre
- Individual Programmes: rehabilitation, occupation therapy, labour activities and social integration through jobs
- Service of Occupation Therapy (*Servei de Teràpia Ocupacional, STO*). The access to this service is done by the Care Disabled People Centre (*Centre d'Atenció al Discapacitat, CAD*). The occupation assessment is done by the Assessment and Orientation Team (*Equip d'Orientació i Valoració, EVO*)
- Service of Occupation and Insertion (*Servei d'Inserció Ocupacional, SIO*). This programme is a way to stimulate working abilities of those people that cannot be in the labour market yet. They do not earn any salary but maintain a working activity or occupation

Foster Care Service for Mentally Disabled People

This service is for mentally disabled people after 18 years old to protect them and their goods

Services for people with physically disabilities

- Day Care Centre specialized temporal or permanent service (*Servei de Centre de Dia d'atenció especialitzada temporal o permanent*)
- Home help aid service (*Servei de suport a l'autonomia de la pròpia llar*)
- Residential or Care Home Service (*Servei d'acolliment residencial*)
- Occupational Centres Service (*Servei de centres ocupacionas*)
- Personal assistance for working activities, occupation or training for people with physical disabilities (*Servei d'assistència personal de suport en l'acompanyament a activitats laborals, ocupacionals i/o formatives, per a persones amb discapacitat física*)
- Personal assistance for ordinary life and social and community integration, for people with physical disabilities (*Servei d'Assistència personal de suport a la vida autònoma i d'integració social i comunitària, per a persones amb discapacitat física*).

Occupational Centres Service

- Day Centre
- Individual Programmes adapted to the disability's grade :
 - Rehabilitation measures
 - Occupational therapy and maintenance
 - Personal adjustment
 - Training and prelabour activities
 - Labour market integration service
- Service of Occupation Therapy (*Servei de Teràpia Ocupacional, STO*). The access to this service is done by the Care Disabled People Centre (*Centre d'Atenció al Discapacitat, CAD*). The occupation assessment is done by Assessment and Orientation Team (*Equip d'Orientació i Valoració, EVO*)
- Service of Occupation and Insertion (*Servei d'Inserció Ocupacional, SIO*). This programme is a way to stimulate working abilities of those people that cannot be in the labour market yet. They do not earn any salary but the maintain a labour activity

People with sensorial disabilities

- People with sensorial disabilities have access to all common social services for disabled people: Home Care Service (*Servei d'Atenció Domiciliària*); assessment and information service (*Servei de valoració i orientació*); Transport adapted service (*Servei de transport adaptat*) and Service for personal autonomy (*Servei de centre per a l'autonomia personal*)
- Interpret service for deaf people. This service has not been implemented yet

Minors with disabilities under 3 years old

- Dependence service (Law 39/2006)
- Carers' benefits
- Home Care (*Servei d'Ajuda a Domicili*)
- Challenging behaviour Service (*Servei d'Atenció Precoç*)
- This service is delivered by the Centres of Children Development and Challenging Behaviour (*Centre de Desenvolupament Infantil i Atenció Precoç, CDIAP*). This centre does the assessment in the case of disabilities has been done also by the Centre of Care Disability (*CAD*)

The CDIAP is addressed to:

- Children that in normal conditions will not need that service, but because of family and social conditions do

- Children that in normal conditions cannot have a normal development
- Children with a disability

The CDIAP functions are:

- Global diagnosis of a child
- Assessment and information to the family
- Therapeutic care
- Support to Primary Schools
- Supervision of child development
- Collaboration with detection and preventive programmes
- Research and training activities

5. The impact of the restructuring of the social services (preliminary hypotheses)

This section will be written after the new neoliberal economic measures have been implemented during 2012 and 2013. From my point of view, it is still too early to give an accurate overview of the impact of the five perspectives in the MoU document (a) cost/quality; b) gender; c) social and territorial cohesion; d) labour market; e) governance). Nevertheless, some trends can already be seen. The new budget cuts are shaping a new “charity pattern” (*modelo asistencial*) instead of reinforcing the pattern of social and human rights constructed during the recent democratic decades. Society is more dual with downward mobility and high rates of unemployment (26% and 55% among young people). Social vulnerability has risen to 40% in women and 31% in men. Women are twice at risk of vulnerability, and even more if they have not had a higher education (Martínez-Celorio, 2013). In the case of disabled people, budget cuts are affecting employment programmes and increasing the risk of social exclusion. Women from lone-parent families who are unemployed are running the risk of poverty and social exclusion. Some other issues will be mentioned in the following section.

6. Changes in Spanish social services and social care after the economic and financial crisis and the implementation of neoliberal measures

As a consequence of the global financial crisis and the Spanish economic crises, Spain has high rates of unemployment (20% among the general population and 40% among young people). The current right-wing government is implementing ultraliberal measures, and following IMF and EU guidelines to reduce the deficit. The crisis has meant that many people cannot afford to pay their mortgages (real estate bubble: buyers still have to pay the bank interests) and, as a result, the number of homeless people has increased by 32% in three years in Barcelona. There are now 2,791 people without a home, of whom 838 live on the street (source: *Ara*, 13 April 2012).

Likewise, eviction orders are the subject of important debate and have prompted considerable mobilizations (*Plataforma para los afectados de la hipoteca*). This increasing social problem has been denounced even by some judges. Some civil servants have requested the right of objection, because they do not want to be part of the process of removing people – many of whom are families with small kids – from their homes, because they cannot pay their mortgages. Only few people, who cannot pay the mortgage, has reached an agreement with the banks (*adhesiones al pago*) to cancel their debts.

The requests for assistance to social service centres at the local level have increased by 265% in 3 years and social workers are under pressure to solve extreme social situations with fewer social

resources (see below). As well as, the consequences of less resources and an increase of social problems have brought about tensions among users and social workers.

The most important recent Spanish decrees on budget cuts in social welfare and social care – designed to reduce the public deficit – are the following:

- Royal Decree 20/2011, 30 December, urgent measures on budget, tax and financial issues to redress the public deficit. *Real Decreto-ley 20/2011, de 30 de diciembre, de medidas urgentes en materia presupuestaria, tributaria y financiera para la corrección del déficit público.*
- Royal Decree 16/2012, 20 April, urgent measures to guarantee the sustainability of the National Health System, and to improve quality and services. *Real Decreto-ley 16/2012, de 20 de abril, de medidas urgentes para garantizar la sostenibilidad del Sistema Nacional de Salud y mejorar la calidad y seguridad de sus prestaciones*
- Royal Decree-Law (17 May 2012), urgent measures to rationalize the public expenditure on Education. *Real Decreto-Ley (17 de Mayo 2012) de medidas urgentes de racionalización del gasto público en educación*
- Decree-Law (17 May 2012) on health reform that establishes co-payment for medication. *Decreto Ley de reforma sanitaria que establece el copago farmacéutico.*
- General State Budget Bill 2012. *Proyecto de Ley de los Presupuestos Generales del Estado para el 2012*
- Royal Decree- Law 20/ 2013 (13 July 2012) on urgent measures to guarantee budget stability and to promote competitiveness. *Real Decreto-ley 20/2012, de 13 de julio, de medidas para garantizar la estabilidad presupuestaria y de fomento de la competitividad*

Royal Decree 16/2012, passed on 1 September, made the health systems non-universal and dependent on Social Security. The people in the following situations do not have not the right to access the health system:

- Spanish citizens or residents over 26 years old that have never paid their social security quotas (have not legally worked).
- EU or Swiss citizens not resident in Spain who cannot certify their situation of voluntary unemployment.
- Foreign, non-EU citizens and non-residents (only urgent care, except in the case of pregnant women)

In the case of this last Royal Decree-Law (17 May 2012) the State hopes to save 3,000 million euros and help to reduce the deficit of the autonomous communities to 1.5%.

The General State Budget Bill 2012 contains the most restrictive budgets of the democratic period, because the economic recession requires the deficit to be reduced. The deficit for the whole public administration must be reduced to 5.3% in 2012. There will be an adjustment of 27,300 million euros between expenditure and income. The budgets of the ministries have been cut by 16.9% (65,803 million euros) and exceptional measures to increase the budget through taxes have also been approved. This General Budget does say that there will be no cuts in public workers (civil servants). However, the Catalan government has already announced a wage cut for public workers (civil servants) of 3% in June and 2% in December, which can be cancelled, if the state administration decides to have wage cuts too.

The Catalan case after the financial crisis

Below there is a synthesis of the most important changes that were made last year affecting social services and social care systems

- Measures affecting or restricting the guaranteed minimum income (GMI) (*Renta Mínima, RMI*) that people can apply for in Spain once they have exhausted the unemployment benefit (*Subsidio de desempleo*, maximum of 24 months for 6 years in employment)
- The **Òmnibus Laws** (2011) restructured the administration and promoted economic activity (80 laws modified; health system privatized). Laws 9/2011; 10/2011 and 12/2012, 29 December
- Catalan government budget cuts in 2011 and 2012 (health and education)
- LAPAD in the case of Catalonia. The State reduced the budget by 48 million euros. There is an increasing waiting list.
- A total of 17,844 people have died without receiving their elderly care allowance
- The companies hired by the administration are not only paid late but, since July 2012, have not been paid at all.
- Royal Decree 20/2011, 30 December
- Health system waiting lists have also been increasing dramatically lately. Cancer and heart-disease patients are also affected
- Less serious operations are postponed
- State budget cuts (General State Budget Bill 2012). The Catalan government has made considerable cuts in the Catalan Employment Service (*Servei Català d'Ocupació, SOC*). The SOC had a budget of 400 million euros for 2011 and only 180 million euros for 2012. The result of this is that non-profit organizations such as ECOM² have collapsed and cannot provide employment services for physically disabled people.

As a consequence of the budget cuts, some foundations and associations have gone bankrupt and some third-sector services, such as those that provide jobs for people with disabilities have ceased to operate (see above). The professionals who worked in these sectors have been laid off. The crisis has still not reached its end and the social situation is still getting worse. The social services and social care sector has undergone considerable budget cuts and is still being restructured.

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