



ANED country report on the implementation of policies supporting independent living for disabled people

Country: Belgium

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PART 1: EXECUTIVE SUMMARY AND CONCLUSIONS

Independent living in Belgium is supported by National Anti-Discrimination Legislation of 2007 and is attuning to the UN Convention on the Rights of Persons with Disabilities. The policies are equally influenced by the initiatives of regional agencies (VAPH for Flanders, AWIPH for Wallonia, DPB for the German Community, and SBFPH in Brussels) who take responsibility for a move towards deinstitutionalisation, the provision of alternative ways of living, and the provision of assistive devices. Belgium as a country is moving forward in the provision of a range of living arrangements that best meet the needs of persons with disabilities. In Flanders and Wallonia a system of personal budgets has been initiated: there is no scheme in Brussels and the German community. Also new systems of providing budgets to individuals with disabilities are being developed. Clear procedures exist with regard to the provision of assistive devices, which are procured through close collaboration between multi-disciplinary teams and disabled people. In Flanders and Wallonia, a council has been established by the regional governments to formalize the participation of disabled people and their associations, while in the German community this is organized within DPB. Also, at the national level there is a council in which disabled people participate with regard to policy matters: the National Council for Persons with Disabilities (Nationale Hoge Raad voor Personen met een Handicap/Conseil Supérieur des Personnes Handicapées).



PART 2: LEGAL AND POLICY CONTEXT

2.1 Policy Framework

Independent Living in Belgium is safeguarded by virtue of a national anti-discrimination law of 10 May 2007 to combat certain forms of discrimination (BS 30 V 7) (first initiated in 2003). This federal law provides a legal and administrative framework for the equality of chances of persons with disabilities with regard to employment, housing, and transportation. Belgium's signing, ratifying and implementing of the UN Convention also supports the legal context of Independent Living.

In Belgium there is a system of disability benefits (provided through the Federal Service for Social Security), of aids and adaptations for housing and transportation, disabled parking badges and parking spaces, and universal health care. Other provisions specifically designed for disabled persons are organized in Belgium according to the region in which one lives, namely the Brussels area (Service Bruxellois Francophone des Personnes Handicapées, SBFPH), the Walloon region (L'Agence Wallonne pour l'Intégration des Personnes Handicapées, AWIPH), the Flemish Community (Vlaams Agentschap voor Personen met een Handicap, VAPH), and the German Community (Dienststelle für Personen mit Behinderung, DPB). These are state-run agencies that are funded by the regional governments.

2.2 Independent Living

Two systems of personal budgets should be distinguished. A personal assistance budget (PAB) is a recognized budget for the support of activities in daily life. A rule system for these PABs has already been developed and implemented. The second system is one of individual budgets which enables a person with a disability to purchase care from a recognized organization and which includes the possibility to make choices rather than having to receive an 'all in' package from one single organization.

The system of personal assistance budgets as a provision is indicative of the number of people living independently or in family (and not in an institutional setting.) In Flanders, about 1600 persons use a personal assistance budget (compared to 15,000 living in residential settings, and 7,000 using a semi-residential setting (meaning that they only reside in the setting during the day) (2007). In Wallonia 25 persons use a personal assistance budget.

In 2009 the Flemish Agency for Disabled Persons (VAPH) will start an experiment with Individual Budgets (see further in this report).

2.3 Legal capacity

The Belgian constitution guarantees equality of all citizens and access to justice. The legal capacity of persons with disabilities may be restricted however. Persons with disabilities may be legally equated to a child of less than 15 years old through the courts, for example in the case of persons with a severe developmental disability. A person with a mental illness may be placed for observation in a hospital or placed with a family when the person is putting her own health or security in danger. A judge may designate an administrator to take charge of the management of the goods of a protected person.



PART 3: PROGRESS TOWARDS INDEPENDENT COMMUNITY LIVING

Due to new support services, and to support for purchasing special equipment, people with only physical disabilities rarely live in residential institutions. They mostly live at home, in places where they can rely on 24 hour assistance for daily living activities (focus-living with ADL-support,) or they have a personal assistance budget. The situation of people with mental or multiple disabilities is very varied. Some live independently, with visiting support which may be on a daily basis. Some live in small group homes, others in larger institutions. Generally, the intensity of support varies with the disability but no precise statistics are available.

Recently more input is being given to sheltered living projects in Flanders. The aim is to increase the number of staff in group homes, so that also people with more severe disabilities can be supported. New legislation will be implemented in Flanders in 2010.

In order to promote the process of deinstitutionalisation, the Walloon agency AWIPH has launched a call for projects on respite services in Wallonia. Priority was given to projects developed in community environments, with local stakeholders, and focused on services that complemented those already provided by AWIPH. Projects aimed to benefit the whole population, and to improve the quality of life and the participation of persons with disabilities and their families. 20 such projects were selected to benefit from financial support for an experimental period of three years. AWIPH also increased by an additional 100 the number of places that are provided in transitional residential services (where people stay for a short period) in Wallonia.

In the German Community there are no large institutions for persons with disabilities. Living situations depend on the needs of the person and are individually arranged. Possibilities include the person living at home with parents and family members: many families undertake the living support themselves. Disabled people may live independently in their own homes, acquired through the open housing market. A person, family or couple may live together with a maximum of four people with disabilities and receive guidance depending on their needs- and a guidance plan for daily living. Further, a living community (Wohngemeinschaft) is an independent integrated living form (i.e., in an ordinary house), supported by a professional guidance. People who live in such settings choose to live together. Finally, 'a home' (Wohnheim) is an institutionalised form of living with permanent professional support. In this situation residents can not choose other people who live in the place.

Specific information for Brussels is not available.

Deinstitutionalization has developed in each region of the country but nevertheless institutionalization remains very extensive.



PART 4: TYPES OF SUPPORT FOR INDEPENDENT LIVING IN THE COMMUNITY

In the Wallonia region, the AWIPH provides financial support towards the cost of housing and technical aids to encourage disabled persons' integration at home, in school, and at work. The CICAT (Informations et des Conseils en Aides Techniques) is responsible for the coordination of information and advice on technical aids. For disabled children, AWIPH has approved and subsidizes 19 services for preschool assistance. AWIPH has also approved and subsidizes 28 services for assistance toward integration. These have the tasks of collaborating directly with mainstream and special schools (with whom a convention regulating the objectives and methods of working is signed) and of providing educational aids for young people and their parents in order to facilitate social and school integration. 37 guidance services approved by AWIPH have the objective of assisting disabled people with projects that will increase their autonomy. AWIPH has also approved and subsidizes 21 transitional residential services. The beneficiaries work on individual projects and live individually or in small groups, which accord them a real independence. Nevertheless, transitional services permanently look after the physical, psychological, and social comfort of the beneficiaries, which means that they can be assisted with budget management, hygiene, or diet. Certain disabled people move to traditional apartments after having stayed in a transitional residential service. 9 assistance services for daily living services are approved by AWIPH for persons with physical disabilities who need assistance. Accessible housing is connected to a 24/7 service. The role of the assistants is to help the person with waking up, washing and dressing, transfers, meals and so on. AWIPH has also initiated a pilot project in personal budgets for 25 persons, with the goal of providing assistance with school activities, recreation, and outside school periods. A decree of the Wallonia Government is in preparation to provide an assistance budget to 75 persons in 2009. Budgets are only available to young people under 25.

From these figures it is evident that the pace of implementing assistance budgets varies in different parts of the country.

In the Flemish region, under the coordination of VAPH, there are developments concerning sheltered living. 8589 people are currently receiving such support (4560 parents receive counselling, 2720 regular support at home, 265 continuous daily living support in focus-housing, and 1044 daily support in small group homes or for people living by themselves. 1600 people are living at home with a personal assistance budget. In Flanders there is also a scheme that supports 'living under the guidance of a private person' (women onder begeleiding van een particulier or WOP) apart from other kinds of ambulant living forms such as living in a foster family, guidance in the home, guided living, independent living (activities of daily life, focus living), sheltered and integrated living. In short, there has been an evolution from residential to more ambulant care forms which started in the 1990s, and an increasing differentiation in the provision of ambulant living forms. These efforts will continue.

As mentioned above, in 2009 the VAPH will start with individual budgets (PGB). The difference with the assistance budget (PAB) is that in the cases of an individual budget a person with disability can choose freely 'to buy' support from an organisation or institution (for example day care or residential care), or whether one hires one's own assistance. In 2008 the VAPH launched a new form of counselling to help people in their choices with individual support services. This kind of guidance is very important when various types of individual support become more available and they require an individual decision making process. It is not considered wise to simply give a personal budget without coaching on how to use it, so that people can become proper users of these budgets. The number of people that can obtain more ambulant support has increased during the last years, and will increase further in future.



In the German region, the alternatives that are available in terms of living arrangements coincide with general assistance and guidance (such as Eudomos, family- and senior assistance, 'gelbweisses Kreuz, SOS-Hilfe, Die Alternative, meals on wheels and independent nurses). In the context of DPB, services such as: early assistance, guidance for independent living, family guidance, recreation services, and guidance on friendship, love, partner relations and sexuality are available. No information is available for Brussels.



4.1: PERSONAL ASSISTANCE SERVICES

In the Flemish region, the VAPH is responsible for approving a personal assistance budget¹ (persoonlijke-assistentiebudget: PAB). This budget allows an individual with a disability to hire a person who can provide assistance at home, in school or at work. Personal assistants can provide practical and organizational assistance in terms of household activities, bodily activities, daily activities, transportation, practical assistance in daily life at school or at work, specialized child support, educational guidance or support of the person and/or their parents. The budget can vary between 8,543.24 EUR and 39,866.45 EUR a year, according to the approved requests for support.

Various non-profit organisations can help the person with their administration for the assistance. There is a legal duty to prove that a minimum of 95% of the budget is spent on paying the assistant and people with disabilities must declare the identity of the employee. New technologies are being piloted for administration: people with disabilities can log on to a secure website to provide this information and the amounts of expenditure can be monitored. This project has been selected as a European Union example of good practice.² The number of PAB's is not unlimited: the PAB-ordinance of the Flemish Government of 15 December 2000 indicates how many people can benefit for a PAB in a particular year. In 2007 there were 1,600 PAB's. Also in 2007, 6,125,000 EUR was provided for extra budgets and this led to approval for 170 budgets in early 2007. Via a faster procedure, an additional 90 PABs were approved for people with degenerative conditions. At the beginning of March 2008, there were 1,309 active budget holders.

The number of applications for a PAB is much higher than the approved budgets allow. Therefore, the Minister of Welfare, Health and Family has decided to give priority to people who have the greatest support need. In 2007 the following groups were given a PAB:

- Persons who met the criteria in 2006 but to whom no budget was given;
- Persons who met the following criteria:
 - having submitted an application before January 1, 2007;
 - having submitted a report before October 15, 2007, from a PAB multi-disciplinary team;
 - having been approved by a commission for a budget of 36.069,69 EUR (the starting budget for persons with the highest functioning: score 5).

In 2008, priority has again been given to persons with the highest need as reflected in the highest PAB-score (score 5). Budget limitations have not been applied to persons with a fast degenerative condition. At December 2008, there were 2,000 people using PAB. The rate is therefore increasing by 250-300 per year. There were also more than 5,000 case requests under review, showing that there is a very high demand for the system and that selection criteria are very stringent.

¹ <http://www.vaph.be/vlafo/view/nl/>

² <http://www.epractice.eu/en/cases/corve07>



4.2: ASSISTIVE EQUIPMENT AND ADAPTATIONS

In Flanders, obtaining technical aids and adaptations of living spaces occurs through the VAPH. Technical aids are listed in a reference list, which was organized based on functional limitations (e.g., describing assistance or replacement of lower or upper limbs). A role of support in this process occurs through the Knowledge and Support Center (KOC) which was established according to a ruling of the Flemish Government of 13 July 2001. The KOC has the objective of disseminating information regarding aids and adaptations, and providing guidance and advice on policy regarding aids and (workplace) adaptations.

The KOC maintains a data bank with information regarding the aids available in Flanders³ (see. It includes brochures, prices, and costs of assistive equipment for persons with a mobility, visual, auditory or speech disability and for persons with a cognitive or learning disability. Assistive equipment is arranged according to disability and according to their purpose.

There is an increasing number of technical devices on the market, which makes it difficult for advisers to keep an overview of the various possibilities. Complementary to VLIBANK, the KOC publishes advisory information, tips and guidelines which can assist with the choice of assistive equipment. Specifically for a target group of blind and visually impaired people, the KOC, in collaboration with the NGO Infovisie, publishes a three three-monthly Infovisie Magazine.

The advisory method starts with the wishes of the person with a disability in terms of the activity for which he experiences a problem. In choosing an assistive support or adaptation, one has to take into account (1) the person's individual functional possibilities, (2) the activities that the person wishes to carry out; (3) the situation and the environment in which the person wishes to function.

In choosing the most suitable solution there is also an evaluation of external factors such as the price/quality of the equipment and the regulatory context. The method is universally applicable. It can serve for any disability, for any question regarding care, complex or simple, for assistive devices as well as adaptations in employment situations. All advisors in multi-disciplinary teams in Flanders have to apply this method. The teams systematically analyze individual problems to formulate the most effective solutions. They do this in collaboration with the person with the disability and recognize his/her experience based competence. The team provides a report and the VAPH makes a decision based on this report with regard to the subsidy.

The KOC has developed continuously supporting work instruments and provides active support to advising teams. When a team is in doubt, is confronted with a complex solution or experiences problems, it can get assistance from the KOC, which provides relevant information or allocates the team an appointed expert.

The KOC also advises the VAPH regarding adaptations to the list of assistive devices and formulates policy, published in the KOC-Signal Books. These KOC-Signal Books are direct questions and recommendations to policy makers.

In Wallonia, according to a decree of Decree of February 4, 2004 the AWIPH can assist with the provision of assistive technologies.⁴

³ <http://www.vlibank.be>

⁴ http://www.awiph.be/pdf/publications/legislation/arrete_aide_materielle_04022004.pdf



PART 5: EVIDENCE OF GOOD PRACTICE IN THE INVOLVEMENT OF DISABLED PEOPLE

In Flanders, the Flemish Government approved the establishment of a Flemish Platform of Associations of persons with disabilities on 28 May 2004 to represent disabled people in the Regional Network on care for disabled people and the organization of guidance (trajectbegeleiding). The platform has as its most important tasks: (1) collective representation of persons with disabilities specifically regarding mediation, planning and regulation of care, organized by the Regional Network, and (2) support to individuals with disabilities by (a) informing and guiding persons with disabilities about care and mediation of care, organized by the Regional Network, and the organization of guidance.

Moreover, 'Accessibility Consultation Flanders' (TOEVLA) has been established to represent disabled people concerning issues of access. This is an informal network of organizations of disabled people. There are several good awareness practices to be noted in the field of the built environment, such as the campaign 'accessible Flanders'⁵ and the 'Week on Universal Design'.

The Wallonian Government has created a Consultative Counsel to ensure the participation of persons with disabilities and their associations in the development of measures that concern them. The Counsel (1) represents all the associations that represent disabled people and coordinates these, (2) provides to the Wallonia Regional Counsel and to the Government, at their request or initiative, advice on the orientation of politics with regard to persons with disabilities and the practicalities (3) provides advice on the functioning of AWIPH on the ways that it executes its tasks. It should also be noted that based on article 120bis of the new Communal law, it is possible for the communes to establish a consultative council of disabled persons. Finally, it should be noted that all the housing services which have been approved by AWIPH are to create a 'users council' to represent users and, if necessary, their legal representatives.

In the German community people with disabilities and their associations are represented in the DPB, which means that they are involved in all important decisions with regard to policies in the German speaking community. A meeting is organized on a yearly basis, in which disabled people and their associations participate, and which has the purpose of discussing common interests and questions and of collaborating on common responses to important themes.

At the national level, it should be noted that there is a National Council of Persons with Disabilities which is charged with the examination of questions relating to disabled people, concerning federal responsibilities. This council provides advice on laws and rules. It is composed of 20 members, specifically qualified because of their participation in activities of organizations of disabled people or because of their social or scientific activities.

The Belgian Disability Forum (BDF) is an NGO of 20 associations of disabled persons. Their purpose is to inform members with regard to international regulations on the rights of disabled people. The NGO also interacts with political, economic, and social actors in Belgium. The BDF is the official representative of Belgium on the European Disability Forum.

⁵ <http://www.toevla.be>



PART 6: REFERENCES

This report is based on consultations with all the Belgian members of the High Level Group and their reports with regard to the Implementation of the UN Convention on the Rights of Persons with Disabilities.

Other resource:

Jos Huys (2008). De-institutionalization in Belgium. Presented at the workshop on “de-institutionalization and life in freedom”, at the “25 Years Independent Living in Sweden” international conference, Stockholm, Sweden, November 28-29, 2008.