



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

**Country:** Portugal

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The information contained in this report was compiled by the Academic Network of European Disability experts (ANED) in May 2009.



## **PART 1: EXECUTIVE SUMMARY AND CONCLUSIONS**

Despite efforts of the Portuguese government to promote independent living and autonomy for people with disabilities, and to design policies and programmes to promote the right of people with disabilities to determine their own lives, the fact is that there are still many obstacles. For example, there is still much to do to implement the accessibility law, Decree-Law 163/2006 of 8 August, which defines conditions to be met for access to public spaces, facilities, and buildings; houses and surrounding areas. Accessibility is recognised as a fundamental right for ensuring independent living and participation of people with disabilities. NGOs can present complaints against the entities (public and private) who do not comply with the legislation but these rights have never been exercised. On the other hand, society, including families, public services and institutions, still persists in presenting people with disabilities as citizens that need social, medical or family assistance and therefore it is very difficult for them to be independent and autonomous.

Regardless of this situation, the NGOs that provide services to people with disabilities have made a huge effort to promote independent living and integration in local communities. Their services are financed by the Social Security Institute, which has been implementing quality systems to improve the services provided and the fundamental rights of people with disabilities. At the same time, the European Social Fund QREN/POPH has provided financial support to NGOs that decided to adopt the EQUASS or the ISO 9001:2000 system in their organisations. These quality systems are designed to support developments in line with the UN Convention on the Rights of Persons with Disabilities.

On the other hand, there is still a lack of studies and reports that evaluate the impact of the policies adopted and there are still missing statistics and evidence on the number of successful cases. In this report much of the information has been provided by the official departments of the State.



## PART 2: LEGAL AND POLICY CONTEXT

The Law 4/2007 of January 16<sup>th</sup> approved the general basis of the social security system and this represented an advance in the reform programme. It made provision for social protection of people with disabilities<sup>1</sup> through financial and social support systems that favour individual autonomy and inclusion in society.

The Ministry of Labour and Social Solidarity oversees the work of the National Bureau for the Rehabilitation and Integration of Persons with Disabilities, an organisation that has responsibility for enforcing legislation. The Ministry is also concerned with protection, rehabilitation, professional training, and the integration of persons with disabilities. In Portugal, health services are governed at national level, while social services are administered by local government or the municipality. The social service subsystem is responsible for special protection to more vulnerable groups, in particular children, young people, persons with disabilities and the elderly, as well as other persons in a situation of economic or social need.

The citizenship social protection system aims to guarantee the basic rights of citizens, equal opportunities and social wellbeing and cohesion. To meet these objectives the citizenship social protection systems ensure citizens are entitled to the essential minimums when facing a situation of lack of resources, poverty and exclusion. These are: a) services and social facilities; b) programs to combat poverty, dysfunction, marginalization and social exclusion; c) cash benefits, temporary and of exceptional conditions, and d) benefits in kind.

An example is Social welfare benefits in Kind, which comes under social welfare and is intended to support people with disabilities. Support of this type in practice enables people to use a range of equipment and services and provides the resources that they need to do so. By means of co-operation protocols, Social Security provides financial and technical support to non-profitable institutions, which then provide services for the population with disabilities, such as residential homes, occupational activity centres, vocational training and early intervention centres aimed at children from 0 to 6 years old. Residential homes accommodate youngsters older than 16 and adults, who are either temporarily or permanently hindered from living with their families. Occupational activity centres are aimed at disabled people over 16 to stimulate the development of their skills, mainly those who cannot find a job. The data of the report of the Social Charter 2007<sup>2</sup> shows that there were 11 226 persons in 314 occupational activity centres.

Funding is paid directly by the state to the host establishment, following an individual agreement (through co-operation protocols). Beneficiaries pay an amount towards the costs, calculated on the basis of their family income.

The Portuguese Government has put the following measures in place:

The key policy of Social Security/Welfare Sector (based on the International Covenant on Economic, Social and Cultural Rights (ICESCR)), is the promotion of quality of life and the development of vulnerable citizens, avoiding social exclusion and poverty.

Current legislation provides a family protection sub-system to disabled people that includes specific benefits and allowances for disabled children and adults. It aims to compensate families for additional costs or loss of family income as a result of disability.

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<sup>1</sup> The Law 38/2004, 18<sup>TH</sup> August, considers a disabled person to be someone who has a congenital or acquired impairment. This includes physical and psychological functions, which interact with the environment to limit or impede activity and participation on equal terms with other people.

<sup>2</sup> [www.cartasocial.pt](http://www.cartasocial.pt)



Some fiscal benefits are also available. These include:

- a) Individual income tax (IRS) - Decree-Law No. 43/76 of January 20, Decree-Law No 202/96 of 23 October (with the amendment introduced by Decree-Law No 174/97 of 19 July) and the IRS Code.
- b) Vehicle tax - Law No. 22-A/2007 of June 29, Decree-Law No. 43/76 of January 20, Decree-Law No 352/2007 of 23 October and the Code of Tax on Vehicles.
- c) Unique Tax of Circulation - Law No. 22-A/2007 of June 29.

In the field of social care (Social Action Sector) a range of specific social services and facilities funded by central government are available. For the most part, services (institutional and community-based) are delivered by non-profit organizations through state cooperation agreements. Assistive devices are also financed by state, mostly by the Social Sector (Social Security and Employment and Professional Vocation Institute) and some by the Health and Education sectors (mainly in education).

At a local level, Information and Mediation Services for Persons with Disabilities (SIM-PD) are being developed. These local services provide information on rights, benefits and resources in the area of disability and rehabilitation.

SIM-PD are being developed by the National Institute for Rehabilitation, I. P., in partnership with local authorities, and aims to ensure a quality of service to people with disabilities in their communities. Funding is provided by the municipalities.

The objectives of the SIM-PD are to:

- Meet people with disabilities and their families;
- Provide information on rights, benefits and resources;
- Undertake proper routing and develop a basis for mediation services to the public and private entities responsible for resolving their problems;
- Develop and enhance local partnerships and social networks to find more effective solutions to problems;
- Disseminate good practice in the care of citizens with disabilities;
- Gather information to produce diagnostics for characterization of the local situation of people with disabilities, identify key problems and promote appropriate solutions.

There are 27 SIM-PD (2009) nationally, mainly in small cities.

The Action Plan for the Integration of Persons with Disabilities or Impairments defines measures (paragraph 3.1) related to the "Protection and social solidarity", to strengthen the quality of human resources and capacity of social networks for persons with disabilities. Priority is given to forms of assistance that promote living in a natural environment. This plan is coordinated by the National Institute for Rehabilitation.

### **There are various measures that regulate the operation of services:**

#### 1 - Regulating the operation of Occupational Activity Centres (CAO):

Ordinance 432/2006, of May 3, regulates socially useful activities, Decree-Law 18/89, of January 11, Article 10 sets out conditions for paying users of occupational activity centres. Occupational activities are managed by the social security system.



They aim at personal recovery and social integration of severely disabled people, allowing possible development of their capacities, without tying their performance to professional, legal or regulatory frameworks.

Regulation by DL 18/89, of January 11, applicable to occupational activities to achieve compatibility between the regime stipulated by it with the transition to an active life by youths with grave disabilities or incapacities and recognising social utility tasks.

## 2 - Regulating the operation of Care Homes and Independent Homes:

Normative Order 28/2006, of May 3 – Regulations for the Organisation, Installation and Functioning of Residential Structures for Persons with Disabilities.

The Government has established a set of minimum conditions for residential facilities for people with disabilities. These structures cover two types of residential accommodation: residential homes and autonomous homes.

In summary therefore, policies in Portugal with regard to Independent Living are based on social protection, employment and health schemes. NGOs play an important role in the promotion of independent living initiatives. These projects are financed by public funds.



### **PART 3: PROGRESS TOWARDS INDEPENDENT COMMUNITY LIVING**

Residential homes provide equipment for disabled people who are prevented, temporarily or permanently, from staying with their natural families.

A residence is a separate residence or apartment to accommodate people with disabilities who, through support, are able to live independently. The residence is different from the independent residential home, basically, because it is more focused on living independently, managing lives, relationships with others and social and professional inclusion.

Mansell et. al (2007)<sup>3</sup> reports on levels of institutional and residential provision for 2006 / 07. Despite missing data and difficulties with disaggregating figures, they report that 11,422 people were living in residential establishments at this time. Of these, 1,002 were children and 9,074 were adults (1,346 were not classified). 4,427 were living in establishments of less than 30 places and 6,995 in those of over 40. Portugal has a relatively low rate of institutionalisation, reported by Mansell et. al. to be 66 per 100,000 of the population.

Most assistance to disabled people is provided by family members.

The Social Services and Equipments Network Programme (PARES) was created and regulated by Administrative Rule nr. 426/2006 of May 2nd. This programme promotes public investment in programmes for people with disabilities by creating conditions which promote their autonomy.

The PARES Programme has 3 main objectives:

- to pursue effective planning on the basis of an effective regional balance and lack of social services;
- to give priority to people who are more vulnerable to social exclusion ( elderly, children and persons with disabilities)
- to promote wide partnership between central public authorities, the Social Sector, Local Authorities and Entrepreneurial/Private Sector.

The PARES Programme defines targets: 2.500 places for people with disabilities will be created in the third sector. Up to 2008, about 1000 new places for people with disabilities were created.

The Support Programme for the Investment in Social Equipment – PAIES<sup>4</sup> – was established and regulated by Administrative Rule nr. 869/2006 of August 29th. Similar to PARES, the PAIES programme stimulates private investment in social services. However, this programme emphasizes support to profit making companies by granting incentives to investment, supporting companies and enabling more favourable conditions when applying for credit.

The PARES<sup>5</sup> had the following results:

The 1<sup>st</sup> Notice (Order 10 516/2006, of May 11 - 2<sup>nd</sup> Series First) allocated 350,000,000€. Contracts were signed for 9 Autonomous Residences for 36 persons and for 10 care homes for 162 places.

The 2<sup>nd</sup> Notice (Order 944/2007, of January 18 gave an allocation of 3,640,000 €. re-assigned to 9.1 million euros. Notices were issued for 25 Autonomous Residences, with 155 new places and for 22 care homes, with 411 new places.

<sup>3</sup>[http://www.kent.ac.uk/tizard/research/research\\_projects/DECLOC%20Volume%20%20Report%20for%20Web%20.pdf](http://www.kent.ac.uk/tizard/research/research_projects/DECLOC%20Volume%20%20Report%20for%20Web%20.pdf)

<sup>4</sup>[www.seg-social.pt](http://www.seg-social.pt)

<sup>5</sup>[www.seg-social.pt](http://www.seg-social.pt)



34 Autonomous residences were approved in total.

This represented a 15% capacity increase in care homes for persons with disabilities.

There were 262 places established prior to and during the PARES project:

The total number of places approved in care homes was 573 + 262, making 835 new places

The capacity in 2004 was 3,745 (562 places)

The capacity of the Home Assistance Service (HAS) for persons with disabilities or incapacities was increased by 30%, as a means of discouraging institutionalisation.

In 2006/2007, through the 1<sup>st</sup> and 2<sup>nd</sup> Stages of PARES, 210 places were created in HAS, a 34.59% increase in capacity in 2007 compared with 2004. In 2004 capacity was 607 places.

During this period, the capacity of Occupational Activities Centres (CAO) for persons with disabilities was increased by 10%.

In 2006/2007, during the 1<sup>st</sup> stage of PARES, 178 places were created. 502 other places were built prior to and during the PARES project, with a total increase of 680 places. The capacity in 2004 was 10,135 places.

### Program to Expand the Social Facilities Network (PARES)

New places in relation to the PARES I and PARES II projects and others in progress

Social Solutions	Places under execution prior to and during the PARES:	1 <sup>st</sup> Stage PARES	2 <sup>nd</sup> Stage PARES	Total	Target reached compared with Installed Capacity in 2004	Difference in Target Reached and Forecast
<b>Occupational Activity Centres</b>	<b>502</b>	<b>178</b>	<b>0</b>	680	<b>6%</b>	<b>-4%</b>
<b>Care Home + Autonomous Residences</b>	<b>262</b>	<b>198</b>	<b>566</b>	1026	<b>27.39%</b>	<b>+ 9.89%</b>
<b>Home Assistance Service</b>	<b>0</b>	<b>40</b>	<b>170</b>	210	<b>34.59%</b>	<b>+ 4.59%</b>
<b>TOTAL</b>	<b>764</b>	<b>416</b>	<b>736</b>	1,916		

Source: First Evaluation Report of the Action Plan for Integrating Persons with Disabilities or Incapacities 2006-2009, January 2008

To sum up, these Programmes aim at broadening the Network of Social Service, becoming one of the pillars of the integrated development of social policies in Portugal.

This is a key determinant of well-being and improving the living conditions of citizens and families, namely those with disabilities. They will create more infrastructures for residences and Occupational Centres for people with disabilities giving them more autonomy and independence.



Under the Human Potential Thematic Operational Programme under the National Strategic Reference Framework 2007/2013 (POPH/QREN), the National Institute for Rehabilitation (INR, I.P.) submitted the project "Deinstitutionalisation of children with disabilities", which is a study to establish recommendations and guidelines for protecting the best interests of children with disabilities. It aims to prevent their institutionalization and to promote deinstitutionalization whenever possible, with the goal of independent living. The study has been approved and is being carried out by a Research Centre of the Coimbra University.





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

### **Children with Disabilities**

The Labour Code, Law 7/2009, February 12 makes provision for working mothers/fathers of very severely disabled children to stay at home for 6 months, with a grant paid by Social Security.

The large majority of disabled children live with their families, although community-based services are under-resourced (statistics are not available however). This kind of provision has been improved in recent years through implementation of more flexible measures by the State and agreements with NGOs.

The Community Social Network is a legislative measure that has established a network of local public services, private non-profit organizations and other entities. Coordinated by local authorities, it has been an important tool for better rationalisation and management of needs and community resources. The programme, created in 1997, aims to improve the quality of life of the vulnerable population, including disabled people. It involves a public – private partnership, with priorities determined locally (education, health, employment, etc.).

The early childhood intervention (ECI) system – aims to prevent secondary conditions and encourage the development of children in early years. ECI aims to be an effective way to empower families and improve community service delivery that could reduce future institutionalisation.

Inclusive education policies and practices have made an important contribution to decreasing the number of institutionalized children with disabilities, as well as the number of boarding schools (although statistical data is not available). Even children who need a great deal of assistance can attend specialized units in ordinary schools near their homes. (Ministry of Education / Department of Special Needs Education)

The conversion of some special school institutions into resources centres has provided community-based and more comprehensive services, These have been a good alternative to meeting families' needs in the community and for reducing institutionalization.

There are special benefits and arrangements for workers taking care of children with disabilities, under the Law 17/95, June 9 which is regulated by the Decree-Law 347/98, November 9. Parents with severely disabled children may claim:

- parental leave for one of the parents to stay at home for 6 months with a grant paid by the Social Security Sector;
- flexible working arrangements

Children and young persons with disabilities are also entitled to financial support for technical aids, including gadgets to compensate for disabilities or to reduce their consequences, in order to be able to perform daily activities and to participate in academic, professional and social life.

### **Protection of Women with Disabilities**

Any kind of discrimination based on sex is illegal.

Decree 1/2006, 25th January, regulates the conditions of organization, functioning and supervision of women's refuges. This is a development of the Law nº107/99, (which establishes the legal framework of the network of houses of support to the women victims of violence), and the Decree-Law nº323/2000, that regulates it.



It stipulates that private spaces in refuges must provide privacy and accessible spaces for people/women with disabilities. The National Institute for Rehabilitation is making a study about the participation of women with disabilities in society.

### **Elderly and adult people with disabilities**

Social Support concerning elderly and adult people with disabilities<sup>6</sup> is intended to support elderly people in living on their own or with other family members, in residential care settings for and with or without support. Social services and programmes for people aged 65 and over aim, as much as possible, at promoting their autonomy and well being, encouraging them to remain at home with their families and usual living environment and at reinforcing their social and community integration.

The types of care and support available are:

a) *Social services –older persons with disabilities*

**Emergency situations** - National social emergency line 144, run by ISS - Institute of Social Security.

**Foster Care** - Temporary or permanent care provided by a selected family for older persons who cannot stay at home due to the absence of family members and/or inadequacy of social services.

**Home Help** - Individualised personal care at home for individuals and families who, due to illness, disability or other problems, cannot satisfy their basic needs and/or perform daily life activities on a temporary or permanent basis. The home help services are provided by Particular Institutions of Social Solidarity (IPSS) or private companies. The constitution of a team to provide this support, the obligations and duties are regulated by the Order 62/99, November 12.

**Get Together Centre** – Establishment that provides support services for leisure and cultural activities organized by older persons in the community.

**Day Care Centre** – Centre where different kinds of services are provided for older persons, thus enabling them to stay in their homes for as long as possible. Services provided may include meals, socialization / occupational therapy, hygienic care, laundry and organized holidays. In certain circumstances, home delivery of meals, home help and temporary accommodation are also provided.

**Holiday Camp** – Services provided to all age groups or for the entire family, including leisure activities.

**Home** – Temporary or permanent accommodation for older persons at major risk of losing their independence and/or autonomy.

**Residential Care** - Group of apartments with communal services, for elderly people with autonomy and who can take care of their own apartment.

**Support Programmes for Elderly** - Integrated Support Programme (PAII) that provides tele-alarm services, home help and supervises Resource Centres for dependent people.

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<sup>6</sup> Information provided by Social Security Institute



b) *Social services – Adult people with disabilities*

**Foster Care** - Temporary or permanent care provided by a selected family for adults with disabilities who cannot stay at home due to the absence of family members and/or inadequacy of social services.

**Home Help** - Individualised personal care at home for individuals and families who, due to illness, disability or other problems, cannot satisfy their basic needs and/or perform daily life activities on a temporary or permanent basis. The home help services are provided by Particular Institutions of Social Solidarity (IPSS) or private companies. The constitution of a team to provide this support, the obligations and duties are regulated by the Order 62/99, November 12.

**Occupational Support Centre** - Centres to improve the personal competencies and social integration of young people and adults with disabilities, aged over 16, through occupational activities.

**Residential Care** – Care centres for young people and adults with disabilities, of both sexes, over 16 years old, who cannot live in their home on a temporary or permanent basis. In order to benefit from this support, persons should have the following requirements: attend the educational structures, programs and training or be covered by local programs or projects which are not compatible with that of their residence. Attendance is justified if the family cannot accommodate the young person; in case of sickness or the needs of the rest of the family. The residential home may temporarily admit candidates under the age of 16 years for social and family counselling and where they have exhausted the possibilities for referral to other more appropriate programmes. The decision may be made by the family, the social security personnel, the person involved or by all parties

Regional Social Centres of Social Security determine how the assistance described above is allocated.

Adult persons with disabilities are also entitled to financial support for acquiring technical aids, including new technological gadgets to compensate the disability or to reduce their consequences in performing daily activities and participating in academic, professional and social life. The amount of technical aids is defined each year by Ministerial Order. To gain access to these, a prescription is given by a doctor and 100% is funded. The total amounts given until 2007 are in the tables on 4.2

In 2006 two national programs, PARES and PAIES, were created to invite solidarity and private entities to invest in social equipment, in the form of Residences and Occupational Activity Centres. This investment was created to fund equipment that was most necessary to children, people with disabilities and elderly persons at national and local level.

The Budget allocated by the Human Potential Thematic Operational Programme under the National Strategic Reference Framework 2007/2013 (POPH/QREN) will focus on the improvement of the quality of life of people with disabilities, namely qualifications, support for socio-professional integration, quality of services and organizations (Programme Arquimedes), accessibility at central and local level and research, raising awareness and good practice.

## **Housing**

By the Decree-Law No 308/2007 of 3 September, the Portuguese Government created the **Program Door 65 – Youth**.



This is a support program for youth living in urban rented housing on a permanent basis. It grants an allowance equal to a percentage of monthly income. This program is based on principles of positive discrimination, since it uses a hierarchy of priorities in support for the emancipation of the young, young people with lower income, those with a dependent children and youth with disabilities.

This development arose to simplify the application procedures for the Program Rent Young, enabling the development and promotion of access, management and conservation of public and private rental property.

The Urban Rental Scheme provides rental contracts to descendants who have a disability with a degree no greater than 66%. In this instance, the conditioned rent regime<sup>7</sup> is not applied and these people continue to pay the same type and amount of rent as previously. People with a disability degree of more than 60% receive a rent subsidy<sup>8</sup>. This subsidy is also payable to people whose spouse or the person who lives with them is disabled.

Citizens with disabilities have preference in the acquisition of social housing when applications are equally eligible.

The application must be made within a deadline of a tender notice. Access to light, lack of housing and living conditions, monthly income per head, location of employment and special situations (health, disability) are relevant factors taken in to account.

Citizens must apply to services in the City Council's area of operation.

The statistical information on this is from the Census 2001. It found that most of the population with disabilities in Portugal lives in classical accommodation<sup>9</sup>: 94.5%. The remaining population is divided between non-standard accommodation<sup>10</sup> (1.0%) and collective households<sup>11</sup> (4.5%).

These proportions were virtually identical to those observed for the population without disabilities, with the difference that the latter had a lower proportion of residents in public housing (0.8%) at the expense of traditional housing (98.4%).

3.2% of the total percentage of people with disabilities received social support.

This coincided with living in public accommodations. Health Institutions provided accommodation for 0.7% of persons with disabilities living in collective accommodation.

<sup>7</sup> The original rent/the first rent is fixed on the basis of the parts used and can not exceed, by the month, 1/12 of the amount of tax (actually, 8%) x actual value of the place (price depends on the condition of the building and the date of the last adjustment).

<sup>8</sup> Law 46/85, 20.10, permitted an annual increase in rents according to coefficients approved by the Government. Also, it allowed an extraordinary adjustment of rents established before 1980, according to variable coefficients (depending on the condition of the building and the date of the last adjustment). A rent subsidy for tenants with a low income was created to compensate for the increase in rents. (12 DL 321-A/90, 61 RAU; Law 46/85, 20.10; Decree Law 68/86, 27.03 (modified by Law 21/86, 31/07 and Decree Law 329-B/2000, 22.12)

<sup>9</sup> A room or suite of rooms and its accessories in a permanent building or structurally separated part thereof which, by the way it has been built, rebuilt or converted, is intended for habitation by one household. It should have a separate access to a street (direct or via a garden or grounds) or to a common space within the building (staircase, passage, gallery and so on). Detached rooms for habitation which are clearly built, rebuilt, converted, etc., to be used as part of a dwelling should be counted as part of the dwelling.

<sup>10</sup> Any place that, at the time of reference, is occupied by people and does not totally satisfy class accommodation conditions. Included in this category are shacks, mobile accommodation, rudimentary wooden dwellings, improvised accommodation in a construction not intended for habitation and other places not intended for habitation (caves, stairwells, bridges, etc).

<sup>11</sup> This where, by the way it was built or converted, accommodation is designed to host more than one family and is occupied by one or more persons, whether resident or present only non-residents. " Includes hotels, pensions and the like, as well as results of living (nursing homes, orphanages, colleges, seminaries, boarding schools, hospitals, nursing homes, convents, monasteries, etc.)..



Of the total population with disabilities, 4.4% were living in institutional households. This proportion was higher in all women (5.8%) compared to men (3.2%). It may be that the majority of people with disabilities living in institutional households were elderly.

Therefore the majority of people with disabilities live in their homes. Institutionalisation is the last resort (residences and home help). During the census the staff of the National Statistics Institute had the cooperation of the local authorities to include institutions (all types, children and youth, students, elderly and those for people with disabilities). The main question about the numbers concern people who live in their own homes, as the answers sometimes were based on the perceptions of the staff. The inquiries were made to the person.



## 4.1: PERSONAL ASSISTANCE SERVICES

### Children and Youth with disabilities:

#### Special Needs Education

The Portuguese expression for Special Educational Needs is ***Necessidades Educativas Especiais (NEE)***. Special needs pupils are defined as those needing special resources and individualised curricula.

In Portugal, special needs teaching is integrated within mainstream schools. Pupils are only referred to specialist schools if they appear not to be able to reach their individual educational goals.

#### Kindergarten/Pre-School

Early identification of special needs in young children is mostly the responsibility of the medical services and the Ministry of Education provides special education teachers to support those children either in kindergarten/pre-school or at home.

#### Compulsory Education

Compulsory education covers nine years of schooling and lasts from the ages of six to fifteen. However, these limits are not applied to special education learners. The child may attend a school outside of their area of residence if it has better access conditions or better educational support resources for that child.

Once they enter compulsory schooling, children with special needs will have an **Individual Educational Plan**, which sets out the changes and adaptations needed.

The following measures are available to special needs pupils within mainstream schools:

- support from specialised professionals (special education teachers, counsellors, mobility professionals, sign language trainers and interpreters, therapists, psychologists),
- use of specific equipment and tools (books in Braille, books with enlarged characters, optical and hearing devices, adapted software),
- special conditions for assessment (type of test, type of pupils' ways of expressing themselves, timetables, place and time of the test),
- individualised curriculum (by replacing, introducing, removing aims, contents, activities)

If the adaptations are considerable and do not fit within the national curriculum, an **Individual Programme** has to be developed.

#### Transition Period

In the two last years in school, the Individual Educational Plan is called a **Transition Plan**: it lists the learner's skills, abilities and desires as well as the parents' expectations and is aimed at preparing the pupil for adult life.

The Transition plan helps with employment training and, in some cases a partnership with local enterprises is established to enable the learners to receive on-the-job training.

More information on schooling for children with learning disabilities can be obtained from the Ministry of Education (Ministério da Educação), the Regional Offices of Education (Direcções Regionais de Educação), the Area Centres for Education (Centros de Área Educativa) and local schools.



## Special Schools

Almost all pupils attend mainstream schools. However, for those whose special needs cannot be met in state schools there are few number of special schools throughout Portugal.

In 2007, data available shows that there were 3.576 students in special schools and almost 28.000 students with disabilities in mainstream schools. In 2008 the numbers were almost 2.500 in special schools and 30.000 in mainstream schools (Ministry of Education).

Special schools include:

- Specialised Units to Support Education for Students with multi-disabilities and who are congenitally deaf-blind.

These aim, among other objectives, to promote the participation of students with multi-disabilities and congenital deaf-blind in curricular activities and link these students with their peers in class.

- Units of Structured Teaching for the Education of Students with Autism Spectrum disorders

As above, these units aim to promote the participation of students with autism spectrum disorders in curricular activities and link these students with their peers in class.

- Schools of Reference for the Education of Students with Low Vision and Blind. Among other objectives, these aim to ensure the teaching and learning of reading and writing Braille, and of its various spellings and fields of application.
- Schools for the Education of Bilingual Education for Deaf Students. These mainly aim to enable the acquisition and development of Portuguese sign language as a first language of deaf students and to develop teaching and learning this language.
- Schools of Reference for Early Intervention in Childhood. Run by the five Regional Directorates of Education, these have the following terms of reference:
  - Ensure liaison with the departments of Health and Social Security;
  - Strengthen the technical teams, providing services for early childhood intervention, financed by Social Security,
  - Ensure - under the Ministry of Education - the provision of early intervention in childhood.
- ICT Resource Centres for Special Education (CRI). The Ministry of Education aims to create a network of 25 ICT Resource Centres for Special Education, located in clusters of schools. These centres assess pupils with special educational needs, to determine which technologies are best suited to overcoming some kind of difficulty. They support a broad range of groups.

Alongside the public network, there is a network of private institutions of Special Education, which tend to provide the Resource Centres to support inclusion. They aim to integrate students with special educational needs in the regular education system, through facilitating access to education, training, work, leisure, social participation and independent living. This conversion should be complete in 2013.

## Employment

Concerning people with disabilities over 16, there are a set of individualised support programmes for their inclusion in the labour market such as:



### - **Grant for Personalised Assistance**

Personal assistance is only available in workplaces in Portugal. This grant is made to companies who engage people with disabilities on their staff, in order to cover the costs concerning their personalised assistance. It is granted for a three month period extendible to a maximum of six months. Assessment is based on the employer's expenditure. The amount paid cannot exceed, each month, twice the monthly minimum wage. In principle it is the employer rather than disabled person who chooses the assistant.

### - **Setting up of Own Business**

Financial and technical support to people with disabilities to set up their own viable and profitable business is available. The Institute of Employment and Vocational Training (IEFP) can provide a person with disabilities wishing to set his/her own business with an allowance to cover strictly necessary start-up costs. These may include the purchase of equipment, materials, adaptation, acquisition or construction of facilities or payment for rent of the workplace.

### - **Sheltered Employment**

On the other hand, there is a Sheltered Employment regime<sup>12</sup> which covers all people with disabilities who, although they cannot immediately or in the short term be covered by general work regulations, are sufficiently productive and they can, under special conditions, carry out stable, paid and profitable work.

The Sheltered Employment regime (Decree-Law No. 40/83 of 25 January (Sheltered Employment regime)) has the objective of encouraging transition to the normal work market as soon as possible. It seeks to provide training for all people with disabilities who have an average work capacity equal to or greater than one third of the normal work capacity demanded of a non-disabled worker in the same job post. These objectives are carried out mainly through Sheltered Employment Centres and Enclaves. In 2008 there were 562 people with disabilities employed in these ways.

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<sup>12</sup> The sheltered employment system was formally defined in 1983 in Legislative Decree No. 40/83 of 25 January 1983. Implementing regulations were subsequently issued in Decree No. 37/85 of 24 June 1985.





## 4.2: ASSISTIVE EQUIPMENT AND ADAPTATIONS

### Technical Aids and Assistive Products:

The **System for the Attribution and Financing Technical Aids and Assistive Products** is universal and seeks to eliminate social, physical, communication barriers that disabled people are confronted with in their daily life. It is a public and universal system and covers health, education, vocational training and independent living.

The Ministries of Health and of Labour and Social Solidarity make finance available on an annual basis through the supplementary system. In 2007 this was € 12,376,339<sup>13</sup>

- 3,822,379.00 €, originated from the budget of the Social Security Institute, I.P. (ISS, I.P.), and was distributed among the District Social Security Centres (CDSS) to finance the technical aid prescribed by the Health Centres and Specialised Centres;
- 2,553,960.00 € originated from the budget of the Employment and Vocational Training Institute, I.P. (IEFP, I.P.) and was used to finance technical aid needed for professional training and employment, including access to transport.

The Follow-up and Evaluation Group for the Supplemental Financing of Technical Aid / Assistance Technology has suggested (reference forthcoming) that alterations be made to counter the difficulties faced by the population with disabilities. A growing need for technical aid / support technology, understanding of why and how it is required, investment and political commitment was identified.

This work group's successive annual evaluations have revealed various problems and obstacles for the proper operation of this system since, although called "supplemental," from the beginning it has been functioning as the "actual" financing.

However, Order 26 950/2007, of November 26 of the DR, 2<sup>nd</sup> Series, created a new working group (WG) coordinated by INR, I.P. to propose legislative, regulatory and technical solutions for the supplemental system for Technical Assistance / Support Technology, including its application to education, . The WG will include, in addition to DGS (General Directorate of Health), IEFP, I.P. (Employment and Vocational Training Institute), ISS, I.P.(Social Security Institute) and INR, I.P., via a representative from the Ministry of Education.

The amounts made available for 2007 and the amounts made available and used in 2006 were as follows<sup>14</sup>:

<sup>13</sup> Joint Order 12 370/2007 published in *Diário da República*, 2<sup>nd</sup> series, no. 117 of 20 June 2007 (official journal), € 6,000,000.00 was contributed by the Ministry of Health and €6,376,339.00 by the Ministry of Labour and Social Solidarity.

<sup>14</sup> The complete report is available at [www.inr.pt](http://www.inr.pt)

### Amounts Made Available and Amounts Spent at the Hospital Institutions of the National Health Service (SNS), per Health Region

Health Regions	Technical Assistance/Support Technology (n°)	Budget Amount 2006	Amount Spent 2006	Budget Amount 2007
North	6,100	1,617,349.25 €	1,811,944.86 €	1,862,000.00 €
Centre	6,658	1,318,905.51 €	1,273,181.45 €	1,300,000.00 €
LTV	5,709	2,484,852.25 €	2,191,310.48 €	2,441,000.00 €
Alentejo	481	120,265.05 €	164,206.51 €	110,000.00 €
Algarve	521	.458,62794 €	392,744.69 €	287,00.00 €
<b>Total</b>	<b>19,469</b>	<b>6,000,000.00 €</b>	<b>5,833,387.99€</b>	<b>6,000,000.00 €</b>

Source: First Evaluation Report of the Action Plan for Integrating Persons with Disabilities or Incapacities 2006-2009, January 2008

### Amounts Made Available and Amounts Spent by Social Security – ISS, I.P. / CDSS

CDSS	2006				2007	
	Budget	Processed	Available	Implem. Rate	2.30% Reinf.	Budget
Aveiro	219,397.00 €	219,397.00 €	0.00 €	100.00%	5,046.00 €	224,443.00 €
Beja	127,071.00 €	126,984.04 €	86.96 €	99.93%	2,923.00 €	129,994.00 €
Braga	267,384.00 €	266,894.67 €	489.33 €	99.82%	6,150.00 €	273,534.00 €
Bragança	132,004.00 €	128,706.68 €	3,297.32 €	97.50%	3,036.00 €	135,040.00 €
Castelo Branco	118,120.00 €	118,119.98 €	0.02 €	100.00%	2,717.00 €	120,837.00 €
Coimbra	208,397.00 €	208,397.00 €	0.00 €	100.00%	4,793.00 €	213,190.00 €
Évora	166,327.00 €	166,316.10 €	10.90 €	99.99%	3,826.00 €	170,153.00 €
Faro	286,704.00 €	286,581.93 €	122.07 €	99.96%	6,594.00 €	293,298.00 €
Guarda	121,547.00 €	121,545.90 €	1.10 €	100.00%	2,796.00 €	124,343.00 €
Leiria	149,160.00 €	148,224.84 €	935.16 €	99.37%	3,431.00 €	152,591.00 €
Lisbon	621,414.00 €	617,609.39 €	3,804.61 €	99.39%	14,292.00 €	635,706.00 €
Portalegre	123,413.00 €	123,407.20 €	5.80 €	100.00%	2,838.00 €	126,251.00 €
Porto	510,905.00 €	510,905.00 €	0.00 €	100.00%	11,751.00 €	522,656.00 €
Santarém	137,504.00 €	127,106.90 €	10,397.10 €	92.44%	3,162.00 €	140,666.00 €
Setúbal	168,428.00 €	168,428.00 €	0.00 €	100.00%	3,874.00 €	172,302.00 €
Viana do Castelo	119,458.00 €	119,458.00 €	0.00 €	100.00%	2,748.00 €	122,206.00 €
Vila Real	114,630.00 €	107,330.23 €	7,299.77 €	93.63%	2,636.00 €	117,266.00 €
Viseu	144,578.00 €	144,563.83 €	14.17 €	99.99%	3,325.00 €	147,903.00 €
<b>TOTAL</b>	<b>3,736,441.00 €</b>	<b>3,709,976.69 €</b>	<b>26,464.31 €</b>	<b>99.29%</b>	<b>85,938.00 €</b>	<b>3,822,379.00 €</b>

Source: First Evaluation Report of the Action Plan for Integrating Persons with Disabilities or Incapacities 2006-2009, January 2008



### Amounts Made Available and Amounts Spent by IEFP, I.P.

	Budget Amounts (€)	Amounts Implemented (€)	No. of Beneficiaries
<b>2006</b>	2,000,000.00 €	2,420,074.01 €	490

Source: First Evaluation Report of the Action Plan for Integrating Persons with Disabilities or Incapacities 2006-2009, January 2008

### Amounts Allocated by the MH and MLSS since 2002

Year	Ministry of Health	Ministry of Labour and Social Solidarity	Total
2002	3,092,546.95 €	4,888,219.40 €	7,980,766.35 €
2003	3,169,860.00 €	5,010,425.00 €	8,180,285.00 €
2004	3,274,466.00 €	5,175,769.00 €	8,450,235.00 €
2005	3,339,955.50 €	5,279,284.50 €	8,619,240.00 €
2006	6,000,000.00 €	5,736,441.00 €	11,736,441.00 €
2007	6,000,000.00 €	6,376,339.00 €	12,376,339.00 €

Source: First Evaluation Report of the Action Plan for Integrating Persons with Disabilities or Incapacities 2006-2009, January 2008

There is a need for reliable research on how supplementary funding is used in practice with regard to technical assistance. Instruments for collecting data are not as yet reliable. There is a further need to improve support offered by those funding and prescribing technical aids.

This review covers the various participating sectors, in particular Health, Social Security, Employment, Professional Training and it now also includes Education. The currently expanded Interdepartmental Working Group aims to create a more coherent and fairer operation resulting in greater coordination between the system's supervising ministries.

### Adaptations

The Portuguese Government approved the Decree-Law 163/2006, 8th August that establishes the technical norms of accessibility to all the public and collective equipment, public buildings and housing. This new law aims to be more effective than the previous one, the Decree-Law No 123/97 of 22 May, and reinforces the rules promoting accessibility as well as the sanctions that apply to everyone: public or private entities.

The National Plan of Promotion of the Accessibility (NPPA) (Council of Ministers Resolution nº 9/2007, 17th de January) is an instrument of that aims at improvement of the quality of life of all citizens and, especially, the citizenship rights of persons with special needs. The Plan runs until 2015.

### Reasonable Accommodation in the Workplace

The Employment and Vocational Training Institute grants benefits to companies with a view to removing structural barriers in employment:



### **Grant for Job Adaptation and the Elimination of Architectural Obstacles**

These are non-repayable grants made to companies or other bodies to adapt their equipment or installations to accommodate workers with disabilities. Each one these grants may not exceed 12 times the amount of the minimum monthly wage regarding the highest ceiling it can reach. These grants are different from others because they are given for removing physical obstacles and for adapting workplaces.



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

Law 38/2004, which defines the general bases of the legal system for prevention, habilitation, rehabilitation and participation of people with disabilities, ensures participation by people with disabilities or respective representative organisations. This is particularly so in the drafting of legislation on disability, its execution and evaluation, concerned with social participation.

The involvement of NGOs is also guaranteed through the National Council for the Rehabilitation and Integration of the People with Disabilities (“Conselho Nacional de Reabilitação e Integração das Pessoas com Deficiência” – CNRIPD). This is a consultative body of the Minister of Labour and Social Solidarity which provides the Government with information used in deciding on matters related to the definition of the National Rehabilitation Policies.

This body supports and includes representatives of all kinds of disabilities as well as social partners and public authorities. It issues opinions and presents proposals for measures related to the problems of rehabilitation and disability. People with disabilities are represented in this body through its representative NGO's or by themselves. As a consultative body they only can give suggestions, comments and ideas for new policies, projects, programs and laws. We see this body as a best practice as it is close to the Minister and gives its opinion.

The State encourages and supports people with disabilities, their families and the Association Movement in all measures taken in regard to the prevention of disabilities, rehabilitation, social integration and independent living.

The Portuguese Government also approved the first Action Plan for the Integration of the People with Disabilities or impairments (2006-2009), by the Resolution of Ministers nº 120/2006, of 21st of September. This Plan defines measures that the government will adopt and implement with the intention of promoting a wide partnership between public and private entities, central, regional or local administration, social partners, NGO's and civil society as well as people with disabilities. It aims to promote the improvement of the quality of life of people with disabilities and to guarantee access to a set of goods and services. This Plan had the participation of people with disabilities as it was open to public discussion.

It should be underlined that a Council of Minister regulation (the RCM nº 186/2005) requires that new draft laws that may interfere with the inclusion or participation of people with disabilities must be completed with an assessment of its impact on the policies related to the prevention, qualification, rehabilitation and participation of people with disabilities.

The support given to NGOs by the State through the INR,I.P. has contributed to the development of their activities and an increase in the number of relevant projects that come under the objectives of the National Rehabilitation Policy.

In recent years the Association Movement has grown significantly and consolidated its activities. In some cases it has taken on an active role of claiming rights for the people with disabilities. For example, the Associations/NGOS's defending the rights of persons with disabilities and their families are entitled to present complaints and denunciations, to represent workers in legal proceedings and monitor, if desired, the administrative proceedings resulting from the practice of discrimination on the grounds of disability or aggravated health risk (Law 46/2006 – non-discrimination).



Dialogue between the State and NGOs, and the logistical and financial support that the latter have received, have contributed to encouraging the social role played by the Associations.

In doing so the Portuguese Government is adhering to both the principles contained in the Basic Law 38/2004 and to international recommendations for the participation of these people in the definition and concretisation of correct policies for the disabled population.



## **PART 6: REFERENCES**

Institute of Employment and Vocational Training ([www.iefp.pt](http://www.iefp.pt))

Ministry of Education / Special Needs Education Department  
(<http://sitio.dgidec.min-edu.pt/especial/Paginas/default.aspx>)

Ministry of Education/Statistics and Planning Cabinet of Education ([www.gepe.min-edu.pt](http://www.gepe.min-edu.pt))

Ministry of Labour and Social Solidarity ([www.mtss.gov.pt](http://www.mtss.gov.pt))

National Institute for Rehabilitation, I.P. ([www.inr.pt](http://www.inr.pt) )

National Institute of Statistics ([www.ine.pt](http://www.ine.pt))

National Strategic Reference Framework ([www.poph.qren.pt](http://www.poph.qren.pt))

Official Journal – Diário da República ([www.dre.pt](http://www.dre.pt))

Social Charter ([www.cartasocial.pt](http://www.cartasocial.pt))

Social Security Institute ([www.seg-social.pt](http://www.seg-social.pt))