

Home care subsidization

The Court examined the way home care provision is subsidized in Flanders. It found out that regulations do not include criteria for aid allocation or apportionment and thus do not ensure that the most needy persons are the first to get aid. Moreover due to a lack of regulations household care services are largely free to determine the users' contributions. The Flemish authorities' subsidy granting and paying procedure runs correctly but is complicated and hardly computerized. Moreover due to a lack of control the risk is that the calculation of subsidies is not accurate. The Flemish Minister for Well-being, Public Health and Households was not long to give a positive response to the Court's practical recommendations.

Deficient decree implementation

Nearly nine years after the home care decree was passed by Flemish Parliament (in 1998) the Flemish Government still has not implemented several basic provisions such as the assessment of the care user's needs. As a result the envisaged entitlement to home care has not yet been implemented. In the meantime the homecare services assess the aid applications in the light of the BEL profile but the regulations do not introduce a link between this aid assessment and the aid allocation. Neither do the home care services mention in their planned activities how they will allocate the aid provision.

The decree prescription according to which home care services should register to allow Government to assess them and issue a quality certificate has not yet been implemented. The care user who resorts to an unrecognized service does not have any quality guarantee at this stage.

Care user's contributions

The implementation decision and guidelines provide the home care services ample leeway to determine the contribution which users are charged. In practice, they calculate the users' contributions in various ways: they charge medical care cost differently and often use their regulatory leeway to determine derogatory user's contributions. In some cases derogations were arbitrary.

Cleaning activity

According to the regulations cleaning tasks in principle are not taken over by care providers. In practice however it turned out to be their main activity. The number of subsidy hours allocated each year by the minister for persons' care provision and household assistance was largely used for cleaning help by care providers.

Planning

Planning takes only the age into account. There are, however, signs that it is insufficiently based on the needs and that other criteria are as important, such as the availability of other measures, the household make-up or environmental factors. When the regulations were introduced in 1998 planning was not entirely completed. As a way to make up for this, regulations granted a 4% annual increase in the hour package. In practice, this increase only materialized in 2000. The planning completion degree also varies strongly from town to town. 82% of the hour package went into private sector care provision and 18% into public sector care provision. Private sector provision uses up the hour quota package more extensively than the public sector, which is subject to a larger fragmentation and less flexibility in its staff policy.

Logistics assistance and additional home care provision

The subsidization of services for logistics assistance and additional home care provision was a component of an employment policy (DAC) and was designed as a transitional measure to be incorporated into the home care decree. As a result, the Government's decree concerned did hardly take account of the quality of the service provided: no recognition regulation, no implementation of the quality decree, no planning, etc. Moreover, the risk exists that aid is not efficiently allocated, because there is no regulatory fixed criteria to assess the need for care provision. There is no regulation to assess the user's contribution either. This could lead to an unequal treatment of care users.

Subsidy calculation

The subsidy calculation as such was correct in all cases examined by the Court. Nevertheless the subsidy process is deficient in several respects: it is complicated and paper wasting, there is no electronic data exchange, the department does not analyse data sufficiently, controls and corrections are not always noted, a segregation of duties is lacking, the calculation information system is obsolete and there is no up-to-date cost price policy information.

Conclusion

As things stand now, regulations do not provide for a comprehensive legal framework for the subsidy allocation as viewed by the decree lawmaker: several basic provisions of the home care decree have not yet been implemented, there are no criteria for aid allocation and services have too much leeway when it comes to determine how much they can charge aid applicants. There are hardly any regulations applicable to the services for logistics assistance and additional home care provision. Administrative organisation does not ensure a regular subsidy allocation as the process is too complicated and not sufficiently computerized and is not subject to any controls.

Minister's reply

The Flemish minister for Well-being, Public Health and Households responded to the concrete recommendations contained in the Court's conclusions. She largely subscribed to these recommendations and hinted at a few elements that would be taken care of when working out a regulation. She also mentioned that several steps had already been taken in the recommended direction.