



MENTAL HEALTH EUROPE – SANTE MENTALE EUROPE aisbl
Boulevard Clovis 7, B-1000 Brussels
Tel +32 2 280 04 68 - Fax +32 2 280 16 04
E-Mail: info@mhe-sme.org
www.mhe-sme.org

Final Results of the MHE Survey on Personal Budget

In 2005-2006, Mental Health Europe carried out a wide survey on the situation of the "*personal budget*" that is allocated to people with disability in various European countries. More specifically, the goal of this study was to determine whether such an option benefited also to people with mental health problems.

The term "*personal budget*" in this context means that people with disability, and sometimes people with mental health problems, receive a certain amount of money that they can use for paying people and services who assist them in their daily life, going from shopping over accompanying them on public transport to psychotherapeutic sessions etc... The central idea behind the personal budget concept is to place the person who is supported, or given services, at the centre of the process and to give them the power to decide the nature of their own support.

In German the term "*persönliches budget*" is used; in French "*budget personnel*" and in Dutch/Flemish "*persoonlijk assistentiebudget*". In the UK, the expressions "*individual budget*" and "*direct payments*" are commonly used.

MHE asked its member organisations, as well as ECCL's (European Coalition for Community Living) members, to send information on the existing situation in their respective countries in this respect. MHE also contacted, through the EDF (European Disability Forum), most of the National Disability Councils.

The collected responses were pretty numerous and covered a broad range of countries.

It appeared clearly that three main situations are prevailing:

1. In the large majority of countries, there is no legal framework for the provision of personal budget and this term is visibly unknown and unused.

The listed countries include: Bosnia-Herzegovina, Bulgaria, Cyprus, Czech Republic, Finland, Greece, Ireland, Italy, Kosovo, Latvia, Macedonia, Poland, Romania, Slovenia, Spain and Sweden.

More traditional patterns of help are implemented over there, such as the payment of a disability allowance or the provision, either by the State or the local authorities or the municipalities, of support services and/or personal assistants.

The situation is evolving, however, since reforms tending to introduce personal budgets are/have been forecasted – e.g. in Czech Republic and Slovenia.

2. In only one particular country (Denmark), people with physical disability can obtain a personal budget, whereas people with mental health problems have no eligibility to such an arrangement.
3. In several countries, a personal budget is allocated to both people with physical disabilities and people with mental health problems. These countries include: Austria, France, Netherlands, Sweden, and United Kingdom.

The conditions and methods for the award of the personal budget are miscellaneous, though, and rather different from one country to another:

- **AUSTRIA:** According to the Federal Law on Direct Payment n°110-1993 (Bundes Pflegegeldgesetz - BGB), a personal budget can be allocated to people with disabilities, including mentally and psychologically handicapped people (payments include “all impairments”). To get the money, the person who needs care should be first examined by a doctor working for independent agencies appointed by the care insurers. There are 7 categories of medical assessment and the amount paid is a lump sum depending on the care needed; the assessment is based on units of help (ex: going to the toilet is 1 unit and is calculated to take 20 min. per day). The person who gets the money is free to use it and hire a personal assistant.
- **FRANCE:** According to the 1997 Law on Special Benefit for Dependant Elderly Persons at Home (Loi du 24/01/97-n°97.60 instituant une prestation d’autonomie pour les personnes âgées dépendantes), the granting rules of the special benefit are the same for the physically handicapped persons and for people with mental health problems. To receive the allowance (called AAH – Allocation Adulte Handicapé), the applicant must fulfil two conditions: to have a certain level of incapacity (80%) and to have 20 years old at least. The budget consists in cash benefits (monthly income), managed by local authorities.
- **NETHERLANDS:** According to the Exceptional Medical Expenses Act (Algemene Wet Bijzondere Ziektekosten) and the Provisions Act for Disabled and Elderly People (Wet Voorzieningen Gehandicapten), people suffering from disability, a chronic illness, psychiatric problems or age-related impairments can receive a sum of money

(Persoonsgebonden - PGB: Personal Budget) to buy various kinds of help and support. The personal situation is taken into consideration to decide whether PGB is given or other assistance means (modification of the home for instance). To apply for a PGB, people must contact the Needs Assessment Body (Centrum Indicatiestelling Zorg – CIZ) of their place of residence.

- **UNITED KINGDOM:** The UK operates a scheme of Direct Payments since 1998, which enables individual budgets to be managed by clients or by his/her guardians. On 1st June 2003, it became a duty for local authorities to offer a direct payment to disabled people who had been assessed as requiring community care services, including people with mental health difficulties. In order to get services a person must first have a Community Care Assessment (CCA) from their local authority social work department. Direct payments allow people to manage their own support needs. Individuals can choose to have one as part of their care package along with directly provided services.

A major problem for people with mental health problems in their attempt to access direct payments has arisen because they have been judged unable to consent to them.

In Scotland there have been two recent changes in legislation that have clarified the issue for this country. First of all, the *Adults with Incapacity (Scotland) Act 2000*, allows greater autonomy in the decision making process for people with learning difficulties and mental health problems. Next, the *Community Care and Health (Scotland) Act 2002* makes it a duty for local authorities to offer direct payments to all eligible people who can manage the payments either alone or with assistance (support can come from one, or a combination, of family members, friends, independent advocates, user-led support organisations, circles of support or independent living trusts).

However the 2003 Regulations specify that direct payments may not be offered to certain people whose liberty to arrange services is restricted by certain mental health or criminal justice legislation. These include: patients subject to after care under a community care order under the mental health legislation; patients detained under mental health legislation who are on leave of absence from hospital; restricted patients conditionally discharged under mental health or criminal justice legislation; offenders serving a probation order subject to an additional requirement to undergo treatment for mental health condition or for drug or alcohol dependency; offenders released on license subject an additional requirement to undergo treatment for mental health condition or for drug or alcohol dependency; people subject to equivalent mental health or criminal justice legislation applicable in England and Wales. People in these groups are required to receive specific community care services.

Finally, the survey pointed out that personal budget is currently experimental in two countries:

- **BELGIUM:** A decree of 27 June 1990 has introduced a Personal Assistance Budget (Persoonlijk Assistentie Budget - PAB) in the Flanders region. People suffering from a *"disability"* (*"any major long-term restriction of a person's ability to integrate into society as a result"*, according to the 1990 decree) who prefer to live at home can apply for a personal assistance budget, provided that: he/she apply before reaching the age of 65 and he/she lives and resides in Belgium. This budget can enable them to employ a home-helper. It consists in cash benefits, paid by the Flemish Agency for Disabled Persons (Vlaams Agentschap voor Personen met een Handicap).
- **GERMANY:** A quite complex development is taking place in the field of personal budget. Different kinds of *"Persönliches Budget"* are being implemented in several Länder/regions (Modellregionen).

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AUSTRIA

Elisabeth Muschik, Pro Mente Wien, MHE member organisation

BELGIUM

Pierre Belpaire, MHE individual member

Jos Lievens, FDGG & VSO – Gezondheid, MHE member organisation

BOSNIA-HERZEGOVINA

Fata Ibralić, Association for the social inclusion of persons with mental retardation of the Tuzla canton – USU Tuzla

BULGARIA

Lidia Pankova, Association SHANS

CYPRUS

Elise Torossian, Advocacy Group for the Mentally Ill, MHE member organisation

CZECH REPUBLIC

Pavel Rican, FOKUS – Association for Mental Health Care, MHE member organisation

DENMARK

Preben Brandt, Projekt UDENFOR, MHE member organisation

Jens Ibsen, SIND – Danish Association for Mental Health, MHE member organisation

FINLAND

Kristian Wahlbeck, STAKES – Mental Health Group, MHE member organisation

FRANCE

Claude Deutsch, Advocacy France, MHE Board member

GERMANY

Ruben Greif, Dachverband Gemeindepsychiatrie e.V., MHE member organisation

Inge Schoeck, MHE individual member

GREECE

Dimitris Tataradis, Society of Social Psychiatry and Mental Health, MHE member organisation

IRELAND

Nigel Brander, People with Disabilities in Ireland

ITALY

Pino Pini, MHE Board Member

KOSOVO

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LATVIA

Inga Skestere, SUSTENTO – Latvian Umbrella Body for Disability Organisations

MACEDONIA

Vera Dimitrievska, Open Society Institute Macedonia

NETHERLANDS

Leo de Graaf, MHE individual member

Clemens Huitink, GGZ Nederland, MHE member organisation

Jan Verhaegh, Stichting Landelijke Patiënten en Bewonersraden in de GGZ, MHE member organisation

POLAND

Marta Anczewska, Warsaw Institute of Psychiatry and Neurology, MHE member organisation
Dr Katarzyna Prot

ROMANIA

Mihaela Mohorea, ESTUAR Foundation, MHE member organisation

SLOVENIA

Spela Zgonc, SENT – Slovenian Association for Mental Health, MHE member organisation

SPAIN

Victor Aparicio Basauri, Asociacion Espanola de Neuropsiquiatria (AEN), MHE Board Member

SWEDEN

Jenny Berg, Stockholm Health Economics
Roger Marklund, Swedish Disability Federation – HSO
Birgitta Nordelius Varvsgatan

UNITED KINGDOM

Shona Black, Direct Payments Scotland
Tina Coldham, HASCAS
Bob Groves, Department of Health England
Ian Harper, NFS Scotland
Sally Hughes, MIND
Malgorzata Kmita, MHE President
Kerry Napuk, Open futures
Shula Ramon, Institute of Health and Social Care, Anglia Polytechnic University -
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Chris White, Scottish Association for Mental Health

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