

## Assistant's service

*Disability Law* determines the right for people with disabilities to receive an assistant service. According to Law an assistant is a natural person "who gives assistance to a person with a very severe or severe level of limited functioning in performing such activities outside his or her dwelling, which due to his or her disability cannot be performed independently - to get to the place where he or she is studying, working, receiving services; to move about and to take care of himself or herself in an educational institution, in a place of paid employment; to be in contact with other natural and legal persons, as well as assist a person with visual disability to acquire a program of basic vocational education, secondary vocational education or higher education".<sup>1</sup> The right to receive an assistant service is:

- for persons with Group I visual disability, by personally selecting the specific assistant for 10 hours per week. A benefit for this service is paid by SSIA (description in the section on the state social benefits). An assistant service exceeding 10 hours per week, but not exceeding 40 hours per week, shall be provided at the declared place of residence;
- for persons with Group I and Group II disabilities and a person with disability from childhood from five to 18 years in the declared place of residence for up to 40 hours per week;
- persons with disability who acquire education in primary, general and vocational primary education, vocational education, general and vocational secondary education institutions and persons with Group I and Group II disability who study in universities and colleges.<sup>2</sup>

The services of an assistant shall be provided by the social service office of the local government at person's place of residence.<sup>3</sup> The criteria for determining the need for an assistant service are the Group I disability due to visual impairments, the Group I or II disability and a person has diseases or anatomical defects on the basis of which an opinion has been issued on the medical indications for the special adaptation of the passenger car and the receipt of a benefit for the reimbursement of transport costs; anatomical defects of both upper extremities: amputation stumps at or above of the base of the hand; or mental health disorders.

Upon receipt of an application the social service office of the local government shall take a decision regarding the granting of an assistant service<sup>4</sup> or the refusal to grant the service

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<sup>1</sup> Disability Law 2010. (s.1, 12), Riga: Saeima. Available at: <https://likumi.lv/doc.php?id=211494>

<sup>2</sup> Procedures for Granting and Financing an Assistant Service in Local Government, High School and College, 2012. SI 2012/942. Riga: Cabinet of Ministers. Available at: <https://likumi.lv/ta/id/253781-kartiba-kada-pieskir-un-finanse-asistentu-pakalpojumu-pasvaldiba>

<sup>3</sup> For the receipt of a service a person shall submit to social service office a written application (personally, by post or in the form of an electronic document) regarding the granting of an assistant service, present a personal identification document. Documents to be attached to the application are SMC opinion on the need for assistant services; a statement of the institution regarding the participation of a person in measures for the visit of which an assistant service is required; a statement from an employer that a person works; a statement of an educational establishment that a person study; a statement from a day care center or another provider of rehabilitation services if a person visits the relevant institutions.

<sup>4</sup> The relationship between the assistant, the recipient of the service and the social service office shall be regulated by a mutually concluded contract specifying the scope of the assistant's service, the duration and procedures for the provision thereof, rights, duties and responsibilities, settlement procedures and other relevant issues related to the provision of the assistant's service, as well as the conditions for termination of the contract. Once a month an assistant shall submit to the social service office a service recording sheet regarding the assistant service provided in the previous month, but the social service office shall carry out an inspection.

within one month. The decision regarding the granting of an assistant service shall specify the scope and duration of the service, the justification for the refusal. The decision of the social service office may be contested in the relevant local government council within a period of one month from the date of coming into force of the decision, but the decision of the local government council may be appealed to the administrative court within a period of one month from the date of coming into force of the decision of the local government council.

The provision of an assistant service shall be suspended for a period of time as a person is in a long-term social care institution, hospital treatment institution or prison, but shall be terminated in cases where a person refuses the service, has declared his or her place of residence in another local government, the term of validity of the opinion of the SMC has expired or the social service office determines that the assistant's service has not actually been used.

The calculation of assistant services is based on the national minimum hourly rate within normal working hours and the mandatory state social insurance contributions of the employer. Transport costs for persons with disabilities are also be paid within the framework of the service. The local governments shall be granted 10% of the budget intended for the administration of this service.<sup>5</sup> At the same time local governments are entitled to increase the remuneration of an assistant in accordance with the financial resources available in the local government budget.

The total duration of an assistant service cannot exceed 40 hours per week. The amount of the individual assistant service shall be determined according to the following criteria:

<b>Condition</b>	<b>Amount of the service</b>
If a person works or carries out an economic activity	According to time to get to and from work. Not more than 20 hours a week.
If a person learns	According to time to arrive to and from the educational establishment. Not more than 20 hours a week.
If a person study	According to time to arrive to and from the educational establishment and the time required for the acquisition of the educational programme. Not more than 40 hours a week. Only during the school year.
If a person visits an alternative social care or rehabilitation centre	According to time to get to and from the center. Not more than 20 hours a week. Individual approach taking into account the needs of a person and the demand for the service.
If a person is treated, visits the state and local government institutions, financial institutions, bodies for the protection of the interests of persons	According to time to get to and from institution and the time spent in the institution. Not more than 20 hours a week. Individual approach taking into account the needs of a person and the demand for the service.

<sup>5</sup> The administration costs include the costs of remuneration of the employees involved, the establishment of the workplace for the employees referred, the payment of premises` rent, management expenses and pay for utilities, the purchase of office, stationery goods, machinery and equipment, transport expenses related to the fulfilment of contractual obligations, as well as other expenses related to the provision of an assistant service in the local government.

If a person engages in social events	According to time to get to and from the place of the measure. Not more than 20 hours a week. An individual approach taking into account the needs of a person and the demand for the service. As regards the timing of children with disabilities – a time spent in the measure.
If a person actively spends his or her free time	Not more than two hours per week (or eight hours per week if combined)

According to analysis of data by the Union of Local Governments in 2018<sup>6</sup> the percentage of recipients of the assistant service (%) by age was as follows: 2% of children with disabilities aged 5-7, 8% of children with disabilities aged 8-17, 7% of persons with disabilities aged 18-26, 36% of persons with disabilities aged 27-60 and 47% were 61 + years of age. More than a half (55.4%) of all recipients of the service used an assistant for leisure, visiting a doctor and institutions. Of all service providers 72% are relatives of persons with disabilities and only 28% were other persons.

Neither service recipients (complex demanding and reporting arrangements, excessive bureaucracy, low assistant pay), nor local governments (no common approach to assessing the needs, complex administration, level of reporting infringes on a person's privacy, judging where a person will go and not whether a person needs help when moving), nor the MOW (the customer's needs are not adequately assessed) are satisfied with the provision of assistant services. The State Audit Office also pointed out in the audit report "Does the assistant service provided for persons with disabilities achieves the objectives of its establishment?"<sup>7</sup> published on 18 March 2016 to the need to improve the procedures for determining and administering the need of an assistant service.

According to the report by the State Audit Office the MOW started to work on improvement of assistant services, but no significant changes have been made to the reporting time (November 2019). Most of the reservations about the countless proposals made are for the smallest group of recipients (parents of disabled children) who want to receive the highest possible number of hours of assistant services with an increased hourly rate for children starting at 1.5 years of age. The arguments are dominated by the need for money rather than service.

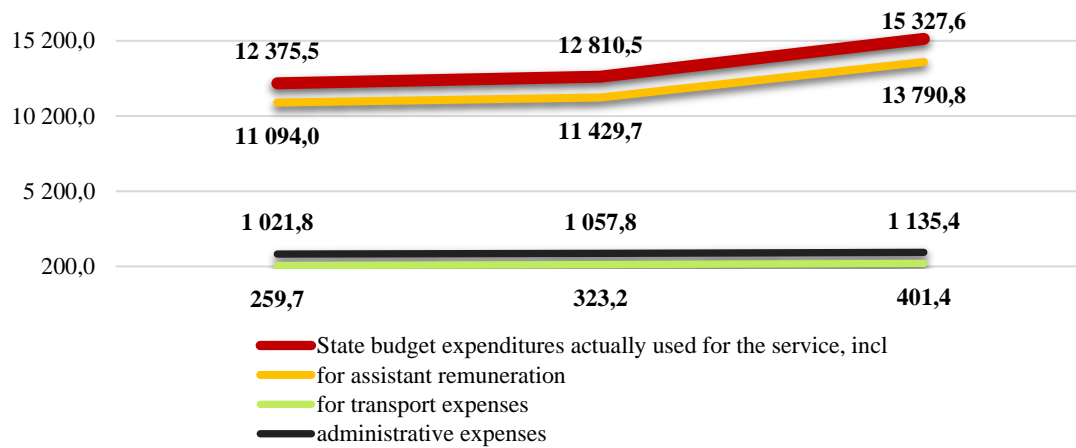
Between 2016 and 2018 the state budget expenditure for providing an assistant service has increased by 23.9%. The largest increase of 54.6% was for transport costs to assistants who accompany persons with disability. The costs of paying assistants have increased by 24.3%, but by 11.1% increased the costs of administration. Total trends in Figure 71.

Figure 1 State budget expenditures from 2016 to 2018 actually used for assistant services in thousand EUR

<sup>6</sup> Assistant service in municipality. Fact sheet. 2019. Riga: Latvian Association of Local and Regional Governments.

Available at: [https://www.lps.lv/uploads/docs\\_module/Faktu\\_lapa\\_asist\\_pak\\_izmainas.pdf](https://www.lps.lv/uploads/docs_module/Faktu_lapa_asist_pak_izmainas.pdf)

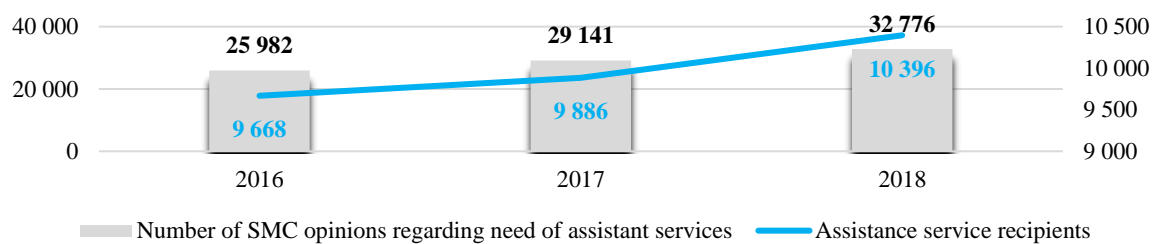
<sup>7</sup> Audit report "Does the assistant service provided for persons with disabilities achieves the objectives of its establishment?" 2016. Riga: State Audit Office. Available at: <http://www.lrvk.gov.lv/revizija/vai-personam-ar-invaliditati-paredzetais-asistenta-pakalpojums-nodrosina-ta-izveidosanas-merku-sasniesanu/>



Source: Ministry of Welfare

The complexity of the service is implied by the fact that there are significant differences between the number of persons with disabilities who have received an SMC opinion on possible need for an assistants' service and who actually apply and receive the service. Between 2016 and 2018 a number of opinions issued by SMC on the need for an assistant service increased by 26.1% while a number of persons who received services was only 7.5% (Figure 72).

Figure 2 Number of SMC opinions regarding need of assistant services and number of service recipients



Source: Ministry of Welfare and SMC