



# FLEMISH AGENCY FOR DISABLED PEOPLE



VLAAMS AGENTSCHAP VOOR  
PERSONEN MET EEN HANDICAP

## TABLE OF CONTENTS:

### **01 INTRODUCTION**

1. OUTLINE OF THE STRUCTURE OF THE BELGIAN STATE
2. ASSISTANCE FOR DISABLED PEOPLE IN BELGIUM
3. THE VAPH IN CONTEXT
4. THE PURPOSE OF THE VAPH

### **04 WHO IS ENTITLED TO REGISTER WITH THE VAPH?**

1. CONDITIONS OF REGISTRATION
2. BROAD TARGET GROUP THANKS TO A BROAD DEFINITION OF DISABILITY

### **07 CORNERSTONES OF THE VAPH**

1. EQUIPMENT
2. CARE
  - 2.1. THE VARIOUS TYPES OF CARE
  - 2.2. THE MAIN FORMS OF CARE
  - 2.3. PERSONAL ASSISTANCE BUDGET
  - 2.4. RENEWAL OF CARE

### **14 INCLUSION & MAINSTREAMING**

1. INCLUSION: COOPERATION WITH OTHER SECTORS/AREAS OF POLICY
2. FLANDERS MEETS THE EUROPEAN CHALLENGES IN SERVICES FOR THE DISABLED



## INTRODUCTION

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### 1. OUTLINE OF THE STRUCTURE OF THE BELGIAN STATE

To gain an idea of the services provided by the VAPH it is important to place the organisation within the Belgian State structure. Belgium is a federal state, made up of three communities (the Flemish-speaking Community, the French-speaking Community and the German-speaking Community) and three regions (the Flanders Region, the Brussels Capital Region and the Walloon Region).

+ **The Federal government** is tasked with everything which falls within the sphere of interest of all Belgians, irrespective of language, cultural or territorial considerations, such as foreign affairs, defence, justice, finance, social security and a large part of public health and domestic affairs.

+ **The communities** are tasked with people-related matters, such as language, culture and education.

+ **The regions** are in turn tasked with territorial matters, such as town and country planning, environment and employment.

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# 02

## 2. ASSISTANCE FOR DISABLED PEOPLE IN BELGIUM

Until 1980 welfare services were a federal matter. Under the constitutional reforms of 1980 and 1988 so-called people-related matters were shifted to the communities. This had far-reaching consequences in the area of care for the disabled. Payments (such as income-replacing benefits for the disabled) remained within the social security system. Functional rehabilitation (e.g. reimbursement of medication and visits to the doctor) was shifted to the federal RIZIV, and the remaining areas of social security were transferred to the communities.

The community and regional institutions have merged in Flanders: there is just one parliament and one government. At the Flemish government level the Vlaams Agentschap voor Personen met een Handicap (VAPH) falls within the policy area of Welfare, Public Health and Family. Basically, the VAPH has two major task areas:

- 1 Provision of benefits for equipment;
- 2 Subsidising and organising care (support and guidance) for people with a disability.

It is interesting to note that measures in support of employment for people with a (work) disability and education for children/young people with a disability are also a Flemish matter, but do not fall within the sphere of the VAPH. These powers reside with the general departments for employment and education respectively. There is an additional number of benefits which fall under the authority of the provincial or municipal authorities, such as benefits to cover the cost of family support and transport by taxi.

This complex state structure creates a situation in which disabled people are not always sure who to approach for a particular form of assistance.

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### 3. THE VAPH IN CONTEXT

As we have said, and as the name clearly suggests, the VAPH is a Flemish Agency. The VAPH has equivalents in Wallonia and in the German-speaking community, known as l'Agence Wallonne pour l'Integration des Personnes Handicapées (AWIPH) and the Dienststelle für Personen mit Behinderung (DPB).

The specific services provided by these agencies are determined separately in each community. A person falls under a particular agency on the basis of his/her place of residence. In this brochure we look solely at the activities and services of the VAPH.

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### 4. THE PURPOSE OF THE VAPH

The VAPH aims to improve participation, integration and equality of opportunity in all areas of social life for people with a disability. The goal is to enable them to achieve the highest possible degree of autonomy and quality of life. To this end the VAPH subsidises people with a disability and provides services or facilities in a number of areas. We will go into this in more detail later.

The VAPH also aims to become a knowledge and reference centre for all things relating to disability. Among other things the agency is working on research projects on the subject of innovation in the care sector. The VAPH also conducts a great deal of policy-related research.

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# 04

## WHO IS ENTITLED TO REGISTER WITH THE VAPH?

### 1. CONDITIONS OF REGISTRATION

People who wish to register with the VAPH must satisfy a number of conditions relating to age, residence and disability.

#### + Age

Only those disabled people who have not yet reached the age of 65 at the time of application are eligible for VAPH services. Those who registered before their 65th birthday may continue to make use of VAPH services. In the case of equipment and modifications there is an added restriction in that a benefit may only be obtained if the application relates to a complaint which was present before the age of 65.

#### + Residence

The disabled person must be registered and reside in Flanders. Departures from this rule may be accepted in some situations. For example, people who live in Brussels, Wallonia or German-speaking Belgium may have recourse to the VAPH under certain conditions.

#### + Disability

And, last but not least: those who hope to qualify for VAPH assistance must satisfy the VAPH's definition of 'disability'. The legal basis for this definition can be found in the decree of 7 May 2004 by which the VAPH was set up:

*"Any long-term and significant participation problem experienced by a person and attributable to a combination of functional disorders of a mental, psychic, physical or sensory nature, limitations in the performance of activities, and personal and external factors."*



# 06

## 2. BROAD TARGET GROUP THANKS TO A BROAD DEFINITION OF DISABILITY

The VAPH's broad definition of disability ensures that a broad target group may call on the services provided by the VAPH.

### **+ Limitation and disorder**

There has been a move away from the purely medical assessment of disability used in the past. Nowadays the assessment is based on a person's overall functioning in society. In keeping with modern views a disability is seen as the social result of disorders which give rise to limitations. A disorder is the absence or abnormality of a physical or mental function or structure. A limitation can be described as any reduction or absence, due to a disorder, of the ability to carry out a normal human activity (e.g. walk, see). The greater the inability to carry out a particular activity, the greater the chance of limiting a person's ability to integrate in the community.

### **+ Long-term and significant**

According to the definition the participation problem must be long-term. This means that the VAPH does not serve people who are experiencing temporary difficulties in mobility, such as those recovering from an operation. The participation problem must also be 'significant'. This means that the person involved is in need of special assistance, guidance, etc. Since this concept is open to interpretation its evaluation is left to a multidisciplinary committee of experts.

### **+ Functional disorders of a mental, psychic, physical or sensory nature**

The functional disorders must result from a disorder affecting the individual. Participation problems, for example, may also be caused by a low level of education, belonging to a minority group, or having a problematic family background. People with these specific kinds of problems are not eligible for VAPH support.

## CORNERSTONES OF THE VAPH

### 1. EQUIPMENT

The VAPH can make payments to people with a disability for equipment and modifications to the home or car.

#### A few examples:

- + Modifications to the home, such as fitting a stair lift or modifying the bathroom;
- + Modifications to the car or provision of equipment to allow someone to get around more easily, such as a wheelchair bicycle;
- + Equipment to allow someone to communicate more easily, such as a speech synthesiser or narrator software.

The so-called reference list itemises all of the equipment reimbursed by the VAPH and it gives the maximum amount of the payment. Should anyone have a need for an item which is not on the reference list or which is much more expensive than the reference figure, he/she may still apply for a contributory payment from the VAPH. To this end, the case file must be put before the special committee.



08



The important point is that the VAPH will only contribute to the cost incurred by people with a disability over and above those without a disability.

**For example:**

If someone with a visual disability wishes to buy a computer with special software, the VAPH can provide a benefit payment for the modified software, but not for the purchase of the computer. This is because it is assumed that the person would buy a computer in any case, regardless of their disability, and this is not an 'extra cost' attributable to the disability.

The VAPH also follows the principle of 'residuary'. As we have said, there are various services/organisations in Belgium to which people with disabilities can turn for various types of support. The principle of '**residuary authority**' means that the VAPH will intervene only in cases where support cannot be obtained elsewhere.

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## 2. CARE

### 2.1. THE VARIOUS TYPES OF CARE

People with a disability have very differing needs. This is why the VAPH provides various support and guidance options in its services, for both children and adults. A distinction is also made between the various facilities, based on the method of support and guidance:

- **Home services** provide help for people in their homes. For example, these services can involve giving a few hours of lessons to a disabled person at home. They can also provide them with help in their everyday activities.
- **Semi-residential services** provide day care. The person stays at home in the evenings, nights and weekends.
- People with a disability may make use of **residential facilities** if they cannot be cared for at home. In these facilities support and care are provided 24 hours a day, 7 days a week.



## 2.2. THE MAIN FORMS OF CARE

The offer of facilities and services in Flanders is too comprehensive to cover here in depth. By way of illustration, we explain a few main forms of care below.

### A. Children

#### Home: care at home

Parents who care for a child with a disability at home are entitled to support from a home support service. This service offers educational and psychological support for children and their parents. The support is geared towards the development of the child and support of parents in the day-to-day practicalities of raising a child. Acceptance of the disability and the future of the child are central. As the name suggests, the support is provided at home.

#### Residential: boarding houses

Boarding houses provide care for children and young people who cannot be cared for in a family setting. Children and young people can be cared for 24 hours a day and, if necessary, 7 days a week. These facilities offer support and care for all children, whether they attend school or not.

## B. Adults

### Home: independent living

People who wish to live independently, but require help with a physical disability to carry out everyday living activities, have access to an independent living service. In this case they live in dedicated housing near a so-called ADL centre (ADL = everyday life activities). These Independent living services guarantee home assistance 24 hours a day. People can call an assistant to the home by means of a call system. This assistance is limited to a maximum of 30 hours a week and is aimed mostly at activities which the person cannot do without help, such as getting up, getting washed, preparing meals, etc.

### Semi-residential - day centre

People with a disability who are unable to do a job but are looking for a useful occupations through the day, can attend a day centre. These centres offer activities such as workshops, gardening or semi-industrial work. Day centres also offer training and therapy in various areas.

### Residential – home for working people

Homes for working people are designed to enable people with a disability to go to work during the day, but to satisfy their care needs in the evenings and over the weekends. Such a home offers personal support rather than care. For those who are no longer able to work, such as the unemployed or retired, a daily allowance is provided.

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## 2.3. PERSONAL ASSISTANCE BUDGET

People with a disability who wish to live at home, but have a care requirements, may apply to the VAPH for a personal assistance budget. This budget can be used to pay personal assistants to give the disabled person practical or organisational help at home, at school or in the workplace. In this case the disabled person effectively becomes the employer and his/her personal assistant the employee. The relationship is governed by the employment legislation. For example, assistants can help with feeding, cooking, dressing and tidying the home, as well as running errands, assisting with mobility and helping on days out. This can serve to increase a disabled person's independence.

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# 12

## 2.4. RENEWAL OF CARE

In recent decades the vision of how a society develops its support for people with a disability has been through a radical evolution. Whereas before the emphasis lay on the development of a person with a disability, to enable him/her to better participate in society, the problem is now seen as a social/societal issue. Policy now tends towards giving people with a disability as much self-determination as possible and allowing them to participate as much as possible in society. The aim is to ensure that people with a disability are able to enjoy better quality in the various areas of life, such as living, working and education.

To facilitate this three levers are needed:

- + prior to providing care the care providers have to clarify the needs of a person with a disability, which results in an individual support plan;
- + people-related funding;
- + care providers must be given more freedom so that they can provide care as and when needed and better tailor their services to the needs of the person with a disability.

In the years to come the support provided for people with a disability will undergo radical change. However, this process must be gradual and well thought out. The VAPH is setting up all kinds of trial projects which will lead to new insights and in turn determine how this new approach will take specific shape.

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## INCLUSION & MAINSTREAMING


### 1. INCLUSION: COOPERATION WITH OTHER SECTORS/AREAS OF POLICY

*Since 1997 the VAPH (formerly known as the Vlaams Fonds voor Sociale Integratie van Personen met een Handicap, Vlaams Fonds, VFSIPH) has been implementing an inclusive policy with regard to the target group of people with a disability. The VFSIPH had already been involved in monitoring Flemish policy papers on accessibility and mobility problems for people with a disability, but in mid-1997 the then Flemish Minister gave explicit instructions that policy be targeted and inclusive.*

These instructions took shape in the organisation through the appointment of an inclusion officer and the formation of an inclusive policy unit within the former Staff Department of the Flemish Fund.

On the instructions of the organisation's management and in line with the opportunities and requirements, a conceptual framework was developed through which action was taken to pursue increased PWD participation in a whole range of areas of social life. This conceptual framework, and the work and results to which it gave rise, were at that time described in detail in a manual which also appeared in a concise English version under the title 'A manual on inclusion for disabled persons'.

By way of example we can report that, among other things, the VFSIPH worked towards implementing a Flemish 'tourism for all' policy in which, in the end, accommodation providers were encouraged to provide accessible holiday accommodation.



The catchphrase or motto of the VFSIPH/VAPH was and still is: “general where possible, specific where necessary”. In other words: specific facilities for PWD will only be sought if solutions cannot be found through general ones. This applies to all areas of life (transport, housing, employment, etc.), and on 1 April 2006 resulted in a transfer of PWD authority for employment and professional training from the VFSIPH to the normal policy areas of employment and social economy.

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## **2. FLANDERS MEETS THE EUROPEAN CHALLENGES IN SERVICES FOR THE DISABLED**

Since its formation as the VFSIPH in 1991 the VAPH has contributed actively to European disability policy, both within the radius of action and powers of the Council of Europe, and within the operational sphere and powers of the European Union.

As regards the Council of Europe, our Agency has made very direct contributions to the current Disability Action Plan (DAP) 2006-2015, through participation in the meetings of the editorial committee. The Council of Europe used to monitor disability policy under the terms of the partial CD-P-RR agreement of the Council of Europe, but this is now done by the CAHPAH in respect of the aforementioned DAP. This now calls on all member states of the Council to engage and each member state is required to give an interim report of progress made in respect of this DAP. The VAPH is also represented in the Council of Europe's committee of experts on ageing PWDs and for a time also held the chair in the expert committee for Universal Design.

As regards the EU, the VAPH formally attends the sessions of the High Level Group on Disability on behalf of Flanders. This it does in turn with the representatives of the other Communities and Regions of Belgium, and with the representative of the Federal Public Service (FPS) Social Security (SS).

# 16

On 1 January 2008 a new incentive was launched within the administration and organisation of the VAPH as regards monitoring European and international disability policy: a coordinator was appointed and it was not by coincidence that this part-time position was given to the Flemish official whose task it is to monitor inclusive policy. From then on, inclusion & mainstreaming became 'a nice pair' and were inextricably bound together.

The VAPH aims to strengthen the duties of this position so as to adequately satisfy the obligations arising from the Belgian-ratified UN Convention on the Rights of Persons with Disabilities (UNCRPD). In the course of 2008 the VAPH was also recognised as a centre of expertise on the issue of disability in the context of the European TAIEX and TWINNING grant schemes.

In 2010 we expect the VAPH to be involved in the Flemish policy on equal opportunities for people with disabilities. This should ultimately lead to a transversal disability policy including all policy domains, using the open method of coordination and round table discussions with appointed officials from all these policy domains. In the long run, this will allow Flanders to contribute in a more systematic way to reporting on the implementation of the UNCRPD at the European and international level.

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