

# **An approach to the current situation and prospects of the social services in the Basque Country**

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## **Presentation**

In this speech I aim to give a general description of the legislation, policies, current situation and future prospects of the social services in the Basque Autonomous Community, within the context of the systemic crisis in which we are presently immersed. My presentation aims to provide basic information, and, above all, a critical review and some future proposals.

I will speak from the perspective of someone who has been involved in the social services in the Basque Country for over thirty years now, and continues to be so today. I don't consider myself a specialist in the social services, but rather an agent involved in the design and promotion of the social services in Spain in the past and present, from the third sector, professional consultancy and institutional politics. More specifically, my present standpoint is that of a person who is leaving the post of Government responsible in the sphere of the social services in the Basque Country. I will attempt to explain the situation of social services policy management on the basis of my own empirical experience, rather than reading a text or giving an

academic explanation. You may of course consult some other approaches by visiting my website [www.fantova.net](http://www.fantova.net).

### **The Basque Autonomous Community and its social services**

The Autonomous Community of the Basque Country is a Spanish region with a population of just over two million and with what I consider to be a wide political and economic autonomy. It is one of the five richest regions in Spain (of a total of 17 autonomous communities).

The current Spanish Constitution was passed in 1978 and the Basque Country was the first autonomous community to pass its Statute of Autonomy, in 1979. This autonomy statute grants the Basque Country exclusive powers in the welfare coverage area, and also in the spheres of charity foundations and associations; organisation, systems and functioning of institutions and establishments for the protection and guidance of minors and social rehabilitation; leisure and entertainment; community development; the status of women; and policies for children, young people and seniors.

On the basis of these powers, the Basque Country passed the first social services law in Spain in 1982. A further law was passed in 1996, and the current legislation in 2008. As we can see, the designation "social services" appears in the laws, but not in the Statute of Autonomy.

However, to understand the structuring of the public social services system it is also essential to be familiar with the so-called law of historical territories, which states that the three Regional Governments, corresponding to the three provinces, have major

responsibilities in the area of social services provision, traditionally greater than those of the City Councils or the Basque Government.

Another relevant fact for understanding social services legislation in the Basque Country is that in 2006 the Law on Promotion of Personal Autonomy and Care for People in a Situation of Dependency was passed for the whole of Spain. The Spanish State did not consider that passing laws on the protection of functional dependency and guaranteeing rights in this area infringed the autonomous communities' exclusive powers, although later on this same law focused attention through the social services systems of the autonomous communities; in other words, this Spanish law set forth a series of rights and provisions but did not generate any social services structures other than those already existing in the autonomous communities.

On 27 July this year, the Basque Statistics Institute (EUSTAT) published its statistics on the social services, with data from 2010. According to these statistics, the Basque Country spent 1,000 euros per inhabitant per year on social services in 2010. Approximately 75% of this was public expenditure. A fifth of the amount was paid by the actual users of the service. The sector provides over 25,000 jobs (70% women). There are 20,000 voluntary workers in this sector.

Over 350 million euros correspond to cash benefits for income security, which, as we will see, from 2012 onwards are no longer considered to be within the scope of the social services and are included in the employment services sphere.

100 million euros were provided by the State for cash benefits connected with the Dependency Law, this being the largest central

State contribution. It is of note that economic benefits for family carers, included in the Law as an exceptional case only, have in fact become the most used. This should be criticised from several standpoints, including that of gender equality (as in my opinion this benefit does not contribute to nurturing a new, fairer model of non-professional care but artificially extends the current model of task distribution between women and men, which is notably unbalanced).

Data from the Basque Statistics Institute (EUSTAT) show that the birth rate in the Basque Country is among the lowest in the European Union, with only 9.7 births per thousand inhabitants, as compared to the EU average of 10.7. In 2010, the Basque Autonomous Community had the highest percentage of the population aged 65 or over (21.1%) compared to the rest of the EU-27 countries (average 17.4%) and also the lowest percentage of population under the age of 15 (14.6%), as opposed to the European average of 15.6%.

The great majority of the Basque population (77%) affirm that they have no plans to have children in future, a figure 21% higher than eleven years ago, according to a study by the Basque Government's Sociological Research Office. A survey conducted by María Ángeles Durán for the BBVA Foundation (in this case for Spain as a whole) showed that while 43.7% of over-65's are willing to provide care for their parents, only 18% of persons under 30 consider this an option.

### **The Basque social services law currently in force**

The main characteristics of the social services law currently in force in the Basque Country (passed in December 2008) can be summarised as follows:

1. Guarantee of subjective rights to the social services, i.e. these are enforceable before the courts, where the case may be, by both individuals and groups.
2. All persons registered as residents (for more than one year) in any of the municipalities of the Basque Autonomous Community are considered (more or less) equally entitled to this right.
3. Universalization of the social services, in the sense of services catering to the entire population throughout their whole lives, for prevention and attention to social needs in the areas of functional autonomy and community integration.
4. Inclusion of the rights and obligations of the workers using the social services in the text of the law itself.
5. Complementarity and coordination of the social services with the other protection or social welfare systems and policies in areas such as health, education, housing, employment or income security.
6. Commitment to the community model, local services, case management, continuous intervention and consolidation of general and individual primary care, in coordination with secondary care, increasingly geared to each individual's care requirements rather than those of pre-established groups.
7. The Basque Social Services System's detailed range of provisions and services that will be later be developed by decree as part of the corresponding provisions and services portfolio should allow the provisions and services to which the citizens are entitled, together with the corresponding eligibility requirements, main characteristics, etc. to be standardised and homogenised for the entire territory of the Basque Autonomous Community.
8. The inter-institutional coordination system must guarantee the compatibility of the unity and homogeneity of action of the Basque Social Services System and its shared inter-institutional leadership

with the important role of each institutional level within the scope of their powers and decentralised functioning, which requires application of the proximity principle, characteristic of the community approach assumed in the text.

9. The public management mechanisms that characterise an advanced social protection system, such as shared strategic planning, the social services map, the information system or the Basque Social Services System's quality observatory, mechanisms that will allow the Basque Government to guarantee improved coverage, degree, ratios, professionalization, etc.
10. New systems and forums for social dialogue, civil dialogue and, in short, for the involvement of users, workers and citizens in general at the social services centres and within the Basque Social Services System in general, seeking to continuously improve the quality of the care and quality of employment in the social services.
11. The creation of a chartered social services network, enabling recognition and strengthening of the important role played in the past and present by the third (voluntary) sector in the sphere of social services in the Basque Autonomous Community, substantially improving the labour conditions of the large number of people working at these entities.
12. Limitation of the users' financial contribution to the payment of public responsibility social services, by declaring an exemption threshold equivalent to the average price of a home in the Basque Autonomous Community.

### **Political universalization and conceptual universalization**

In my opinion, during the early years of the new century, the movement for the declaration and guarantee of subjective rights, or universal entitlement to social services, is a movement which by

definition must be parallel to that of delimitation, precise definition of the object, content of the social services, identification of the assets they protect and promote and the technical and organisational means that will allow these rights to be guaranteed.

I consider that what was expressed at that time forged a path towards leaving behind the perception of the social services as a general *broom wagon*, with no content of its own, able to attend to any needs at all (personal aid, housing, money, health, education...) for people who for whatever reason had not obtained a response to these requirements via the same resources or in the same environment as the majority of the population.

We could say that it was on the basis of this *horizontal* concept of the social services (transversally covering people's different needs) that we began to *erect* the fourth pillar, i.e. place the social services in a vertical position. And at this time, the social services were indeed in a position of having to identify the assets they protected or promoted. They could not talk about people in their totality, as none of the pillars (health, education, income security, etc.) took people in their totality into account.

With regard to the Basque social services law, I consider that the asset protected and promoted by the social services, the specific need they cater to, the object that provides their specific added value, is the dynamic bonding of functional autonomy and relational integration. If we study the situation, we can see that this dynamic bonding of functional autonomy and relational integration is lacking in the problematic cases which, we believe, require a response from the social services. Because, as I have noted on other occasions, this balance is a valuable asset. This balance can be very positive in the

case of a baby, for example, or an eighty-year-old in a situation of functional dependency, when they have a powerful, close-knit family and community network to support them. It is very positive in the case of a celibate hermit, or an executive single woman, constantly travelling, with few informal ties but with a huge capacity for autonomous development.

We could thus say that a series of social changes make a particular type of social need more intense and more visible, and this nurtures the development of the social services. The law of dependency and the new social services laws mean exciting times are ahead, and they are set to be a launchpad for the social services as the fourth pillar, with the concept of subjective rights to catalyse this launch.

### **The crisis and its consequences**

So that was the situation, until we were suddenly hit by one of the most terrible and most disorienting crises we have ever experienced. I would even go so far as to say that we should place this economic crisis within a wider context or trend, within the framework of processes of social change that we have witnessed during the last decades of the twentieth century and the early years of the twenty-first.

I refer to the economic globalisation that has hugely increased the opportunities for wellbeing of certain groups of people in the world, but which has also aggravated a series of economic, social and environmental risks, increasingly complex and interconnected and progressively difficult to anticipate and to take on. This world-scale process of economic globalisation has nurtured and enhanced the dynamism of the market, a valuable institution which however pays

little heed to social requirements or ecological sustainability and is much more concerned with short lead times or solvent demand.

These globalisation and commodification dynamics are productive and create wealth, at the same time contributing to geographical mobility and cultural change in people and individualising their evolution, so that many of them can fortunately rid themselves of certain marital, family or social controls, but at the same time they are witnessing the disappearance of supportive bonds, relational assets, collective solidarity and key elements of their identity, and all this is occurring at a precise time when, as we said before, improvements in health care, among other factors, are causing the number of people with limitations to their functional autonomy to increase.

I consider that the state and democracy still continue to be an essential tool (for social protection, among other aspects) which periodically gives us grounds for hope again, but there is no doubt that we also often perceive this tool as being insufficient and overwhelmed, so to speak, from both the *top down* and the *bottom up*. From the top down, by the opaque, all-encompassing power of certain economic agents. And from the bottom up, by complex new risks and social processes that form a part of our daily lives and to which it struggles to respond, and by the growing demands, sometimes due to consumerism, from public service users and workers, and so on.

### **The necessary reform**

From this view of the crisis as being of a systemic nature, which welfare system reforms should we adopt? From my own perspective, reconstruction and even reinvention of the community links that make us feel personally and individually responsible for the collective

destiny form the core of the welfare system reform we require, so that a liveable, fair, decent and sustainable society can be built worldwide. Efficient markets in which to buy and sell products and services are not enough, and neither are powers and public administrations that guarantee us sufficient financing to exercise our rights. None of this works without a relational fabric that makes us feel responsible for the situation of others, close to us to a greater or lesser degree.

I believe that our commoditised and consumerist Western societies, our highly bureaucratised Welfare States, have an Achilles' heel: the constant reduction of the spaces they represent for people to be more genuine and humanistic, those in which links are freely created whereby some people become personally responsible for the situation of others. As the conditions enabling us to build relationships of trust, responsible attitudes and mutualistic and altruistic collaboration dynamics are eroded, the foundations of the democratic, free and fair society we desire for everyone are also being undermined.

I believe that our complex societies are calling out for complex social policies, public policies which, above and beyond their contribution to a redistribution of resources in order to complete, compensate or rectify market functioning, will facilitate and nurture the balance of work and personal and family life, civic commitment in the community, promotion of personal autonomy and motivation of all the citizens towards work and productivity, equal relationships between different people (as regards sex, age, origin, etc.), entrepreneurship for a solidarity economy, austerity, rigour and efficiency in the functioning of the institutions, social innovation and creativity, etc. Just as in a game of billiards, we have to make each stroke branch out in several of these directions.

We are talking about a social welfare that cannot be confused with economic growth, as we advocate the reinvention and co-production of relational goods that cannot be bought and sold on a market and that have no monetary price. We are talking about economic, ecological, political and social sustainability. We are also talking about creating the cultural and social conditions for an increase in the productivity and competitiveness of our business fabric and the legitimization of public policies that will make the necessary strengthening of a progressive, solidarity-oriented tax system electorally possible.

### **The social services**

Within this context, I believe that the social services are faced with specific and hazardous threats. The threat of being expected to return to their more paternalistic and palliative versions as increasing strain is placed on society. The threat of their being affected to a greater degree by tight budgets, as they are less structured and consolidated than other systems. And, in short, the threat of the promise of subjective rights remaining unfulfilled, the launch of the social services as the fourth pillar we were previously talking about being aborted...

The central Government has in fact severely slashed financing of the dependency law, although the Basque institutions have undertaken not to apply these cuts, compensating the reduction in central State funding with their own resources. In general, in the Basque Country the social services cutbacks have not been applied, as has been the case in other parts of Spain. There has however been an increase in the time of registered residence required to receive the income security provisions together with a 7% cutback in their amount

(previously 88%, 100% and up to 125% of the minimum wage, depending on the particular case, unrivalled in our environment).

I could talk for hours about these threats, which are quite often a reality in the here and now. However, I believe that we can turn this situation around, and I believe we can find a window of opportunity, precisely in the midst of this crisis, to improve the leverage given to the social services, with coherence and determination. And I believe this precisely because our social services systems are less structured and less consolidated than other key pillars, and so there is a greater margin for manoeuvre when it comes to building them.

Furthermore, I believe that the social services can be a testing bench and a privileged space for experimenting new ways of building the welfare system, and that what we do in the social services can have a very positive impact on other areas (such as education, health or income security) and, in short, on the welfare system as a whole.

Within this context, as I have written on some occasions, the structuring and strengthening of the social services and, particularly, of the public social services systems, can be one of the strategic keys to configuring a welfare system that is able to respond to the new challenges we are talking about. Firstly, of course, because the social services provide support that is particularly necessary within the context I have described here, and developing and strengthening them is therefore a way of extending or completing the welfare system (hence the metaphor of the fourth pillar I mentioned previously). But also, secondly, because when the social services (and the public social services system) are developed and built using innovative keys such as those we have mentioned, as well as extending or completing the welfare system they may also contribute

to the welfare system as a whole becoming more relational, participative, friendly and synergic with the ever-changing, elusive social fabric we have spoken about.

We have already mentioned that in a context of economic globalization like the one we have described here, the public sector must not only make a strategic contribution as regards infrastructure capital (development, communications etc.) or human capital (through education, health, housing and so on), but also attend to social capital, taken as meaning the mesh of social networks of reciprocity and trust generated within a community as a result of coexistence and cooperation, generating, so to speak, spaces protected from competitive or coercive pressure.

We still have time to build a social services sphere pervaded with a relational, participative, community-orientated and activating approach. Social services that are not geared to replacing family and community care or providing financial compensation to offset their limitations, but instead dedicated to complementing and reinforcing this family and community support. A system governed by the synergy between public responsibility, on the one hand, and individual, family and social responsibility, on the other. Social services that are innovative and able to invent new ways to respond to people's needs. A flexible, efficient network, where the users' financial and non-financial involvement in maintaining the services can be modulated, combining the perspectives of rights and obligations. An environment with a strong third sector, a solidarity economy, able to provide added value that is of special interest providing it is loyal to its identity.

In the Basque Country, for example, we have embarked on the project of transferring the management of financial contributions for income security (periodical financial contributions for subsistence or housing and social emergency aid) from social services to employment services, boosting the offer and demand for activation that should accompany the existence of a subjective right to a guaranteed income. We also believe that the Basque Country may become an international benchmark environment for research, development and innovation in the (coordinated or integrated) social and healthcare field, seeking a new model or mix of home care and community care that will use new ways of combining the contributions of social intervention, healthcare, housekeeping services, housing adaptation and home automation technologies, or family, community or voluntary support (a people-focused care model and case management). We are endeavouring to build the public social services system on civil dialogue with the social action third sector, which our law considers a key actor in this field, inside and outside (or above and beyond) the publicly responsible services management sphere. These are just a few of the things we are trying to do, as best we can...

### **Bibliography**

- ANSELLO, E.S. and ROSENTHAL, C. (2007): "Hidden costs and invisible contributions in family caregiving: an introduction" in *Canadian Journal on Ageing*, vol. 26m suppl. 1, pp. 1-6.
- AZNAR LÓPEZ, M. et al (2008): "Acción social y dependencia" in AZNAR LÓPEZ, M. et al (coord.): *Madrid 2025. Un estudio sobre la Comunidad de Madrid. Presente y futuro*. Madrid, Fundación para el Mecenazgo y el Patrocinio Social.
- BARRIGA, L. et al (2009): *Desarrollo e implantación territorial de la Ley de Promoción de la Autonomía Personal y Atención a las*

*Personas en Situación de Dependencia*. Alcorcón, Asociación de Directores y Gerentes de Servicios Sociales.

CALVO, M.M. (2009): "La urgente reforma de la patria potestad" in *El País*, 23 March, p. 32.

CASADO, D. (2008): "Régimen institucional en España del sector voluntario y opciones de perfeccionamiento" in *Revista Española del Tercer Sector*, nº 10, September-December, pp. 69-106.

CERC (Conseil de l'Emploi des Revenus et de la Cohésion sociale) (2008): *Les services à la personne*. Paris.

COLLECTIF SSIG (2008): *Les services sociaux d'intérêt général*.  
<http://www.ssig-fr.org/>

CVBS (Consejo Vasco de Bienestar Social) (2008): *Sexto informe sobre la situación de los servicios sociales en la Comunidad Autónoma del País Vasco*. Vitoria-Gasteiz, Basque Government.

D'ADDIO, A.C. (2008): *Life course, life risk and social policy*.  
[http://www.esri.ie/research/research\\_areas/social\\_inclusion/lifecycle\\_social\\_exclusio/Life\\_Course\\_-\\_Anna\\_DAddio.pdf](http://www.esri.ie/research/research_areas/social_inclusion/lifecycle_social_exclusio/Life_Course_-_Anna_DAddio.pdf)  
[consulted on 20 March 2009].

ESPADAS, M.A. (2006): *El tercer sector construyendo ciudadanía: la participación del tercer sector en los servicios sociales en Andalucía*. Madrid, Complutense University of Madrid.

FANTOVA, F. (2006): "Algunos elementos para un análisis de las políticas sobre servicios sociales en el País Vasco" in *Zerbitzuan*, nº 40, December, pp. 7-20.

FANTOVA, F. (2008): *Sistemas públicos de servicios sociales. Nuevos derechos, nuevas respuestas*. Bilbao, Instituto de Derechos Humanos (Deusto University).

FREIRE, J.M. (2005): *La medicina familiar y comunitaria en los albores del siglo XXI. Situación y perspectivas en*

*España*. <http://www.imss.gob.mx/NR/rdonlyres/C5D53FED-4CC9-430D-8136-8714566B03E5/17716/DrJoseManuelFreire.pps>  
[consulted on 20 March 2009].

FUNDACIÓN SAR (2007): *Calidad y dependencia. Grados de dependencia y necesidad de servicios*. Madrid, IMSERSO.

GARCÍA, L. et al (2007): "Los servicios sociales como lugar público" in *Zerbitzuan*, nº 41, pp. 45-57.

BASQUE GOVERNMENT (2009): "20 años de servicios sociales en la CAPV: avances y retos pendientes" in *Gizarte.doc*, nº 29, pp. 2-3.

HUBER, M. et al (2008): *Study on Social and Health Services of General Interest in the European Union*. Brussels, European Commission.

KAHN, A. and KAMERMAN, S. (1987): *Los servicios sociales desde una perspectiva internacional: el sexto sistema de protección social*. Madrid, Siglo XXI.

LÓPEZ-AROSTEGI, R. (2005): "Euskal Autonomia Erkidegoan erantzukizun publikoa duten gizarte zerbitzuen kartera diseinatzeko orientabideak eta proposamenak" in CASADO et al: *Euskal Autonomia Erkidegoan gizarte zerbitzuen sistema publikoaren egoera eta etorkizunerako ikuspegia*. Vitoria-Gasteiz, Eusko Jaurlaritza, pp. 143-243.

LÓPEZ-CASASNOVAS, G. and MOSTERÍN, A. (2007): "Los nuevos ejes del gasto social: hacia una visión generacional de las políticas públicas" in *Ekonomi Gerizan*, nº 14, pp.140-155.

MANSELL, J. et al (2007): *Deinstitutionalisation and community living. Outcomes and costs. Report of a European study*. [http://ec.europa.eu/employment\\_social/index/vol1\\_summary\\_final\\_en.pdf](http://ec.europa.eu/employment_social/index/vol1_summary_final_en.pdf). [Consulted on 18 February 2008].

- MIRA-PERCEVAL, M.T. et al (2007): *Servicios sociales. Estructura, dinámica políticas y estrategias en España y la Comunidad Valenciana*.
- MORENO, L. (2007): *Europa social, bienestar en España y la "malla de seguridad"*. Madrid, Instituto de Políticas y Bienes Públicos.
- ORTEGA ÁLVAREZ, L. (2005): "Servicios públicos y usuarios de servicios" in *Documentación Administrativa*, nº 271-272, January-August, pp. 153-173.
- PASC (Public Administration Select Committee) (2008): *Public services and the third sector: rhetoric and reality*. London, House of Commons.
- PINILLA, R. (2006): *Agencia de evaluación: innovación social basada en la evidencia*. Madrid, Fundación Alternativas.
- RANCI, C. and PAVOLINI, E. (2008): "Nuevas tendencias en la política de cuidados de larga duración en Europa Occidental: ¿hacia un mercado social de cuidados?" in *Revista Española del Tercer Sector*, nº 10, September-December, pp. 133-169.
- RENES, V. (coord.) (2008): *VI informe sobre exclusión y desarrollo social en España*. Madrid, Fundación FOESSA.
- ROSENGARD, A. et al (2007): *A literature review on multiple and complex needs*. Edinburgh, Scottish Executive.
- SÁNCHEZ, M. (dir.) (2007): *Programas intergeneracionales. Hacia una sociedad para todas las edades*. Barcelona, Fundación La Caixa.
- STANZANI, S. (2005) "Terzo settore e differenziazione sociale: una teoria relazionale" in DONATI, P. and TERENCE, P.(eds.): *Invito alla sociologia relazionale. Teoria e applicazioni*. Milan, Franco Angeli, pp. 198-216
- ZALAKAIN, J. (2009): "Algunos retos para los próximos años" in *Gizarte.doc*, nº 29, p.b 7.

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