OLDER PEOPLE’S ACCESS TO CARE IN FINLAND

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Individual right to care and maintenance
Responsibilities of family members
Presumption of family
Conclusions

Family = family members, close friends, next of kin, intimate friends, near relations
INDIVIDUAL RIGHT TO CARE AND MAINTENANCE
INDIVIDUAL RIGHTS TO CARE AND MAINTENANCE

Income security benefits by the Social Insurance Institution (FPA; Kela) (e.g. maintenance allowance, social assistance)

The municipalities are responsible of the provision of services

According to the Constitution 19 §, the State in the last resort

Possibility to access to care and subsistence in reality

Reasonable quality and availability

Active role of the municipalities and the state
Section 19 - The right to social security

Those who cannot obtain the means necessary for a life of dignity have the right to receive indispensable subsistence and care.

Everyone shall be guaranteed by an Act the right to basic subsistence in the event of unemployment, illness, and disability and during old age as well as at the birth of a child or the loss of a provider.

The public authorities shall guarantee for everyone, as provided in more detail by an Act, adequate social, health and medical services and promote the health of the population.

Moreover, the public authorities shall support families and others responsible for providing for children so that they have the ability to ensure the wellbeing and personal development of the children.

The public authorities shall promote the right of everyone to housing and the opportunity to arrange their own housing.
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18,5 % paid by the clients

Privata provision!
FAMILY’S RESPONSIBILITY TO CARE
FAMILY’S RESPONSIBILITIES FOR CARE AND MAINTENANCE

1879 Poor Relief Statute (vaivaishoitoasetus), Poor Law 1922 (köyhänhoitolaki), 1956 Social Assistance Act (huoltoapulaki) → family carried the main responsibility

1970 the responsibility of children to care for their parents and grandparents abolished

1977 spouses duty to care for each other abolished

Now only parents have the duty of maintenance to their underage children and spouses to each other
YET THE FAMILY HELPS

Mutual help of people is established practice and the volume of it is massive

Family and friends helps each other
• 40% of the age group 45—64
• Every fourth of the age group 65-74
• Every fifth of the age group 74-79

12% of the helpers help daily

Who should pay for the care
• 69% main responsibility belongs to the state or the municipalities, 28% family

(A. Vilkko et al 2014, the Hypa —data of the National Institute for Health and Welfare)
PRESUMPTION OF FAMILY?
Presumption of Family in Legislation

Informal Care Act (omaishoito, anhörigvård)

Tax credit for domestic help (Kotitalousvähennys, hushållsavdrag)

Social Welfare Act 11, 14 ja 27b § (support for informal care), 43 § (mapping the next of kin)

Act on Supporting the Functional Capacity of the Older Population and on Social and Health Services for Older Persons 15 §

Disability allowances (vammaistuki, handikappbidrag, hoitotuki, vårdbidrag)

Labor legislation does no have presumption of family:

identifies fully only children under 10 years
FAMILY IS WANTED ALSO ELSEWHERE

Compensation paid for carers
- E.g. Sweden, Denmark, Norway, Iceland, Great Britain
- Finnish informal care support

Compensation paid for the care receiver
- E.g. Netherland, Italy, France, Germany
- Finnish Disability allowance for children and adults, Care Allowance for pensioners

Tax credits
- E.g. Spain, Italy, France
- Finnish tax credit for domestic help

Anttonen & Sointu 2006
Shemeikka et al 2017
Spasova et al 2018
AND IN PRACTICE:
1) NATURE OF CARE

Constant precence - or - actual care deeds

"If an old person cannot get up from the bed or stand up from the chair, cannot walk to the toilet, does not know is it day or night, does not know where (s)he is, nor knows whether anyone ever comes to see her/him, even frequent visits of the home help per day will not solve the problem. Help is often not needed all the time, but help must be available all the time. Round-the- clock care is needed, because life alone is not possible anymore and it is not humane nor safe. The need for care is real, even if it is not medically justified"

Jylhä 2014

(translation LKP)
2) NON-INSTITUTIONAL CARE PROVISION

Act on Supporting the Functional Capacity of the Older Population and on Social and Health Services for Older Persons 15a§

- Possibility for non-institutional care must be examined even if the old person is already in institutionalised care – but has been there less than 3 months
3) COMPLEXITY OF THE SYSTEM

The person in need

• Do not know what services and benefits there exists, or where to apply for them

• Where to get advice

• Is too tired,

• Or uneducated to search for help
CARE MARKETS

Buying services with own money

Selfservice

Vouchers

Coordination and tendering to the families

Consumer protection

Who is the actual consumer?

Family members consumers by proxy?

Elder law attorneys?
FIXING THE MATTERS AFTERWARDS?

Social security Appel board
Insurance court
Administrative court
Municipal board for social and health issues
Local court
Court of Appeal
European Court of Human Rights

Supreme Court
Patient Insurance centre
Parliamentary Ombudsman
Chancellor of Justice
Supreme Administrative Court
Consumer Disputes Board
7) GLOBAL CARE


Healthturism

EU rules on seeking treatment in another EU-country (directive 2011/24/EU)

Foreign professionals

Cash for care and grey economy
Right to care and subsistence

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Responsibility of the intimates (family members) to be active and be able and dare?
CONCLUSIONS
NO ABLE FRIENDS AND FAMILY, NO CARE?

Family do not have legal responsibility to provide maintenance or care

Yet the system supposes so

Someone’s right is someone’s responsibility – is thrown off balance

Paradoxically the system is built for people able to perform

Able and willing family members are not dispensed equally

Loneliness is a big risk in accessing one’s social rights and also using the services

Existing family member which for a reason or another cannot, will not, are not able to act – is perhaps the biggest risk
THANK YOU!
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Ring ym. Omaishoito psykologisena sopimuksena, Gerontologia 30(4), 2016


