



Myers JDC
Brookdale

Legislation for the Provision of Social Services for People with Disabilities

An International Review

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Abstract

Background

The legislation in Israel regulating the provision of social services to people with disabilities covers only part of the population of people with disabilities. In view of that, Minister of Welfare and Social Affairs MK Meir Cohen decided, upon assuming office in June 2021, to introduce a more comprehensive legislation on the provision of social services for all people with disabilities under the responsibility of the Disabilities Administration at the Ministry of Welfare and Social Affairs (including people with motor, sensory, intellectual developmental, and cognitive disabilities, people with autism, and children with developmental delay). In light of this decision, the Disabilities Administration, in collaboration with the Legal Department at the Ministry of Welfare and Social Affairs, is drafting a bill on the provision of social services to people with disabilities that would adequately address their needs, enhance their ability to live independently and autonomously in the community, and promote their equal participation in society. To that end, the Disabilities Administration commissioned the Myers-JDC-Brookdale Institute (MJB) to prepare an international review on legislation in selected countries governing the provision of social services to people with disabilities.

Goal

The goal of this review is to inform the Disabilities Administration about legislation models governing the provision of social services to people with disabilities in various countries around the world, which may be applied to the various target populations served by the Disabilities Administration, and which include the diverse social services provided by the Disabilities Administration: housing services, personal assistance services, recreational services, health care support services, and more.

Method

This review is based on a variety of information sources. In addition to an in-depth analysis of the relevant legislation in selected countries, the websites of government ministries, local authorities, and service providing organizations have been explored as well as academic papers and gray literature, including policy papers of organizations in the field of disability and evaluation studies. The review is focused on five countries: **Australia, the UK, Spain, Canada (the Province of Ontario), and Sweden**. These countries were selected by the MJB Disabilities Team

researchers following a thorough examination and consultation with experts in the field of disability in Israel and around the world. The laws governing the provision of social services to people with disabilities in each of these countries were reviewed with the focus on six topics: (1) the target population of the law; (2) the areas and types of the social services provided under the law; (3) the entities in charge of the implementation of the law; (4) the procedures for determining eligibility for the services provided under the law; (5) the mode of service allocation; and (6) the mode of realization of the services.

Findings and Conclusions

This review presents diverse laws that regulate, in various ways, the provision of social services to people with disabilities. The diversity of legislation is reflected in some key characteristics of the reviewed laws. First, **the target population** of the reviewed laws varies along a continuum – with laws covering people with specific types of disabilities on one end of the continuum, laws applicable to people with a wide range of disabilities, in between, and, on the other end of the continuum, laws related to a larger population that includes, in addition to people with disabilities, care givers and elderly people. Second, the way in which **the social services provided under the law** are described **and the ways in which they can be realized** differ from country to country. In some countries, the various types of services are classified by, and provided under the law as service baskets, service catalogues, or the like. In other countries, the law empowers various entities to allocate services on the basis of criteria or principles defined by the law. In those countries, the law establishes a ‘personal budget’ mechanism designed to enable the realization of the services and supports covered by the law. In both cases, the emphasis is on the provision of services that would promote the independence of people with disabilities and contribute to their inclusion in society.

Putting the differences aside, the laws presented in this review, all or most of them, share some common characteristics. Thus, **the provision of services and supports in the community** is a key element of all the laws reviewed herein, designed to address the needs of people with disabilities in an environment familiar to them and in an inclusive social setting. Also, under most of the laws reviewed, services are allocated to people with disabilities **based on their daily life needs** and the level of support required in view of their disability rather than on the basis of their type of disability or diagnosed impairment. Furthermore, most of the laws reviewed apply **individually tailored programs** to determine the various services to which a person with a disability is entitled, which require the active and meaningful participation, as far as possible, of the person with disability receiving the service and the involvement of the people close to him, as needed. Finally, all the laws reviewed

deal with **the regulation of relationships and the division of powers between the state level agencies and the local level authorities**, whether by appointing dedicated bodies tasked with defining the terms of the law and its mode of implementation or by delegating powers to existing private or public entities (e.g., social services departments in local authorities or private service providers). This characteristic highlights the importance of the local entities in the implementation and provision of the services and indicates the latitude given to the local entities by the law to provide and develop services.