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There are statutory differences in rights to social services across Spain

This chapter deals with the content of the laws on social services across the Autonomous Communities. The first part explains the competencies and concepts of social services as defined by the statutes and laws of the Autonomous Communities, and provides an overview of the two other regulatory instruments of the public social services system, the catalogue of services and the map explaining the territorial organisation. The second part analyses the content of the catalogues and shows differences in the availability of services across service categories and communities, and the relative importance of guaranteed and voluntary services.

The Spanish Constitution states in Article 148(1)(20) states that autonomous communities may assume competences in the area of “social assistance”. To exert and clarify such competences, all the autonomous communities¹ assumed exclusive competences in social services in their respective Statutes of Autonomy and have passed their own laws on social services, which define their guiding principles, benefits and services. Section 3.1 describes the principles and legislative development of social services across the different regions, highlighting common developments but also shortcomings into establishing actual rights for citizens. Section 3.2 details the specific social services provided in each region and their conditions as stated in the respective regional catalogues of services, highlighting wide variations in the provision of services.

3.1. The Statutes of Autonomy and regional laws set out social services concepts and competences

Regional laws on social services establish the general principles and criteria that guide the system, and are very similar across the different autonomous communities. The regulatory development of the laws, however, differs greatly from one region to another.

3.1.1. Statutes of Autonomy and competences

The Constitution provides for a decentralised model with respect to the competences that may be assumed by the autonomous communities in their Statutes of Autonomy. Article 149 (3), provides that “[c]ompetence over matters that have not been assumed in the Statutes of Autonomy shall correspond to the central state, the rules of which shall prevail, in the event of conflict, over those of the autonomous communities in all matters that do not fall under the exclusive competence of the autonomous communities.” The article also sets out that the autonomous regions could assume, in their respective statutes, competence over matters not expressly attributed to the central state in the Constitution. In this sense, after an initial period in which competences were distributed unequally between the central state and the autonomous communities throughout the country, with some communities having more attributions than others,² since the first reforms of the Statutes of Autonomy, autonomous communities have tended towards assuming the highest possible level of competences, in such a way that they have been attributed over all those matters not expressly reserved for the state in Article 149 (1) of the Constitution.

All the autonomous communities include in their respective Statutes of Autonomy exclusive competence in social services, although they use different formulas to do so. Only the Galician Statute merely reproduces the wording contained in Article 148(1)(20) to refer to the autonomous communities’ assumption of exclusive competences in the area of social assistance. The rest of the statutes opt to combine the allusion to “social assistance” with others such as “social welfare” (Asturias), “social services” (Canary Islands, Castile-La Mancha and Castile-León) or “community development” (La Rioja, Murcia and Navarre). Some statutes also seem to seek greater specificity or a clearer definition of the scope of competence assumed and expressly state the groups that will be covered by the regional social policy: children, families, older people, immigrants, people with disabilities, and women.

The Statutes of Autonomy themselves specify that the exclusive competences assumed by means of the basic institutional rules of the autonomous community refer to full powers on the matter – legislative, regulatory and executive. In addition, some statutes (such as those of Andalusia, Catalonia, the Canary Islands and the Balearic Islands) also refer to the preferential application of regional law in the event of conflict with central state regulations on the same subject when the autonomous community has exclusive competences. Moreover, there is recurring reference to the fact that such competences shall be exercised in accordance with the provisions of the Constitution.

As discussed in Chapter 2, the case law of the Constitutional Court means that an autonomous community having assumed exclusive competence over a certain matter it may exercise legislative, regulatory and executive powers over it, but this does not necessarily mean that any power is revoked from the central state.

3.1.2. The regional laws on social services have broad common features that define the principles of the public system

The laws on social services across the 17 Spanish regions present many elements that are common and that reveal a common understanding of community social services systems. It could be said that the social services laws currently in force at regional level are a sort of “second generation” of regulations that – in line with both the new social realities and a new way of understanding social protection as more of a citizen’s right than in terms of welfare – have proposed the configuration of a comprehensive public social services systems at the regional level, overcoming the shortcomings of the first laws enacted.

The latest regional laws were passed to give unity and coherence to the system, serving as basic legislation that provides unity and common regulation to the different services that were previously regulated differently. The different regional acts seem to respond to the need to establish a basic standard that unifies concepts, principles and criteria related to social services that were previously scattered across different regulations and other rules on specific services and benefits. In this sense, most of the acts use expressions that try to evoke the idea of comprehensive regulation to refer to the regional social services system. The Cantabrian act, for example, refers to an “integrated public system”; the law in Castile-La Mancha refers to a system comprising a “set of publicly owned services and facilities organised in a network, as well as privately owned ones with which some form of collaboration with the public administration is established”; and the laws of Aragon, the Balearic Islands, Catalonia and Castile-León all refer to a system “comprising the set of resources, services, plans, programmes, projects, equipment and technical teams, both public and private.” In this sense, many of the explanatory statements of regional laws refer to the social realities to which these new legislative measures are intended to respond; mainly references have been made to demographic changes that result in an ageing population, changes in social needs, and technological evolution and globalisation.

Indeed, the laws refer to public social services systems or systems of social services of public responsibility, understanding as such the framework of benefits orchestrated around a series of common principles and aimed at guaranteeing the population’s right to social protection (Act 9/2016 of 27 December on social services in Andalusia). The ideas of universal access to social services and homogenisation of the system as objectives to be achieved with the approval of these new laws are also repeated in the different regulatory texts. For example, the Catalan act makes specific reference to universal coverage: “It is a system that must be provided with universal coverage and in which it is necessary to specifically recognise the subjective right of access to social services” (Act 12/2007 of 11 October on social services). Similarly, the act of Navarra refers to the need to homogenise the different rules regulating services and benefits: “[...] Homogenising elements are introduced throughout the autonomous community of Navarra to guarantee that the citizens of Navarra can enjoy minimum benefits and basic service quality conditions, regardless of the municipality in which they live or receive the benefit” (Regional Act 15/2006 of 14 December on social services).

3.1.3. Laws establish subjective rights but are far from universal

It could be said that the most characteristic feature of new regional laws on social services is the attempt to set up a universal system of rights and benefits articulated in the form of subjective rights, i.e. making the provision of services and benefits for those who meet the established regulatory requirements fully enforceable, and thus explicitly eliminating the possibility that any political or economic criteria could prevent them from being provided effectively. It represents a substantial innovation with respect to the way

they have traditionally been framed, whereby they were generally not considered subjective rights, accompanied by the corresponding guarantees to ensure compliance in the face of inaction by the public authorities, but rather as gifts of ex-gratia benefits, dependent on political will and, above all, the availability of budgetary resources.

In their explanatory statements, the regional laws highlight three essential aspects: the configuration of a social services system based on the recognition of rights and benefits as subjective rights; the contrast that this creates with previous models of a markedly welfare-based nature; and the decoupling of the effective provision of benefits from the availability of economic resources. In this sense, it could be said that the latest generation of regional social services laws follows the path set in 2006 by the national Dependency Act, which established dependency assistance services and benefits as enforceable subjective rights (Alemán Bracho and Alonso Seco, 2011^[1]).

The subjective rights recognised are enforceable when they are accompanied by the corresponding jurisdictional guarantee, that is, the possibility of lodging claims for legal redress with the administrative courts should the public authorities fail to comply. The regional laws stipulate that guaranteed or essential services will be enforceable as subjective rights under the terms established in the portfolio, which indicate the services eligible for claims through administrative and jurisdictional channels, subject to the specific conditions and requirements established in the regulations governing each of the services.

However, despite most of the laws generally define the social services system as universal and classify the benefits as subjective rights, many of the laws provide for a second type of benefits based on their enforceability. By doing this, together with the guaranteed and enforceable benefits (those considered true subjective rights of the citizen in the autonomous community), the laws also provide for the existence of conditional or non-guaranteed benefits or services, the effective provision of which depends not only on the applicant's fulfilment of the relevant regulatory requirements, but also on the availability of the necessary budget. This second type of benefit is referred to in the legislation as "supplementary", "non-essential" or "non-guaranteed" and is defined as opposed to essential or guaranteed benefits.

In any case, the enforceability of the benefits and services offered by regional social services systems is not fully defined in the regional laws, but is made dependent in almost all cases on the existence of a catalogue or portfolio of social services, to be established in the form of regulations after the different laws have entered into force.³ All the autonomous community laws (except those of the Community of Madrid and the Community of Murcia) establish the obligation to draw up a regulatory instrument containing the benefits and services that will effectively make up the regional social services system in their different forms, types of benefits, and so on. In this sense, it is not so much the name chosen by the different laws that is relevant, but rather the centrality of this instrument as the cornerstone of the social services system.⁴ In fact, the effective enforceability of the services and their articulation as true subjective rights will depend on whether they are provided for in the catalogues or portfolios, and on the terms in which such provision is made, i.e. whether it is a guaranteed or conditional benefit. The enforceability of the services or benefits therefore depends on their inclusion as such in the corresponding provision. The portfolio or catalogue to be developed as a regulation is a central element required for the implementation of true universal systems of social rights that guarantee subjective rights at regional level.

3.1.4. The regulatory development has not been carried out within the established deadlines, limiting the articulation of social rights

In general, there are three normative instruments (one legislative and two regulatory) that serve to structure the public social services system at the autonomous community level: i) a regional law, which establishes the general principles and criteria that guide the system, for example, the minimum requirements that the benefits and services offered must meet; ii) a catalogue/portfolio of services/benefits (the name varies depending on the autonomous community), which, as a regulatory development of the law, specifies the precise list of social services offered in the region (and often the frequency at which it will be updated); and

iii) a social services map, which identifies the services actually being provided throughout the concerned territory and offers a general idea of the level of effective local implementation of the various services provided for in the regulations.

Table 3.1 summarises the regulatory context of each autonomous community in 2020, indicating the year in which the social services law was approved and whether there is a portfolio or catalogue of services, a social services map and a strategic plan.

As regards the portfolio or catalogue, in most cases the regional legislator entrusts the regional ministry responsible for social services with preparing it and then submitting this draft for the approval of the regional governing council. It is also stipulated that the portfolio or catalogue in question must be updated regularly (most commonly every four years). Most of the laws include an additional or final provision establishing the maximum period available to the regional government to develop regulations for the law following its entry into force.

The social services map is a basic instrument for the regional planning and organisation of the social services system, which establishes the zoning of services and benefits based on demographic criteria for implementation around “basic social services areas”. It is defined accordingly in most regional laws (Article 41 of Aragon’s law; Article 76 of the Canary Islands law; Article 44 (2) of the Galician law; and Article 36 (1) of the Basque law).

Regarding the preparation of the different social services maps, the laws employ a technique very similar to that used for the catalogues: they are usually prepared by the regional ministry responsible for social services and approved by the regional government, with a maximum timeframe for such approval starting from the date that the law enters into force. Some examples of this include the second additional provision of the Asturian law, which states that “the governing council shall approve the Asturian Social Services Map by decree, within a maximum of eight months from the entry into force of this law”, and the first final provision of the law in Extremadura, which sets out that the regional Government of Extremadura must approve the social services map of Extremadura within a maximum of one year from the entry into force of the law in question. Other laws, on the other hand, entrust approval directly to the regional ministry, as is the case in Andalusia. It is also common to include mandates for the periodic updating of these maps, such as that contained in Article 76 (4) of the Canary Islands law: “The map of social services of the Canary Islands shall be drawn up by the regional ministry responsible for social services, with the participation of the island councils and municipalities of the Autonomous Community of the Canary Islands, and shall be updated periodically, no more than every four years, in order to continue to adapt to the social reality of the archipelago as it evolves.”

A final element that appears consistently in most of the laws, related to the planning of actions on the regional social services systems, are the strategic plans (both general and sectoral), although there is no consensus as to the legal nature of these planning instruments. In any case, the laws define them as the instrument for organising and planning the measures, resources, services and actions necessary to achieve the legally established social policy objectives and provide for their periodic updating. In Madrid, for example, the law states that “every four years, the Community of Madrid shall draw up a Strategic Plan for Social Services, with the aim of arranging the measures, services, resources and actions necessary to fulfil the objectives of the social services system established in this law” (Article 48). The Galician law sets out that: “The department of the Regional Government of Galicia responsible for social services shall draw up a Strategic Plan for Social Services every six years, which shall be formulated according to the existing and emerging social needs of Galician citizens, ensuring, in any case, the participation of local entities” (Article 46). Some regional laws, within the strategic plan, also provide for the establishment of a plan or quality criteria that consider the degree of fulfilment of the objectives achieved in the periods stipulated (Article 26 of the Law of Navarre and Article 74 (4) of the Law of the Canary Islands).

Table 3.1. General regulatory context

Autonomous community	Regional law on social services	Catalogue or portfolio approved?	Strategic plan approved?	Strategic plan comments	Social services map approved?	Social services map comments
Andalusia	Act 9/2016	No	No	Processing began in 2018, but it has not yet been approved.	Yes	Order of 5 April 2019 regulating and approving the Social Services Map of Andalusia.
Aragon	Act 5/2009	Yes	Yes	Strategic Social Services Plan of Aragon II (2017-20)	Yes	Decree 55/2017 of 11 April of the Government of Aragon, approving the Social Services Map of Aragon.
Asturias	Act 1/2003	No	No*	–	Yes	Decree 108/2005 of 27 October approving the Social Services Map of Asturias.
Balearic Islands	Act 4/2009	Yes	Yes	Strategic Social Services Plan (2017-21)	No*	–
Canary Islands	Act 16/2019	No	No	–	No	–
Cantabria	Act 2/2007	No	Yes	Strategic Social Services Plan (approved in September 2015)	Yes	Order EMP/51/2009 of 15 May establishing the Social Services Map of Cantabria.
Castile-La Mancha	Act 14/2010	No	No	In progress	No	Decree 287/2004 of 28 December 2004 of the governing board regulates the territorial structure of the social services zones and areas and the functional structure of the public social services system of Castile-La Mancha.
Castile-León	Act 16/2010	Yes	Yes	Strategic Social Services Plan of Castile-León (2017-21)	Yes	There is a resources map for the <i>red de protección e inclusión a personas y familias en situación de mayor vulnerabilidad social o económica en Castilla y León</i> [network for the protection and inclusions of the most socially or economically vulnerable people and families in Castile-León] (2019).
Catalonia	Act 12/2007	Yes	Yes	Agreement GOV/177/2020 of 29 December approving the Strategic Social Services Plan 2021-24	No	There is a social benefits map, which was updated in 2015 but is not exhaustive in nature.
Extremadura	Act 14/2015	No	No	–	No	The second transitional provision of the law states that the existing zoning of social services (as at the entry into force of this law) will remain in force until the Social Services Map of Extremadura has been approved.
Galicia	Act 13/2008	No	No	–	No	–
Community of Madrid	Act 11/2003	No	Yes, but not updated	Strategic Social Services Plan of the Community of Madrid II (2005-08)	No	There is a social services zoning map.

Autonomous community	Regional law on social services	Catalogue or portfolio approved?	Strategic plan approved?	Strategic plan comments	Social services map approved?	Social services map comments
Murcia	Act 3/2003	No	No	There are, however, some strategic lines for social action, approved by the Order of 18 April 2018 of the Regional Ministry of Family and Equal Opportunities.	No	–
Navarre	Regional Act 15/2006	Yes	Yes	Strategic Social Services Plan of Navarre (2008) Strategic Plan 2019-23 is being prepared.	No	Regional Decree 33/2010 establishes social services zoning in the autonomous community of Navarre.
Basque Country	Act 12/2008	Yes	Yes	Strategic Social Services Plan of the Autonomous Community of the Basque Country (2016-19)	Yes	Included in the strategic plan.
La Rioja	Act 7/2009	Yes	No	–	No	–
Valencia	Act 3/2019	No	No	There is a Valencian Plan for Inclusion and Social Cohesion (2017-22), approved by Agreement of 3 November 2017 of the board.	No	Currently being prepared.

However, in many cases, the regulatory development of the instruments just analysed has not been carried out in accordance with the development schedules established in the different regional laws on social services. Although all regional laws on social services after 2006 expressly make the enforceability of the benefits of the different public social services systems conditional on the regulatory approval of a catalogue or portfolio specifying the content of the guaranteed benefits, and although the regional executive branch is mandated to approve these instruments within a specific period of time, in reality, this mandate has largely not been followed. As a result, most autonomous communities do not have a unified document collecting and recognising the specific offered benefits. As the competent body has not proceeded to approve the regulatory development within the period stipulated, aspirations to configure universal regional social services systems articulated as subjective and fully enforceable rights remain mere declarations of intent. As is recognised in the bill on social services of Asturias, if these laws are not accompanied by an instrument to delimit the right, that is, if they do not have the corresponding catalogue or portfolio, they are in practice devoid of any substance.

As analysed, and as can be seen in Table 3.1, out of 17 autonomous communities studied, 7 have a benefits catalogue/portfolio⁵ while 10 have not approved one. Only one autonomous community – Aragon – has completed the regulatory development provided for in the Social Services Act and has all three instruments in place: a portfolio of services, a strategic plan and a social services map. In addition, only eight autonomous communities have a strategic plan for social services. Regarding the social services map, only five autonomous communities have approved this instrument in the terms provided for in their respective laws. In the case of the other 12 autonomous communities, although there may be other zoning instruments for the regional social services system, these are not the maps legally provided for, nor do they fulfil the objectives and characteristics assigned to them by law.

By not approving the specific rules of regulatory development on which effective implementation would depend, no real policies have been articulated to meet the social needs that prompted the drafting and

approval of the law, instead they remain a series of general principles and definitions that have little practical relevance to citizens' lives. Ideally, legislative techniques would be brought together that would allow for progress to be made towards legally guaranteeing the enforceability of the social services system, so as to render the guaranteed benefits and services unquestionably enforceable. Some of the regional legislation studied takes important steps in this direction, for example by requiring that public authorities use the necessary financial resources to cover the costs of guaranteed benefits, including by increasing allocations if the budget initially allocated is insufficient. Article 67 (1) of the Balearic Islands law, for example, establishes the obligation of the public authorities of the Balearic Islands to guarantee the necessary resources to ensure the right of citizens to receive the benefits of the social services system, as well as the obligation to allow these allocations to be increased if the initial budget is insufficient to finance the benefits guaranteed (Article 68). In any case, this right must still be recognised via inclusion in the portfolio of social services as guaranteed benefits (Article 67 (1)), which continues to render the effectiveness of the social services systems as they are legally foreseen dependent on the regulatory development of other instruments.

3.2. Catalogue or portfolios define different social services across regions

As described in the preceding section, the catalogue or portfolio of social services is fundamental for defining the exact benefits and services that are offered. The catalogue is both an instrument for informing potential users of existing benefits and services and a document indicating which benefits and services are guaranteed as a subjective right. It also sets out the requirements and process for accessing services, and identify the services that require the economic participation of the user and those that do not.

An analysis was conducted on the catalogues and portfolios already published by the autonomous communities and those available as a draft. More specifically, the catalogue of 13 autonomous communities were used (Andalusia, Aragon, Asturias, the Balearic Islands, the Basque Country, Castile-La Mancha, Castile-León, Catalonia, Extremadura, La Rioja, Murcia, Navarre and Valencia) as well as a provisional portfolio of services and benefits in Galicia.⁶ All the benefits and services were classified according to the major areas and sub-areas that arose from the sector conference agreement and were incorporated into the reference catalogue of social services published in 2013 by the Ministry of Health, Social Services and Equality (thereby referred to as the 2013 Ministry catalogue).

3.2.1. The number and organisation of social services defined in the portfolios and catalogues varies considerably among autonomous communities

There are significant differences in the number of services and benefits offered by the various regions that are established in the autonomous community catalogues (see Table 3.2). These differences partly reflect real disparities in the provision of services and benefits among the different autonomous communities. However, the number of services mentioned in the catalogue may differ depending on the level of detail provided by each region. As an example, one autonomous community may list a social and therapeutic support service once for each group it targets (such as single-parent families, adolescents, large families) while another might only mention the service once without detailing the groups it is aimed at. In addition, as discussed below, services and benefits run by municipalities often complement the regional catalogue.

Table 3.2. The number of services mentioned in the catalogues varies substantially

Number of benefits and services mentioned in the catalogues

Region	Number of services	Region	Number of services
Andalusia	83	Extremadura	40
Aragon	90	Galicia	42
Asturias	62	Balearic Islands	59
Castile-La Mancha	98	La Rioja	63
Castile-León	120	Murcia	30
Catalonia	136	Navarre	157
Valencia	75	Basque Country	44

Note: No documented catalogue was found in the autonomous communities not included here. In Galicia there is a provisional document, but not an official catalogue. The financial benefits of the system for non-contributory pensions are not included. The level of detail provided may make catalogues appear more or less extensive, even if the actual differences among them are small.

Source: Estimates based on regional catalogues.

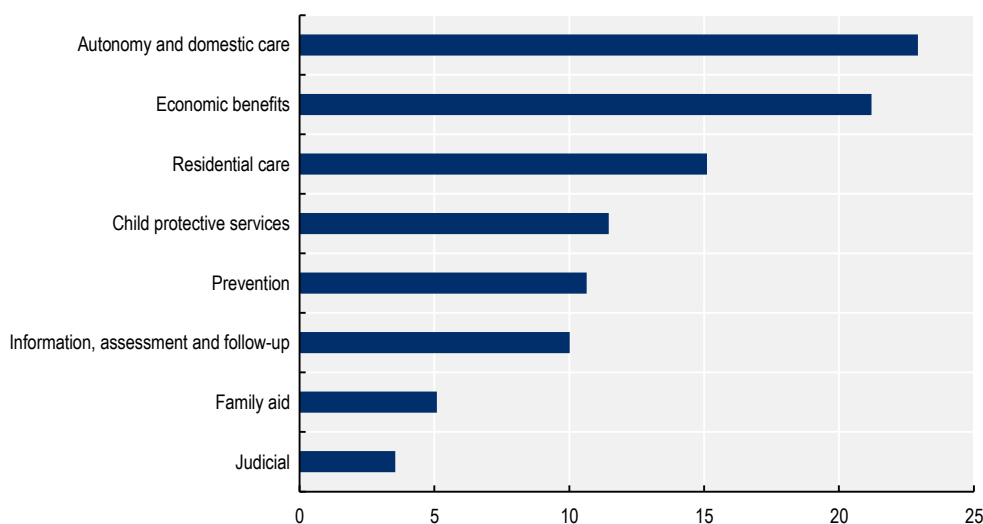
Following classification of the 2013 Ministry Catalogue, the services and benefits presented here are organised into eight areas (which are in turn split into sub-areas):

- Information, assessment and monitoring (three sub-areas)
- Autonomy and home-based care (nine sub-areas)
- Family support (four sub-areas)
- Child protection (five sub-areas)
- Residential care (six sub-areas)
- Prevention (four sub-areas)
- Legal protection (three sub-areas)⁷
- Financial benefits (four sub-areas).

The predominant services are those within the dependency framework, i.e. services related to autonomy, followed by financial benefits and residential care, which are focused on various groups, including older people, minors and people with disabilities (see Figure 3.1). This reflects the growing need for this type of services – because of demographic changes – and the greater weight that these areas have acquired since the entry into force of the Long-term Care Act. At the other extreme, legal and family support services⁸ each account for less than 5% of the services mentioned in the catalogues.

Figure 3.1. The area of autonomy and home-based care has the highest number of services

Service areas most frequently mentioned in catalogues



Note: The autonomous communities of Andalusia, Aragon, the Balearic Islands, the Basque Country, Castile-La Mancha, Castile-León, Catalonia, Galicia, Murcia, Navarre and Valencia are included. Unweighted average.

Source: Estimates based on regional catalogues.

It is important to point out that, in addition to the differences in their contents, catalogues are structured differently. In some areas (e.g. information, prevention, residential care and legal assistance), the focus is on the services provided. In others, however, the list of services available is organised according to the groups or situations for which they are intended (e.g. family support, child protection and dependency). The historical trend seems to be towards a user-centric service offering. Castile-León and the Basque Country have proposed ways to put people and their needs at the centre of the social services catalogue. In 2013, Castile-León moved to a new catalogue structure, which recognises the unique needs of each user, moving away from a model that pigeonholes users into groups such as “dependent” or “older people”. This new catalogue model was achieved thanks to the participation of the third sector, local businesses, unions and employers, participants in the social dialogue, low-wage workers, skilled workers and professional associations. In addition, organisational changes were achieved by introducing two parallel documents: one to determine the needs of each person and the other to determine which benefits and frequency of assistance best correspond to those needs. The Basque Country suggests using criteria to differentiate benefits and services based, for example, on the seriousness of the situation of dependency, vulnerability or exclusion; or on the duration of the intervention needed, which would be established via an assessment. These criteria should be adapted to different services and situations.

There are also differences in the supply of social services within the autonomous communities. In several regions, municipalities with more than 20 000 inhabitants may have their own social services catalogue. Differences in the financial and technical capacity of the municipalities can widen territorial inequalities in service provision. The municipal catalogues also make it possible to respond to the socio-demographic diversity within the autonomous communities, with different services being provided according to the needs of the population. This is the case in Aragon, Castile-La Mancha, Catalonia, in the city of Logroño in La Rioja, and in Cartagena in Murcia. In contrast, in Castile-León, local bodies can approve their own catalogues of services and benefits, but so far, none has been approved. In special circumstances, some bodies may sometimes offer additional benefits, but if the autonomous community considers them useful, they may be

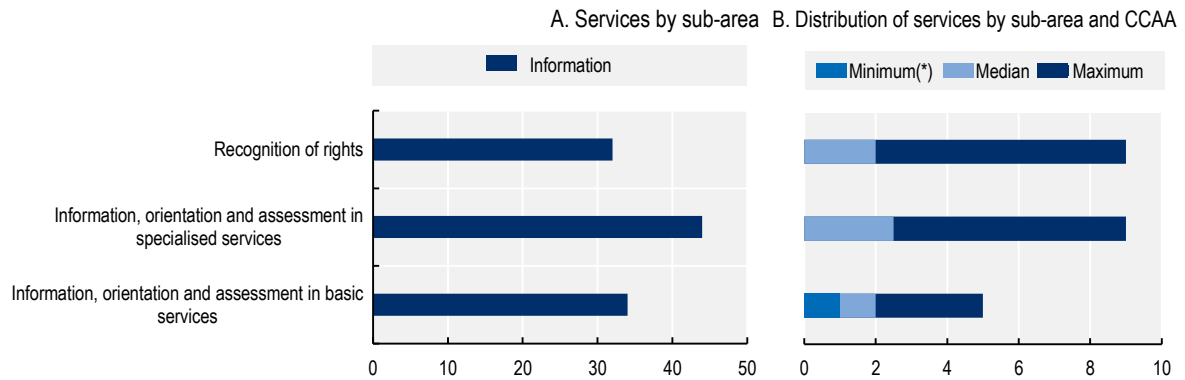
incorporated into the catalogue. This was the case after the economic crisis, for example: some bodies offered financial assistance for mortgage payments, but shortly after, a decree regulating this benefit was approved and it was incorporated into the regional catalogue.

In several autonomous communities, the framework of competences explicitly states in the legislation that local bodies may put together their own portfolios. In the Balearic Islands, for example, within the framework of the statutory competences granted to them by Article 70 of the region's Statute of Autonomy, the island councils must fill their social services portfolios with content that is complementary and additional to that of the basic portfolio. Local bodies may also design their portfolios in a way that is complementary and additional to the basic portfolio and the corresponding island board portfolio. These local portfolios must respect the general principles established in the first final provision of this decree. Likewise, the local bodies of the Community of Valencia will approve their own portfolios in accordance with the regional planning and organisation procedure established in Act 3/2019 for publicising and complementing the services offered in the portfolio of the Public Social Services System of Valencia. In Navarre and the Basque Country, any local body can develop its own portfolio of social services. The city council of Pamplona, for example, has put together a series of programmes in addition to those in the regional portfolio.

Local variations also point to inequalities in coverage within the autonomous communities, with gaps mainly affecting rural or low-density areas. All primary care services reach all municipalities, but there may be more difficulties accessing and using services that are more specific. On smaller islands in the Canary and Balearic Islands, for example, there is less implementation of certain services. In Valencia, there are some small independent municipalities where difficulties with some services in areas such as childhood and adolescence and immigration are being resolved with the new map. In the Basque Country, the social services map shows that in rural areas with a small number of inhabitants some services may exist at the district level but not be available at the municipal level. In the Sierra Norte region of the Community of Madrid an association of municipalities has been created, as provided for in Article 12 of the law on grouping together municipalities with fewer than 20 000 inhabitants, for the joint provision of social services in accordance with territoriality criteria and the carried-out planning. In Asturias, to bring more services to the rural areas of the region, the *Rompiendo Distancias* [Breaking Down Distances] programme was launched. This is a comprehensive care programme that aims to give older people living in rural areas better access to different community resources and prevent the risks of isolation and loneliness that they may suffer. To alleviate these difficulties, the programme delivers services to the homes of people experiencing isolation. There are currently 15 *Rompiendo Distancias* programmes in 39 municipalities in the region. Similarly, in Galicia, mobile pilot programmes that could offer services to prevent dependency are being considered. In Extremadura, to remedy the difficulties of access for dependent older people in certain areas, attempts have been made to establish a transportation agreement with non-profit organisations through subsidies and agreements for places that allow the greatest possible accessibility to resources.

3.2.2. Differences in services offered may come from different naming or from different services provided within each area

Basic information, guidance and assessment services, which in the vast majority of cases constitute the gateway to the social services network, exist in all catalogues (Figure 3.2). No services providing information on specialised care were found in Valencia; they were probably included as general services. In most of the autonomous communities, there are services specialised in recognising situations that render the user eligible for benefits, such as recognition of the degree and level of dependency, right to receive a minimum income, recognition of disability and the resulting right to the corresponding services or benefits, and recognition of neglect. In Valencia and Murcia, no specific services for the recognition of rights were found.

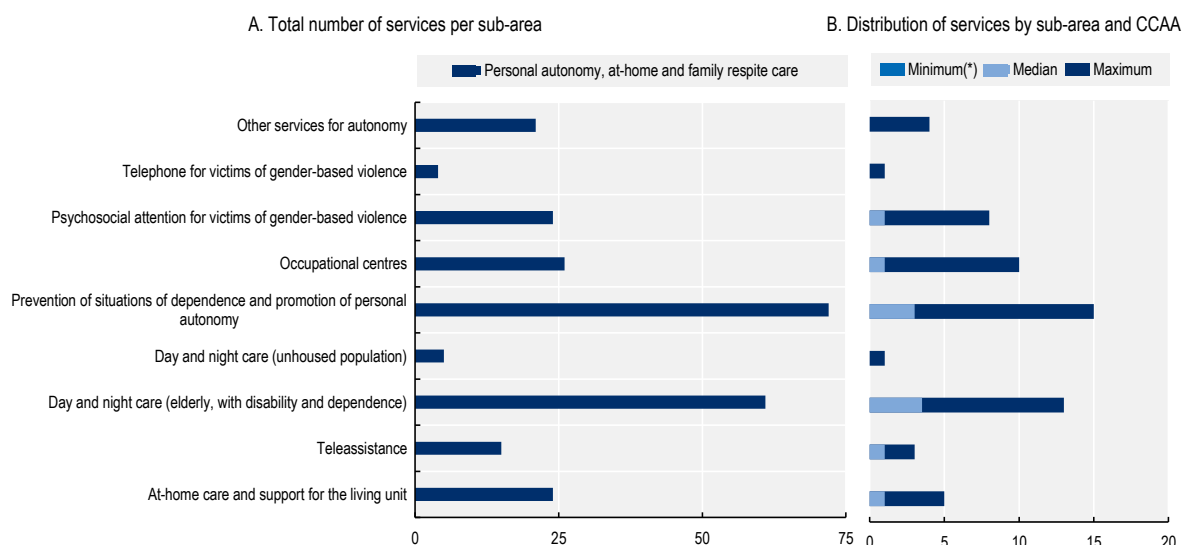
Figure 3.2. Information and guidance services

Note: The figure shows services in the autonomous communities of Andalusia, Aragon, Asturias, the Balearic Islands, the Basque Country, Castile-La Mancha, Castile-León, Catalonia, Extremadura, La Rioja, Murcia, Navarre and Valencia and a provisional portfolio of services in Galicia. (*) If the minimum or median does not appear, its value is zero. For example, the minimum for information, guidance and basic assessment services is one (meaning that all catalogues mention at least one service of this type), the median is two and the maximum is five (meaning that at least one catalogue mentions five services of this type).

Source: Estimates based on regional catalogues.

Figure 3.3 shows the number of services in the area of personal autonomy and home-based care. This area includes both services for the prevention of dependency and the promotion of personal autonomy (which are sometimes confused with services in the area of prevention and social integration in general) and home-based care services or services in day and night centres for dependent people. It also includes an area called “other autonomy services” that brings together various specialised services that appear less frequently in the catalogues (such as training for caregivers, support for people with addiction problems, language support). In Castile-León, daytime and night-time care for older, disabled and dependent people are also provided “for the support of children and adolescents at risk”. In Andalusia, there is only one service within this category but it includes both daytime and night-time care. Daytime and/or night-time care services for people experiencing homelessness were only found in Andalusia, Galicia, Navarre and Asturias. In Galicia,⁹ the Balearic Islands, La Rioja and Extremadura, no services for the prevention of dependency and the promotion of personal autonomy were found. No occupational centres were found in Andalusia, Castile-León, Galicia, Asturias and Extremadura. In Catalonia, Galicia, Murcia and Extremadura, no psychosocial care services for survivors of gender-based violence were found. Finally, emergency telephone services for survivors of gender-based violence were only found in Aragon, and the Balearic Islands Castile-La Mancha and Catalonia.

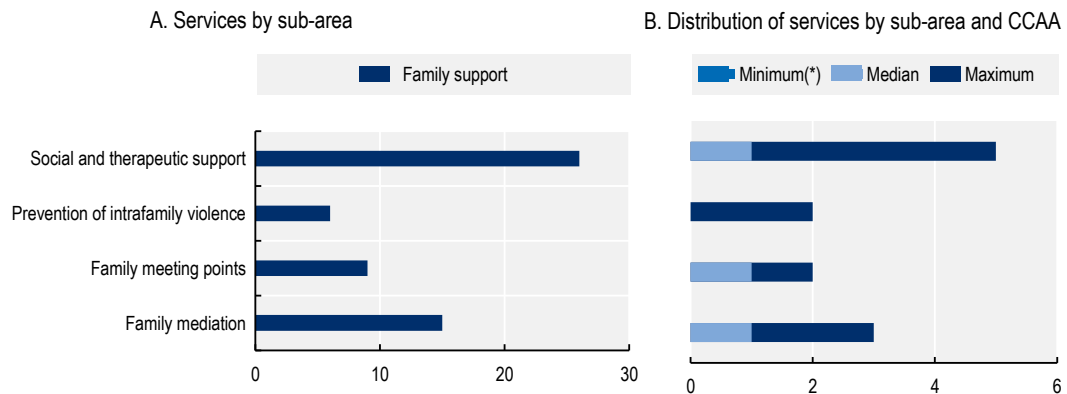
Figure 3.3. Personal autonomy and home-based care services



Note: The figure shows services in the autonomous communities of Andalusia, Aragon, Asturias, the Balearic Islands, the Basque Country, Castile-La Mancha, Castile-León, Catalonia, Extremadura, La Rioja, Murcia, Navarre and Valencia and a provisional portfolio of services in Galicia. (*) If the minimum or median does not appear, its value is zero. For example, the minimum for information, guidance and basic assessment services is one (meaning that all catalogues mention at least one service of this type), the median is two and the maximum is five (meaning that at least one catalogue mentions five services of this type).

Source: Estimates based on regional catalogues.

Family support services are widely available across the regional catalogues for mediation and social and therapeutic support (Figure 3.4), but not for others. Only five autonomous communities mention domestic violence prevention programmes: Andalusia, Aragon, Castile-La Mancha, Castile-León and Murcia. However, as mentioned above, it is possible that these services exist in other regions but have been classified as prevention services for specific groups (see Figure 3.7). Family mediation services (out-of-court and voluntary proceedings to prevent and resolve family conflicts in the field of private law) are mentioned in the catalogues of all the autonomous communities except Catalonia, Galicia and Asturias. Social and therapeutic support¹⁰ is also mentioned in almost all catalogues (except Galicia and Extremadura). Finally, it is worth mentioning that there are almost no family support programmes in general in the catalogues of Catalonia (only one programme is mentioned, even though there is a Catalan family mediation law dating from 2000) and Galicia (no programme).

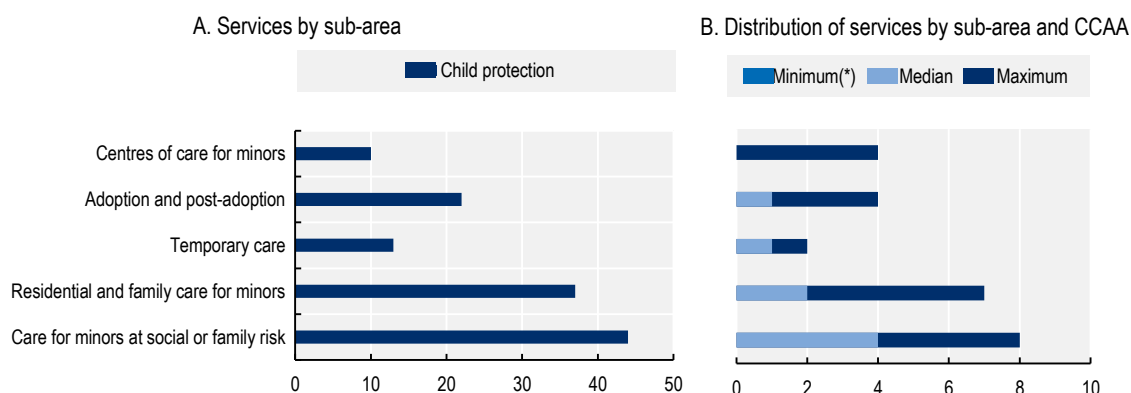
Figure 3.4. Family support services

Note: The figure shows services in the autonomous communities of Andalusia, Aragon, Asturias, the Balearic Islands, the Basque Country, Castile-La Mancha, Castile-León, Catalonia, Extremadura, La Rioja, Murcia, Navarre and Valencia and a provisional portfolio of services in Galicia. (*) If the minimum or median does not appear, its value is zero. For example, the minimum for information, guidance and basic assessment services is one (meaning that all catalogues mention at least one service of this type), the median is two and the maximum is five (meaning that at least one catalogue mentions five services of this type).

Source: Estimates based on regional catalogues.

In child protection services, centres for minors and temporary care tend to be less widely available (Figure 3.5). Childcare centres (services that offer educational and leisure activities for children and adolescents outside school hours with the aim of promoting their development and assisting guardians who are unable to care for them) are only mentioned in the catalogues of Castile-La Mancha, Castile-León, Catalonia and the Balearic Islands. Early care – i.e. interventions aimed at children up to six years of age with developmental disorders – do not appear in the catalogues of Andalusia,¹¹ Galicia, Murcia and Extremadura. In the Galician catalogue, no programme providing care for children at social and family risk was found. In the Basque Country, we considered the programmes mentioned as part of the socio-educational and psychosocial intervention service in the area of prevention (although they could also be considered as child protection services). This illustrates how taxonomy can be a source of discrepancy between catalogues; in fact, the Basque Country is a pioneer in intervention with children at social risk and this type of service is clearly mentioned on the Basque social services website, but not classified as such in the catalogue.¹² In Galicia and the Balearic Islands, there is no mention of adoption services or residential or family-based foster homes. However, Decree 148/2014, which regulates community-based social services and their funding, includes child protection services (and these are clearly mentioned on the Regional Government of Galicia website¹³).

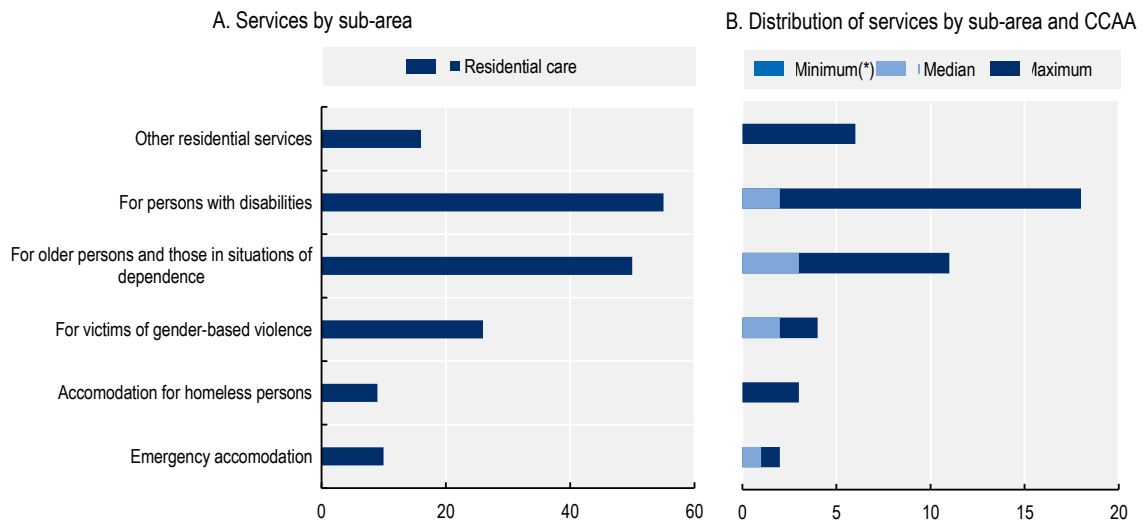
Figure 3.5. Child protection services



Note: The figure shows services in the autonomous communities of Andalusia, Aragon, Asturias, the Balearic Islands, the Basque Country, Castile-La Mancha, Castile-León, Catalonia, Extremadura, La Rioja, Murcia, Navarre and Valencia and a provisional portfolio of services in Galicia. (*) If the minimum or median does not appear, its value is zero. For example, the minimum for information, guidance and basic assessment services is one (meaning that all catalogues mention at least one service of this type), the median is two and the maximum is five (meaning that at least one catalogue mentions five services of this type).

Source: Estimates based on regional catalogues.

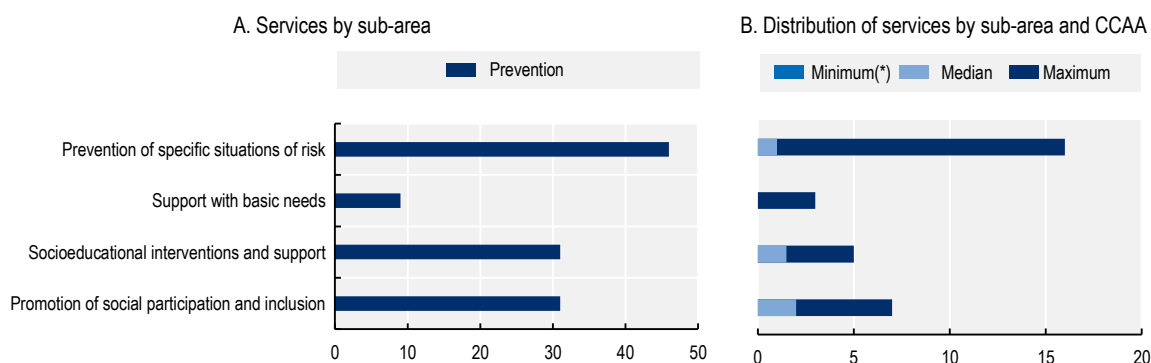
Residential care services are widely mentioned for dependent people and in some regions for people with disabilities while emergency housing is less available (Figure 3.6). Emergency housing, aimed at individuals and families who lose their housing suddenly, cannot find housing or are compelled to leave their homes for various reasons (economic, social or health-related), is not mentioned as a specific service in many autonomous communities; of the 14 analysed, only 8 include it. The shared goal of all these services is to offer accommodation, whether temporary or long term, to people who require it and who are unable to provide accommodation for themselves. The sub-areas are organised according to the cause of the need for accommodation. In Andalusia, Galicia, Murcia and Extremadura, no services for people with disabilities were found; in Asturias, they are mentioned and are included together with services for dependent people. In Galicia and Extremadura, no services for older and dependent people were found. In Galicia, Asturias and Extremadura, no services for survivors of gender-based violence were found. Services for people experiencing homelessness or at risk of marginalisation or social exclusion were found only in the Basque Country, Castile-León and Navarre.

Figure 3.6. Residential care services

Note: The figure shows services in the autonomous communities of Andalusia, Aragon, Asturias, the Balearic Islands, the Basque Country, Castile-La Mancha, Castile-León, Catalonia, Extremadura, La Rioja, Murcia, Navarre and Valencia and a provisional portfolio of services in Galicia. (*) If the minimum or median does not appear, its value is zero. For example, the minimum for information, guidance and basic assessment services is one (meaning that all catalogues mention at least one service of this type), the median is two and the maximum is five (meaning that at least one catalogue mentions five services of this type).

Source: Estimates based on regional catalogues.

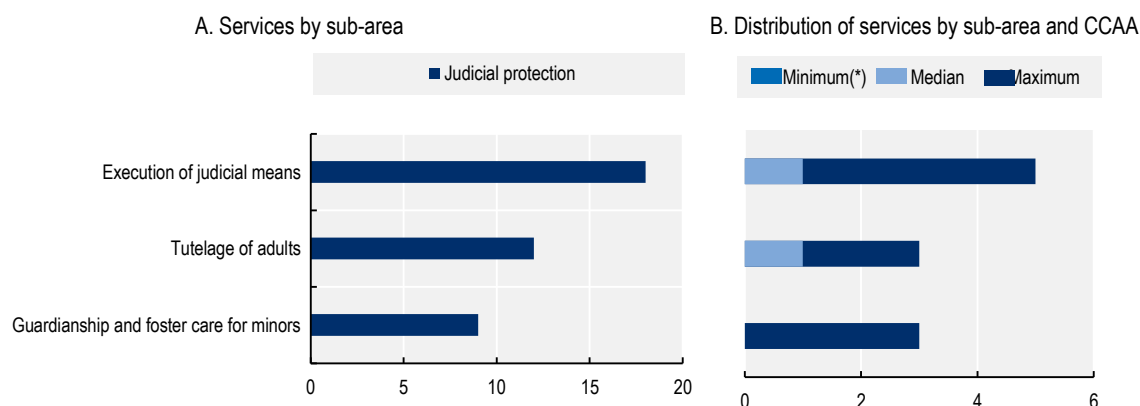
Figure 3.7 shows prevention services, which comprise a wide range of interventions and programmes. By definition, all spheres of social services relate to preventing social exclusion. It is therefore difficult to establish a classification of prevention services that avoids ambiguity (what distinguishes prevention from an action intended to alleviate or solve an existing problem?) and duplication (services aimed at specific groups or situations, such as domestic violence prevention, can appear in various categories). All autonomous communities have programmes to promote participation and social inclusion in general, except for Catalonia, the Balearic Islands, Navarre, Asturias and La Rioja. All communities have socio-educational intervention and support programmes, except for Asturias. However, programmes to ensure basic needs are met (food, shelter, and so on) are less common. Finally, some communities' catalogues include a large number of prevention programmes for specific risk situations (Castile-León, Catalonia, Galicia and, to a lesser extent, Andalusia); these programmes could be classified in other areas according to the specific groups they are aimed at.

Figure 3.7. Prevention services

Note: The figure shows services in the autonomous communities of Andalusia, Aragon, Asturias, the Balearic Islands, the Basque Country, Castile-La Mancha, Castile-León, Catalonia, Extremadura, La Rioja, Murcia, Navarre and Valencia and a provisional portfolio of services in Galicia. (*) If the minimum or median does not appear, its value is zero. For example, the minimum for information, guidance and basic assessment services is one (meaning that all catalogues mention at least one service of this type), the median is two and the maximum is five (meaning that at least one catalogue mentions five services of this type).

Source: Estimates based on regional catalogues.

Figure 3.8 shows legal protection services. Residential care centres for neglected minors exist in all the autonomous communities, in line with the Act on the Legal Protection of Minors. Although not all catalogues list these centres under “guardianship of minors”, this report classifies them all as child protection services. Castile-León, Catalonia and La Rioja have services for the guardianship of minors and adults. In Murcia and Navarre, child protection services (classified as child protection) include guardianship of minors, while Andalusia has a service for the protection of minors at risk of neglect (classified here as child protection) that does not explicitly mention guardianship of minors. Most autonomous communities mention judicial enforcement services, except Andalusia, Catalonia, Galicia, the Basque Country, Asturias and La Rioja. Galicia’s provisional catalogue does not mention any judicial services. The Act on the Legal Protection of Minors states that residential care centres for neglected minors should, and probably do, exist, in all the autonomous communities. However, the catalogues rarely mention them.

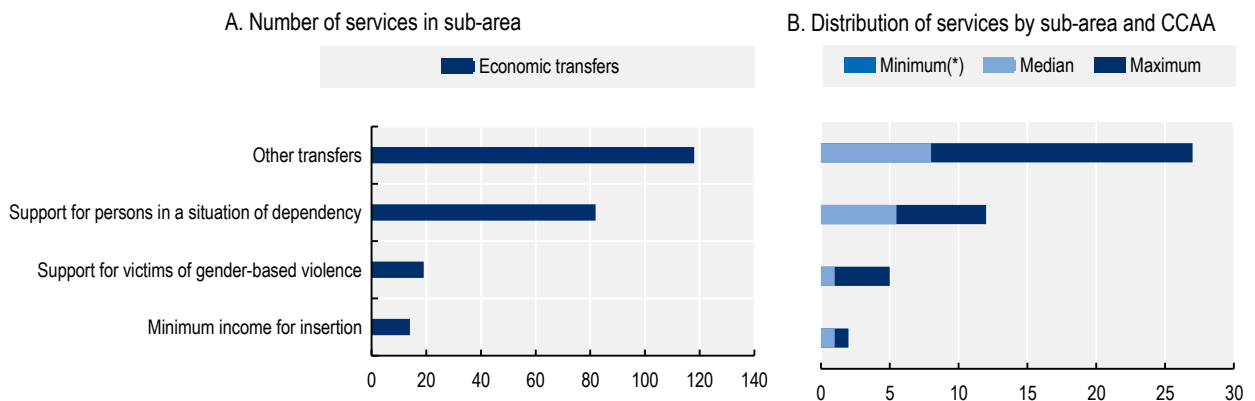
Figure 3.8. Legal protection services

Note: The figure shows services in the autonomous communities of Andalusia, Aragon, Asturias, the Balearic Islands, the Basque Country, Castile-La Mancha, Castile-León, Catalonia, Extremadura, La Rioja, Murcia, Navarre and Valencia and a provisional portfolio of services in Galicia. (*) If the minimum or median does not appear, its value is zero. For example, the minimum for information, guidance and basic assessment services is one (meaning that all catalogues mention at least one service of this type), the median is two and the maximum is five (meaning that at least one catalogue mentions five services of this type).

Source: Estimates based on regional catalogues.

Finally, Figure 3.9 shows the number of financial benefits that exist in each region. This analysis does not consider non-contributory pensions, although these are included in some catalogues. However, supplementary assistance for beneficiaries of non-contributory benefits (as, for example, in Catalonia) has been considered because it is provided by local or regional social services. The main economic benefit provided by social services is the so-called *Renta mínima*. Variants of this name exist in all regions and are referred to with the generic name of “Regional Minimum Income” (RMI). This benefit appears in the catalogues of all the autonomous communities except the Basque Country, which does nonetheless have a RMI programme. The vast majority of the autonomous communities have various financial assistance for survivors of violence and people in a situation of dependency. The figure also shows a sub-area called “Other financial benefits”. These include, for example, help to pay rent or heating bills, and emergency assistance; they are mentioned in all catalogues except Murcia (where they exist at the municipal level) and the Basque Country (where they appear in the regulations of 8 April 2020 as Social Emergency Assistance).

Figure 3.9. Financial benefits



Note: The figure shows services in the autonomous communities of Andalusia, Aragon, Asturias, the Balearic Islands, the Basque Country, Castile-La Mancha, Castile-León, Catalonia, Extremadura, La Rioja, Murcia, Navarre and Valencia and a provisional portfolio of services in Galicia. (*) If the minimum or median does not appear, its value is zero. For example, the minimum for information, guidance and basic assessment services is one (meaning that all catalogues mention at least one service of this type), the median is two and the maximum is five (meaning that at least one catalogue mentions five services of this type).

Source: Estimates based on regional catalogues.

3.2.3. Large differences exist in the guaranteed benefits

The effective provision of benefits is conditional on the development of regulations that govern the catalogue or portfolio of social services. Although the autonomous community regulations studied insist on their intention to make public social services systems more enforceable, repeatedly defending a universal system, this does not translate into an overwhelming predominance of guaranteed benefits, that is, services not depending on budget availability.

Guaranteed benefits allow the budget line to be increased in the event of increased demand. Regional legislation specifies which benefits or services are covered by this guarantee. In Aragon, for example, Article 6 of Act 5/2009 establishes this group. In Castile-La Mancha, in Part III of Act 14/2010, articles 36, 37 and 38 establish the minimum guaranteed and conditional benefits in the catalogue. Guaranteed benefits are enforceable as a subjective right in the autonomous community of Castile-La Mancha, without prejudice to the liability that may be incurred by the entities responsible for the management of such benefits (Article 33). In Galicia, Act 13/2008 defines the essential and standardising benefits of the social services system (Article 18). In the Balearic Islands, the following benefits or services are not subject to

budgetary availability: meeting basic needs (housing, food and clothing); access to information, guidance and management in relation to the services and benefits of the social services system; benefits derived from a declaration of dependency; and social benefits of an economic nature guaranteed by subjective rights (guaranteed social income). In the Basque Country, Act 12/2008 on social services guarantees access to the benefits and services in the catalogue as a universal and subjective right.¹⁴

At the same time, some guaranteed or subjective-right benefits may include clauses that limit access; often these clauses aim to identify precisely the service's target population. One such example is access to minimum incomes, which generally depends on family income, family assets and, in some cases, on the benefit holder's efforts to seek employment. Another example is child protection services, which depend on the age of the beneficiaries. Conversely, non-guaranteed benefits are subject to budgetary availability and thus may be withdrawn, especially when a local entity is responsible for them.

Table 3.3 presents a succinct comparison between the total services listed in the various catalogues, classified by area and sub-area, and the portion of these that are guaranteed or guaranteed subject to certain conditions.¹⁵ The difference between existing services and those guaranteed is quite wide in many cases, with often three or four regions not having the guaranteed services. For instance, while information services are mentioned in 14 catalogues, they are only guaranteed in 10. Areas that are widely available, such as centres for minors are mentioned in four catalogues but guaranteed in only one region. This prompts reflection on the need to establish minimum catalogue of guaranteed services.

Table 3.3. Guaranteed services and benefits

Area	Sub-area	All services		Guaranteed and guaranteed subject to certain conditions	
		Autonomous communities in which they exist	Autonomous communities analysed	Autonomous communities in which they exist	Autonomous communities analysed
Information, assessment and monitoring	Information, guidance and assessment for basic care	14	14	10	10
	Information and guidance for specialised care	13	14	8	10
	Recognition of rights	11	14	9	10
Autonomy and home-based care	Home care and support for the family unit	13	14	10	10
	Remote assistance	12	14	10	10
	Daytime and night-time care (older or dependent people, people with disabilities)	13	14	9	10
	Daytime and night-time care (people experiencing homelessness)	5	14	1	10
	Dependency prevention and personal autonomy promotion	11	14	9	10
	Occupational centres	11	14	5	10
	Psychosocial care for survivors of gender-based violence	10	14	6	10
	Phone line for survivors of gender-based violence	4	14	2	10
	Other autonomy services	8	14	5	10
Family support	Family mediation	11	14	5	10
	Family meeting points	8	14	5	10
	Domestic violence prevention	5	14	2	10
	Social and therapeutic support	12	14	8	10
Child protection	Care for minors in situations of social and family risk	12	14	7	10
	Residential and family foster care for minors	12	14	9	10
	Early care	10	14	8	10
	Adoption and post-adoption	12	14	7	10
	Centres for the care of minors	4	14	1	10

Area	Sub-area	All services		Guaranteed and guaranteed subject to certain conditions	
		Autonomous communities in which they exist	Autonomous communities analysed	Autonomous communities in which they exist	Autonomous communities analysed
Residential care	Emergency accommodation	8	14	6	10
	Housing for people experiencing homelessness	5	14	2	10
	For survivors of gender-based violence	11	14	7	10
	For older and dependent people	12	14	8	10
	For people with disabilities	10	14	5	10
	Other residential care services	6	14	2	10
Prevention	Promotion of participation and social inclusion	10	14	5	10
	Socio-educational intervention and guidance	13	14	6	10
	Meeting basic needs	6	14	3	10
	Prevention of specific risk situations	8	14	4	10
Legal protection	Guardianship and custody of minors⁽²⁾	5	14	3	10
	Adults under guardianship	9	14	7	10
	Execution of judicial measures	8	14	5	10
Financial benefits	Guaranteed minimum income	13	14	7	10
	Help for survivors of gender-based violence	12	14	6	10
	Help for people in a situation of dependency	13	14	10	10
	Other financial benefits	12	14	9	10

Notes: Benefits guaranteed subject to certain conditions are generally governed by regional legislation. The conditions are different for each autonomous community. As no official information was available on guaranteed benefits in Galicia, Murcia, La Rioja and Extremadura, these autonomous communities are not included in the analysis of benefits that are guaranteed or guaranteed subject to certain conditions.

Source: Estimates based on regional catalogues.

References

- Alemán Bracho, C. and J. Alonso Seco (2011), *Los sistemas de servicios sociales en las Leyes autonómicas de servicios sociales*, [1]
<https://dialnet.unirioja.es/servlet/articulo?codigo=3676417>.

Notes

¹ Or “regions”. Spain is a decentralised country where regions have a large degree of autonomy and, therefore are called “autonomous communities”. To refer, for example, to actions or institutions run by regional governments we will use “regional action” or “autonomic institutions” respectively.

² Article 148 (2) established that, except for those autonomous communities that had acceded to autonomy by means of Article 151 of the Constitution, such extension of powers could only take place five years after the culmination of the autonomy process and by means of a reform of their respective Statute of Autonomy. According to the second transitional provision, the regions that had already voted in favour of a draft Statute of Autonomy (Basque Country, Catalonia and Galicia) could also automatically assume the highest level of competence.

³ It should be noted that in the regional laws, the terms portfolio and index, or both, are used interchangeably by each autonomous community, with different meanings and scopes. The term index usually refers to a more general or abstract list of the minimum requirements of the services to be guaranteed and is contained in the law itself, either in the articles themselves or in an annex, while the term portfolio usually refers to the document to be enacted as a regulation by the regional government, detailing the specific benefits and the conditions for their effective implementation.

⁴ This is stated in the preamble accompanying the Castile-León social services system index: “The index of social services is the cornerstone that systematically identifies and organises the set of benefits through which the social services policy of the Community of Castile-León is delivered, reflecting the rights-based nature of the model.”

⁵ In Cantabria, something similar to an index of services has been drawn up by the Cantabrian Social Services Institute. However, being an informative guide, it lacks any legal force. In Galicia there is no unified index, but there are two decrees that regulate community social services and their funding (Decree No. 99/2012 of 16 March regulating community social services and their funding, and Decree No. 148/2014 of 6 November amending Decree No. 99/2012 of 16 March).

⁶ There was no regional index in the three remaining autonomous communities.

⁷ In addition to the three sub-areas, it is important to note that there are free legal assistance services for those without sufficient resources for a dispute. It covers the cost of obtaining free copies of testimonies and notarial instruments and may also include the assistance of a court-appointed lawyer. This is not considered a social service since it falls under the remit of the Ministry of Justice. General legal information and guidance services are included in the information, assessment and monitoring area.

⁸ Categorising provisions as family support services is not always clear-cut and it is possible that some family support services are listed under prevention.

⁹ It should again be noted that Galicia does not have a real index. Services related to the Dependency Act do exist in Galicia, but they are not included in the portfolio of social services currently available and used in this study.

¹⁰ Family support programmes are aimed at parents and adolescents. They provide technical support that equips families with the skills to take proper care of the children for whom they are responsible and who are at risk of issues such as neglect or drug addiction, addressing the factors associated with these risks to preserve the integrity of the family. As in the case of domestic violence prevention, many of these programmes could also be listed under the area of prevention.

¹¹ Andalusia does not include early care services in its index because they fall exclusively under the responsibility of the Regional Ministry of Health. Primary care paediatricians are responsible for detecting and referring children up to six years of age to these resources where they can receive health and social care.

¹² <https://www.euskadi.eus/servicios-sociales-entorno-familiar/web01-a2gizar/es>.

¹³ www.politicasocial.xunta.gal/es/recursos/planes-y-programas/programa-de-acogimiento-residencial.

¹⁴ It guarantees the effective exercise of this right through various mechanisms. Article 3 of the act establishes who can hold this right. Article 25 defines, in general terms, the requirements for access to the benefits and services contained in the Basque Country index. Article 19 establishes the basic intervention

procedure for accessing benefits and services, among other things. Articles 21 and 22 define the Basque Country index of benefits and services. So this can be developed, articles 23 and 24 contain provisions relating to the creation and updating of the portfolio of benefits and services.

¹⁵ As no official information was available on guaranteed benefits in Galicia, Murcia, La Rioja and Extremadura, these autonomous communities are not included in the analysis of benefits that are guaranteed or guaranteed subject to certain conditions.



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