

THE PROTECTION OF PERSONS WITH SOCIAL DEPENDENCY

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Few topics have sparked such expectations and so many debates as care for dependent people. Since the publication of Law 39/2006 on the Promotion of Personal Autonomy and Care for People in Situations of Dependency, many people affected have pinned great hopes on the recognition of rights that this law allowed them. At the present time, when the economic crisis has deepened dramatically and one of the most important reactions has been to make cuts in public spending, the debate on the viability of the welfare state is more alive than ever. Few examples can be found that better embody the idea of the welfare state than the abovementioned regulation, commonly called the Law of the Dependency and, in its day, it was passed with virtual unanimity of the political powers. This provision recognizes the rights of the most vulnerable to receive a number of benefits, beyond the traditional model which meant that the burden of this care fell to the family and to women in particular. This recognition is also a good example of the progress of a public system of social services, chained to a long recent history of charity, which has attempted to make social deeds rights and not arbitrarily allocated provisions.

The law actually creates a new system within the broader system of social services and is hugely complex, both in terms of the definition of those eligible and their rights, as well as the administrative procedures and mechanisms involved. Here lies the main value of this book, as Professor Kahale carefully examines the whole arrangement that the law involves. As the prologue indicates, the author examines in his

book the legal instruments that address the needs of people who are the most vulnerable and require assistance in performing activities of daily life and to be able to exercise their rights as citizens.

The book presents an extensive and exhaustive work of research in which a review was carried out of the legislation on people in situations of dependency, seen from different perspectives (national and regional legislation). A literature review was also conducted and an analysis of articles in specialized legal journals, books and Internet sources as well as databases, case law on the subject and statistical sources.

The book contains eight chapters. In the first, the choice of a social protection model of dependency through the System for the Autonomy and Care of Dependents is studied. In the second the configuration of the system is analyzed by reviewing its inspiring principles, levels of protection, the system of distribution of powers, the various bodies involved and the network of services. In the third, dependence is studied by analyzing the evaluation and those with the right to dependency coverage, including the procedure of assessment and resolution. The fourth chapter outlines the benefits of this system, including the more preventive types, such as telecare and home care, financial benefits, the amounts and the issue of social security for the carers of persons with social dependency.

The fifth chapter deals with the complex issue of financing this system, analyzing the public financing, user participation and employment generation involved. In the sixth chapter, the important issue of the quality and efficiency of the system is studied, indicating the measures that can guarantee quality and efficiency, the information systems used and actions to

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be taken against fraud. Finally, the eighth chapter provides, by way of conclusion, a set of proposals for making this system operate in a more flexible and agile way, facilitating the process to potential users in a dependency situation insofar as it is the same in the whole country. The study closes with an annex presenting a report of graphs and tables, the rulings of the Constitutional Court and the annotated bibliography.

The book not only presents a research project, but it also adopts a pedagogical design that includes self-test answers for the reader to assess their understanding of the subject, which makes it an interesting tool for the teaching field in the various disciplines that address the issue of care for dependents.

Professor Kahale is a well-known labor law expert and

has developed his professional career in various academic institutions. This study was awarded the first prize in the VII Award for study and research work on Public Administrations in 2007.

Although this work was carried out from the legal domain, there is no doubt that this is a work of exceptional interest to all professionals involved in dependency care, including psychologists. The legal framework and also the reflection on the processes of intervention it provides for practitioners are highly useful. The work contains an exhaustive analysis of the legislation, but it also proposes elements for improving interventions in this system. In short, this is a work of interest to both the academic and training arenas, as well as for consultation and reflection for professionals in this sector.

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