



France anticipates ageing society through new piece of legislation

ESPN Flash Report 2016/18

BLANCHE LE BIHAN – EUROPEAN SOCIAL POLICY NETWORK

APRIL 2016

A piece of legislation in France adopted in December 2015 on “adapting society to an ageing population” breaks with the traditional, dependency-centred approach of policies on elderly age. It takes an ambitious and comprehensive view of ageing, anticipating the challenges of moving into elderly age, such as “loss of autonomy”.

Description

Published on the 29th of December 2015, the *Act on adapting society to an ageing population* entered into force in France on the 1st of January 2016. Its aim is to respond to the strong demand for long-term care within the French population, given that by 2060 one third of French citizens will be over 60, including almost 5 million people over 85, compared to 1.4 million in 2015. The reform has been on the agenda since the 2003 summer heatwave, which caused over 15,000 deaths in France, most of them older people. This new piece of legislation attempts to anticipate the consequences of an ageing population by meeting the needs of older people in terms of housing, transport, social and civic life, in addition to care and support in the case of loss of autonomy. It is based on three pillars:

(1) *Anticipating loss of autonomy*, which comprises financing action on prevention and combating isolation among elderly people (185 million euro according to the estimated budget, see *Dossier de presse* of March 2015).

(2) *Adapting society to ageing*, which includes the launch of a plan to adapt 80,000 private housing solutions by 2017; renovate residence-accommodation, renamed “autonomy residences”; and create civil volunteering for seniors (these measures amount to 84 million euro).

(3) *Support for older people facing loss of autonomy*, which focuses on home based care. Key to this support is a

reform of the “personal allowance for autonomy” (*Allocation personnalisée d'autonomie* - APA), which was created in 2002 to finance home care services and residential care. The intention is to make it easier for elderly people to stay at home if they want to, by increasing the amount of the benefit, and by providing funding for introducing new technologies in their daily lives and for training social care workers. Furthermore, it includes measures in favour of informal carers. (This last pillar represents 460 million euro.)

Funding for the announced measures is a major concern. The new law anticipates supplementing the current funding for policies in favour of older people (estimated between 21 and 24 billion euro in official reports), through the “additional solidarity contribution for autonomy” (*Contribution additionnelle de solidarité pour l'autonomie* - CASA). This fund is financed by a 0.3% levy on the pensions of elderly people whose annual income exceeds 13,956 euro if they are single; and 21,408 euro if they live in couples. CASA was introduced in 2013 and amounts to an estimated 726.5 million euro in 2016.

In addition to these three pillars, the accent is put on coordinating the various stakeholders (institutional, professional and political) concerned by ageing issues.

Outlook & Commentary

The *Act on adapting society to an ageing population* adopted in December 2015 marks a turning point in long-term care

LEGAL NOTICE

This document has been prepared for the European Commission. However, it reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

policy in France. It attempts to move away from a medico-social approach to old age, focused on the notion of dependency, which dates back to the 1990s when old age was becoming a major health and social policy issue in France and Europe.

In a climate of spending cuts, the left-wing government has drawn up an ambitious law that tackles the issue of ageing in a comprehensive manner, integrating the notions of growing old comfortably and protection for older people losing their autonomy. This cross-cutting approach has been commended on several occasions. The new law's concern to include the different aspects of old age illustrates this holistic dimension. The objective to encourage volunteer work among elderly people and inter-generational transmission moves also in this direction. Overall, the text takes a positive stance on old age, describing it not as a disease, but as a period of life subject to frailties and consequently risks. According to the text, ageing policies must take into account the social connection between older people and the rest of society and recognise the trajectory of their lives, in particular their desire to remain living at home.

In this same perspective of a holistic approach to ageing issues, attention is paid to the needs of family/ informal carers, who are seen as the lynchpin of support for older people losing their autonomy. Statistics indicate that 4.3 million people give support to a relative aged over 60. This recognition of the investment made by family carers is addressed at length in the document annexed to the law. However, in concrete terms support for informal carers remains limited, since the text only includes two measures: the right to take a break in the form of an annual 500 euro lump sum

paid to carers to finance day care or temporary accommodation; and a reform of the existing unpaid carers' leave (which remains unpaid, but can be split and also used to organise part time work).

The question of how to fund the law has given rise to major criticisms expressed by health and social professionals as well as by the right-wing opposition, the administrative officers and the elective representatives of the *Départements* (French local authorities in charge of the APA), i.e. the insufficient budget allocated to the implementation of the law. The amount of CASA is indeed not enough to reach all of the targets announced and the concrete measures taken to achieve the different objectives are viewed as limited. The increase in the existing benefit (APA) is also judged to be insufficient and limited to part of the recipients of the benefit at home. The cost of a deep-seated reform of the long-term care policy is evaluated at 2 to 3 billion euro (Le Monde, 15th September 2015). We might therefore question whether the adopted law has the means to match its ambitions.

Another issue relates to the holistic approach itself. Can it really be comprehensive when a significant aspect of support for elderly people losing their autonomy is left to one side, i.e. institutional care? The law only deals with home-based care and, for financial reasons, the project of a specific text on residential care has been given up. Moreover, can the law claim to take a comprehensive approach to the question of autonomy when it targets the over-60s? On the contrary, the text contributes to the clear boundary which already exists between the disability sector and the sector of elderly care. Characteristic of the French long-term care policy, this compartmentalisation has been

regularly questioned since the 90s. However, the creation of a single "autonomy sector, covering all people whatever their age, would mean that current benefits for disabled people, financially much more generous, would be extended to the old people's sector. This would require significant financial resources.

Further reading

Act on adapting society to an ageing population (Loi d'adaptation de la société au vieillissement):

<http://www.legifrance.gouv.fr/affichLoiPréparation.do?idDocument=JORFDOLE000029039475&type=general&typeLoi=projet&legislature=14>

Dossier de presse: http://social-sante.gouv.fr/IMG/pdf/19_03_15_DossierPresse_PJL_vieillessement_.pdf:

http://www.gouvernement.fr/sites/default/files/action/piece-jointe/2015/12/dossier_de_presse_pjl_a_sv_decembre2015.pdf

Ennuyer B. "Un projet de loi inutile, voire discriminatoire":

<https://www.snes.edu/LOI-D-ADAPTATION-DE-LA-SOCIETE-AU.html>

Gouvernement (2016) "Pour les personnes âgées. Portail national d'information pour l'autonomie des personnes âgées et l'accompagnement de leurs proches": <http://www.pour-les-personnes-agees.gouv.fr/>

Joël M-E, "Dépendance: au-delà des coûts", *Projet*, 2012/1, n° 326, pp.27-35.

Le Bihan B. and Martin C. "Reforming Long-term Care Policy in France: public private complementarities", *Social Policy and Administration*, vol. 44, n°4, August 2010, pp. 392-410.

Pascual J., "dotée de peu de moyens, la loi sur le vieillissement revient devant l'assemblée", *Le Monde*, 9 septembre 2015: http://www.lemonde.fr/societe/article/2015/09/15/dotee-de-peu-de-moyens-la-loi-sur-le-vieillessement-revient-devant-l-assemblee_4758307_3224.html

Author

[Blanche Le Bihan](#), French School of Public Health (EHESP), CRAPE - Arènes (UMR 6051)