



Norway: Changes in the attendance allowance for parents with severely ill children

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The attendance allowance (pleiepenger) is one of the key benefits in the Norwegian system for public support to families with care obligations. The law governing this benefit was amended in May 2017, and the new rules came into force from 1 October. The allowance is now available to more parents, but simultaneously – controversially – the rights of families with the heaviest and most enduring care obligations have been reduced. Due to several protests against the new rules, a new amendment is already underway in Parliament.

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Description

The attendance allowance (*pleiepenger*) is one of the key benefits in the Norwegian system for public support to families with care obligations (Grødem 2016). It is payable directly to carers who have to take leave from work due to caring obligations. It exists to compensate for loss of earnings, and is payable subject to the same eligibility criteria as sick pay (i.e. to employees who have been in employment for a minimum of four weeks immediately prior to the leave).

Up until May 2017, this allowance could be paid to someone caring for a severely ill child (the previous §§9-10 and 9-11 in the National Insurance Act) or someone caring for a relative or another close person during the terminal phase of life (§9-12).

These rules were changed from 1 October 2017. The changes pertain only to families with severely ill children and do not affect rights associated with other caring relationships. The “old” rules were seen as faulty in several ways: first, they awarded rights to carers of children under 12 who were admitted to institutions (typically hospitals) and at the same time to carers with children under 18 who needed intensive care at home because of conditions that were life-threatening or otherwise very serious. It was seen as unreasonable that one rule halted

eligibility at 12 and the other at 18. Moreover, the notion of “life-threatening illness” was difficult to apply in a consistent manner, and it was feared that this could lead to unequal treatment (*Høringsnotat* of 14 September 2015). Finally, in both cases, it was a prerequisite for eligibility that the child’s condition was temporary. The attendance allowance aimed at maintaining income during time-limited periods of absence from work. Parents with chronically ill or disabled children were only eligible for municipal care services, including the municipal carer’s wage (cf. Grødem 2016). This provision too created a number of loopholes and left a lot to case workers’ discretion, as severe illnesses tend to be unpredictable and it can be hard to determine when a condition is “chronic”. It is with a view to addressing these concerns that the Parliament passed an amendment in May 2017.

The two rules discussed above have been replaced by a new one referring to situations where “the child is in need of continuous care due to illness, injury or disability, and the [carer] therefore needs absence from work” (author’s translation). This implies, first, that the distinction between institutionalised care and homebased care is abolished, and second, that all children under 18

are now included. Third, it is no longer a requirement that the child's condition be life-threatening and of a temporary nature. Case workers thus no longer need to assess these difficult issues; it is the child's condition and caring needs that are paramount.

Under the old rules, the attendance allowance was payable for as long as the child's caring needs remained. It was however never intended as a permanent benefit. When carers of children with permanent illnesses or disabilities were included, new criteria had to be found to limit the duration. Under the new rules, therefore, each qualifying child is awarded an "account" with 1300 days (5 working years) of attendance allowance. Parents can take up to 260 days (one working year) with 100 per cent wage compensation, and up to 1040 days (4 working years) with 66 per cent wage compensation. If two parents take leave together for one day to be with the child, two days are drawn from the account. After the 1300 days, the attendance allowance can only be paid to carers of children under 18 who, due to life-threatening illness or injury, need continuous care. This provision does however not apply if the child's condition is considered to be permanent – in such cases, the municipal services will take over (as before). This rule thus restores the old ambiguity – after 1300 days, case workers still have to assess the difficult concepts of "life-threatening" and "chronic" conditions.

Outlook & commentary

The new rules make the attendance allowance available to more parents. It has been estimated that the number of recipients will be more or less doubled (i.e. 9000 new cases) (*Høringsnotat* of 14 September 2015). The most important

expansions of the scheme are the abolition of the 12 year age limit for children in institutions, the inclusion of more diagnoses (that are non-trivial, but not life-threatening), and the inclusion of chronic conditions. The most important cut is the lowering of wage replacement rates after 260 days, and the total cap of 1300 days.

The cuts soon proved controversial. Many carers in receipt of the attendance allowance have children with semi-chronic and essentially unpredictable illnesses. For them, the reduction in the allowance after one year seems unreasonable and unjustified, as does the 1300 days ceiling. Several newspaper articles have documented how such parents now fear for their future financial situation, as their children are unlikely to "magically" get better after one or even five years. The debate indicates that some recipients of attendance allowances have children who in reality are chronically ill – an illustration of the ambiguity of the old rules. The campaigning from parents, supported by doctors and other professionals and critical voices in the press, brought the matter back up when the Parliament reassembled in October 2017. In one of the first debates, on 11 October, the Christian People's party motioned that "The parliament asks the Government to present a proposal on amendments to the attendance allowance scheme in order to promote more financial security and predictability for parents with caring obligations". The proposal was unanimously supported by all parties. It is likely, therefore, that the expansion of the scheme will be maintained, but that the cuts will be softened or abolished.

Further reading

Grødem, A.S. (2016), ESPN Thematic Report on work-life balance measures for persons of working age with dependent relatives, Norway, 2016. <http://ec.europa.eu/social/main.jsp?catId=1135&langId=en>

Høringsnotat av 14 September 2015. Forslag til endringer i reglene om rett til pleiepenger ved syke barn etter folketrygdloven kapittel 9. [Audit document of 14 September 2015. Proposed amendments to rules on the right to attendance allowance for sick children after the National Insurance Act chapter 9] https://www.regjeringen.no/contentassets/5b0c21d374b34b069ba91647b36612bd/hoeringsnotat_ny_plieiepengeordning.pdf

Innst. 246 L (2016–2017), Innstilling fra arbeids- og sosialkomiteen om Endringer i Folketrygdloven mv. (pleiepenger ved pleie av syke barn) [Legislative proposal from the Parliamentary committee on work and social security on changes in the National Insurance Act (attendance allowance on care for sick children)] <https://www.stortinget.no/globalassets/pdf/innstillinger/stortinget/2016-2017/inns-201617-246l.pdf>

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