



PRESS RELEASE

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Public thematic report

ACCOMMODATION OF FRENCH NATIONALS WITH DISABILITIES IN WALLONIA

French law on persons with disabilities does not make the funding of accommodation conditional on its location within the country. Slightly more than 7,000 adults were accommodated in Wallonia in 2022. This observation led the French Court of Accounts to undertake a specific investigation into the issue. This report presents the results of this work, which was divided into two parts. The first, carried out in France in the three regions mainly concerned, described the background of French nationals accommodated in Wallonia and determined their common characteristics. The second part focused on the conditions for the development of the Walloon accommodation offer over the last 20 years and on the current control system for Walloon establishments. This second phase of the investigation was conducted in close collaboration with the Court of Audit of Belgium, constituting a first joint audit carried out with a supreme audit institution from another European Union Member State.

A long-standing and growing phenomenon that the French authorities have sought to contain

The main reasons why French nationals with disabilities have moved to establishments in Wallonia are their geographical and linguistic proximity to France, and a legal framework that has long been less strict than that governing French operators. The creation of establishments in Belgium, facilitated by the certainty that places would be available and that they would be financed by France, attracted new entrepreneurs, some of whom were far removed from the medico-social field, to work alongside the incumbent operators. The number of places available has grown steadily, and currently accommodates just under 8,200 French nationals (around 7,000 adults and 1,200 children, adolescents and young adults), at a cost to the French public purse estimated by the French Court of Accounts at €0.5 billion annually. In order to control this expenditure, the public authorities have pursued a twofold objective : to prevent people from leaving by developing solutions throughout the country ; and to contain the expansion of care provision by limiting the number of authorised places and controlling the level of related funding. The 2021 moratorium froze the number of places available as of 28 February 2021 and made it possible to fund more than 1,800 alternatives to leaving for Belgium by allocating €90 million to the *Grand Est*, *Hauts-de-France* and *Île-de-France* regional health agencies. However, most of the solutions proposed were home services or temporary accommodation. While these solutions are in line with public policy on inclusion and the development of alternatives to institutionalisation, they are not suited to the situations of those seeking a place in Belgium, who require permanent accommodation.

The number of people receiving support in Belgium highlights the shortcomings of the French system

The French Court of Accounts sought to describe the adult population cared for in Wallonia in order to determine what needs were being met by the Belgian system that were not being met in France. By analysing census data and a sample of records for people accommodated in Wallonia, it was possible to draw up a typology. While those receiving support in Belgium are not radically different from those remaining in France, there is an over-representation of people with the least access to French medico-social establishments and services. A large number of people suffering from behavioural and conduct disorders, combined with a mental disability or intellectual impairment, are thus present in Belgium. The accommodation of these people is a specific feature of the Belgian system. It has also been possible to document the disruptions in people's lives that have led French nationals to move to Wallonia: transition to adulthood without a place in French medico-social establishments and services, presence in Belgium since childhood, or exclusion from the French medico-social sector due to serious behavioural problems.

Mechanisms for controlling the use of French public funds require strengthening

Ten years after the entry into force of a framework agreement between the French and Walloon governments, signed in 2011, the French Court of Accounts carried out a review of procedures and controls in Walloon establishments accommodating disabled French nationals. Serious failings (physical or verbal abuse, deprivation of food as punishment, lack of care sometimes leading to death, spoiled foodstuffs, rationing of meals, poorly maintained or dilapidated buildings, lack of supervision putting residents at risk, negligence in the distribution of medicines, failure to respect privacy and intimacy, undue billing using residents' *Vitale cards*, financial fraud, etc.) have been found in more than 60 establishments since 2015. According to the competent authorities, the inspections carried out show that these failings affect around twenty establishments accommodating French nationals with disabilities each year. In the French Court's view, the repeated and serious nature of these findings calls for a review of the ways in which the authorities responsible for this issue on both sides of the border work together. The Court also calls on the French authorities to exercise greater vigilance with regard to the quality and safety of the care provided to these residents, which must be comparable to that of the establishments under their direct supervision. Finally, while several audit reports have highlighted management anomalies (payment of very high dividends and remuneration, complex financial arrangements, etc.), the current legal framework does not allow the French authorities to control the use of the public funds they contribute to Walloon establishments accommodating French nationals with disabilities.

"Despite the major risks associated with the existence of multiple funding bodies and applicable legal regimes, neither the French French Court of Accounts nor the Court of Audit of Belgium has the authority to directly control the use made of funds contributed by the French public authorities and benefiting private operators accommodating people with disabilities in Wallonia", emphasises Pierre Moscovici, First President of the French Court of Accounts.

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de la Cour et des chambres régionales et territoriales des comptes
du 2 septembre au 4 octobre 2024

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