Committee on Health and Welfare

Research concerning the Social Services Act and complementary regulations
Preface

In the autumn of 2008, the Swedish Parliament’s Committee on Health and Welfare decided to make an inventory of research concerning the Social Services Act and complementary regulations. The overall aim of the assignment was to give the Committee a picture of ongoing and recently concluded research connected with the Social Services Act and related regulations. The assignment also involved interviewing researchers and experts in order to obtain a picture of what the research says about the application of the regulatory framework in each respective area, but also in order to obtain information about the areas in which the research community considers that more knowledge and research are required.

The Committee notes that a number of researchers identify shortcomings and problems as regards the application of current regulations in the field. Other shortcomings and problems were highlighted, for example concerning resources, quality, competence and research. The researchers are answerable for the conclusions. In order to shed further light on some of the areas covered in the report, the Committee arranged a public seminar the 28th of January 2010.

An all-party steering group from the Committee was linked to the work with the purpose of providing guidelines and ensuring that it was conducted in compliance with the Committee’s assignment. The group comprised the following members: Magdalena Andersson (Moderate Party), Marina Pettersson (Social Democratic Party), Maria Kornevik Jakobsson (Centre Party), Thomas Nihlén (Green Party), Barbro Westerholm (Liberal Party), Roista Runegrund (Christian Democrats) and Eva Olofsson (Left Party). The report was published as part of the series Reports from the Riksdag (2009/10:RFR3) in December 2009. This brochure gives a summary of the main contents of the report.
Summary

In this overview, the large research area covering the social services has been narrowed down to focus on research connected with the Social Services Act, or the implementation of this act by the social services. Below is a summary of what researchers and experts in the field have said in interviews about various aspects of the application of regulations. The interviewed researchers are answerable for the measures proposed.

Local and central government – diametrically opposed positions

How well the social services work is essentially a question of the resources allocated to the municipalities in Sweden. In practice, the balanced budget requirement, as set out in the Local Government Act, takes priority over ensuring the fulfilment of individuals’ needs under the Social Services Act. The excessively detailed legislation in the field of the social services is frequently met with resistance in the municipalities, for example, in the form of defiance of the law. Several researchers attribute the municipalities’ negative attitude towards the legislation to a lack of resources.

Proposed measures: The social services are a national concern and their activities are regulated at national level. They should therefore also be funded at the national level. Giving central government overall responsibility for the social services can also be justified by the need to even out swings in the economy. However, responsibility for the provision of social services should remain with the municipalities.

The social work profession facing growing pressure

Many social workers often feel compelled to put economic and political considerations before professional decisions, which in turn affects decisions for adequate measures to meet specific needs. This also means that social workers’ competence and knowledge are not properly utilised, leading in turn to a negative development in the profession.
**Proposed measures:** More resources and less municipal control of the social services would enable social workers to make better use of the high levels of skills and competence they possess.

**Social services legislation a mirror of socio-political trends**
Socio-political trends have too great an impact on legislation and practices. Legislative developments in the field of the social services mirror what politicians have wanted to focus on and recent “urgent” issues, such as people with disabilities, violence against women, victims of crime and their families.

**Proposed measures:** Social policy should have a more long-term focus and should be based to a greater extent than today on structural relationships in society.

**The Social Services Act and general social insurance**
The link between the Social Services Act and the general social insurance system is too weak in the activities of the social services.

**Proposed measures:** More groups could be lifted out from the social allowances system and be dealt with in the general welfare system. This could be realised by introducing changes to the eligibility requirements in the social insurance system or by introducing a greater degree of insurability in the social allowances system.

**Legal uncertainty in the decisions of the social services**
Research shows that there are varying practices in the decisions and measures of the social services which cannot merely be explained by variations between different municipalities, but indicate inconsistent application. This problem reappears throughout all the main areas of activity of the social services.

**Proposed measures:** Certain concepts that are unclear in the legislation require clearer definition. This may also give greater legal security. At the same time, excessively detailed legislation would presumably be too unwieldy. Case workers should provide more detailed argumentations and better documentation for their decisions, as this would make
it easier to examine decisions after they have been taken, and would lead to greater legal security when decisions are made.

**No scrutiny by courts of the social services’ decisions**

Inquiries by the social services are rarely scrutinised, i.e. to check whether the grounds for the decision have been fulfilled, whether the facts are correct, how the legislation has been interpreted etc; they are presumed to be satisfactory. Public counsels are expected to examine and supplement the social services’ inquiries, but in general they fail to do so, because of lack of time and resources. The judiciary also lack knowledge about social work.

**Proposed measures:** There are tools for examination of the social services’ decisions, but in practice they are not used. Possible measures involve raising the skills and competence of the courts and social workers respectively, but this is also a question of resources.

**Shortcomings in social workers’ skills**

Problems with legal uncertainty can partly be solved by raising social workers’ skills. Social workers’ knowledge of sources of law, basic legal argumentation and methods and the exercise of official authority is often all too weak and takes low priority in relation to knowledge of social work.

Certain knowledge requirements, for example of risk assessment, are necessary in the care services for children and young people. The social workers who work in this field often lack this knowledge.

**Proposed measures:** Training courses for social workers should provide more in-depth studies of the law and greater specialist knowledge, e.g. in the use of models for systematic risk assessment. A social work license (e.g. medical license) could be introduced in order to strengthen the profession and contribute to greater consistency among Sweden’s institutions of higher education. The capacity building must be long term.
The framework law is good – the local authorities’ guidelines are problematic

Several of the interviewees refer to the current model in which the Social Services Act serves as a framework law, and weigh this up against the alternative of having more detailed legislation. A majority consider the current model to be the most expedient. However, a few of the interviewees were critical to the way in which the municipalities’ internal guidelines affect social work.

It was recently proposed that the provisions designed to support and protect children in the Social Services Act and the Care of Young Persons (Special Provisions) Act be combined to form one act: The Act on Support and Protection for Children and Young People.

The Social Services Act should not give priority to specific groups

Some of the interviewees consider that the Social Services Act in its original format gives everyone the right to have their needs tested and possibly fulfilled, and that there is therefore no reason to give priority to specific groups – such as people with disabilities, crime victims, women who are the victims of violence or their families – through legislation.

Proposed measures: The open construction of the Social Services Act gives everyone sufficient rights, but sufficient staff and resources are required in order to ensure that no groups or measures are disregarded when priorities are made.

Municipalities need more stringent control

Some of the interviewees consider that the current legislation is not sufficiently specific to induce the municipalities to do a good job in following up children and young people who have been placed by the social services. As regards care of the elderly, their rights also need to be specified.

Proposed measures: Legislation for specific groups is proposed, e.g. a law on care of the elderly and a law on care of children and young people. Another option is to make the Social Services Act more detailed.
The Act concerning Support and Service for Persons with Certain Functional Impairments (LSS)

A number of the interviewees highlight differences between the Social Services Act and the Act concerning Support and Services for Persons with Certain Functional Impairments (LSS). Although the Social Services Act is more general in its nature than the LSS, the latter has in practice led to resources for persons with functional impairments being transferred from the Social Services Act to persons covered by LSS. The objective formulated in the Social Services Act – “reasonable quality of life” – is weaker than that in the LSS – “good quality of life”. However, the open construction of the Social Services Act makes it easier for a creative case worker to come up with good overall solutions for the individual (provided there are the necessary resources), while the LSS is limited to the measures set out in the Act.

Proposed measures: The formulation of the objective of assistance in the Social Services Act should be brought into line with that of the LSS as this may serve to improve measures taken under the Social Services Act.

Unclear definition of quality

Too great an emphasis is placed on the notion of services of a good quality (i.e. as regards work procedures), but the primary aim of the social services is to deal with inadequacies in people’s quality of life. The concept of quality is unclear in the Social Services Act, and it is not clear who it is that should perceive the measures to be of “good quality”. Is it, for example, politicians, social workers, users or relatives?

Proposed measures: The legislators should specify what is meant by quality and should set out more clearly for whom this quality is intended.

Quality requires resources

The text of the law gives the impression that having staff with the appropriate education is enough to achieve good quality.
Proposed measures: Social services of good quality require well-qualified and experienced staff as well as sufficient resources and appropriate organisational conditions.

Quantitative indicators of quality
Quantitative indicators are used in the care services for the elderly for follow-up and quality assurance, but their validity may be questioned. What, for example, does the right to choose between two meal alternatives at dinner (which is an example of an indicator in such a system) say about the quality of life of the elderly? A ranking system based on quantitative indicators should not be necessary, the services offered should be sufficiently good from the start.

Proposed measures: Competition should not be based on differing levels of quality, but on other factors, such as the possibility to live with or without animals. In this context, freedom of choice may give added-value.

Cost efficiency
There is a risk that cost efficiency is given higher priority than ethical principles, which is unfortunate as human dignity should be the overriding consideration in the application of the law.

Proposed measures: In the Health and Medical Services Act, certain principles are explicitly put in relation to and weighed up against the cost efficiency principle. In order to avoid legal uncertainty, a similar weighing up of principles should be made in the Social Services Act. More detailed discussion about priorities in the social services is necessary.

Evidence-based practice – lack of knowledge about measures
Too little is known about the actual outcome of measures taken by the social services. The development in recent years towards more knowledge-based social services is positive, but more research and evaluation of the effects of measures are needed.
**Proposed measures:** Development of knowledge needs to be long-term and to have a national perspective, but it also requires a regional and local basis. Research and development (R&D)\(^1\) centres could be reorganised to serve as regional centres for long-term development of knowledge, but special research institutes for cumulative development of knowledge could also be established at universities. More research studies that examine what really works are needed, as is national governance of – what are often resource-consuming – research studies that evaluate effects. Special appropriations to cover the municipalities’ additional costs in connection with studies of effects should accompany appropriations to researchers. The Swedish Council for Working Life and Social Research (FAS) could play a greater role in encouraging research that evaluates effects.

**A lack of infrastructure for research and evaluation**

The reporting of statistics to various authorities is unsatisfactory. A national perspective of the social services is missing, as are the preconditions to create such a holistic view.

**Proposed measures:** A system comparable to the Dagmar reform\(^2\) in the field of health and medical services could be introduced in the field of the social services.

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1 In Sweden there are a large number of Research and Development Centres (R&D Centres) that assist the social services with relevant knowledge and, above all, practical and local adaptation of research. The R&D Centres should contribute to a systematic development of methods and knowledge and to making research accessible for practitioners. Many R&D Centres are linked to a particular geographical region and carry out their activities in cooperation with a particular university or university college.

2 The “Dagmar reform” was introduced in Sweden to bring about a fairer distribution of the contributions allocated by the state from the sickness insurance system to medical care provided by the county councils.
Further research required
During the course of the interviews, the researchers identified several areas in which further research is needed.

- Evaluations of effects and systematic methods-based research.
- Overviews of how laws and regulatory frameworks, economic and organisational conditions as well as research and education interact and influence both the way the social services work in general, and how decisions are taken in individual matters.
- Evaluation of daily social care (in an institution or family home) for children and young people.
- Research on various aspects of mental disabilities.
- Comparative studies of the determinants in different countries of social allowances and of what different countries have done to find solutions for those who fall outside the general welfare system.
- Ideological developments in the field of social policy and how norms are created and maintained.
- The municipalities are entitled to receive compensation for accommodation from individuals who are receiving treatment for substance abuse, but how and on what basis such compensation is charged appears random and should be highlighted through research.
- No evaluation has been made of the sanctions introduced to the Social Services Act in 1998 which entail that economic assistance can be withdrawn if recipients refuse to take accept a work placement or other activity designed to develop their skills so that they may be able to support themselves economically.
- Research on the Swedish social services from the perspective of EU law.
- In general, the subjects of forensic law and social legislation have weak status in relation to other areas of the law.
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