

Summary

Degraded or discriminated at
school – is there a difference?
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Degraded or discriminated at school – is there a difference?

The Swedish National Audit Office (Swedish NAO) has audited whether central government supervision and support contributes effectively to a positive and secure environment in schools that does not subject pupils to degrading treatment and harassment. The overall conclusion is that the central government system for schools and principal organisers to counteract degrading treatment and harassment can function better.

Audit background

Reasons: There is a large number of pupils who are subjected to degrading treatment in schools. Degrading treatment may include the use of physical violence, verbal abuse, ostracism, unfair treatment or whispering. Degrading the dignity of children or pupils may occur in the form of degrading treatment or harassment that is a form of discrimination. The Education Act states that degrading treatment is a conduct which degrades a pupil's dignity and which does not have a connection with the grounds of discrimination. It is the pupil's experience of the event that defines the degrading treatment. Discrimination means disadvantaging someone on account of the grounds of discrimination: sex, transgender identity or expression, sexual orientation, ethnicity, religion or other belief, disability or age. If degrading treatment is linked to the grounds of discrimination, it is defined as harassment.

If, for example, a principal organiser has not done enough to investigate and take measures against degrading treatment, or if a member of staff has degraded or harassed a pupil, the pupil may report this to the Swedish Schools Inspectorate (the Inspectorate) and the Child and School Student Representative (BEO) or to the Equality Ombudsman (DO). In addition, the National Agency for Education and the Swedish Work Environment Authority have responsibilities within this area. A pre-study to the audit showed that the large number of agencies in the area makes it difficult for principal organisers, schools and pupils to know where to turn. It also presented indications that complaints are investigated differently by the Inspectorate and the DO.

Purpose: The purpose of the audit is to examine whether central government efforts in the form of supervision and support contribute effectively to a positive and safe environment in schools that does not subject pupils to degrading treatment and harassment. In this



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audit, supervision refers to individual cases of complaint and to the supervision of schools' promotion and prevention work. The Swedish NAO's audit encompasses the Government, DO, the Swedish Schools Inspectorate/BEO, the National Agency for Education and the Swedish Work Environment Authority.

Implementation: In order to audit whether central government supervision and support has contributed to a positive and secure work environment in schools, the Swedish NAO has performed document studies and interviews with the relevant agencies, ministries and organisations. In addition, the Swedish NAO has sent a questionnaire to head teachers and a questionnaire to teachers and has performed case studies on four different schools.

Audit results

The requirement for the equal treatment of pupils reporting that they have been subjected to degrading treatment or harassment is not being adequately met. Pupils who have reported degrading treatment are more likely to obtain redress than pupils who have reported harassment. A prerequisite for pupils to obtain redress is that they know their rights. BEO and DO have the task of providing information on these rights, but many pupils are not aware of what they may do or where they may turn.

The Act Prohibiting Discrimination and Other Degrading Treatment of Children and School Students entered into force in 2006 to provide children and pupils comprehensive protection against all forms of degrading treatment in schools. In 2009, this 'Child and Pupil Protection Act' underwent a division and is now in the Discrimination Act and in the Education Act. According to the Swedish NAO, the Discrimination Act and the Education Act need to be harmonised to allow pupils who have reported degrading treatment or harassment to receive equal treatment. Because so few cases lead to damages or compensation for degrading treatment or discrimination, the Swedish NAO finds it important for the Inspectorate/BEO and DO to have equal conditions for granting pupils redress in another manner. One such way might be to place requirements on the principal organiser by means of sanctions in order to bring an end to the degrading treatment. At present, the Inspectorate/BEO and DO have different possibilities for using sanctions.

In cases involving both degrading treatment and harassment, the Inspectorate/BEO and DO are to cooperate and divide up these cases. However, cooperation between the agencies has not always been effective. There are examples of cases that have taken longer to investigate because of the cases being sent back and forth between the agencies. There are also examples where a case has been investigated by both agencies. Moreover,



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there are problems if the investigating agency wants to decide on sanctions in cases that fall under the supervisory responsibility of both agencies. If the Inspectorate/BEO or DO investigates the case, sanctions may only be imposed on the part over which the agency has supervision. Since DO, in contrast to the Inspectorate/BEO, has little opportunity to itself impose orders, DO's cases provide fewer avenues of redress through sanctions.

According to the Swedish NAO, the Government should have followed up the result of dividing the 'Child and Pupil Protection Act'. The Government assumed that the division of the Act would not imply any difference to pupils' rights and that cooperation between the agencies would work. According to the Swedish NAO, there are problems in the different sets of regulations and in the different agencies' missions that must be resolved by the Government in order to enable pupils to receive equal treatment.

According to the Swedish NAO, the Inspectorate needs to increase equivalence in the assessment of cases concerning degrading treatment. The audit has shown that the division of complaints between the Inspectorate's regional offices and BEO results in the pupils whose cases are investigated by BEO having a higher probability of receiving damages.

In a number of respects, it is possible to develop the supervision for promoting pupils' equal rights and preventing degrading treatment and harassment so that it becomes more effective. This includes, for example, schools addressing issues of discrimination to a greater degree. The Swedish Schools Inspectorate, DO and the Swedish Work Environment Authority exercise supervision over their respective areas of responsibility. The Inspectorate's task includes examine if a school is safe and the work to prevent degrading treatment. The Swedish NAO believes that the manner in which the Inspectorate has chosen to design its supervision makes it difficult for it to obtain a picture of how safe a school's environment is. The Inspectorate gives the impression that it is the school's safety that is being examined, but in reality it is a school's rules of order, procedures and plans against degrading treatment that are under scrutiny. The Swedish NAO believes that this in itself does not necessarily mean a safe school. It is important for the Inspectorate to be clear about what it is actually being examined and what it is actually expressing an opinion on within the framework of its regular supervision.

In comparison with the Inspectorate's supervision, DO's supervision is extremely limited. Thus, few schools and principal organisers come in contact with the DO. The Swedish NAO considers there to be a need for closer collaboration between the Inspectorate and the DO. This would, among other things, enable discrimination issues to receive greater



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attention in schools among staff, pupils and principal organisers. The agencies exercise supervision over the schools' equal treatment plans and plans against degrading treatment, which in many cases actually constitute the same document. It would thus not require particularly great efforts for the Inspectorate to also examine discrimination issues in its regular supervision.

The Swedish Work Environment Authority and the Swedish Schools Inspectorate both have supervisory responsibility for the degrading treatment of pupils. The agencies have made an agreement that the Inspectorate will be responsible for supervision over the degrading treatment of pupils. They have thus solved the problem of overlapping supervisory responsibilities.

Central government has given principal organisers and schools much support, but for certain issues, this support can be expanded and focused. In certain matters, the National Agency for Education, the Swedish Schools Inspectorate/BEO, the DO and the Swedish Work Environment Authority have produced comprehensive support materials, and these efforts have worked relatively well. However, principal organisers and school staff believe that information from a large number of agencies is confusing and that it is difficult to gain an overall picture. In terms of managing degrading treatment and degrading treatment on the internet, the audit has shown that there is a need for professional development and support among school staff.

According to the Swedish NAO, one way to increase the expertise of those who have the least knowledge is for the Government to commission the National Agency for Education to focus its efforts on those who have the least knowledge. At present, the National Agency for Education has no responsibility with respect to focusing its efforts on individual principal organisers and schools. Instead, most of its support is provided at a general level. This means that all principal organisers and schools may benefit from the support. However, there is a risk that the schools which do not actively seek out support might be the schools which have the least knowledge of the requirements imposed and are therefore most in need of help. A school may, of course, have a positive and safe environment absent of degrading treatment without central government efforts. But for those pupils attending schools where knowledge of requirements and working methods is low, it is especially important for central government efforts to succeed.

The audit has shown that in comparison with the schools agencies' efforts, those of the DO are not as well known. According to the Swedish NAO, a possible solution for clarifying the requirements of the Discrimination Act might be for the Government to



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grant the DO the right to issue regulations. Principal organisers and schools would thus gain a greater awareness of the requirements imposed. In the current situation, it is a problem that so few are reached by DO's training initiatives and that there are many who do not know of the agency's information. Many schools and principal organisers are not aware of the importance of working with discrimination issues in the same way that schools work to counteract degrading treatment. This ultimately affects pupils who risk being subjected to harassment.

The Swedish National Audit Office's recommendations

- The Government should in particular follow up whether pupils reporting degrading treatment or harassment receive equal treatment.
- The Government should harmonise the Education Act and the Discrimination Act and revise the commissions of the Swedish Schools Inspectorate/BEO and the DO with a view to ensuring that pupils reporting degrading treatment or harassment receive equal treatment.
- The Government should consider commissioning the National Agency for Education to focus support efforts on the schools and principal organisers which are most in need of these.
- The Government should consider giving the DO the right to issue regulations.
- The Government should in particular follow up that collaboration is realised between the Swedish Schools Inspectorate and the DO with respect to the examination of equal treatment plans and plans against degrading treatment.
- Within the scope of their informational tasks, BEO and DO should increase their efforts with respect to pupils and parents so that these acquire knowledge of pupil rights.
- The Swedish Schools Inspectorate should ensure that there is equal treatment of the cases which concern degrading treatment and which are investigated by the Inspectorate's regional offices and BEO.

