



RIKSREVISIONEN
The Swedish National Audit Office

RiR 2009:31 Summary

Supervision of municipal chief guardians - a follow-up
audit

Summary

Riksrevisionen (the Swedish National Audit Office, SNAO) has performed a follow-up audit of its previous performance-audit report on county administrative boards' (CABs') supervision of municipal chief guardians (RiR 2006:5). There were many several reasons for performing the follow-up audit.

Reason for and purpose of the follow-up audit

The duties of municipal chief guardians¹ involve the exercise of public authority in relation to individuals and the protection of the interests of vulnerable people. Shortcomings in the work of chief guardians ultimately affect the individuals – or principals – whom society has undertaken to protect. The previous audit identified major shortcomings not only in the supervision exercised by CABs but also in the work of chief guardians. There is also a lack of information that would enable continuous monitoring of the extent and development of chief guardians' work.

The purpose of performing a follow-up audit is to find out to what extent the changes made to the rules have been translated into practice and helped solve the problems highlighted in the 2006 audit. In addition, a rough inventory has been made of indications of changes in the work of chief guardians to obtain a basis for assessing the need for actions or a higher level of preparedness in the supervision exercised by CABs or in the direction and monitoring performed by the Government. A general starting point, both of the present audit and of the previous one, is that the principal's interests and the individual's rights must be safeguarded in each individual case and that similar cases must be treated similarly.

Indications that supervision is ineffectual

Compared with the 2006 audit, the total resources devoted to CABs' supervision of municipal chief guardians have increased from 4.5 to 6.6 manyears. However, there are significant differences between CABs in the resources available, which range, on average, from 0.78 to 17 days per chief guardian in a county.

¹ Each municipality in Sweden must have a chief guardian – a municipal authority in charge of supervising people, such as guardians, custodians, trustees and administrators, entrusted with the task of representing others who are for some reason incapable of protecting their own interests.

In general, both the number of inspections carried out and the number of case files examined on each occasion have increased. Improvements can be seen in several respects, including the documentation drawn up by CABs, their feedback to chief guardians and top municipal management on supervision findings, and their monitoring of new case-law.

However, the number of critical observations made when the CABs examine case files remains large. This is also clear from the limited material that constituted part of the basis for the follow-up audit. The CABs themselves refer mainly to that measure both for prioritising inspections of various chief guardians and for drawing attention to unsuitable chief guardians. Like at the time of the 2006 audit, there is also significant variation between counties in the frequency of critical observations.

The findings of this follow-up audit indicate that the measures taken so far to remedy the problems in the CABs' supervision of chief guardians have not been sufficient. The audit also shows that the problems are not mainly a question of the level of resources.

Inadequate actions on the part of the Government

Since the 2006 audit, the Government has taken the initiative in bringing about several regulatory changes intended to strengthen CABs' supervision of municipal chief guardians. These regulatory changes have contributed to increasing the frequency of inspections and the number of case files inspected on each occasion as well as to improving documentation of inspections and feedback on inspection findings.

However, the Government's actions have not sufficiently considered and addressed the need for stronger monitoring as regards equal treatment and equality before the law for individuals. For example, the Government has not taken any initiatives when it comes to coordinating the related supervision, and it has not taken action to gain better insight into (or improve its monitoring of) the work of municipal chief guardians or the supervision of their work.

Heavy burdens and challenges for chief guardians

Several indicators point to an increase in the workload of chief guardians, above all as regards the most difficult cases. Various explanations and causes are proposed. In general, however, the gist is that chief guardians now increasingly encounter partly new groups and new needs in the framework of the existing system. This has put a heavy load on the system and presented it with challenges. To a varying extent, this has led to solutions where both the legal basis and various conflicts of interest for representatives (guardians, custodians, etc.) as well as chief guardians have become topical and been the subject of discussions.

The SNAO's recommendations

In the shorter term,

the *Government* should take action to bring about:

- effective monitoring of the development of the work of municipal chief guardians;
- a review of opportunities to reinforce a professional and better-coordinated development of CABs' supervision of chief guardians;

the *CABs* should,

- consider using joint assessment criteria for their examination of case files in order to safeguard the principals' right to equality before the law and equal treatment.

In the longer term,

the *Government* should take action to bring about a review of the extent to which the existing system with municipal chief guardians is appropriate:

- considering the increasing volume and rising degree of difficulty of the work concerned;
- as regards the recruitment of representatives (guardians, custodians, etc.);
- as regards the allocation of duties between city/district courts and municipal chief guardians.