



FOLKETINGET
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FOLKETINGET
RIGSREVISIONEN

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Extract from Rigsrevisionen's report
submitted to the Public Accounts Committee

The administration of the disability area

1. Introduction and conclusion

1.1. Purpose and conclusion

1. This report concerns the administration of the disability area. According to the Social Services Act (the Services Act) children and adults with physical or mental impairment are entitled to receive support in the form of various services and programmes. These services must be designed to address the needs of persons with physical or mental impairment. The services are also intended to improve the social and personal capabilities and opportunities to develop of the individual. The Services Act includes regulations on personal assistance, care and nursing, rehabilitation, sheltered employment, activity and social interaction programmes, housing, etc.

2. The Danish Ministry of Social Affairs and Senior Citizens (Ministry of Social Affairs) has the overall responsibility for the disability area and the Services Act. The tasks of the National Board of Social Services include development, counselling and implementation of initiatives in the social services area. The agency also has particular responsibility for contributing to solving issues relating to the disability area. The National Social Appeals Board handles complaints about administrative decisions in the social area and is responsible for coordinating administrative practice in the municipalities. The municipalities provide help and support to individual citizens and make decisions in cases concerning the disability area.

3. The study addresses the Ministry of Social Affairs and the municipalities' administration of the Services Act.

4. The study was undertaken at the request of the Danish Public Accounts Committee in April 2021, cf. appendix 1. The Public Accounts Committee asked Rigsrevisionen to look into various aspects of the municipalities' administration of the disability area and the Ministry of Social Affairs' follow-up and supervision of the area.

5. The purpose of the study is to assess whether the Ministry of Social Affairs' supervision of how the municipalities administer the disability area is satisfactory. The report answers the following questions:

- Do the analyses carried out by the Ministry of Social Affairs indicate that the municipalities' administration of the disability area is in compliance with the regulations of the Services Act?
- Is the Ministry of Social Affairs supervising and following up on the municipalities' administration of the disability area in a satisfactory manner?

The UN Convention of the Rights of Persons with Disabilities

In article 1 of the convention, persons with disabilities are defined as those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

The Social Services Act

The Social Services Act defines the overall framework for the services that Danish municipalities are obligated to provide for, among others, citizens with disabilities.

6. In June 2021, Rigsrevisionen submitted a memorandum to the Public Accounts Committee on the design of a major study of the administration of the disability area which was endorsed by the committee. It is clarified in the memorandum that Rigsrevisionen is not planning to make a separate assessment of whether the administration is in compliance with the UN Convention of the Rights of Persons with Disabilities, since a breach of the UN convention would also represent a breach of the Danish regulations in the area.



Main conclusion

The Ministry of Social Affairs' supervision of how the municipalities administer the disability area has been unsatisfactory, which increases the risk that citizens with disabilities do not receive the services they are entitled to according to the Services Act.

Analyses carried out by the Ministry of Social Affairs indicate that the municipalities' administration of the regulations in the Services Act that govern the disability area is affected by many errors

The municipalities' decisions in cases that have subsequently been appealed to the National Social Appeals Board are affected by many errors. The National Social Appeals Board has set aside the municipalities' decisions in more than one third of all such cases appealed in the period from 3rd quarter of 2013 to 2nd quarter of 2021. The development in the number of complaints is not unequivocal, but the percentage of decisions that have been set aside has increased. Although the municipalities have had opportunity to investigate the cases on several occasions, an increasing number of cases are remitted to the municipalities due to inadequate statements of facts.

The analyses carried out by the Ministry of Social Affairs include many cases concerning services for citizens with physical or mental disabilities, where the municipalities have failed to comply with current laws and regulations. The Appeals Board's examinations of the municipalities' practice revealed many administrative errors in the municipalities that were included in the examinations. Services concerning assistance for parents with children with disabilities, referral of citizens to services, including accommodation, and cases concerning use of force are particularly affected by errors. The municipalities that are included in the National Appeals Board's welfare studies, indicate that there is generally a shortage of accommodation suited for citizens with complex problems, and that the citizens are therefore referred to less appropriate accommodation. The trend emerging from data from the National Board of Social Services is the same. The National Social Appeals Board's supervision of the municipalities has shown that several municipalities fail to act in compliance with the regulations of the Services Act.

This picture is confirmed by Rigsrevisionen's review of 50 cases subject to reimbursement of costs by the Danish state. The review shows that more than half of the 50 cases were affected by shortcomings in content or in compliance with relevant requirements.

The Ministry of Social Affairs has not supervised and followed up on the municipalities' administration of the disability area in a satisfactory manner

The Ministry of Social Affairs has not ensured availability of sufficient data to be able to supervise the disability area systematically, and the ministries have not to the extent required followed up on its knowledge of specific administrative problems in the municipalities. For an extended period, it has been known that data on the municipalities' administration of this area is inadequate. Together with Statistics Denmark, the ministry has worked on collecting and enhancing the quality of data on specific regulations of the Services Act for several years, but the data basis is still incomplete. It is the ministry's assessment that achieving consistent reporting of case processing data will require implementation of major changes to the municipalities practice and registration methods and extension of the IT-systems. The ministry has decided to abandon efforts to develop national requirements concerning the municipalities' reporting of case processing data, but has referred to a pilot project on standardizing municipal decisions about specialized social services (all services available to children and adults in crisis and persons with disabilities). The pilot project was launched in 2021 and is anchored in KL (the national association of municipalities).

The study shows that the Ministry of Social Affairs has been aware of shortcomings in the municipalities' administration of the disability area for several years. The National Board of Social Services has not carried out its audit function in relation to the five municipal social supervision authorities in a satisfactory manner. Moreover, the audit function has not had legal authority to instruct the social supervision authorities to secure greater consistency of practice and establish an appropriate structure for collaboration. In December 2021, the Danish parliament passed an amendment to the act on social supervision to give the audit function greater authority. However, Rigsrevisionen is not able to determine whether the new powers of the audit function suffice to achieve the objectives of consistency in practice and an appropriate structure for collaboration.

The Ministry of Social Affairs has followed up on results achieved in three narrow areas of the disability legislation after the municipal reform. The ministry's follow-up led to political initiatives, including the establishment of a national structure of coordination.