

Summary

The Commission's mission and target group

The Commission's mission

On 1 October 2009, I was appointed as the special investigator tasked to lead the Commission for Reviewing the Work of Schools with Exposed Children (U 2009:05). The mission was extensive (Dir. 2009:80), and entailed that I should paint a holistic picture of an area which, by its nature, is hard to define. In brief, the Directive encompasses two overall tasks:

- To survey and analyse how municipal and independent principal organisers in preschools, schools and other educational arenas and the School Health and Welfare Services work with children who are suffering neglect or are at risk of neglect or abuse.
- To survey and analyse how collaboration operates between and within preschools, schools and other educational arenas, on the one hand, and other societal actors, on the other, specifically with regard to the children and pupils covered by the remit of the Commission. Obstacles and success factors are to be identified.

A third important task is to clarify the responsibilities of preschools, schools and other education providers in preventive efforts regarding the children and pupils within the Commission's remit, and mark clearly the lines of demarcation between them and other actors. The work of the Commission consists in an investigation into education policy that is concerned with collaboration from the perspectives of preschools, schools and other education providers.

The Directive also refers to the importance of early detection and links this issue to the question of whether there is a need for

increased knowledge of how children and young people, in various ways, may give expression to their exposure or vulnerability. Further, the Directive also articulates the view that an all-embracing grip on the issues involved is essential for support to be stronger, more effective and sustainable in the long run. The Commission can, if required, present legislative proposals, and shall, in the course of its investigatory work, report on its deliberations.

The Commission's target group

Children's exposure is not a well-defined concept. Nor is there any certain information on how many children and young people live in an exposed or vulnerable situation. Failing support from parents may depend on various things, such as substance misuse, mental ill-health, cognitive difficulties, criminality or violence in the family. It may also be a matter of asylum-seeking families with children, or of youngsters who come to Sweden without their parents. An important group to which attention should be drawn consists of children and pupils with various functional impairments and chronic medical conditions that require the interventions of different actors. The children and young people with whom the Commission are concerned make up a heterogeneous group with many different needs for support, and often collaboration between many societal actors is required for these needs to be met. In many families, several different risk factors coincide¹. This makes it more difficult to obtain overall statistics on how many of these children there are and carry out research. Data collected centrally and systematically making possible research for increased understanding about the relationship between results and various societal interventions is lacking in key areas. Thus, there is some uncertainty over the nature of the Commission's target group, and how large it might be. What is quite certain, however, is that there are children and pupils with problems, which may be both temporary and long-lasting, in preschools, schools and other educational arenas. They need supportive interventions for their right to an equivalent education of to be satisfied.

¹ Sweden's National Institute of Public Health. A survey of interventions for children and young people at risk 2010, 2010:10.

The Commission's points of departure and manner of working

The Commission's points of departure

An introductory passage in Sweden's new Education Act is unequivocal, and provides the point of departure for my proposals.

It affirms: The right of all to an equivalent education, and the right of all to develop as far as possible on the basis of their own prerequisites.

My point of departure is that, given the school's important role as a protective factor, its principal mission is to give children and pupils a good educational environment, which leads to the tasks regarding knowledge and values in the new Education Act being implemented, so that children and pupils are given an equivalent education and enabled to develop as far as possible on the basis of their own prerequisites. But, for the children and pupils with which the Commission is concerned, there is a further central task: See, Interpret and Act! There are three important expressions of the mission in the new Education Act, which must not be neglected: the duty to investigate, the duty to report, and the duty to collaborate. These key components of the regulatory system act as a safety net in relation to the Commission's target group.

The school is a strongly person-dependent arena of activity and, on many occasions, decisive to its success is the relationship that arises between teacher and pupil in the educational situation. Despite the difficulties to which this gives rise, it is necessary in the course of this investigation to study both the national level and the central municipal level in combination with the encounter between teacher and pupil at operational level. All these aspects need to be considered to obtain understanding and to be able to create a picture of the totality. This intrinsically complex picture of pre-schools and schools shall, moreover, be supplemented by consideration of all the other societal actors who see the school as an interesting arena to impact upon, and also by the parties with whom the school collaborates.

Against this background, the task of providing an overall picture of work with and collaboration surrounding exposed children and pupils is a challenging one. There are many levels and

many actors that need to be investigated. The decentralized governance of schools in Sweden means that operative differences are many times greater within and between schools than between municipalities, and might even render my mission impossible.

The holistic picture I give in this report entails that I answer the question of how schools, preschools and other education providers work with children and pupils who are known to be at risk, but who cannot be identified in advance. Accordingly, it cannot be excluded in advance that any particular child belongs to the group in question. It is intrinsic capacity and the preconditions for discovery and early intervention that, in accordance with the Directive, are especially interesting to study, and also the identification of obstacles and success factors with regard to work and collaboration. Given the chosen investigatory approach, exactly what needs for support and types of problems children and pupils display are not as important as their identification, and that adequate interventions are made for them, regardless of which needs are to be satisfied. This way of creating a holistic perspective represents an important choice of proceeding for the Commission, and also reflects to some extent the nature of the assignment of schools themselves. Irrespective of which needs a pupil has, attention must be drawn to them. In order to be able to provide a holistic picture, in accordance with the Directive, the school is studied as a system. What is the nature of the task and how is it to be accomplished?

In sum, my analysis provides a holistic picture, which confirms that there are problems at all levels. Also, they must be resolved at all levels, although it is very difficult to influence the circumstances that lie within the area of responsibility of a particular principal or how a particular teacher encounters a pupil. The system perspective adopted by the Commission entails that the problems are addressed at all levels, and that solutions are proposed that at least in the longer term can also impact at local level.

The Commission's manner of working

The Commission has two major survey and analytic tasks. The first is concerned with answering the question of how preschools, schools and other education providers work with the Commission's target group. The other is to show how collaboration operates between preschools, schools and other education providers, on

the one hand, and societal actors, on the other. Obstacles and success factors are to be identified.

The Commission's investigators have conducted group interviews in eight municipalities.², a study which is principally concerned with the empirical foundations for the analysis of ways of working in the educational arena, Close to 400 persons in positions of responsibility (local politicians and heads of administration, headteachers and preschool heads), and also educationalists (from preschool up to and including upper secondary school), alongside representatives of the School Health and Welfare Service, have contributed to this municipal study. The analysis of collaboration rests largely on material from the National Agency for Education's report on collaboration, commissioned by the Government, where 90 municipalities took part in development work. Two research tasks have been pursued on the Commission's account. The one concerns an in-depth evaluation surrounding issues of collaboration, the other a review of knowledge on the work of preschools in relation to children belonging to the Commission's target group. The Commission has also published a preliminary report, entitled "*See the early signs*" – *researchers reflect over seven tales from preschool and school* (SOU, 2010:64). A conference was arranged in conjunction with publication of the report, which attracted considerable interest. The Commission has adopted an open approach, and has organized several seminars and hearings attended by a variety of stakeholders.

Some conclusions from the problems analysis

My analysis reveals that there are problems with both schools' and preschools' ways of working. The preconditions for preschools, schools and other education providers to perform their key tasks have changed over time, in part because of major societal transformations. Their mission has, by virtue of the various school reforms over the last few decades, become more ambitious and requires more for it to be achievable. I see this development in the light of increased demands for competence in working life and society at large. I lack an analysis of the consequences of these changes and an in-depth discussion at national level of what is needed to achieve

² Participating municipalities were Enköping, Gothenburg, Helsingborg, Huddinge, Jönköping, Storfors, Umeå, and Ystad.

success in relation to the ambitions. In the investigatory work, I have met many responsible and committed politicians, officials and educationalists. What they have in common is they want to carry out their mission successfully, but also that they sometimes want an answer to the question of how to do so. This concerns both how the regulatory system is to be interpreted and, in particular, how activities and methods should be shaped in order to obtain desired outcomes. There is today a lack of effective dissemination of good practice, evidence-based methods and the implementation of research findings that would give principal organisers and practitioners the opportunity to adopt stances on what would fit into their own operations while not acting as "rigid pointers". There are interesting and positive learning examples of good municipal practice, but how and by whom are they to be spread further?

The Schools Inspectorate's picture of the problems is unacceptable, given its lack of equivalence.³ The authority highlights well-known and established problems that, despite attention having been brought to them, remain over time. Especially serious is the picture of the children and pupils on whom the Commission is focusing. Their right to an equivalent education rests on a legally correct application of the regulatory system in combination with a high level of competence among practitioners. Also, there are still obstacles to collaboration despite prioritisation of the issue over a considerable period of time. One conclusion I draw is that these persistent obstacles are hard to overcome, and that for this reason efforts are required at several different levels. Other problems are the lack of clarity with regard to responsibilities and tasks, which are expressed in a variety of ways. At national level, there are many different bodies that – without coordination – turn to preschools and schools for various interventions. At local level, there is also a lack of clarity and possibly misconceptions about both the regulatory system and tasks concerning collaborative partners. At the same time, despite this gloomy picture, I still see great opportunities for the achievement of change. In part, these are due to the reforms that have been implemented with reference to the new Education Act and new curriculums, which clarify the national objective and the demands that principal organisers in the educational arena have to live up to. Another important foundation for the view I take is that there are good experiences in the

³ The Swedish Schools Inspectorate (2010). Inspection and quality review 2009.

municipalities, which are in need of dissemination. Right now, it is important to utilize and consolidate the knowledge that has been gained in various research and development interventions with regard to the mental health of children and the young, and in relation to collaboration. There is currently an excellent opportunity to proceed further with the necessary changes.

The Commission's proposals and assessments

The points of departure for my proposals and assessments lie in prevention and promotion. Preventive efforts include early interventions that might mean that problems can be remedied or resolved quickly so that repeated school failures can be avoided in so far as possible. Preventive interventions may also be a clear regulatory system that leads to adequate interventions when the need arises. Promotional interventions involve the clearing of obstacles to effective collaboration and clearly demarcating boundaries of responsibilities, and also taking measures that can raise competence in the activities affected. My proposals stress the importance of functioning collaboration. The proposals in this section are based on the major developmental interventions that have been made, and are to some extent still in progress. Available knowledge now needs to be put to use, and to lead to operational implementation. Also, attention must be paid to the formal barriers that remain to functioning collaboration.

At government level, there is a need for more concordant action. That is why I make proposals that would give sector-responsible bodies greater coordinating authority for national interventions in the area.

The regulatory system that is to protect the very weakest children and pupils needs to be strengthened to provide the protective effects that are intended. I make proposals for improvements in this area.

There are signals of a lack of knowledge concerning collaboration, and also of mistrust between the parties who need to work collaboratively. Clarification is needed to be able to assess whether this is a real problem, and if so how it might be resolved.

There is a need for more research, and the dissemination of knowledge needs to be made more effective. I see this as a matter of national urgency. In the educational arena, work must be

embarked upon to render visible what is proven experience, and research at a practical level needs to be stimulated. I explain how such work might be developed.

My proposals are based on the new Education Act, and on the curriculums determined for preschools and compulsory schools, preschool classes, and day-care centres for school-aged children. With regard to the new Education Act, the Commission has only had access to the legal text and preparatory work for legislation. It has not had access to any supplementary ordinances or other regulatory documents. It is therefore important that my proposals are assessed against this background. Further, I have harmonized my proposals with already-determined and implemented reforms in the teaching arena. Examples include decisions on further education such as the Boost for Teachers, upgrading of teaching qualifications, and the setting-up of senior-subject positions to strengthen interaction between research and practice.

I take my point of departure in the prevailing distribution of responsibilities between the national government and the municipalities, and the equality that must prevail between municipal and independent providers.

My proposals encompass four main areas. They are:

- Better collaboration at all levels.
- Strengthening of the rights of children and pupils.
- The School Health and Welfare Service and early interventions
- Science and proven experience

Better collaboration is required at all levels

Within this area there are three different proposals. The first is aimed at the coordination of national activities by allocating coordinating responsibility to the Swedish National Agency for Education. The second is designed to promote collaboration at central municipal level through systematic and preventive interventions. The third involves presentation and clarification of the duty to collaborate and of schools' equal role in the collaboration.

Better collaboration between authorities

My proposal entails that the National Agency for Education should be given coordinating responsibility for government interventions aimed at preschools, schools and other education providers. The background to the proposals is that schools and preschools constitute an interesting arena for many agencies and representatives of research. This is because it is then relatively simple to contact all children and pupils in order, for example, to obtain responses to various questionnaires. And it is also an arena where it is simple for the same actors to make contact with School Health and Welfare Service personnel, headteachers or other personnel at different operational levels, and also the parents of children and pupils. In the Commission's investigatory work, a lack of coordination in these interventions has been described, and there is a risk of duplicate working.

Obviously, these investigations and research surveys provide important and keenly sought-after information, but it should be possible to better coordinate these and other activities of government agencies.

Awarding coordinating responsibility to the National Agency for Education, with regard to these and similar types of national interventions directed at educational activities, should be capable of improving dialogue and of providing opportunities for promoting efficiencies.

Collaboration at central municipal level needs to be improved

My proposal entails that development work, for a restricted period of time, shall be undertaken to strengthen collaboration at central municipal level between those responsible for education and for social services. Such work must highlight successful methods and the social-economic consequences of preventive activities for children and pupils with multiple and compounded needs for support. To promote the work time-restricted national funding should be introduced, i.e. a stimulation grant. To obtain an overall perspective on collaboration over preventive actions for children and the young, the efforts made by the healthcare system for this target group should also be encompassed.

The background to the proposal is that the home municipality of children and pupils, as the principal organiser in relation to other organisers, in accordance with the new Education Act, occupies a unique position by virtue of its responsibility to monitor compulsory-school attendance and of its duty to fund the education of children and pupils. These duties rest on the principal municipal organiser regardless of where a child or pupil is undergoing schooling, or takes part in preschool or other educational activities. The overall responsibility provides good opportunities for the follow-up of interventions and support to children and pupils in need of special supportive measures.

If children and pupils in need of support are provided with early interventions, and if the preventive work is also successful, it is likely that the costs not only to the municipality but also to society at large will fall, as a consequence of a long-term reduction in the need for supportive efforts.

At central municipal level, the home municipality also has responsibilities for social services and educational issues (including culture and leisure time) and can, through agreements with other municipalities or principal organisers for healthcare, facilitate collaboration.

Thus, the municipality has an opportunity to take overall responsibility for children's and pupils' education irrespective of where the education is provided. This unique position, with powerful incentives and major opportunities to act, is as I see it not occupied by any other actor with regard to children and pupils in need of various kinds of support.

The provisions in the new Education Act with regard to systematic work on quality should be utilizable in strengthening the pre-conditions for collaboration, primarily between schools and social services, but also with healthcare. The collaboration should focus on what research has defined as clear-cut risk factors for mental ill-health and social problems. And follow-up of activities should also focus on what research has identified as definitive risk factors in these two areas. Further, even the research available on which factors are important for successful collaboration should be utilized. That all this should be a means of strengthening and developing collaboration is supported by what has emerged from the so-

called Model Area Project, and by previous development and research in relation to cooperation and collaboration⁴.

Thus, I am of the view that collaboration at central municipal level between those responsible for education and social services needs to be strengthened, and that successful methods and the social-economic consequences of preventive efforts for children and the young with multiple compounded needs of support should be clarified through the pursuit of developmental activities. Such collaboration, with its foundation in municipal responsibility for education and social services can be seen as a natural next step in the development achieved by the Model Area Project, which has its base in the county councils. Implementation should be supported by means of national support for a limited period, i.e. a stimulation grant.

I regard such a developmental effort as being closely related to the Model Area Project, which is now being implemented by the Swedish Association of Local Authorities and Regions (SALAR), and which will enter its final phase during 2011. This development is founded in an agreement with the national government on its contents and terms of implementation. There are strong grounds for the Government to consider letting the state enter into a new agreement, based on the perspective of education policy. There are several advantages to such an agreement, since experiences gained from the implementation of the Model Area Project can be utilized. SALAR has responsibility for education, social services and healthcare, and therefore possesses the competence needed to implement development of the kind I propose. It is important, however, for independent actors also to be invited to participate in the work involved.

Clarification of the duty to collaborate

My proposal entails that the provisions concerning collaboration in relation to children who are suffering neglect or are at risk of neglect or abuse – in both the Health and Medical Care Act and the Education Act – are amended so that the initiative of the local Social Services Board is not required for collaboration to take

⁴ The Swedish Association of Local Authorities and Regions' Model Area Project. For further information visit the web site for the project: <http://modellomraden.skl.se/web/psynk.aspx>

place.⁵ Social Services will continue to have primary responsibility for ensuring that collaboration comes about. The restrictions on supplying information, in accordance with Swedish legislation on professional secrecy and confidentiality, are not affected by the proposal.

The background to the proposal is that there is a current lack of clarity concerning which societal actors can take the initiative for collaboration with regard to children and young people who are suffering neglect or are at risk of neglect or abuse. From the legal provisions, it shall be clear that the local Social Services Board's initiative is not required for collaboration to come about; rather, other societal actors, who are referred to in the provisions on collaboration with regard to children who are vulnerable or at risk of becoming vulnerable, also have an opportunity to take initiatives.

The lack of clarity in today's regulations has had the consequence that, in our case, preschools, schools and other education providers, have sometimes refrained from taking the initiative for collaboration, in the belief that they have not had this opportunity despite it having been demanded. Preschools, schools and other education providers have perceived the relationship between them and Social Services as unequal. By deleting the words "at the initiative of the Social Services Board", clarification is achieved in the legislation concerned, and consistency of wording is obtained between the legal texts.

Children's and pupils' rights need to be strengthened

Under this heading, I present five proposals, all aimed at strengthening the right to an equivalent education. A key reason is that the correct application of rules in decisions involving the practice of the authorities is essential for the children and pupils with which the Commission is concerned to be guaranteed an equivalent education. The right to special support is an example of the decisions referred to. The proposals concern:

- An inventory of the need for more support for correct application of prevailing rules for the practice of the authorities that affect children's and pupils' right to an equivalent education and,

⁵ The Health and Medical Care Act (1982:763), as worded in SFS 2010:662, and the Education Act (2010:800).

if required, suitable measures on the part of the Government to satisfy the need.

- Surveying and analysing whether application of the rules concerning professional confidentiality constitute an obstacle to collaboration.
- Shaping of transitions between different schools and kinds of schools.
- Follow-up of routines and knowledge concerning the duty to report to Social Services.
- Scrutiny of pupils' right to an equivalent education when they complete their schooling following a placement decision by Social Services.

More support for the correct application of prevailing rules

My proposal is that the Swedish Government tasks the National Agency for Education and the Schools Inspectorate jointly to survey the needs for ordinances, regulations and general advice to ensure that the application of the Education Act is more legally secure with regard to the practice of authorities in decisions concerning children's and pupils' right to an equivalent education.

The background to the proposal is that prevailing provisions in the Education Act concerning children and pupils in need of special support shall guarantee an equivalent education. The Act does not currently achieve that in practice, since there are deficiencies in implementation. The Schools Inspectorate points out in its report to the Swedish Government that deficiencies in this respect have not been remedied despite problems lasting many years⁶. From the report it emerges that there are major defects in application, despite the general advice issued by the National Agency for Education and other supporting material. One serious consequence is that children and pupils may lose their right to an equivalent education. And a serious example of this lies in the defects referred to by the Schools Inspectorate with regard to pupils who are placed in special schools for the disabled on inadequate grounds.

This serious picture is also confirmed in the Commission's investigation by the fact that persons with operational

⁶ The Swedish Schools Inspectorate (2010). Inspection and quality review 2009.

responsibility are seeking clear support when administering decisions affecting children's and pupils' right to an equivalent education. The retrospective checks on decisions supervised by the Swedish Schools Inspectorate and decisions on reporting matters cannot meet this need.

I regard it as serious that the rules designed to protect children and pupils in need of most support have so far not been able to guarantee their right to an equivalent education, because they are applied erroneously or inconsistently across the country. This is unacceptable, and assurance is required that a change is made when the new Education Act starts to be applied.

The deficiencies in application of the 1985 Education Act, pointed out by participants in the municipal study and observed by the Swedish Schools Inspectorate in their reviews, are serious, despite attention having been drawn to them and various supportive interventions. Thus, measures of this kind are not sufficient to come to terms with the problems.

A justifiable question therefore is whether the provisions in the new Education Act are capable, on their own, of guaranteeing an application that leads to equality and the rule of law concerning decisions on action programs or adapted schooling, or other decisions or measures where pupils' right to education is affected, without these provisions being clarified in ordinances or regulations, and other guidance in these respects.

I make the assessment that, against the background of the serious problems that have been identified, the difficulties in applying the regulatory system cannot with certainty be remedied by the introduction of the new Education Act. Further, it is not credible that the new Education Act alone can remedy the identified deficiencies in the respects referred to above, since the rules concerning children's and pupils' right to an equivalent education are unchanged in many cases. I propose therefore that the Government tasks the Schools Inspectorate and the National Agency for Education jointly to take an inventory of existing application problems pursuant to the prevailing rule system in connection with decisions affecting children's and pupils' right to an equivalent education. The authorities should thereafter scrupulously monitor the implementation of the new Education Act, and especially follow up whether the identified application problems have been reduced or still remain, and the need for clarification concerning how the provisions of the new Education Act are to be applied.

The primary arguments for taking such an inventory and for conducting follow-up are as follows:

- There is legal uncertainty for children, pupils and carers alike, since the consequences of the regulatory system in individual cases cannot be assessed.
- For the decision-makers responsible, the legal situation is also unclear.
- Administration of different decisions can lead to retrospective criticism from the Schools Inspectorate. Supervision by the Inspectorate has increased, whereby it has become clearer that these decisions on reporting matters lead to de facto standardization.
- Application of the 1985 Education Act has not improved sufficiently, despite supportive material from the National Agency for Education.
- The right to appeal, introduced in the new Education Act, is designed to reinforce legal rights, but might, if today's conditions otherwise remain, lead to appellants misjudging the legal situation. This may, in turn, give rise to many unnecessary appeals, which would affect the work load and costs of the administrative courts and the National Agency for Education's Appeal Board.

When the Schools Inspectorate and the National Agency for Education have presented their joint report, the Government can adopt a stance on the question of whether there is a need for supplementary ordinances, regulations and other guidance, and if this is the case whether any legal amendments required for this will be possible to implement. If the inventory and the follow-up were to prove that there is a need for supplementary rules to clarify the new Education Act, I shall leave it to the Government to determine how this need can suitably be met. I state, however, that it would be reasonable for the National Agency for Education to take the responsibility to issue any regulations and other guidance in the area to the extent that this type of supplementary regulation is needed. Today, the Swedish National Agency for Education lacks, in several respects, the authority required for this to be possible.

Such complementary rules are, in my view, fully compatible with direction and control according to goals and outcomes, and to

the current distribution of responsibilities between national government and the municipalities. Nor does an increase in supplementary regulation in the area of equality and legal consistency in the practice of authorities entail any restriction on educational freedom or local responsibility for school development.

Does application of the rules of professional confidentiality hinder collaboration?

My proposal is that the National Agency for Education, the National Board of Health and Welfare and the Schools Inspectorate are jointly assigned the task of surveying and analysing whether the application of prevailing rules on professional secrecy and confidentiality constitutes an obstacle to collaboration between preschools, schools and other education providers, on the one hand, and social services and healthcare, on the other, and if so to what extent. If the difficulties can be resolved through clarification, supplementary regulation or education, the authorities should come back to the Government with proposals on how this is to be achieved.

The background to the proposal is that I, during the work of the Commission, have met many people in preschools, schools and the School Health Service who have expressed dissatisfaction with how many other operational units apply confidentiality legislation in their own areas when collaboration is involved. This conception may well, in many cases, rest on a misunderstanding of the tasks of, for example, Social Services or the Psychiatric Service for Children and Young People, and of the restrictions placed by current secrecy legislation on the opportunity to collaborate and to supply information, particularly in individual cases. Such dissatisfaction does not promote good collaboration, and the criticism should be taken seriously. It may suggest that the application of prevailing rules on confidentiality acts as a barrier to collaboration.

If these difficulties can be remedied through clarification, supplementary regulation or education, the authorities should return to the Government with proposals on how this is to be achieved. One question that deserves particular attention within the frame of this task is how the opportunity for the testing of harm, provided for in some rules on professional confidentiality, is applied, and whether consent from the individual is required to

enable the reporting of information that otherwise would have been withheld.

Transitions must be designed to support the continued learning of pupils

In my view, transitions between schools and types of schools must be designed to facilitate children's and pupils continued learning. Principal organisers need to ensure that routines for transitions are developed and formulated purposefully to achieve this end.

The background to my assessment is that I, during the investigatory work of the Commission, have received unequivocal signals that transitions between different schools and types of schools represent a critical point for many pupils, and that they can be particularly difficult for the group of children and pupils with which the Commission is concerned. Transitions within and between different types of schools for children and pupils in need of special support may entail the risk that important educational information gets lost. Today, the information in an action program that contains sensitive details about a pupil is usually covered by provisions on professional confidentiality. When the Commission interviewed practitioners in the municipal study about whether legislation on professional secrecy represents any obstacle or problem at work, there was variation in responses. A majority considered that confidentiality legislation was not an obstacle, since the schools often obtain consent from the pupils' parents to supply the necessary information during transition between schools. Other responses point to problems. There are parents who do not want to give their consent. On many occasions, this is due to the parents wanting their children to enter a new school without being burdened by earlier documentation.

My conclusion, with regard to transitions and any confidentiality problems, is that the most powerful success factor is the achievement of a trustful relationship between the school and the parents. Such a relationship is built up through mutual respect and trust in each other, and confidence in the school's documentation being professional and containing information relevant to the pupil's continued learning. Another problem I encountered during the Commission's work is that teachers do not request documentation on a pupil since its professional standard is regarded as too

low. For example, there are shortcomings in the relevance of content or a lack of completeness, which make for problems of interpretation; also, it is not clear what purpose the documentation has. Thus, it is important that documentation in school is of a high standard, both for parents to be positive towards it being handed over, and in order for it to be capable of promoting a good learning situation for the pupil. Another reason why documentation should be of a high professional standard is that that the school receiving the pupil must be interested in obtaining, and even requesting, the information. The Schools Inspectorate has pointed to the problem of the lack of a professional standard in the documentation of pupils, a picture that is confirmed by the work of the Commission.

Two tasks for the Swedish Schools Inspectorate

Follow-up of the duty to report

My proposal is that the Schools Inspectorate shall perform follow-up, pursuant to Chapter 14 § 1 of the Social Services Act, to ensure that education providers have clear routines for and knowledge of the duty to report to Social Services regarding children who are vulnerable or at risk of becoming vulnerable.

The background to my proposal is that, at national level, there is no clear picture of how providers handle their duty to notify Social Services with regard to children who are vulnerable or at risk of becoming vulnerable. This is a serious matter, and I have in the work of the Commission encountered the view that reporting is insufficient in scope. At the same time, it has also emerged, in the course of the work, that other representatives of education providers are of the opinion that they do give notification, and do so without hindrance.

The duty to report is one of the most important instruments for children and pupils in an exposed or vulnerable situation to obtain the help they need. Their rights and protection hinge on the rules on reporting being known and applied correctly. The Schools Inspectorate can, in my view, within the frame of its supervisory responsibility and its duty to perform quality inspections, have clear routines for and familiarity with the duty to report. Examination of the duty to report, in the sense that the authority makes an

assessment of the justification in a report, i.e. on a matter of fact, falls outside the authority of the Inspectorate.

How is the right to education of children and young people placed in accordance with a decision of Social Services to be met?

I propose that the Schools Inspectorate, in collaboration with the National Board of Health and Welfare, conducts a review of how children's and pupils' right to education is met when they complete their schooling following a placement decision by Social Services. It is also important that Social Services and the schools take responsibility for their areas of activity with regard to planning, implementation and follow-up in the case of a placement outside the home.

The background to the proposal is that the Swedish Schools Inspectorate has scrutinized the special education provided at young people's residential care homes, and found, at the time of their review, that there were some problems and a lack of clarity with regard to this form of teaching. The Schools Inspectorate proposed certain measure to come to terms with the problems revealed.

Since the review was performed, the new Education Act has come into force, and this will start to be applied from 1 July 2011. It is hard to draw any definite conclusions on whether or not the new Act will resolve the problems to which the Inspectorate drew attention in their report. It should, however, be stated that the new Act has resolved some of the problems that emerged from the Inspectorate's review, e.g. collaboration problems and issues of transfer of the responsibility of principal organisers for education. That this is the case has been confirmed privately to the Commission by the Schools Inspectorate.

It is, however, of great importance that a new review is conducted. But the scrutiny this time should be extended to cover all the children and young people who have been placed institutionally by Social Services, and where the Schools Inspectorate has responsibility to exercise supervision of their education, for the purpose of evaluating the nature of their educational situation. That such extension of the review should take place gains support from the municipal study. It should aim at evaluating whether the new Education Act has solved a large part of the problems that have been found earlier or, in our case, whether some problems remain or

some new problems have arisen. The report on the review, to the extent that this is required, should also contain proposals for counter-measures.

An especially important question to consider within the frame of the review is whether clearer regulation may be needed for Social Services and persons responsible in the municipalities to be able to handle a child's or a pupil's right to education in a secure and expedient manner in connection with a placement decision reached by Social Services. The same applies to the opportunity for persons with educational responsibilities to follow up their duty to ensure school attendance for these pupils. The Schools Inspectorate should also examine the extent to which the educational issues of these pupils can be considered in relation to the granting of permits.

The new review should be performed after the provisions of the new Education Act have been applied for a while. In that way, it will not only be possible to assess whether the Act actually resolves the problems I have highlighted, but also to see how the Act is actually been applied. The time for scheduling the review, I leave to the Government to decide.

The School Health and Welfare Service and investments in knowledge

Under this heading, I make two proposals, of which the first is designed clearly to establish that the introduction of an all-embracing School Health and Welfare Service in the new Education Act should lead to the taking of clear positions with regard to the distribution of responsibilities between the National Agency for Education, the National Board of Health and Welfare and the Schools Inspectorate. I point also to the need for clarification even where it concerns responsibility for the treatment of children and young people with mental complaints, and also indicate that the Government should review how the medical component of School Health and Welfare Services can develop collaboration with primary care.

My second proposal is that the Government should appoint a delegation to produce a common knowledge-based perspective on the value of early interventions with regard to children of pre-school age and pupils in the first year of compulsory school.

A comprehensive School Health and Welfare Service – support for pupils' goal attainment

The School Health Service has a strategic task within the framework of school education, and this is clarified in the new Education Act. For this reason, it should be seen as a self-evident component of education policy. This also has consequences for how responsibility for pupils' health is made apparent at national-agency level. Today, the National Board of Health and Welfare issues guidelines for school healthcare, which constitutes part of the authority's sectoral responsibility for health and medical care. Now, given the new Education Act's definition of an all-embracing School Health and Welfare Service, there is a need for the role and responsibility of the National Agency for Education for pupils' health to be reviewed. As a consequence of the shaping of the tasks of the School Health Service, the Government in the first instance in conjunction with the review that is now taking place of ordinances and other regulations for the activities affected by the new Education Act, should further review the needs for clarification of the responsibilities of the comprehensive School Health Service that can be found between the sectorally responsible National Agency for Education, the supervisory authority the Schools Inspectorate, and with regard to the Service's medical component the National Board of Health and Welfare. The National Agency for Education must obtain the conditions and mandate to adopt the role of a sectorally responsible authority, with coordinating responsibility, for the comprehensive School Health and Welfare Service. Such responsibility entails close collaboration with the National Board of Health and Welfare, which currently has authority to issue both regulations and guidelines in its area of responsibility. I regard it as essential that the National Agency for Education, as an authority with sectoral responsibility, is given the opportunity to occupy an equal position in relation to the National Board of Health and Welfare.

During the investigatory work of the Commission, a lack of clarity in responsibilities for the treatment of children's and young people's mental ill-health have been reported to me. I find such lack of clarity both serious and important to resolve, but the question cannot in any way be regarded as lying within my remit. However, I feel some responsibility for reporting the existence of the problem and that it needs to be solved. My judgment is that this is

a task for the Government Offices and the ministries involved there. One further question related to responsibility for treatment is also that the actual content of school healthcare now needs to be examined against the background of the mission of the School Health and Welfare Service, where special collaboration with the healthcare system needs to be emphasized. How and in what ways the School Health and Welfare Service can collaborate with child healthcare is a matter that needs to be reviewed on the basis of the new Education Act's definition of the Service. I propose that the Government reviews these issues. How this is to be achieved I leave to the Government to assess.

Early interventions – an investment in increased knowledge

My proposal entails that the Government should appoint a delegation with the task of illuminating the value of early interventions, for children of preschool age and for pupils at early school years in compulsory school, from a cross-disciplinary and international research perspective, and also, on the basis of an education-policy perspective, of formulating a common knowledge-based view on the value and effects of early interventions. The Delegation should include authorities with sectoral responsibility, and its composition should reflect the overall perspective and cross-disciplinary competence required in the early-intervention arena.

The results of the Delegation's work should provide a foundation for recommendations to both decision-makers and practitioners in the area.

The background to the proposal is that even today there is international research showing that early interventions for children and pupils are important, and that the risk of later educational failures can be reduced or avoided entirely. Swedish research in the area is largely lacking. The research situation regarding children less than ten years of age is generally inadequate. Knowledge regarding children of preschool age who actually do not go to preschool is sparse, and at present there are no national statistics to add from the child welfare centres. On the other hand, the state of knowledge in Sweden has improved with regard to preschools' and schools' ways of working in the area of mental ill-health.

In both Finland and Norway, early intervention is seen as an important success factor. These countries have therefore chosen to

prioritise specialized educational interventions for children and pupils at early ages. Equivalent investments have not been made in Sweden, although the issue of the significance of specialized educative and supportive efforts in preschool has been considered in earlier investigations.⁷ The Royal Swedish Academy of Sciences' major study of causal relationships between schools, learning and mental health, in addition to other important research findings, also reveals relevant gaps in knowledge. The study was based on international research, since the high demands imposed on causality had the consequence that Swedish studies did not meet the criteria for preparatory review. Against this background, it was the Health Committee that was behind the intervention, with the result that educational science and the educational perspective did not achieve a prominent position; indeed, other disciplines achieved greater prominence. In Sweden there is currently an ongoing debate on early intervention, the value of diagnosis, and perspectives on neuropsychiatric functional impairments. Different research disciplines do not share a common perspective in the area. Lack of concordance in this sense may be of importance for how children and pupils are received, and there is a risk that it will lead to a failure to achieve equality between the interventions children and young people receive.

In the course of the work of the Commission, it has emerged that practitioners in preschools, schools and other educational arenas regard early intervention as an important success factor.

There are also indications that early interventions, from a societal perspective, can be cost-effective. Further, it is clear that there is a lack of Swedish research in areas of crucial importance. Educationalists who took part in the municipal study have clearly demanded greater knowledge-based support at national level.

In the light of what now has been said, and particularly given the lack of a stable body of knowledge, I propose that the Government makes a specialized investment, of limited duration, in the early-intervention arena, for the purpose of obtaining better grounds for decision-making. This would be prior to adopting a position on whether and how early interventions should be prioritised and, in such case, how the School Health and Welfare Service and child healthcare should and can play an important role in this work, especially if the School Health and Welfare Service, or parts

⁷ Including by the Education Act Committee, U 1990:01. The Committee for Supervision of the Education Act.

of it, is also made available to preschools. Such an investment must be regarded as a key next step in the work performed by the Royal Swedish Academy of Sciences through their major conference, but the investment would at the same time provide a clear foundation in education science.

The investment should, in my view, involve the Government appointing a delegation to support and develop an overall picture of the state of knowledge and work with early interventions directed at children of preschool age and pupils at early grades of primary school from an education-policy perspective. The Delegation's work should focus on clarifying the value and effects of early interventions for these groups and take its point of departure in the findings of the work of the Royal Swedish Academy of Sciences by investigating the causal relationships between school, learning and mental health. The work should be based partly on an evaluation of the empirical foundation produced within the municipal sector, and partly on the knowledge developed by already-completed and ongoing research projects in the area of mental health. It is especially important for the Delegation to illuminate the role of the School Health and Welfare Service and the importance of interaction between schools, healthcare and Social Services.

The Delegation should adopt a cross-disciplinary perspective and illuminate the international research available in the area. Thereby, the Delegation's work will provide opportunities both to consolidate and further develop the knowledge that exists and supplement it from the perspective of education science, an aspect that is currently lacking to a very high degree.

The question of whether early interventions are cost effective within a preventive mode of working should be investigated within the frame of the work.

The Delegation should report the results of its work to the Government. The reporting should be so designed that it can provide grounds for recommendations to practitioners and decision-makers concerning how early interventions should be pursued. Further, the results of this time-restricted effort might be able to supply better decision-making grounds with regard to early interventions and also, hopefully, contribute to supporting educational activities and developing collaboration between the School Health and Welfare Service and other stakeholders.

In my view, a number of municipalities should be invited to participate in the work. Further, a variety of research projects

should be linked to the Delegation, and a cross-disciplinary approach adopted in order to answer the question of the significance of early interventions. Since educational and education-science research has been uncommon so far, this perspective needs to be strengthened. I propose, therefore, that the Delegation establishes links with five or more different research teams, where various educational approaches and also economic and medical competence are represented, but with an emphasis on the questions posed in education science. In this regard, the Delegation can use the Swedish Research Council's Education Science Committee to administer and constitute research teams, preferably with international and Nordic involvement. Several questions should be answered within the frame of the Delegation's mission so that the state of knowledge is improved and, if possible, a concordant view attained. If it proves impossible to obtain a unified perspective on the value of early interventions, the Delegation, in our case, must clarify any differences in approach and on what scientific grounds they are based. The Delegation shall be operative for two years, and in the course of its work contribute to the dissemination of knowledge about its results and about the task of the Delegation itself. Within the Delegation, there should be representatives of agencies with sectoral responsibility, and of the principal organisers, i.e. both municipal and independent actors. The composition of the Delegation should also reflect the overall perspective and cross-disciplinary competence demanded in the area of early intervention.

Science and proven experience

In this area there are three proposals and assessments. The first is concerned with research issues. The others concern follow-up of basic teacher and headteacher training, and a developmental investment in early interventions for children of preschool age.

Research and the dissemination of knowledge

Measures to strengthen research into children and young people in need of special support and in exposed situations are needed. The research situation needs to be reinforced in several areas, where

research is lacking, or where Swedish research is required to supplement international research findings.

Resource distribution to the area needs to be reviewed in conjunction with the preparation of the Government's bill on research policy.

Further, measures must be taken to stimulate a cross-disciplinary approach and an overall perspective. The preconditions for pursuing research and being able to make so-called policy evaluations within the area need to be developed and reinforced. This applies in particular to access to data at individual level to enable research of a longitudinal nature and the use of quantitative methods.

More research that is closely related to practice needs to be stimulated. Practitioners in school express the view that there is a lack of research perceived to be relevant to their own activities.

The dissemination of knowledge about research results needs to be made more effective, and development aimed at rendering visible and testing the content of proven experience, and the production of recommended good practices, needs to be initiated. I affirm that currently there is no actor with any such national responsibility in the educational arena, but point out that the need is there. My judgment also is that there are grounds for studying the development work being pursued by the National Board of Health and Welfare, in conjunction with principal organisers and professionals, surrounding national guidelines within both Social Services and healthcare. This work is long-term and has taken place stepwise, with the result that the state of knowledge about what might be called good practice has been developed in ever more areas. The Swedish Association of Local Authorities and Regions (SALAR), in its development activities surrounding "open comparisons" has shown that there is an interest in participating within several municipal sectors, such as with regard to the identification of success factors. I wish to state that I regard work on national guidelines as a form of development designed to give prominence to what should be capable of becoming good practice – a recommendation rather than a binding regulation – not any kind of rigid pointer and therefore compatible with the concept of educational freedom or local school development.

My assessment is that that this route might be interesting to pursue even within the school arena. Any such development that aims to produce what can be characterized as good practice must

be regarded as long-term, and should take place stepwise and in collaboration with research within the area, SALAR and the authorities that can contribute to the adoption of a cross-sectoral perspective. But, above all, the profession itself must be committed to making visible what can be designated as proven experience. Thereby, it becomes capable of being evaluated and possible to define as good practice. I also wish to maintain that such work must be shaped in a setting that suits preschools, schools and other education providers. It is not possible to copy the work that is currently being performed in healthcare, but it is possible to obtain wisdom and allow oneself to be inspired.

I consider that the wishes expressed, above all for more support at national level require a response; knowledge dissemination needs to be improved, and it is required of the educational sector that it forges stronger links between research and practice. This can be achieved if more senior-subject teachers are employed, and if work is initiated for the purpose of highlighting that which can be designated as proven experience. Such clarification entails that it can be both evaluated and defined. It should be possible to consider where the responsibility should be placed for the development work and the shaping of any such responsibility in conjunction with the new evaluation function within the educational arena of which notice has been given in the budget proposal for 2011 (Government Bill. 46.⁸ In my view, a suitable combination of information for such a function might consist in knowledge dissemination, policy evaluation in the education sector with cross-disciplinary content, and responsibility for highlighting and evaluating the content of proven experience or good practice.

Follow-up of basic teacher and headteacher training

The National Agency for Higher Education and the National Agency for Education should jointly be tasked to review the content of basic teacher training in conjunction with evaluation of the new training. Such review should focus on whether the training prepares educationalists sufficiently for the demands imposed by children and pupils with more complex needs for support.

The National Agency for Education should also be tasked to follow up and evaluate the training of headteachers. A special

⁸ Government Bill: 2010/11:Utgiftsområde 16, s.49.

investigation should be conducted into the extent to which the training provides sufficient knowledge of the rules governing work with children and pupils with multiple compounded needs and the duty to collaborate with regard to children and pupils who are vulnerable or at risk of becoming vulnerable, and thereby related legislation on professional confidentiality.

To the extent that there are shortcomings in the training courses, measures should be taken by the National Agency for Education to meet the requirement of providing for further competence development.

Early interventions for children of preschool age

My proposal is that the Government tasks the National Agency for Education, in collaboration with the National Board of Health and Welfare, to arrange regional conferences for those responsible for and active in preschools and educational welfare for the purpose of providing information on the state of knowledge and practical applications of early interventions for children of preschool age.

The background to the proposal is that early interventions for children of preschool age have been identified as important in research. Today, there are research findings and results from development work that should be circulated to categories of personnel who are active in preschools and educational welfare. There are municipalities that work consciously for early detection and intervention. Such dissemination of knowledge and information based on practice should be capable of contributing to the raising of awareness and encouraging an educational discussion on the issue of early interventions for children of preschool age.

When the question has been discussed earlier, educational issues have not always been the main focus. My view is that the question of early intervention needs to be discussed from a cross-disciplinary perspective with the new curriculums as a foundation.

Impact assessment of the Commission's proposals

The Commission shall, in accordance with the Committee Ordinance (1998:1474), report on the possible consequences of the proposals it has presented.

The problems analysis conducted by the Commission demonstrates serious problems with regard to both modes of working and collaboration. I have also shown that, due to national efforts aimed at the education sector not being coordinated, there is a substantial amount of duplicate work. The proposals I make, and the costs that may be associated with them, must be balanced against the picture of the problems presented. Not doing anything to bring about change is seen, against this background, as associated with both socio-economic costs and costs that are charged specifically against the operations involved.

The proposals for taking an inventory of, and following up the need for, clarifications in the educational arena in themselves do not entail any change in the extent of municipal self-governance. A possible impact arises only if the Government, following proposals from the National Agency for Education and the Schools Inspectorate, comes to the conclusion that standardisation needs to be reinforced and takes action in this direction. That I, in this report, raise the question is motivated by the strong wishes and needs for clarifying the system of rules that have emerged from the Commission's investigations. Nor does the Commission see any consequences in the proposals for municipal operations in terms of application of the funding principles for local government.

The proposals I make concerning collaboration do not have socio-economic consequences, but should lead to an improvement in the state of knowledge with regard to effects. A clear example of this is the developmental activity designed to create a common knowledge-based perspective on the value and effects of early interventions. The proposals I make that require extra funding are described below:

The proposal for collaboration at central municipal level must be financed by a stimulation grant, time-restricted to two years. For this, I propose that funds for this purpose are allocated in an amount of SEK 15 million over a total of two budget years. These funds shall cover costs for participation from research, for evaluation, and for socio-economic computations. A suitable number of municipalities shall obtain compensation for the costs of project administration.

The proposal for work on developing increased knowledge of early interventions shall be funded by a total amount of SEK 50 million for two years, which will be taken from the temporary stimulation grant that the Government has announced with regard

to the School Health and Welfare Service. The funds shall support a delegation, a number of research projects with a cross-disciplinary focus, external evaluation of municipal empirical knowledge of early interventions, and scientific reviews of international research within the area. Externally oriented operations shall be performed, a final report presented, and a final conference arranged.

The proposal for investment in competence development for persons responsible for and active in preschools or other educational provisions for children of preschool age is estimated to cost SEK 5 million and is a one-off lump sum.