



REGERINGSKANSLIET

**Ministry of Health
and Social Affairs, Sweden**

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Content

Chapter 1. The objectives of social services.....	3
Chapter 2. Municipal responsibilities	3
Chapter 3. Tasks of the municipal social welfare.....	5
committee	5
Chapter 4. Entitlement to assistance	7
Chapter 5. Special provisions for various groups	8
Chapter 6. Care in family homes and in homes for	12
care or residence.....	12
Chapter 7. Provisions on private services.....	15
Chapter 8. Charges	17
Chapter 9. Recovery etc.....	20
Chapter 10. Committees	21
Chapter 11. Handling of business	23
Chapter 12. Data processing.....	25
Chapter 13. Supervision of social services.....	28
Chapter 14. Reporting of abuses.....	30
Chapter 15. Confidentiality	31
Chapter 16. Sundry provisions.....	31

Chapter 1. The objectives of social services

Section 1

Public social services shall, on a basis of democracy and solidarity, promote people's

- economic and social security
- equality of living conditions and
- active participation in the life of the community

With due consideration for the responsibility of the individual for his own social situation and that of others, social services shall be aimed at liberating and developing the innate resources of individuals and groups.

Activities shall be based on respect for people's self-determination and privacy.

Section 2

When measures affect children, the requirements of consideration for the best interest of the child shall be specially observed. A child is any person aged under 18 years.

Section 3

Provisions on care without consent are contained in the Care of Abusers (Special Provisions) Act (1988:870) and the Care of Young Persons (Special Provisions) Act (1990:52).

Chapter 2. Municipal responsibilities

Section 1

Each municipality is responsible for social services within its boundaries.

Section 2

The municipality is ultimately responsible for ensuring that persons staying within its boundaries receive the support and assistance they need.

This responsibility does not imply any restriction of the responsibilities incumbent on other mandators.

In the case of a person coming within the scope of the Asylum-Seekers (Reception) Act (1994:137), special provision is made in the same.

Section 3 and Chap. 16, Section 2 contain provisions on responsibility devolving in certain cases on a municipality other than the individual person's municipality of residence.

Section 3

A person wishing to move to another municipality but, by reason of advanced age, functional impairment or serious illness, in permanent need of extensive measures of nursing and care and therefore unable to settle there without the receiving municipality offering the necessary measures may apply to that municipality for such measures. Such an application shall be treated as if the individual were a resident of the receiving municipality.

In the assessment of such an application, under the foregoing, no account may be taken of the applicant's needs being provided for in the home municipality.

It is the duty of the home municipality, at the request of the receiving municipality, to assist the latter in ascertaining facts necessary for the assessment of the application.

Section 4

The social services tasks of the municipality are performed by the committee or committees appointed by the municipal council. Special provisions concerning joint committees are given in the Joint Committees in the Health and Social Services Act (2003:192).

The provisions of this act or any other statute concerning social welfare committees also apply, where relevant, to the committee or committees appointed in accordance with subsection one. The Act (2003:199).

Section 5

The municipality may conclude an agreement with another agency for the performance of municipal tasks within the social services. Through an agreement of this kind, one municipality may provide services for another. Tasks which include the exercise of authority may not, however, be transferred by authority of this provision to a company, an association, a corporation (*samfällighet*), a foundation or a private individual.

The municipality may also conclude an agreement with the county council, the public social insurance office and the county labour board to co-operate, within the framework of social service tasks, with a view to achieving more efficient use of available resources. The municipality shall contribute towards the funding of such activity jointly undertaken.

The National Audit Bureau may scrutinize activity conducted in co-operation with and partly funded by the social insurance office or the county labour board. For the purposes of such scrutiny, the National Audit Bureau is entitled to obtain the information needed for scrutiny of the activity.

Section 6

The municipality may also conclude an agreement with the county council, the Swedish Social Insurance Agency and the county labour board to co-operate, within the framework of social service duties, with a view to achieving more efficient use of available resources. The municipality shall contribute towards the funding of such activity jointly undertaken. Under the provisions of the Act on Financial Coordination of Rehabilitation Measures (2003:1210), the municipality may participate in financial coordination in the area of rehabilitation.

The National Audit Office may scrutinise such activity conducted in co-operation with and partly funded by the social insurance office or the county labour board. For the purposes of such scrutiny, the National Audit Bureau is entitled to obtain the information needed for scrutiny of the activity. The Act (2004:851).

Chapter 3. Tasks of the municipal social welfare committee

Section 1

The tasks of the municipal social welfare committee include the following:

- familiarizing itself closely with living conditions in the municipality,
- participating in community planning and co-operating with other public bodies, organisations, associations and individual persons in promoting good environments in the municipality,
- supplying public information concerning social services in the municipality,
- helping, by means of activation measures and in other ways, to facilitate good living conditions,
- assuming responsibility for the provision of care and service, information, counselling, support and care, financial assistance and other assistance for families and individuals in need of the same.

Section 2

The participation of the social welfare committee in community planning shall be based on the committee's social experience and shall be particularly aimed at influencing the design of new and pre-existing housing areas in the municipality. The committee shall also endeavour to ensure that public premises and public transport are designed in such a way as to be readily accessible to all.

In other respects too, the social welfare committee shall initiate measures, and ensure that measures are taken, to create a good social environment and good conditions for children and young persons, older persons and other groups in need of special support

from the community. In the course of its activities the social welfare committee shall promote the right of the individual to employment, housing and education.

Section 3

Measures within social services shall be of good quality.

Suitably trained and experienced personnel shall be available to perform the tasks of the social welfare committee.

The quality of activities shall be systematically and continuously developed and assured.

Section 4

In its outreach activities, the social welfare committee shall disseminate information concerning social services and shall offer its assistance to groups and individual persons. Where appropriate, the committee shall co-operate to this end with other public bodies and with organisations and other associations.

Section 5

The measures taken by the social welfare committee on behalf of the individual shall be framed and conducted together with him and, if necessary, conjointly with other public bodies and with organizations and other associations.

When a measure affects a child, the child's attitude shall be clarified as far as possible. Allowance shall be made for the child's wishes, having regard to its age and maturity.

Section 6

The social welfare committee should, by means of home-help services, daytime activities or other social service of a suchlike nature, assist the individual to live independently and to have contacts with others.

The committee should also provide social services by means of counselling bureaux, social welfare centres and suchlike, emergency social services or comparable activities.

The committee may appoint a particular person (a contact person) or a family to help the individual and his next-of-kin in personal affairs, if the individual requests or consents to such an arrangement. In the case of children under the age of 15, a contact person may be appointed only if the child's custodian requests or consents to the arrangement. If the child is aged 15 or over, a contact person may be appointed only if the child personally requests or consents to the arrangement.

Section 7

The social welfare committee shall work for the prevention and counteraction of abuse of alcohol and other addictive substances. In this connection, particular attention should be paid to measures on behalf of children and young persons.

The social welfare committee shall, by means of information supplied to authorities, groups and individual persons and through activation measures, disseminate knowledge concerning the harmful effects of abuse and concerning the help available.

Chapter 4. Entitlement to assistance

Section 1

Persons unable to provide for their needs or to obtain provision for them in any other way are entitled to assistance from the social welfare committee towards their livelihood (livelihood support) and for their living in general.

Through the assistance, the individual shall be assured of a reasonable standard of living. The assistance shall be designed in such a way as to strengthen his or her resources for independent living.

Section 2

The social welfare committee may furnish assistance beyond what is provided in Section 1, if there is cause for so doing.

Section 3

Livelihood support is provided for reasonable expenditure on

1. food, clothing and footwear, play and leisure, disposable articles, health and hygiene, a daily newspaper, a telephone and a television licence fee,

2. housing, domestic electricity supply, journeys to and from work, household insurance and membership of a trade union and an unemployment insurance fund.

Reasonable expenditure referred to in point 1 of the foregoing shall, as more exactly prescribed by the Government, be computed according to a norm applying to the whole country (the national norm), on the basis of official price surveys regarding basic consumption in various types of household. The social welfare committee shall, however, compute this expenditure at a higher level if, in a particular case, there is special reason for doing so. The committee may also, in a particular case, compute the expenditure at a lower level if there is special reason for doing so.

Section 4

The social welfare committee may require a person receiving livelihood support for a certain time to take part in work experience or other skill-enhancing activity to which he is referred by the committee, if it has not been possible to provide a suitable labour market policy programme for the individual and

1. he is under 25 years of age, or
2. he is aged 25 or over but, for special reasons, is in need of skill-enhancing measures, or
3. is engaged in a training programme for which special financial arrangements are available but is in need of livelihood support during an intermission in the studies.

Work experience or skill-enhancing activity as aforesaid shall have the purpose of developing the possibilities for the individual to be self-supporting in future. The activity shall strengthen the possibilities of the individual entering the labour market or, where appropriate, further training. It shall be framed with reasonable consideration for the personal preferences and aptitudes of the individual concerned.

Before making a decision as provided in subsection one, the social welfare committee shall consult the county labour board.

Section 5

If the individual declines, without acceptable cause, to participate in work experience or other skill-enhancing activity to which he has been referred as indicated in Section 4, further livelihood support may be refused or reduced. The same applies if he absents himself, without acceptable reason, from the work experience or the skill-enhancing activity.

Section 6

A person taking part in work experience or other skill-enhancing activity as referred to in Section 4 shall not for such purposes be deemed an employee. Insofar as the individual performs tasks agreeing with or similar in nature to those usually performed in gainful employment he shall, however, be equated with an employee for the purposes of Chap. 2, Sections 1–9, Chap. 3, Sections 1–4 and Sections 7–14, Chap. 4, Sections 1–4 and Sections 8–10 and Chaps. 7–9 of the Work Environment Act (1977:1160) and the Work Injuries Insurance Act (1976:380).

Chapter 5. Special provisions for various groups

Children and young persons

Section 1

The social welfare committee shall

- endeavour to ensure that children and young persons grow up in secure and good conditions,
- promote, in close co-operation with families, the comprehensive personal development and favourable physical and social development of children and young persons,
- be especially observant of the development of children and young persons who have shown signs of developing in an unfavourable direction,
- actively work for the prevention and counteraction of the abuse by children and young persons of alcoholic drinks, other intoxicants or addictive substances and doping preparations,
- ensure, in close co-operation with families, that children and young persons in danger of developing in an undesirable direction receive the protection and support which they need and, where justified by consideration of the young person's best interests, care and upbringing away from home, and also
- make provision, in its care of children and young persons, for the special needs of support and help which may exist following the conclusion of judicial or other proceedings concerning custody, residence, contact or adoption.

Section 1 a

In matters relating to children who are suffering neglect or abuse or are at risk of neglect or abuse, the social welfare committee shall cooperate with public institutions, organisations and others concerned. With respect to the release of data, the restrictions indicated in Chap. 15 of this act and in the Secrecy Act (1980:100) shall apply. The committee shall work actively to ensure that cooperation is established. The Act (2003:407).

Section 2

Where the best interest of a child so requires, the social welfare committee may prohibit or limit the possibilities of a person who resides in the municipality receiving other persons' children into their home.

Such prohibition does not include cases where, having regard to special circumstances, the reception of a child into the home is manifestly justified.

Section 3

The municipality shall ensure

- that parents can be offered talks ("co-operation talks"), conducted by an expert, with a view to reaching agreement in matters relating to custody, residence and contact, and
- that parents are helped to conclude agreements as referred to in Chap. 6, Sections 6 and 14 a (2) or Section 15 a (2) of the Children and Parents Code

The municipality shall ensure that couples counselling can be offered, through a municipal agency or otherwise through suitable counsellors, to those requesting it.

For the purposes of this Act, couples counselling is an activity conducted by a public authority or professionally by an individual person and consisting of talks for the purpose of processing interpersonal conflicts in pair relations and families.

Older persons

Section 4

The social welfare committee shall endeavour to ensure that older persons are enabled to live independently and securely and to lead active, meaningful lives in the company of others.

Section 5

The social welfare committee shall endeavour to ensure that older persons obtain good housing and shall provide support and assistance in the home and other readily available services for those in need of the same.

The municipality shall establish special forms of accommodation to provide service and care for older persons in need of special support.

Section 6

The social welfare committee shall make itself closely acquainted with the living conditions of older persons within its boundaries and, in its activation measures, shall disseminate information concerning social services activities in this field.

The municipality shall plan its measures for older persons. In this planning the municipality shall co-operate with the county council and with other public bodies and organisations.

Persons with functional impairment

Section 7

The social welfare committee shall endeavour to ensure that persons who, for physical, mental or other reasons, encounter difficulties in their everyday lives are enabled to participate in the life of the community and to live like others.

The social welfare committee shall help to ensure that the individual has a meaningful occupation and that he is housed in a manner appropriate to his need of special support.

The municipality shall establish accommodation with special service for those who, by reason of such difficulties as are referred to in the foregoing, are in need of such accommodation.

Section 8

The social welfare committee shall make itself closely acquainted with the living conditions of persons within its boundaries with physical and mental functional impairments and, in its activation measures, shall disseminate information concerning social service activities in these fields.

The municipality shall plan its measures for persons with physical and mental functional impairments. In this planning the municipality shall co-operate with the county council and with other public bodies and organisations.

Substance abusers

Section 9

The social welfare committee shall actively ensure that the individual substance abuser receives the assistance and care which he needs in order to overcome his abuse. The committee, acting on consensus with the individual, shall plan the assistance and care and closely monitor compliance with the plan.

Carers

Section 10

The social welfare committee should assist, through support and relief services, persons caring for next-of-kin who are suffering from long-term illness, are elderly or have functional impairments.

Victims of crime

Section 11

The social welfare committee should take steps to ensure that persons subjected to criminal acts and their next-of-kin are supported and helped. In particular the social welfare committee should consider that women who are being or have been subjected to violence or other abuse in the home may need support and assistance in order to change their situation.

Empowerment

Section 12

The Government, or an authority which the Government nominates, may, with a view to initiatives concerning the care of older persons or of persons with functional impairment, issue such protections as are needed for the protection of the life, personal safety or health of individual persons.

Chapter 6. Care in family homes and in homes for care or residence

General provisions on care away from home

Section 1

The social welfare committee shall ensure that persons needing care or accommodation in homes other than their own are admitted to a family home or to a home for care or residence

It is the responsibility of the social welfare committee to ensure that persons received at the instance of the committee into homes other than their own are well cared for.

Care should be designed to promote the common identity of the individual persons concerned with their next-of-kin and others closely connected with them, as well as contact with their home surroundings.

Section 2

Every municipality is responsible for the availability of family homes and homes for care or residence for individual persons and families needing to be cared for and to live away from home. Under Section 3, however, the need for certain homes shall be provided for by the State.

Section 3

The need for homes referred to in Section 12 of the Care of Young Persons (Special Provisions) Act (1990:52) and Sections 22 and 23 of the Care of Abusers (Special Provisions) Act (1988:870) shall be provided for by the State. The National Board of Institutional Care is the central administrative authority for these homes. The Board directs and supervises the activities of the homes.

The National Board of Institutional Care can, if there is special cause for so doing, contract a county council or a municipality to establish and run homes as aforesaid.

A charge for care in a home of the kind referred to in this section may be levied from the municipality which requested the placement.

Section 4

Care in family homes and homes for care or residence shall be conducted in consultation with the social welfare committee. The same applies to homes of the kind referred to in Section 3.

Further regulations concerning care in such homes are issued by the Government or by an authority nominated by the Government.

Special provisions on the reception of children

Section 5

In the placement of children it should in the first instance be considered whether the child can be received by a relative or some other closely connected person. As provided in Chap. 1, Section 2, however, account shall always be had of the best interests of the child.

Section 6

No child may, without the consent of the social welfare committee or a care decision, be admitted, for purposes of permanent care and upbringing, into a private home not belonging to either of his parents or to any other person having custody of him or her.

The social welfare committee may not grant consent or decide about care without conditions in the individual and the feasibility of care in the home having been investigated. If the examination conducted by the committee concerns a home in another municipality, the committee shall inform and consult that municipality before making a decision. The Act (2003:407).

Section 7

The social welfare committee shall

- help to ensure that the children referred to in Section 6 receive good care and upbringing and grow up in generally favourable conditions,
- endeavour to ensure that they receive suitable education, and
- give advice, support and other needful assistance to the custodians and persons caring for such minors.

Section 8

If a child is being cared for, by authority of this Act, in a home which is not its own, the social welfare committee shall review the necessity of this care at least once every six months.

When the child has been placed in the same family home for a period of three years after the implementation of such a placement,

the social welfare committee shall undertake a special consideration of whether there is reason to apply for a transfer of custody under Chapter 6, Section 8 of the Children and Parents Code. The Act (2003:407).

Section 9

Consent, as referred to in Section 6, to the reception of a child for permanent care and upbringing, is granted by the social welfare committee of the custodian's municipality of residence.

The committee, which has granted consent as referred to in Section 6 discharges the obligations referred to in Section 7. The Act (2003:407).

Section 10

Private persons or associations may not conduct activities for the purpose of placing minors in homes referred to in Section 6.

Section 11

If the care of a minor has been transferred to one or two specially appointed custodians with whom the minor was previously placed in a family home, the municipality may continue to pay these custodians a reasonable remuneration.

Intercountry adoptions

Section 12

A child domiciled abroad may not be received for purposes of adoption by a person who is not the child's parent or guardian without the consent of the social services committee. Consent must be obtained before the child leaves the country of domicile.

Consent may only be given if the applicant is suitable to adopt a child. The assessment of suitability must pay particular attention to the applicant's knowledge and insight concerning adopted children and their needs and the implications of the planned adoption, as well as to the applicant's age, state of health, personal qualities and social network. Moreover, prior to adoption the applicant must have taken part in a parenting course assigned by the municipality.

If the applicant has previously adopted a child from abroad, consent may be given even if he or she has not taken part in a parenting course.

The consent will lapse if the child has not been received into the home within two years of consent being given. The Act (2004:770).

Section 13

It is the duty of the person or persons wishing to adopt to notify the social welfare committee of any substantial change in their circumstances during the time for which the consent is valid. The consent should be revoked if the preconditions for the same are no longer satisfied. Revocation can also take place when the child has been received by the person or persons wishing to adopt, if continued residence with them is not compatible with the child's best interests.

Section 14

On a certain child having been proposed for adoption, the social welfare committee shall consider promptly, and at the latest within two weeks of notice to this effect being given by the person or persons wishing to adopt, whether consent shall be granted to continue the adoption procedure. In the case of an adoption procedure to which the Act (1997:191) consequent on Sweden's accession to The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption is applicable, Section 3 of the said Act shall then apply. The time within which consideration as provided in this section shall take place may be extended if there are extraordinary reasons for doing so.

Section 15

Consent as referred to in Section 12, to the reception, with a view to its adoption, of a child domiciled abroad and consent, as referred to in Section 14, to the continuation of the adoption procedure, are granted by the social welfare committee of the applicant's or applicants' municipality of residence.

In cases where consent as referred to in Section 14 has been granted by the social welfare committee in another municipality, that committee instead shall fulfil the duties referred to in Section 7.

Section 16

Provisions concerning the right of authorised associations to mediate children from abroad for adoption in certain cases are contained in the Intercountry Adoption Intermediation Act (1997:192).

Chapter 7. Provisions on private services

Section 1

A company, an association, a corporation (*samfällighet*), a foundation or a private individual may not, without permission

from the county administrative board, professionally provide services in the form of

1. a home for care or residence,
2. special forms of housing accommodation corresponding to those referred to in Chap. 5, Section 5 (2) or Chap. 5, Section 7 (3),
3. homes for certain other whole-day care,
4. homes or non-residential services for care during a limited part of the day or night.

Permission shall be applied for to the county administrative board of the county where services are to be conducted.

No permission is needed for activity which the municipality, by contract as provided in Chap. 2, Section 5, has transferred for performance by an individual person.

Section 2

Permission to provide services as referred to in Section 1 may be granted only if the services meet the requirements of good quality and safety.

Permission may be combined with conditions material to the quality and safety of the services.

If the services are altered or relocated entirely or to a substantial extent, new permission shall be applied for.

Section 3

The provisions of Chap. 11, Sections 5 and 6 apply where relevant to private services coming under the supervision of the county administrative board pursuant to this Act. The documentation shall be preserved for as long as it may be presumed to be material to measures within the services.

Section 4

A document in a personal dossier in private services coming under the supervision of the county administrative board by provision of this Act shall, if so requested by the person to whom the dossier refers, be supplied to that person at the earliest opportunity for reading or transcription on the spot or in the form of a transcript or copy, unless otherwise indicated by Chap. 15, Section 1.

Questions of release as aforesaid are examined by the person responsible for the personal dossier. If it is that person's opinion that the personal dossier or some part of it should not be released, he or she shall immediately refer the matter, together with a

statement of his or her own, to the county administrative board for examination.

Section 5

The county administrative board may resolve that a personal dossier in private services coming under the supervision of the county administrative board by provision of this Act shall be impounded

1. if the activity is discontinued,
2. if there is probable cause to suppose that the personal dossier will not be handled in accordance with the provisions of this Act or in accordance with provisions issued by authority of this Act, or
3. if the person responsible for the personal dossier makes an application to this end and there is a palpable need for the dossier to be impounded.

An impounded personal dossier shall be returned if this is possible and there are no reasons for impoundment pursuant to subsection one. The question of restitution is decided by the county administrative board on application being made by the person who, at the time of the impoundment order, was responsible for the personal dossier.

Personal dossiers impounded shall be separately stored by the archive authority of the municipality where the dossiers were impounded. The personal dossiers shall be preserved for at least two years from the day when they were received by the archive authority. An authority having charge of a personal dossier which has been impounded has, in the event of information from the dossier being requested for a particular case, the same duty of supplying the information as was incurred by the person who was responsible for the dossier prior to its impoundment.

Chapter 8. Charges

Section 1

Measures of support and assistance of a therapeutic nature do not entail financial liability on the part of the individual care recipient. The municipality may, however, except in the case of a minor, levy payment for board and lodging for a person who, owing to abuse of alcohol, narcotic drugs or comparable substances, receives care or treatment in a residential or nursing home or in a family home. The Government is empowered to issue regulations concerning the maximum payment which may be levied per day. For measures of support and assistance other than aforesaid, the municipality may levy reasonable payment.

If, through the agency of the social welfare committee, a child is cared for in a home other than his own, his parents are obliged to make a reasonable contribution, on the terms defined by the Government, towards the expense thus incurred by the

municipality. In cases of this kind, the social welfare committee may receive maintenance allowance payments intended for the child.

The provisions of subsection one shall not apply to services for which a charge has been fixed as provided in Section 2.

Section 2

The municipality may impose reasonable charges, on terms defined by itself, for couples counselling, parenting courses prior to adoption, help in the home, services for children and young persons under Chap. 5, Section 1 other than measures of support and assistance of a therapeutic nature, home-help services, daytime activities, for residence in special forms of accommodation as referred to in Chap. 5, Section 5 (2) or Section 7 (3), or other suchlike social services. The charges, however, may not exceed the cost incurred by the municipality.

With respect to charges for home-help services, daytime activities and for residence in special forms of accommodation, additional provisions are given in Sections 3–9. The Act (2004:770).

Section 3

In this Chapter, the term “price base amount” shall mean the price base amount as determined in accordance with Chap. 1, Section 6 of the National Insurance Act (1962:381). The Act (2001:847).

Section 4

The term “base for charges” shall mean the income that it can be assumed the individual will receive during the next twelve months, divided into equal amounts per month.

This income shall be calculated applying Section 21, subsection one (1–3 and 5) of the Act on Housing Supplements for Pensioners, etc. (2001:761). Income shall also be taken to include special housing supplements under Section 20 of the same Act and housing allowances under the Housing Allowances Act (1993:737). When setting charges, a municipality may decide that income shall be calculated in a manner that is more advantageous to the individual. With respect to married persons, an individual’s income shall be considered to constitute half of the couple’s combined incomes. The Act (2001:847).

Section 5

The charges set for an individual may

1. for home-help services and daytime activities, together with the charges referred to in Section 26, subsection three of the Health

and Medical Services Act (1982:763), amount to no more than one twelfth of 0.48 times the price base amount per month.

2. for residence in special forms of accommodation, amount to no more than one twelfth of 0.50 times the price base amount. (The Act (2001:847)).

Section 6

The charges set under Section 5 may not amount to a sum so large that the individual is not left with sufficient money out of his or her base for charges to cover his or her personal needs and other normal living expenses (reserve sum). Furthermore, when setting the charges, the municipality shall ensure that the care recipient's spouse or cohabitant does not suffer an unreasonable deterioration in his or her financial situation. If the charges are based on the individual's capacity to pay, the base for charges shall be calculated in accordance with Section 4. The Act (2001:847).

Section 7

The municipality shall determine the individual's reserve sum by calculating the individual's living expenses, excluding housing costs, on the basis of a set minimum amount. The cost of housing shall be calculated separately and added to the set minimum amount. No exemption shall, however, be made for housing costs such as are described in Section 5.

The set minimum amount per month shall, unless otherwise indicated in Section 8, always constitute at least a twelfth of

1. 1.294 times the price base amount for single persons, or
2. 1.084 times the price base amount each for spouses or cohabitant.

The set minimum amount described in subsection 1 shall cover normal expenses for food, clothing, footwear, leisure, health and hygiene, a daily newspaper, a telephone and a television licence fee, household insurance, outpatient health services, dental care, domestic electricity supply, disposable articles, journeys, furniture, household equipment and pharmaceuticals. The Act (2001:847).

Section 8

The municipality shall raise the set minimum amount by a reasonable degree if the individual owing to special circumstances, has permanent needs of an amount that is not inconsiderably higher than the amount indicated in Section 7, subsection two.

The municipality may reduce the set minimum amount by a reasonable degree if the individual does not have costs for any such items as indicated in Section 7, subsection three, because

1. this cost is included in the charge for home-help services and daytime activities,

2. the cost is included in the charge for rent for residence in special forms of accommodation, or
3. this item is provided free of charge. (The Act (2001:847)).

Section 9

The municipality shall adjust a charge if any circumstance that influences the size of the charge has changed. If the adjustment is due to changes in the price base amount, the charge may be adjusted without prior notice.

An adjustment of the charge shall apply beginning from the month after the month in which the cause of the change has arisen. An adjustment of the charge shall, however, apply beginning from the month in which the circumstances that cause the change have arisen, if these circumstances have reference to the whole month. The Act (2001:847).

Chapter 9. Recovery etc.

Section 1

If, through incorrect information, through omission to supply information or in some other way a person has caused financial assistance as referred to in Chap. 4, Section 1 to be paid improperly or at an excessive rate, the social welfare committee may recover the excess.

If, in a case other than referred to in the foregoing, a person has received such financial assistance improperly or at too high a rate and ought reasonably to have realised this, the social welfare committee may recover the excess.

Section 2

The social welfare committee may, in cases other than referred to in Section 1, recover assistance received by the individual pursuant to Chap. 4, Section 1 only if it was provided

1. as an advance on a benefit or compensation,
2. to a person involved in an industrial dispute, or
3. to a person who, owing to circumstances over which he had no control, was prevented from disposing of his own income and assets.

If financial assistance has been given in a case other than referred to in Chap. 4, Section 1, the social welfare committee may recover the assistance if it was given subject to repayment.

A decision concerning financial assistance which may come to be recovered under this section shall be in writing. The decision shall contain particulars of the circumstance or circumstances constituting grounds for the duty of repayment under this section. The individual shall be served with the decision.

Section 3

If the social welfare committee wishes to bring proceedings concerning reimbursement withheld by a private person for financial assistance as referred to in Section 1 or 2 or for municipal expenditure as referred to in Chap. 8, Section 1 (1) or (2), the proceedings shall be filed with the county administrative court within three years of the expense being incurred by the municipality. Proceedings shall be filed with the county administrative court within whose jurisdiction the individual resides.

A reimbursement claim may not be allowed if reimbursement of part or the whole of the expense concerned would presumably deprive the debtor of the wherewithal for his sustenance or other daily living, or if there are other extraordinary reasons why the claim should not be allowed.

Section 4

Reimbursement claims coming under Sections 1 and 2 and Chap. 8, Section 1 (1) and (2) may be partially or entirely waived by the social welfare committee.

Chapter 10. Committees

The social welfare committee

Section 1

The provisions of the Local Government Act (1991:900) concerning municipal committees apply to a municipal social welfare committee.

Section 2

The social welfare committee, acting directly or through its attorney, shall represent the municipality in legal proceedings and other matters devolving upon the social welfare committee under this Act or other statutory instruments.

Section 3

The social welfare committee shall make such representations as it finds appropriate to the municipal council, the municipal executive board and other municipal committees, and also to other authorities.

The social welfare committee may request statements and information from the municipal executive board and other municipal committees, and from drafting committees and officials in its own municipality, when its activities so require.

Delegation of authority

Section 4

Authorisation to make decisions on behalf of the social welfare committee may be given only to a special department consisting of members or alternates of the committee in matters incumbent on the committee under Chap. 6, Sections 6, 8, 12 and 13 of this Act, Sections 4 and 6, Section 11 (1) and (2), Section 13, Section 14 (3), Sections 21, 22, 24, 26, 27 and 43 of the Care of Young Persons (Special Measures) Act (1990:52) and Sections 11 and 13 of the Care of Alcoholics, Drug Abusers and Users of Volatile Solvents (Certain Cases) Act (1988:870).

The foregoing also applies in cases coming under Chap. 6, Section 14, if consent is refused, and decisions pursuant to Chap. 9, Section 3 to bring proceedings for recovery as provided in Chap. 9, Section 1.

Section 5

Powers to make decisions on behalf of the social welfare committee pursuant to the Children and Parents Code may only refer to matters enumerated in the following provisions:

- Chap. 1, Section 4 of the Children and Parents Code,
- Chap. 2, Sections 1, 4–6, 8 and 9 of the Code of Parenthood and Guardianship, though not authority under Section 9 to decide not to open an investigation or to close an investigation which has been opened,
- Chap. 3, Sections 5, 6 and 8 of the Children and Parents Code,
- Chap. 6, Sections 6, 14a (2) and 15a (2) of the Children and Parents Code,
- Chap. 6, Section 19 of the Children and Parents Code, concerning decisions to appoint an investigator in cases and proceedings concerning custody, accommodation or access,
- Chap. 7, Section 7 of the Children and Parents Code, concerning the approval of agreements for maintenance to be paid for periods of more than three months,
- Chap. 11, Section 16 (2) of the Children and Parents Code.

Nor may powers to make decisions on behalf of the social welfare committee include the power to make orders in matters referred to in Chap. 5, Section 2 of this Act or to discharge the tasks of the social welfare committee under Section 5 of the

General Child Allowances Act (1947:529) or Section 17 of the Maintenance Support Act (1996:1030).

Section 6

Provisions concerning entitlement to make certain decisions in the place of the social welfare committee are contained in the Care of Young Persons (Special Provisions) Act (1990:52) and the Care of Abusers (Special Provisions) Act (1988:870).

Chapter 11. Handling of business

Section 1

The social welfare committee shall without delay open an investigation of matters which have been brought to its knowledge by application or otherwise and which may occasion action by the committee.

Information emanating from an investigation and material to the determination of a matter shall be securely stored.

Section 2

In an investigation as to whether the social welfare committee needs to intervene for the protection or support of a minor, the committee, in order to assess the need for measures, may consult experts and otherwise make such contacts as are needed. The investigation shall be conducted in such a way that no person is unnecessarily exposed to injury or inconvenience. It should not be made more extensive than is justified by the circumstances of the matter.

The investigation shall be conducted with dispatch and shall be completed within four months at the latest. The social welfare committee may decide to prolong the investigation for a fixed term if there are special reasons for so doing.

The person affected by such an investigation shall be informed that an investigation is being opened.

Section 3

When a child needs to be cared for in a home other than its own, a plan shall be drawn up for the care which the social welfare committee intends to arrange. The plan shall also include measures and initiatives for which other mandators are responsible.

Section 4

It is the duty of the social welfare committee to conclude an investigation as referred to in Section 2 and to make a decision in

the matter, even if the minor changes his municipality of residence. The same applies if an investigation has been opened as provided in Section 1 and the matter concerns the care of a substance abuser. It is the duty of the new municipality of residence, upon request, to assist in the investigation that the social welfare committee may need to conduct in order to make a decision in the matter.

The foregoing shall not apply if the new municipality of residence consents to take over the investigation of the matter. The Act (2003:407)

Section 5

The handling of matters relating to individual persons and the implementation of decisions concerning supportive measures, care and treatment shall be documented. The documentation shall show decisions and measures taken in the matter and factual circumstances and events of importance.

Documents concerning the personal circumstances of individuals shall be stored so as to be inaccessible to unauthorised persons.

Section 6

Documentation shall be drawn up with respect for the privacy of the individual. The individual shall be kept informed of the record entries and other notes made concerning him. If the individual considers any entry in the documentation to be incorrect, a note shall be made to this effect.

Section 7

The social welfare committee shall apply the provisions of Section 13 of the Administrative Procedure Act (1986:223) concerning consultation in all matters.

Section 8

In matters coming before the social welfare committee and concerning the exercise of authority *vis-à-vis* a private person, the committee shall apply the following provisions of the Administrative Procedure Act (1986:223):

- Section 14 (1), concerning the entitlement of a party to communicate by word of mouth,
- Sections 16 and 17, concerning the entitlement of a party to information,
- Section 20, concerning the statement of grounds for decisions,
- Section 21, concerning notification of decisions,
- Section 26, concerning the correction of clerical errors and suchlike.

The provisions of Sections 16 and 17 of the Administrative Procedure Act shall not, however, apply to particulars concerning any other applicant in a matter relating to housing accommodation as referred to in Chap. 5, Section 5 (2) or Section 7 (3) or concerning any other such social service.

The provisions of subsection one shall also apply concerning an application or a statement to another authority in judicial proceedings or business concerning the exercise of authority by the same vis-à-vis an individual person.

Section 9

Whoever shall, under Section 8, be given the opportunity of making a statement under Section 17 of the Administrative Procedure Act (1986:223) is entitled to gain access to the committee, failing special reasons to the contrary.

A person given the opportunity of making a statement shall be informed of his right of access to the committee.

Section 10

Children aged 15 and over are entitled to represent themselves in judicial proceedings and other matters coming under this Act.

Children under this age should be given a hearing if this may help the investigation and may not be presumed harmful to themselves.

Section 11

The social welfare committee is entitled to request particulars from the Swedish Social Insurance Agency or approved unemployment insurance funds concerning financial assistance given to private persons involved in matters coming before the committee. The social welfare committee is further entitled to obtain particulars which have been supplied to the municipality in matters of financial assistance under the Induction Allowances (Refugees and Certain Other Aliens) Act (1992:1068). The Act (2004:851).

Section 12

In judicial proceedings and business under this Act relating to the exercise of authority vis-à-vis private persons, documents may not be served as provided in Section 12 or 15 of the Service of Process Act (1970:428).

Chapter 12. Data processing

Elimination of data

Section 1

Notes and other particulars in a personal dossier kept by the social welfare committee and belonging to a compilation of data as referred to in the Act on Processing Data by the Social Services (2001:454) shall be eliminated five years after the final note in the dossier. No data elimination shall take place, however, as long as the particulars concerning the same person have not been eliminated by the committee pursuant to subsection two.

Particulars in compilations such as referred to in the Act on Processing of Data by the Social Services shall be eliminated five years after the cessation of the circumstances to which the data refers.

Data elimination shall be completed not later than the calendar year after that in which the obligation to eliminate data arose. The Act (2003:135).

Section 2

The following documents may not be eliminated by authority of the provisions of Section 1, paragraph one:

1. documents received or compiled in connection with a paternity investigation,
2. documents received or compiled in connection with an adoption investigation,
3. documents received or compiled in connection with a child having been placed or received in a home for care or residence, in a family home or in another private home not belonging to either of his or her parents or to some other person having custody of the child.

Agreements pursuant to Chap. 6, Section 6, Section 14 a (2) or Section 15 a (2) of the Children and Parents Code which have been approved by the social welfare committee may not be eliminated before the child is eighteen years old.

Documents shall further be excluded from elimination under the provisions of Section 1 out of consideration for research needs for a representative sample of municipalities and in other municipalities as regards a representative sample of persons. The Act (2003:135).

Section 3

has been rescinded by Act 2003:115.

Section 4

has been rescinded by Act 2003:135.

Duty of the social welfare committee to furnish information etc.

Section 5

Data from personal registers shall, in accordance with more detailed provisions issued by the Government, be supplied by the social welfare committee to the National Board of Health and Welfare for essential statistical purposes.

Section 6

Particulars from personal registers shall be supplied to national authorities by the social welfare committee when requested for research purposes, provided this can be done without any risk of detriment to the individual or to a person closely connected with him or her.

Section 7

The social welfare committee shall, when requested to do so by any other authority, supply that authority with particulars concerning financial assistance rendered, if the purpose of the request is to avoid incorrect disbursements from public funds or incorrect tax assessment.

If the social service tasks of the municipality are performed by more than one committee, every such committee shall, to the extent requested, supply the others with

1. information that a person forms the subject of a matter coming before the social services, and
2. the particulars needed for administering the allocation of places in special forms of housing accommodation within the municipality.

The duty of information under subsection two does not apply to particulars which are confidential under Chap. 7, Section 4 (2) of the Secrecy Act (1980:100).

Section 8

If a person has been committed by criminal sentence for care within the social services, the social welfare committee shall notify the prosecution authority in the event of the care or other measures indicated in the care plan failing to materialise.

The same applies if the person committed for care within the social services breaches a provision issued by authority of Chap. 31, Section 1 (3) point 2 of the Penal Code.

Section 9

If in the course of its activity the social welfare committee has observed anything to suggest that new preparations are being employed for abuse or that changes are occurring in the abuse pattern of known preparations, the committee shall without delay inform the National Institute of Public Health to this effect.

Section 10

Chap. 1, Section 5 of the Secrecy Act (1980:100) provides that, official secrecy notwithstanding, the social welfare committee may report to the police any criminal offence impeding the committee's activity. The same applies, under Chap. 14, Section 2 (5) of the same Act, to certain offences against children. The same section also provides that secrecy does not prevent information concerning suspicion of a crime for which a penalty of not less than two years' imprisonment is prescribed being given to a prosecution authority, a police authority or some other authority charged with taking action against the crime.

Official secrecy notwithstanding, the social services shall supply

1. information as to whether a person is living in a home for care or residence, if the information is requested, with reference to a particular case, by a court of law, a prosecution authority, a police authority, an enforcement authority or The Swedish National Tax Board,
2. information about a student, if material to proceedings concerning his exclusion from higher education.

Chapter 13. Supervision of social services

Section 1

The National Board of Health and Welfare is responsible for the supervision of social services throughout the country. The Board shall observe and develop social services. General Recommendations are issued by the National Board of Health and Welfare to facilitate the implementation of this Act.

Section 2

Within its county, the county administrative board shall

- observe the implementation of this Act by the social welfare committees,
- inform and advise the general public in matters relating to social services,
- assist the social welfare committees in an advisory capacity,

- encourage co-operation between municipalities and other public agencies in the context of social services,
- endeavour to ensure that the municipalities plan so as to be able to meet future needs for assistance in the form of assistance in the home and housing accommodation as referred to in Chap. 5, Section 5 (2) and Chap. 5, Section 7 (3).
- ensure in other respects that the social welfare committees discharge their tasks in an appropriate manner.

Section 3

The county administrative board is responsible for the supervision of

1. activities for which permission is required under Chap. 7, Section 1 (1),
2. activities the performance of which the municipality has, by contract as provided in Chap. 2, Section 5, transferred to an individual person,
3. private activity other than referred to in points 1-2, from which the municipality procures services for the discharge of obligations under this Act.

Section 4

The county administrative board is entitled to inspect such activities and may obtain the information and study the documents needed for supervision.

It is the duty of the party whose activities are inspected to furnish the assistance necessary for the inspection.

Section 5

An activity for which permission is required under Chap. 7, Section 1 (1) comes under the continuous supervision of the social welfare committee in the municipality where the activity is located. The committee is entitled to inspect the activity and may obtain the information and study the documents needed for supervision.

In the event of abuses in a private activity under the supervision of the county administrative board coming to the knowledge of the social welfare committee, the social welfare committee shall notify the county administrative board accordingly.

Section 6

If an abuse occurs in

1. a home for care or residence other than of the kind referred to in Chap. 6, Section 3,
2. a private activity coming under the supervision of the county administrative board as provided in Section 3,

3. home-help services,
 4. accommodation as referred to in Chap. 5, Section 5 (2) and Chap. 5, Section 7 (3),
 the county administrative board may order the person responsible for the activity to rectify the abuse.

An order shall contain particulars of the measures which the supervisory authority considers necessary in order for the abuse indicated to be remedied.

If the abuse is serious and the order issued by the county administrative board is not complied with, the county administrative board may prohibit the continuation of the activity.

Section 7

Has been rescinded by Act 2002:437.

Chapter 14. Reporting of abuses

Section 1

Any person receiving information of a matter, which can imply a need for the social welfare committee to intervene for the protection of a child should notify the committee accordingly.

Authorities whose activities affect children and young persons are duty bound, as are other authorities in health care, medical care other forensic psychiatric investigation services and social services, prison and probation services to notify the social welfare committee immediately of any matter which comes to their knowledge and may imply a need for the social welfare committee to intervene for the protection of a child. The same applies to persons employed by such authorities. The same duty of notification also applies to persons active within professionally conducted private services affecting children and young persons or any other professionally conducted private services in health and medical care or in the social services field. Where couples counselling services are concerned, the provisions of subsection three shall apply instead.

It is the duty of persons employed in couples counselling to notify the social welfare committee immediately if in the course of their activity it comes to their knowledge that a child is being sexually abused or subjected to physical or mental abuse in the home.

It is the duty of public authorities, officials and professionally active persons as referred to in subsection two to furnish the social welfare committee with all particulars which may be material to an investigation of a child's need of protection.

The provisions of Section 3 of the Children's Ombudsman Act (1993:335) apply concerning reports by the Children's Ombudsman. The Act (2003:407).

Section 2

Every person active in caring services for older persons or for persons with functional impairment shall verify that these persons receive good care and have secure living conditions. Whoever observes or becomes apprised of a serious abuse in the care of any individual shall report the matter immediately to the social welfare committee. If the abuse is not rectified without delay, the committee shall report the matter to the supervisory authority.

The foregoing also applies to professional private activity of a similar kind. The report shall be made to the party responsible for the activity. It is incumbent on the party responsible to rectify the abuse or to report the same to the supervisory authority.

Chapter 15. Confidentiality

Section 1

A person who is or has been active in professional private activity relating to measures under this Act may not improperly disclose matters thus coming to his knowledge concerning the personal circumstances of individuals.

Section 2

A person who is or has been active in private couples counselling may not improperly disclose information given in confidence by an individual or obtained in connection with the counselling.

Section 3

Public sectors activities are subject to the Secrecy Act (1980:100).

Chapter 16. Sundry provisions

Transfer of business

Section 1

A matter concerning care or any other measure relating to an individual person may be transferred to another social welfare committee.

A matter shall be transferred if the person concerned is most closely attached to the other municipality and if it appears appropriate in view of the individual's need for assistance and other circumstances.

If the municipalities concerned are unable to agree on a transfer, the municipality in which the issue has arisen may apply to the county administrative board in whose jurisdiction the other municipality is situated for the business to be transferred.

Information needed by a social welfare committee to enable it to take over a matter shall be released to it by the social welfare committee, from which the transfer is made. The Act (2003:407).

Municipal responsibilities in certain cases

Section 2

If, by order of a social welfare committee, a person is living in another municipality in a family home, a home for care or residence or a form of housing accommodation or a home referred to in Chap. 5, Section 5 (2), Chap. 5, Section 7 (3) and Chap. 7, Section 1 (1), point 2, the municipality which ordered the residence is responsible for the assistance under Chap. 4, Section 1 and the individually needs-tested support and the individually needs-tested social services under Chap. 3, Section 6 and Chap. 5, Sections 1 and 9 which the individual may need. The responsibility of the placement municipality ends if the matter is transferred as provided in Section 1.

The municipality of which the individual is a registered resident has the same responsibility as a placement municipality under subsection one for assistance, support and social services

1. during penal servitude,
2. during care in a hospital or other medical institution on the initiative of a party other than a municipality,
3. if the question thereof was raised prior to the conclusion of care as referred to in point 1 or point 2.

Appeals

Section 3

Decisions by the social welfare committee may be contested by appeal to an administrative court if the committee decision concerns

- an application under Chap. 2, Section 3,
- assistance under Chap. 4, Section 1,
- refusal or reduction of further livelihood support under Chap. 4, Section 5
- prohibition or restriction under Chap. 5, Section 2,
- consent under Chap. 6, Section 6,
- consent under Chap. 6, Section 12,
- revocation of consent under Chap. 6, Section 13,
- consent under Chap. 6, Section 14 or
- charges or reserve sums under Chap. 8, Sections 4–9.

Decisions in matters referred to in subsection one apply immediately. A county administrative court or administrative court of appeal may, however, order that its decision shall not be enforced until it has acquired force of law. The Act (2004:770).

Section 4

Decisions by the county administrative board in matters concerning permission under Chap. 7, Section 1, the impoundment of personal dossiers under Chap. 7, Section 5, injunctions or prohibitions under Chap. 13, Section 6 or transfer of matters under Chap. 16, Section 1 may be appealed to an administrative court.

As regards appeals against decisions by a county administrative board under Chap. 7, Section 4, the provisions of Chap. 15, Section 7 of the Secrecy Act (1980:100) shall apply where relevant.

An order by the county administrative board concerning the impoundment of a personal dossier pursuant to Chap. 7, Section 5, and concerning an injunction or prohibition under Chap. 13, Section 6, as well as a corresponding decision by a court of law, shall take effect immediately. The police authority shall furnish the assistance needed in order to give effect to a decision concerning the impoundment of a personal dossier. The Act (2003:407).

Section 5

Recourse to the administrative court of appeal against a decision made pursuant to this Act is subject to the grant of a review dispensation.

Fines

Section 6

Fines shall be imposed on persons

- infringing a prohibition or restriction made by authority of Chap. 5, Section 2,
- disregarding any of the provisions of Chap. 6, Section 6 (1) or Section 12 (1), unless the offence be punishable under Section 10 of the Intercountry Adoption Assistance Act (1997:192),
- operating, without permission, an activity as referred to in Chap. 7, Section 1,
- continuing activities despite a prohibition made pursuant to Chap. 13, Section 6.

Criminal proceedings may only be instigated with the consent of the social welfare committees, the county administrative board or the National Board of Health and Welfare. The Act (2004:770).

Special charge

Section 6 a

A municipality that fails, without undue delay, to provide assistance under Chap. 4, Section 1 to which a person is entitled by the decision of a court shall be required to pay a special charge.

This charge is payable to the State. The Act (2002:437).

Section 6 b

The minimum special charge set shall be ten thousand kronor and the maximum one million kronor.

When the size of the charge is determined, special account shall be taken of how long the delay has continued and how serious it can be considered in other respects.

The charge may be waived if there are exceptional grounds for doing so. No charge shall be payable in trivial cases. The Act. (2002:437).

Section 6 c

Matters relating to special charges shall be examined, upon application, by the county administrative board of the county administrative court in whose jurisdiction the municipality is situated. The Act (2002:437).

Section 6 d

If a municipality still fails to provide assistance after having been required to pay a special charge, a further special charge may be imposed.

A special charge may be imposed only if an application under Section 6 c has been delivered to the municipality within two years of the decision on assistance gaining legal force. The Act (2002:437).

Intoxicants etc.**Section 7**

Insofar as the mandator of a home for care or residence operated by a county council or a municipality so decides, the persons cared for there may not have alcohol or other intoxicants in their possession. The same applies concerning syringes or needles which can be used for injection into the human body.

Any such property found on the person of an inmate or anywhere else in the home without its ownership being known may be impounded. The person in charge of the home shall have the property destroyed or sold in compliance with the provisions relating to confiscated property in Section 2 (1) (1) of the Forfeiture Act (Alcoholic Beverages Etc.) (1958:205). The proceeds of sale accrue to the State.

Unitary authorities

Section 8

The provisions of this Act concerning county councils shall also apply to municipalities not belonging to any county council area.

Social services in wartime etc.

Section 9

The Government may issue special provisions concerning social services under this Act if the country comes to be at war or in danger of war or if extraordinary conditions prevail as a result of the state or danger of war in which the country has been involved.

For the Government of Sweden,

LENA HJELM-WALLÉN

LARS ENGQVIST
(Ministry of Health and Social
Affairs)

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1. This Act enters into force on 1st January 2002, when the Social Services Act (1980:620) shall cease to apply.
 2. A permit or prohibition issued under the old Act shall be deemed a permit or prohibition under the present Act.
 3. An appeal against a decision made by a social welfare committee or a county administrative board prior to the entry into force of this Act shall be tried in accordance with the provisions of the old Act.
 4. An application, made prior to the entry into force of this Act but with reference to time subsequent to 1st January 2002, for permission to conduct an activity as referred to in Chap. 7, Section 1, shall be examined in accordance with the provisions of this Act.