



FOLKETINGET
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RIGSREVISIONEN

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submitted to the Public Accounts Committee

The National Social Appeals Board's supervision and use of reactions in cases of breaches of the laws

1. Introduction

1.1. Purpose and conclusion

1. This report concerns the National Social Appeals Board's supervision of whether municipalities and regions comply with legislation in the social sector, and the National Social Appeals Board's use of reactions in cases where the law has not been complied with.

2. There are several examples of breaches of the law occurring in the case handling by municipalities in the social sector. This is, for example, the case in the area concerning children, where the National Social Appeals Board's Child Case Barometer shows that municipalities have difficulties complying with key legal requirements in a number of cases concerning vulnerable children and young people. The same applies to the adult area, where the National Social Appeals Board reverses a relatively large proportion of the cases where citizens have appealed the municipality's decision.

There is a risk that citizens may not receive the help and support to which they are entitled when a municipality or a region fails to comply with the law. The National Social Appeals Board's supervision is intended to help safeguard citizens' legal rights in, among other things, the social sector.

The National Social Appeals Board's supervision is organised as an independent and autonomous unit within the National Social Appeals Board. The supervision function falls under the jurisdiction of the Ministry of the Interior and Health. In addition to the supervision, the National Social Appeals Board is responsible for handling appeals concerning decisions made by municipalities and for coordinating practices across authorities. It should be emphasised that the supervision constitutes only a small part of the National Social Appeals Board's activities.

3. The supervisory unit independently selects the cases it wishes to examine. It is also the supervisory unit itself that decides how to react in order to correct unlawful practices in the social sector. This is done within the framework of the Local Government Act. However, the Ministry of the Interior and Health may instruct the supervisory unit to take up specific cases.

4. In June 2024, the Danish Parliament's Social Affairs Committee requested the Danish Public Accounts Committee to provide audit assistance for a study of the National Social Appeals Board's supervision and use of sanction options. The Danish Public Accounts Committee accommodated the Social Affairs Committee's request and, in August 2024, requested Rigsrevisionen to initiate a study.

5. The purpose of the study is to assess whether the National Social Appeals Board carries out satisfactory supervision of municipalities and regions in the social sector. We answer the following questions in the report:

- Does the National Social Appeals Board plan and carry out satisfactory supervision of municipalities and regions in the social sector?
- Does the National Social Appeals Board use the reactions provided for in the legislation in the social sector?



Conclusion

The National Social Appeals Board's supervision of municipalities and regions in the social sector is not satisfactory. The supervision is characterised by long case processing times. In addition, the supervisory unit does not work systematically to obtain documentation and follow up on cases. The consequence is that municipalities and regions may continue unlawful practices for extended periods, which undermines citizens' legal rights.

The National Social Appeals Board's planning of the supervision is satisfactory, but the execution is not satisfactory

The National Social Appeals Board's supervisory unit has established practices and guidelines for selecting and prioritising cases. In addition, the various units within the National Social Appeals Board's office cooperate and share knowledge in order to identify cases for supervision. Rigsrevisionen finds this satisfactory.

However, there are shortcomings in the way the supervision is carried out. The supervision primarily relies on statements from municipalities and regions. This means that the supervision usually only sees the municipality's or region's version of the case and rarely sees documentation that a municipality or region has corrected an unlawful situation. The consequence is that the supervision depends on citizens or others to notify them of municipalities and regions that have still not established lawful practices. Furthermore, the study shows that the supervision does not systematically follow up on closed cases.

The supervisory unit states an expected case processing time of 8 months. This expected case processing time was not met in 34% of cases in 2023 and in 25% of cases in 2024. In both 2023 and 2024, the average case processing time for the cases examined was approximately 1 year. This means that it takes a long time before the supervision reacts to an unlawful practice.

The National Social Appeals Board only uses advisory opinions as a reaction to unlawful administration

The National Social Appeals Board's supervisory unit only uses an advisory opinion when it identifies a breach of the law in a municipality or a region. The legislation makes it difficult for the supervisory unit to apply sanctions in cases in the social sector. This is primarily because breaches in this area typically involve issues related to the quality of case processing rather than deliberate decisions made by the municipal council. In order for the supervision to impose sanctions, for example, compulsory fines, there must be evidence of deliberate decisions.

Rigsrevisionen finds that as long as the current legal conditions for applying sanctions remain unchanged, the supervision will rarely be able to use them.

Rigsrevisionen recommends that the National Social Appeals Board's supervisory unit considers whether - given the seriousness of the cases - it is necessary to obtain documentation and follow up on closed cases more systematically. Rigsrevisionen also recommends that the supervisory unit sets actual targets for case processing times, and that these targets differ for cases that are rejected and cases that are examined.