

Sara Carlbaum
Umeå University
sara.carlbaum@umu.se

Abstract

This paper explores the development of complaint systems in Swedish education since the early 1990s. While several studies have examined complaint systems and procedural rights in other welfare services in the light of changes in the welfare state, comparable studies in education are rare. I map the justifications for providing complaint systems by analysing official government documents, laws, statutes, reports and materials, and examine the prevalence of complaints in order to discuss implications for voice options. Drawing on the literature detailing changes in the welfare state and on exit/voice theories, I demonstrate that complaints have been reinforced on an ongoing basis through legislation, regulation, and the introduction of the Child and School Student Representative (CSSR) for equal rights and the Swedish Schools Inspectorate (SSI), bolstered by student rights arguments. Strengthening individual voice options parallel to choice and exit options not only has positive effects in terms of giving students opportunities for redress but also risks weakening collective voice options and motivations for participation in collective action. Increased use of complaint systems indicates the growing importance of individual problem-solving strategies with reference to laws constructing a contractual relationship between students and education providers.

Introduction

The Swedish welfare state has been transformed in recent decades. In the 1990s, the Committee on Democracy and Power (SOU 1990:44) deemed Swedish democracy and the welfare state to be non-conducive to a prosperous future. The Swedish model was said to be no longer viable and a new contract was needed to create a new balance of rights and duties and to promote autonomous and self-reliant citizens (SOU 1990:44). Discussions of the lack of individual rights and a “dependency culture” created by paternalistic welfare states (Lister et al., 2007; Rose, 1999; Trägårdh & Svedberg, 2013) shifted the focus from macro democracy to micro democracy and the belief that citizens should be empowered in their everyday encounters with welfare services (Möller, 1996). Participation, influence, and a “will to empower” (Cruikshank, 1999) were prominent in this “politics of activation” (Dahlstedt, 2009a), with the aim of improving choice and voice options for citizens as service-users. While choice, marketisation, and welfare service privatisation have been extensively researched (Blomqvist & Rothstein, 2000; Bunar, 2010a; Lundahl, Erixon Arreman, Holm, & Lundström, 2014; Rönnberg, Strandberg, Whilborg, & Winblad, 2013; Skawonius, 2005), along with collective voice options such as various forms of participatory boards and user influence (Dahlstedt, 2009b; Feltenius & Wide, 2015; Rönnlund, 2011), systems for complaints and user rights have been examined mainly within the areas of health care (Brännström, 2009; Nordgren, 2003; Reader, Gillespie, & Roberts, 2014), elderly care (Harnett, 2010; Kjellberg, 2012; Möller, 1996), and

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*Sara Carlbaum is a Doctor in Political Science and a researcher at Umeå University, Sweden. Her research centres on education policy and governance, with a focus on evaluation, school inspection and marketisation. Particular interests are citizenship constructions, social justice, gender, rights and equity.

social security (Lind, 2009; Sinding-Aasen, Gloppen, Magnussen, & Nilssen, 2014). Several official government reports have focused on improving patient rights and power within health care (SOU 2013:44; SOU 2015:14; SOU 2015:102). A study of Norway and Germany has compared and assessed procedural justice in complaint systems (Crosby, 2013). In the field of education, Swedish education in particular, studies of complaint systems are rare. Exceptions are Möller's (1996) study of dissatisfaction and voice options in childcare and elderly care and Waldow's (2014) comparative study of examination systems and procedural justice in Sweden, England, and Germany.

The aims of this paper are therefore: (1) to map the development of and justifications for regulating complaint options in preschool, compulsory school, and upper secondary school since the early 1990s; (2) to map the prevalence of parental and student use of complaint options; and (3) to discuss implications of the development of complaint systems in the Swedish education system for voice options at both the individual and collective levels.

Today parents and students can file complaints concerning school shortcomings with the Swedish Schools Inspectorate (SSI) and concerning degrading treatment with the Child and School Student Representative (CSSR). Parents and students can file complaints concerning harassment and discrimination with the Equality Ombudsman. They can also turn to education providers, i.e., municipalities or the private providers of independent schools, which are obliged to have procedures and documented management systems to process complaints. There are other similar ways for parents and students to voice their concerns, for example, through appeals to the Board of Appeals in Education and through litigation, however, the focus of this paper is limited to complaints, which today usually concern degrading treatment or lack of special support measures in relation to compulsory school.

The paper begins by describing the Swedish education system before elaborating on changes in the welfare state and on the exit and voice options for conveying influence and dissatisfaction. The research methods and materials used are then discussed before I present an analysis answering each research question and then finally present the conclusions.

The Swedish education system

Two reform periods have characterised the Swedish education system in recent decades. In the early 1990s, what was previously detailed central regulation of education was relaxed, allowing municipalities and schools to control their own budgets and school organisations as long as national goals were met. A goal- and results-based curriculum was introduced along with a goal-referenced grading system (Hudson & Lidström, 2002; Wahlström, 2002). In addition, free school choice and independent schools, free of charge and tax funded through voucher systems, changed the education scene (Blomqvist & Rothstein, 2000). The large majority of students still attend public municipal schools, but about 15 per cent attend independent compulsory schools, 20 per cent independent preschools, and

25 per cent independent upper secondary schools (National Agency for Education, 2016). Independent schools are more common in highly populated areas, however, free school choice has affected the system as a whole (Lundahl et al., 2014; National Agency for Education, 2012b). Englund (1996) describes these reforms as a shift from education as a “public good” to schooling as a “private good”. Education as a public good refers to education understood in terms of collective social rights for citizenship training in which everyone should be granted equal education as determined through representative democracy. Education as a private good refers to education understood in terms of individual civil rights supporting private interests in which individual students and parents have the right to choose, determining the content and form of education.

During the first reform period in the 1990s, student influence was on the agenda with an emphasis on democracy and citizenship through student councils and student influence over pedagogy and curriculum (Broman, 2009; Brumark, 2010; Öhrn, Lundahl, & Beach, 2011). Family–school cooperation and relations have a long history, however, in the 1990s parental influence was strengthened through initiating more formalised collaborations and partnerships, such as parental participation boards (SOU 1997:121). There was also a trial period when schools were controlled by local school boards on which parents had the most seats and the right to make decisions on school matters (Kristoffersson, 2008; NAE, 2001). Today schools can have local school boards, but legal guardians/parents cannot be in the majority (SFS 2010:800).

A new area for reform commenced in the early 2000s. School inspections were reinstated in 2003, and a new government agency, the SSI, was established in 2008 (Rönnerberg, 2012). Ushering in evaluations, rankings, quality audits, a new curriculum and national testing, this reform period has been described as the reregulation and recentralisation of a highly decentralised education system (Lindgren, Lundström, & Hanberger, 2016; Rönnerberg, 2012).

Exit and voice options in a changed welfare state

The welfare systems that arose from a social democratic ethos of safeguarding the community, promoting social equality, and guaranteeing justice and fairness resulted in the development of universal social rights, including the entitlement to education, childcare, health care, and a pension (Marshall, 1992). The expansion of social rights is said to have marginalised the rights of individuals, however, rendering them dependent on the state for social insurance and social services (Lundberg & Tydén, 2010; Trägårdh, 1999a, 1999b). According to Trägårdh and Svedberg (2013, p. 8), social rights in Sweden have primarily taken the form of collective social rights – “that is, rights that are in a strictly juridical sense (individual, claimable, enforceable in a court of law) not rights at all, even if they are often seen and spoken about as such”. Instead of traditional participatory ideals of parliamentary democracy and participation through voting in elections and political party, union, and interest group membership (Bengtsson, 2008; Möller, 1996), individual influence over everyday life and encounters

with welfare services started to be emphasised (Clarke, 2004; Möller, 1996). Marketisation policies inspired by neoliberal ideas were intended to reduce the number of so-called “passive service recipients” who gratefully accept the services offered to them and to empower and encourage individuals to become active consumers with “exit” opportunities. This is posited to strengthen individuals’ rights and self-governing capacities (Clarke, 2004; Möller, 1997; Newman & Tonkens, 2011). Concurrently, collective forms of participation and influence exerted through instruments such as participatory boards were also stressed to give voice to “users”, “clients”, interest groups, and stakeholders (Möller, 1997). In relation to service-user rights, participation, and influence over welfare services, this can be understood as strengthened options of “exit” and “voice”.

With reference to a simplistic market logic of competition, the marketisation of welfare services such as education is predicated on the notion that citizens can vote with their feet using the “exit” option (Blomqvist & Rothstein, 2000; Möller, 1997). By leaving a school and opting for a different education provider, a parent/student can alter his or her current situation and express his or her dissatisfaction. If other schools are available, the exit strategy is supposedly an accessible and uncomplicated option. When one chooses another provider, confrontations are unnecessary: an exit option provides a direct and clearly influential act that is also non-confrontational and impersonal (Hirschman, 1970). Competitive systems are intended to increase quality and meet consumer demands because poor-quality systems with no students must either improve or close (Blomqvist & Rothstein, 2000; Hirschman, 1970). However, schools and educational programmes are not easily exchangeable. It requires knowledge, time, and effort to change schools, and exit can result in a protracted education, a greater distance to school, and loss of friendships. Education is characterised by its high complexity and many aspects of it cannot be judged until after the fact, as relevant information is difficult both to produce and access, hardly making education a “perfect market” (Bunar, 2010b; Möller, 1996; Whitty, 1997).

“Voice” strategies represent the other approach that parents/students can use to influence their situations (Hirschman, 1970). Voice options are much more diverse and complex than exit options.

It [i.e., voice] is a far more ‘messy’ concept because it can be graduated, all the way from faint grumbling to violent protest; it implies articulation of one’s critical opinions rather than a private, ‘secret’ vote in the anonymity of a supermarket; and finally, it is direct and straightforward rather than roundabout. Voice is political action par excellence. (Hirschman, 1970, p. 16)

In education, voice strategies are applied when parents/students consult teachers, school leaders, other school staff, education providers, and local authorities, i.e., both political representatives and government officials. Voice also refers to protests, demonstrations, petitions, debates, and turning to the media to highlight an

issue or dissatisfaction. Today, there are numerous ways of voicing dissatisfaction through social media, for example, by “naming and shaming”. Voice approaches are also applied when opinions are discussed in more formal participatory forums, such as student and parent councils, and when completing evaluations and customer satisfaction surveys. To this list of voice options I add protests of mistreatment or shortcomings filed as individual complaints to central agencies, such as the SSI. While some of these voice options can be both individual and collective, others are either individual (e.g., making a complaint) or collective (e.g., participating in student councils and parental boards).

Voice and exit options are not mutually exclusive, but can interact and go hand in hand. Voicing dissatisfaction can be followed by exit, and exit can be followed by protests and naming and shaming. Despite user dissatisfaction, voice or exit options might not be used due to the belief that they are useless (Anckar, 1992; Kjellberg, 2012; Möller, 1996). Voice and exit options can also strengthen each other. For example, exit threats supposedly increase parental and student abilities to make their voices heard, as consumer demands are assumed to be considered more seriously in competitive systems (Hirschman, 1970). Teachers have recently experienced more pressure from parents and students trying to influence grading and special support measures, indicating that the threat of exit has rendered voice strategies more viable (Lindgren, 2014). Hirschman (1970) claims, however, that the efficacy of voice may actually decrease in competitive systems because providers can simply present alternatives to unsatisfied individuals. He further discusses the risk of increased segregation when active protesters use exit rather than voice strategies in a society in which citizens’ voices are not equally strong. Möller (1996) confirms that parents with higher education try to influence their children’s situations to a greater degree than do other parents. Hence, exit options can undermine the success of voice strategies (Hirschman, 1970).

Method and materials

To map the regulation of and justifications for providing complaint systems, I tracked their historical development by examining various documents. When seeking relevant texts, I adopted a strategy of beginning with contemporary texts and then following references to earlier documents discussing complaints or supervisions relating to complaints. I used this strategy because complaint systems in education have not been on the political agenda as an overt and easily traceable issue. The collected and analysed material comprised various public documents, such as official government reports (SOU), government bills (Prop.), parliamentary committee reports (UbU), four reports of the Swedish National Audit Office (Swedish NAO),¹ laws (SFS), ordinances (SFS), and regulation letters to national supervisory agencies (e.g., the SSI and the National Agency for Education – NAE) (see Appendix Table 2 for details regarding the analysed documents). The documents were not analysed in their entirety; rather, sections specifically concerning complaints, appeals, student rights, and school inspection

and supervision were in focus. In analysing these sections, I posed two questions: What proposals were made concerning complaints? Why were they seen as necessary?

To study the prevalence of complaints, I collected materials originating from the NAE, SSI, and NAO. This included an NAO report, annual NAE reports (1997–2007), annual SSI reports (2008–2013), SSI statistical reports on documented complaints (2008–2013), and one specific inspection report produced by the SSI. In addition, I examined an internal SSI document that functions as a complaint management handbook, NAE recommendations for systematic quality work, and information published on agency websites (see Appendix Table 3 for details concerning the various documents). The data were used to trace the prevalence of complaints over time in relation to the student population (using NAE statistics), what parents and students complain about, and how the relevant agencies represent complaints.

Together, the material and analysis enabled discussion of the implications of the development of complaints in the Swedish education system for voice options at both the individual and collective levels.

Improving voice through supervision: mapping the development of complaint systems

As previously described, responsibility for education was decentralised to local authorities and national objectives were expressed in general terms in the early 1990s. To align itself with this new governance system, the NAE replaced the old central agency (Prop. 1990/91:18; Utskottsbetänkande 1990/91:UbU4). The new agency was given a marginalised supervisory role in the school system which was regulated through an NAE instruction ordinance (SFS 1991:1121). The NAE's marginalised supervisory role almost entirely involved managing complaints from parents and students by means of "passive" inspections (Riksdagens revisorer, 1994; Riksrevisionsverket, 1994; Utskottsbetänkande 1994/95:UbU1). An official government report describes supervision as the monitoring of individual rights (SOU 1990:5), and the NAE regarded this assignment as a mission to ensure the nationwide equivalence of schools' and individual students' rights (Riksdagens revisorer, 1994; Riksrevisionsverket, 1994). For example, the NAE's supervision programme, developed in the early 1990s, stressed the importance of individual student rights, integrity, and issues concerning rule of law (Riksdagens revisorer, 1994; Riksrevisionsverket, 1994; Utskottsbetänkande 1994/95:UbU1). Issues of individual rights, believed to be at the forefront of supervision, include the right to an equal and free education, special support measures, mother tongue teaching, and transportation to and from school (Riksdagens revisorer, 1994). Complaints were managed primarily at the local level because the regional NAE officials who served as mediators rather than inspectors claimed that this was the best approach to resolving conflicts. Finally, complaint resolutions were not legally binding on the education provider (Riksdagens revisorer, 1994; Riksrevisionsverket, 1994).

The late 1990s were characterised by growing interest, expressed in political debates, in supervision and quality audits (Skr. 1996/97:112). In addition to complaints, other forms of supervision, such as regular inspections of municipalities and quality audits, were introduced over the years (Riksdagens revisorer, 2001; Riksrevisionsverket, 2001; SOU 2002:121). However, the NAO claimed that the NAE's function as a supervisory agency was weak because of its ideologies, self-image, and weak regulations (Riksrevisionsverket, 2001). Furthermore, a growing number of complaints over the years was believed to have resulted from media attention, economic cutbacks, segregation, unsuitable independent school ownership, and public school marginalisation. There was also a heightened awareness of the opportunity to file complaints and an emerging need to settle individual rights cases (Riksrevisionsverket, 2001; SOU 2002:121). In turn, additional sanctioning opportunities were proposed by the School Act Committee, "not least due to equivalent education and individual rights for students attending municipal or independent schools" (SOU 2002:121, p. 503).

Regulating education provider complaint management systems

While the marginalised supervisory role of the NAE focused on complaints regarding specific student rights issues, such as special support measures, the NAO cited an absence of voice opportunities for citizens who wished to file complaints concerning teaching quality standards and the like (Riksrevisionsverket, 2001). The School Act Committee elaborated on this lack of citizen power:

There is no opportunity to litigate if a municipality does not reach the required goals of education. The only opportunity offered to the citizens in the municipality is to hold politicians accountable in elections or choose another school for their children. For the provider of an independent school, the only effect of low goal attainment is a decrease in the consumer demand for services or, at the extreme, the revocation of licensing or public funding through the voucher system. (SOU 2002:121, p. 119)

The School Act Committee further claimed not only that the public was unaware of the opportunity to voice their concerns to providers of education but that parents and students might not view providers of education as independent entities that can investigate cases objectively and thoroughly (SOU 2002:121). The Committee therefore proposed that providers and municipalities produce clear written instructions for complaint submission procedures. Complaint management procedures should be known by school staff and the public. As stated, "this regulation can lead to an improvement of student rights while ensuring that the provider can practice internal control at an early stage" (SOU 2002:121, p. 135). However, local-level supervision and complaint management systems did not offer ways for individuals to be compensated for damages incurred as a result of degrading treatment or discrimination.

Introducing the CSSR and the right to damage pay

The School Act (SFS 1985:1100) and the curriculum (Lpf 94, 1994; Lpo 94, 1994) stated that school staff must promote an environment that respects student dignity, personal integrity, basic human value, and gender equality, and must prevent all forms of degrading treatment, such as bullying and racism. This regulation was viewed as inadequate, however. According to the government, the number of filed complaints was increasing, students were not being taken seriously, and degrading treatment was frequently not recognised as such. “The first thing needed is a law that protects children and students” (Prop. 2005/06:38, p. 68). Accordingly, in 2006 a new law introduced a strict ban on discrimination and harassment on the basis of gender, ethnicity, religion, sexual orientation, or ability and also banned other degrading treatment of children and students (Prop. 2005/06:38; SOU 2004:50). The law further requires that providers counteract and prevent discrimination, harassment, and degrading treatment. Principals are obliged to investigate complaints concerning harassment and other forms of degrading treatment and, in the event of such incidents, to take necessary action to prevent further abuse. If a student is discriminated against, harassed, or degraded by school staff or if the provider does not fulfil its investigation and prevention duties, the provider may be sued for damages. To uphold the law and protect student equality rights that are not protected by other ombudspersons, the NAE Child and School Student Representative (CSSR) for equal treatment was introduced (Prop. 2005/06:38). The CSSR decides on damage payments in cases of serious degrading treatment, including cases of long-term abuse that the school provider was aware of but did not take sufficient measures to counteract. The CSSR determines the amounts of damages awarded for such incidents; disagreements about the decisions can lead to settlements or litigation in court, in which the CSSR pleads the student’s case. The CSSR determines whether a case is suitable for trial in court.

The regulations regarding degrading treatment were later incorporated into the School Act, while discrimination and harassment regulations were merged with the new Discrimination Act (Prop. 2007/08:95; SFS 2008:567).

Strengthening complaint systems with a new supervisory agency and a new School Act

When debates concerning quality, falling standards, and non-equivalent education emerged, supervisory control was strengthened to the extent that in 2008 the SSI was established to receive the supervisory mission transferred from the NAE (Prop. 2007/08:50; Skr. 1996/97:112; SOU 2007:101). The SSI emphasised individual rights, rule of law, and education quality, and complaint regulation was strengthened through general legislation on supervision and through the SSI instruction ordinance (Prop. 2007/08:50; SFS 2008:613; SOU 2007:101). With the introduction of the SSI, complaints could be made concerning any school-related shortcoming regulated under the School Act, the school ordinance, and the curriculum. The SSI possessed the juridical competence that was thought to have been missing since the late 1980s, when the central agency for education

was criticised for employing staff with primarily pedagogical credentials and training (Riksrevisionsverket, 1990, 1994, 2001). “The government presupposes the acquisition of the competence needed for supervision that provides a clear orientation towards individual students’ rights and the fundamental conditions for equivalent education” (SOU 2002:121, p. 486). This statement indicated the need for an agency that employed staff with juridical, economic, and social science experience and education (Riksrevisionsverket, 1990, 1994, 2001; Skr. 2001/02:188; SOU 2002:121). Since 2008, the CSSR has been affiliated with the SSI (Prop. 2007/08:50); the CSSR addresses cases of degrading treatment, while the SSI handles complaints concerning shortcomings in areas such as special support measures and education rights (Swedish Schools Inspectorate, 2014b).

In 2011, the new School Act (SFS 2010:800) was implemented, giving the SSI the right to issue stricter sanctions in the form of injunctions that could entail fines and temporary business prohibitions for providers and schools.² The new School Act implemented the suggestions from the School Act Committee making providers of education responsible for maintaining known routines and procedures to receive and investigate complaints. This right to complain to providers applies to all facets of a student’s education and schooling situation, including the quality of teaching. Regulations regarding degrading treatment were also expanded, and the obligation to quickly investigate and take necessary measures to counteract such treatment now includes the staff responsibility to report any degrading treatment to the principal and the education provider (Prop. 2009/10:165; SFS 2010:800).

During the almost 30-year period examined here, complaint systems have evolved from being only indirectly regulated via NAE instruction ordinance to being regulated through law based on requirements regarding provider complaint management and degrading treatment and on expanded regulations regarding inspection and supervision. The introduction of the CSSR can be viewed as continuing a long tradition of “ombudspersons” in the Swedish democratic system. In this system, government officials protect citizens’ rights by serving as legal representatives guarding against local government or private provider violations of citizens’ rights. The exercise of voice through complaints has been promoted with arguments to strengthen student rights, increase equity, strengthen national control, and uphold and strengthen the rule of law.

Increased complaints despite no deterioration in schools?

Mapping prevalence of complaints

Initially, in the mid-1990s few complaints were filed, but the number slowly started to rise around the turn of the millennium (see Table 1). According to the NAE, this was the result of economic cutbacks, segregation, unsuitable independent school ownership, public school marginalisation, and media attention making the complaint system better known (National Agency for Education, 1999, 2002, 2003). The NAE further states that providers often claim to be unaware of the cases in question when filed complaints are submitted. In such in-

stances, the NAE has transferred cases to associated providers instead of further investigating the cases, as providers are held responsible according to the School Act (National Agency for Education, 2002).

Table 1. Complaints filed, 1995–2015^a

Agency	Year	Filed complaints	Further investigation	Decisions with critiques	Complaints filed per 1000 students ^b
NAE	1995	300	**	63%	0.24
	1996	263	105	59%	0.20
	1997	271	57	67%	0.21
	1998	426	59	74%	0.23
	1999	572	118	**	0.31
	2000	615	118	**	0.33
	2001	629	197	**	0.34
	2002	1099	327	77%	0.59
	2003	949	362	74%	0.51
	2004	874	306	71%	0.47
NAE/ CSSR	2005	979	317	73%	0.53
	2006	1046	365	62%	0.57
SSI/ CSSR	2007	1192	284	57%	0.64
	2008	1288	571	46%	0.69
	2009	1542	1120	51%	0.83
	2010	2260	1434	41%	1.22
	2011	2651	1536	49%	1.43
	2012	2968	1816	61%	1.60
	2013	3575	1674	70%	1.91
	2014	3747	1811	67%	1.98
	2015	4035	2060	66%	2.08

** Data are missing.

^a The numbers of complaints for the 1995–2000 period were retrieved from the NAO (Riksrevisionsverket, 2001) and from the NAE's annual report for 1998 (National Agency for Education, 1999), the numbers for 2001–2002 from the NAE's annual report for 2002 (National Agency for Education, 2003), and the rest from SSI statistical reports for 2009 and 2013 (Swedish Schools Inspectorate, 2010, 2014a). However, the numbers of complaints presented in the table are not completely comparable over the whole period due to different administrative procedures used in managing complaints. Different documents also report different numbers; for example, the NAE's annual report for 2002 says that the number in the previous NAE report was incorrect because of flawed registration procedures.

^b The data on child and student populations were retrieved from NAE statistics (National Agency for Education, 2015) and include students in preschool (1998–2015), preschool class (1998–2015), compulsory school, compulsory school for learning disabilities, special school, upper secondary school, and upper secondary school for learning disabilities (1995–2015). Since preschool was regarded as childcare and not part of the education system until 1998, statistics of students in preschool and preschool class (a preparatory voluntary year before compulsory school initiated in 1998) begins in 1998.

As Table 1 shows, not all complaints are investigated by the agency responsible and not all investigations result in critiques being issued and sanctions imposed.

Most filed complaints, i.e., 70–75 per cent, come from students and parents in compulsory school, while around 10 per cent concern students in upper secondary school, 10 per cent children in preschool, and the rest other school levels/forms (Swedish Schools Inspectorate, 2014a, 2015). For example, the SSI receives almost five times as many degrading treatment complaints from students in compulsory school than upper secondary school relative to the number of students (Swedish Schools Inspectorate, 2016), and this type of complaint is clearly overrepresented in the statistics relative to the student populations in other school levels/forms (Swedish Schools Inspectorate, 2014a). Before 2006, most complaints to the NAE concerned special support measures, but today most complaints concern degrading treatment (Swedish Schools Inspectorate, 2013a). Complaints concerning degrading treatment tripled between 2003 and 2010 (Swedish Schools Inspectorate, 2011b), this increase being attributed to the introduction of the CSSR and to the right to damages:

The first distinct increase occurred in 2006 with the introduction of the CSSR. One factor that may have contributed to this increase is the introduction of damage pay rights for mistreated people. (Swedish Schools Inspectorate, 2011a, p. 6)

The SSI has also been a factor in the general increase in filed complaints, which have grown by approximately 400 each year since its establishment (Swedish Schools Inspectorate, 2013a) resulting in around two complaints per 1000 students now being filed with the SSI/CSSR annually. The new agency's efforts to disseminate information concerning complaint rights and the online complaint form are often cited as explanations for this increase in complaints (Swedish Schools Inspectorate, 2010, 2011a, 2012a, 2013a). According to the SSI, it is difficult to ascertain whether school conditions really have deteriorated (Swedish Schools Inspectorate, 2009, 2012a, 2013a).

Statistics show the number of filed complaints on shortcomings in Swedish schools and not the total number of actual shortcomings. The tendency to file a complaint can change over time, for example, due to increased knowledge about the possibility of filing complaints, changes in societal attitudes or changes in legislation. This makes it harder to interpret whether shortcomings in the schools are actually increasing or decreasing. (Swedish Schools Inspectorate, 2009, p. 2)

Despite claims that it is difficult to ascertain whether or not school conditions are deteriorating, the SSI states that there are still numerous unreported cases. With reference to other reports, the SSI states that dissatisfied students and parents rarely confront their education providers with their dissatisfaction. This lack of

confrontation is by SSI explained by students' and parents' lack of awareness of their right to complain and of ways to escalate a complaint if they are dissatisfied with the measures taken after teachers and principals are informed of it (Swedish Schools Inspectorate, 2012b). Based on the regulation in the School Act stating that providers must have their own complaint systems, the SSI inspects providers' complaint management systems and enforces the regulation. The SSI describes providers' establishment and following of complaint protocols as "giving providers and schools a chance to correct shortcomings before a complaint is filed to the SSI" (Swedish Schools Inspectorate, 2012b, p. 1). Although the number of complaints has increased continuously, the SSI expects this trend to decrease over time because of provider complaint management regulations that permit the faster correction of shortcomings and consequently reduce the number of complaints filed with the SSI (Swedish Schools Inspectorate, 2012d, p. 20). Although the regulations included in the School Act do not state how provider complaint procedures should be organised, the SSI states that complaints should be viewed "as something positive that improves education" (Swedish Schools Inspectorate, 2012c, p. 11) and as a facet of systematic quality assurance (Swedish Schools Inspectorate, 2012c). The NAE's general recommendations on systematic quality assurance also state that "the extent and content of complaints form an important aspect of provider quality assurance in both follow-up and analysis" (National Agency for Education, 2012a, p. 39).

The regulation on the obligation to report any incident of degrading treatment is said to have increased the percentage of decisions resulting in critiques and sanctions being issued (see Table 1), and critiques were issued in two-thirds of cases tried in 2013 (Swedish Schools Inspectorate, 2014a).

The new School Act introduced the obligation for school staff to report any student experience of degrading treatment to the school principal, who is in turn obligated to report the case to the provider. At present, the CSSR determines whether this obligation to report has been fulfilled; in a number of cases, the CSSR has declared that this has not been the case. This is likely one of the reasons that the CSSR has issued more decisions with critiques of the provider's efforts regarding degrading treatment over the past year. (Swedish Schools Inspectorate, 2013b, p. 24)

If a critique is issued, the CSSR can file for damages. Since 2011 it has awarded damages in 30–50 cases each year (Swedish Schools Inspectorate, 2014a). Since the early 1990s, parental and student complaints have risen constantly, despite fluctuations in student population. In the next section, I will discuss the possible implications of complaint systems for voice options.

Voice and individual rights: discussing implications

Without question, individual voice options in terms of making complaints have been strengthened in recent years with new laws, regulations, and government agencies. This heightened focus on complaint systems can be understood as a means of strengthening individual legal rights and of reducing what Trägårdh and Svedberg (2013) call “the dark underside of the Swedish social contract” in which rights are not really rights at all. Complaint systems are premised on the same logic of strengthening individual rights as are choice options, and complaint systems ensure that rights and entitlements are “real”, that is, individualised, claimable, and enforceable in a court of law or court-like institution, such as the SSI or the CSSR. Both choice and voice options in terms of complaints are related to neoliberal ideas and values inherent in a “politics of activation” (Dahlstedt 2009a) that aim to “empower and activate forms of agency, liberty and the choices of individuals” (Dean, 2010, p. 193).

It is a positive good that complaint systems in education now offer redress and protect vulnerable students. Students can be given answers, people held accountable, education improved, and negative situations prevented from recurring – all reasons stated for making complaints in other welfare service areas, such as health care (Reader et al., 2014; SOU 2015:14). Complaints can be made if other voice options fail, ensuring that not only the strong voices are heard (Möller, 1996). However, health care research stresses the greater importance of taking patients seriously when they complain than of ensuring that there are procedures and systems in place to manage complaints (Allsop & Mulcahy, 1995). Within education, it is precisely the need to regulate provider complaint management systems that has been emphasised, however, this does not necessarily mean that parental and student complaints are in fact being taken more seriously or that redress is made.

The focus on individual voice options such as complaints also risks undermining collective voice options; accordingly, increased rights regulations have negative aspects.

The tendency to open up more areas to regulation by rights gradually reduces the space in which politics is practised by collective bodies. As a consequence, the individual’s motivation to participate in collective actions may suffer. (Magnussen & Banasiak, 2013, p. 332–333)

Rights claims can weaken and limit the space for collective action, especially in conjunction with choice and exit options that emphasise students and parents as consumers. Newman and Tonkens (2011) claim that choice options have resulted in the decline of social movements. Citizens are also addressed and heard more as individuals rather than as members of interest groups described as resulting in a “backlash” of social movements and collective action (Jenson & Philips, 2001). It is doubtful that complaints will motivate involvement, influence, and

participation in collective voice options such as participatory boards and student councils, reducing the collective influence of an already weak interest group. Although there are collaborations between home and school, formalised parental boards, student councils, national organisations for parents and students, parents as a collective interest group are rather weak compared with, for example, senior citizen interest groups (Feltenius & Wide, 2015).

This study demonstrates that parent and students increasingly seek individualised conflict-resolution strategies through making complaints. According to Blichner and Molander (2008), complaint systems have increased conflict resolution with reference to laws and individual conflict-resolution strategies. Conflicts are now more often solved with reference to laws, and issues are more often discussed and debated through legal arguments using legal language, discourse, jargon, and rules described as forms of “juridification” or the “judicialization of politics” (Brännström, 2009; Hirschl, 2008). The emphasis on individual rights in terms of both choices and complaints indicates changes in attitudes, rendering citizens more “active” when claiming their rights by making complaints. Complaint systems may accordingly be viewed as mechanisms by which democratic participation is conceptualised in legal terms rather than in terms of civic duties. In addition, individual and social wellbeing are conceptualised in terms of individual, legally based provisions. When the logics of competition and exit options (or threat thereof) do not result in situations in which only “good” schools prevail, other methods, such as complaints, are introduced to protect individual rights and uphold trust in the marketised Swedish education system (cf. Nordgren, 2003). The voice option of making complaints reinforces the shift from education as a public good to education as a private good (Englund, 1996) in which students are positioned as rights-holding consumers and education as a private investment.

Conclusion

In this paper, I examined the development of and justifications for complaint systems in education and mapped the prevalence of complaints to discuss the implications for voice options at both the individual and collective levels. The analysis shows that complaints have evolved from being indirectly regulated through marginalised NAE supervision to being regulated through laws based on demands for complaint management systems offered by providers, protection in cases of degrading treatment, and expanded inspection and supervision regulations via new national agencies, such as the SSI and CSSR. Individual voice options have been strengthened through the complaint system. The motives for protecting individual rights and empowering citizens in their everyday encounters with welfare services are similar to those for introducing choice options in education – i.e., to address a “dependency culture” (Rose, 1999) and strengthen individual legal rights (Trägårdh & Svedberg, 2013). Both choice/exit options and the voice option of making complaints contribute to an understanding of education as a contractual relationship for individual self-investment – what

Englund (1996) describes as education as a “private good”. Although complaint systems can provide redress for students, they risk weakening collective voice options exercised through participation in parental boards, student councils, and interest groups. The growth in filed complaints illustrates how students and parents use the voice options of individual rights-based strategies and refer to the law when resolving conflicts. However, further studies of parental and student uses of complaint systems as voice options (especially those involving complaints and appeals) are needed to better understand the implications of this for the socialisation of democratic citizens.

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Note

¹ The Swedish National Audit Office (Riksrevisionen) is an independent agency founded on 1 July 2003, replacing the preceding agencies Riksrevisionsverket (RRV) and Riksdagens revisorer (RR). When materials from any of these three agencies are referred to here, the abbreviation NAO is used in the text but the citations specify the particular agency.

² Cases being investigated further by the SSI or CSSR may give rise to different decisions. Injunctions concerning what must be corrected may be issued, and these may be combined with conditional fines if the shortcomings are not rectified in time. Temporary business prohibitions, license revocations for independent schools, or state corrections for municipal providers may also be issued. If shortcomings are less severe, remarks can be filed; these remarks may escalate to injunctions if the issues are not rectified. Intervention may also be forgone if shortcomings have already been rectified or if grievances are minor (SFS 2010:800).

Appendix 1.

Table 2. Material for mapping development of and justifications for complaint systems

Type of document	Name of document
Laws	<ul style="list-style-type: none"> - SFS 1985:1100. School Act - SFS 2006:67. Law on prohibiting discrimination and other degrading treatment of children and students - SFS 2008:567. Discrimination Act - SFS 2010:800. School Act
Ordinances	<ul style="list-style-type: none"> - Ordinance with instruction for NAE 1991-2015 - Ordinance with instruction for SSI 2007-2015 - Lpo94. Curriculum for the compulsory school, preschool class and the leisure-time centre 1994 - Lpf94. Curriculum for the Non-Compulsory School System
Swedish Government Official Reports	<ul style="list-style-type: none"> - SOU 1990:5. A new organisation for the national school administration - SOU 2002:121. School Act for quality and equity - SOU 2007:101. Explicit and open. Proposal for a strengthened school inspection
Written Communications	<ul style="list-style-type: none"> - Skr. 1996/97:112. Development plan for preschool, school and adult education – quality and equity - Skr. 2001/02:88. Education for knowledge and social equality – government development plan for quality work in preschool, school and adult education
Education committee report	<ul style="list-style-type: none"> - Utskottsbetänkande 1990/91:UbU4. Responsibility for education - Utskottsbetänkande 1994/95:UbU1. Supervision of school
Government bill	<ul style="list-style-type: none"> - Prop. 1990/91:18. On the responsibility of school. - Prop. 1990/91:115. On some School Act issues etc. - Prop. 2005/06:38. Safety, respect and responsibility – on prohibition of discrimination and other degrading treatment of children and students - Prop. 2007/08:50. New school agencies - Prop. 2007/08:95. A stronger protection against discrimination - Prop. 2009/10:165. The new School Act – for knowledge, freedom of choice and safety
NAO reports	<ul style="list-style-type: none"> - Riksdagens revisorer. Supervision of school. Report 1993/94:7 - Riksdagens revisorer. National governing of school – from governing by objectives to government grant distribution Report 2001/02:13 - Riksrevisionsverket. The national school administration. Report 1988/89:285 - Riksrevisionsverket. NAE – a central government agency in a new role. Report 1994:14 - Riksrevisionsverket. NAE supervision. Report 2001:24 - Riksrevisionen. Degraded or discriminated – is there a difference? Report 2013:15

Table 3. Material for mapping prevalence of complaints

Type of document	Name of document
NAE annual report	Annual reports of 1997-2007
NAE general recommendations	General recommendations for systematic quality work 2014
NAO report	Riksrevisionsverket. NAE supervision. Report 2001:24
SSI annual reports	Annual reports of 2007-2015
SSI statistical reports	Statistical reports on complaints 2007 -2015
SSI internal information	SSI complaint management handbook of 2014
SSI website	Information on complaints available 2014