Supervision as control system: the design of supervision as a regulatory instrument in the social services sector in Sweden

Eva Hämberg *

Eva Hämberg
School of Health and Society,
Dalarna University
ehr@du.se

Abstract
In this article, the prevailing official view of supervision as a regulatory instrument is examined as it applies to the social services sector in Sweden. The study is based on a comparison of the views expressed on the design of supervision as a regulatory instrument by two government commissions, the Supervision Commission and the Commission on Supervision within the Social Services (UTIS), and on the positions taken by the Government regarding the definitions of the concept of supervision proposed by these commissions. The view of supervision as a regulatory instrument expressed in these policy documents is analysed with the help of a theoretical framework describing the components, their functions and the governance characteristics of control systems. In the framework separate interrelated characteristics of the components are identified and summarized into two models of control systems. The analysis shows that supervision in the Swedish social services sector can be described in terms of both a disciplinary and non-disciplinary system. By its system theoretical basis and the identification of interrelated characteristics the study contributes to a broadened understanding of the construction and functions of supervision as a regulatory instrument and of how supervision within the Swedish social sector is meant to be designed.

Introduction

In recent decades, government ambitions to control and regulate the social services have increased in Sweden. This development towards greater government regulation and control follows an international trend (Hood et al., 1998) and can be considered part of a broader shift in the direction of what Power (1999) describes as an audit society.

The growing emphasis on control and state regulation are noticeable in a drastic increase in both the number of oversight agencies and their cost to society (Hood et al., 2000). The increased control and regulation of public or social services have been explained both in terms of the introduction of New Public Management (Blomqvist & Rothstein, 2008; Almqvist, 2006; Hood et al., 2000; Hood et al. 1999; Kitchener, Kirkpatrick, & Whipp, 1999) and demands that social services should be evidence based (Liljegren & Parding, 2012; Denvall & Johansson, 2012; Bergmark, et al., 2011; Oscarsson, 2009). In Sweden this shift towards an increased state oversight can also be seen in growing emphasis on supervision to be a more strict form of control and regulation (Statskontoret, 2012; Nygren & Hanberger, 2011; Johansson, 2010).

Behind these demands for strengthened oversight lies criticism of the existing supervision for being an unclear, ineffective, and toothless regulatory instrument. Within the social services sector, supervision has been accused of failing to discover and deal with shortcomings in the social services (SOU 2009:99; Riksdagens revisorer, 2002/03:RR9; Riksrevisionsverket, 2002; Proposition 2000/01:80).

The demands for more effective supervision have led to the appointing of two government commissions: the Supervision Commission (2000–2004) and the Commission on Supervision within the Social Services (UTIS) (2004–2007). The discussions taking place within these investigations on the design and effectiveness of supervision have greatly influenced how supervision within the social services sector has come to be defined and organized. One reason for the inadequacy of supervision is said to be the lack of a common view on how the instrument should be designed (SOU 2007:82; SOU 2004:100; SOU 2002:14). Both commissions also make the assumption that supervision as a regulatory instrument should develop in the direction of a control system. Their views diverge, however, when it comes to how this system should be designed.

The aim of this paper is to present a theoretical framework describing the construction and functions of a control system and its components, and using this framework to analyse the view of supervision as a regulatory instrument as it is expressed by the Swedish Supervision Government Commissions (2000-04) and the Commission on Supervision within the Social Services (UTIS) (2004-07). The main questions that the article intends to answer are: How can supervision be described and understood in terms of a control system? What core assumptions can be traced about how to achieve effective governing by supervision in the Swedish government commissions of 2000-04 and 2004-07?

The concept of supervision

Like other control-based regulatory instruments, such as auditing, supervision is described in the literature as a kind of checking after the event (Munro, 2004; Boyne et al., 2002). While auditing emphasizes financial control, supervision primarily focuses on checking staff competence, the quality of an operation, and the results for clients. Other characteristic of supervision is that on site-visits have a central function as means for collecting data, but also as an arena for negotiation and persuasion between inspectors and those being inspected (Downe & Martin, 2007; Johansson, 2006).

Three overall goals of supervision have been identified. First, supervision should serve as a guarantee that minimum standards are maintained; second it should contribute to raising the level of standards; and, thirdly, it should lead to clients and citizens trusting the inspected operations and the democratic system (Braithwaite et al., 2007; SOU, 2002:14; Power, 1999). Which of these goals that receives most emphasis varies over time, between regulatory regimes and countries. The goals also affect how regulatory instrument as supervision is designed and performed. Braithwaite et al. (2007) describes supervision in terms of a regulatory and a strength based pyramid. Supervision as a regulatory pyramid is focused on identifying and fixing problems aiming at maintaining minimum standards. The strength based pyramid is focused on identifying the largest opportunities and expanding them aiming at raising the level of standards. Supervision is in the Swedish context describes by Johansson (2006) as a goal-oriented rather than a process-oriented regulatory instrument. The goal-oriented

logic of the instrument is reflected in its emphasis on checking afterwards whether the inspected operation lives up to pre-established requirements or targets, rather than analysing the causes of problems and providing suggestions for improvement.

The theoretical framework

The view of supervision as a mean for control and governance makes theories concerning construction and functions of control systems important theoretical starting points in studying the design and impacts of supervision as a regulatory instrument. Systems can be described in terms of interacting units of elements that form an integrated whole. Using the term of 'wholeness' also indicates that a 'variation in any element affects all the others, bringing about variation in the whole system' (Skyttner, 2001 p. 62). In addition to a general system theory perspective and theories regarding control- and authority systems the theoretical framework presented below is also based on theories regarding policy instruments and their behavioral impact.

The control system's construction and governance characteristics

Hood et al. (1999) present a broad spectrum of control systems divided into what is described as four ideal types: oversight, competition, mutuality and contrived randomness. These control systems are based on three components performing separate functions; a standard-setting component (director), an information-gathering component (detector), and a behaviour-changing component (effector). The standard-setting component indicates the demands that the system places on the object or operation being controlled. The information-gathering component provides the system with data necessary to make comparisons between the properties of the object and the system's standards. The behaviour-changing component steers the controlled actors' decisions and actions in a direction that causes the demands of the system's standards to be fulfilled. Hood et al. (1999) also define what they regard as characteristics of the system components. The standard setting-component is described in terms of its explicitness, reflexivity and stability. These characteristics represent qualitative aspects of the standard-setting component that can occur in varying degrees. The concept of explicitness indicates how far in advance the standards are spelt out and precise the goals to be reached are described. Reflexivity describes to what extent the standards are imposed uniformly from the top or can is a part of a self-regulation process. Stability indicates how far the targets are stable over time. The characteristics of the following system components are described in terms of categorically different methods for information gathering, as inspection and audit, or ways of influencing the behaviour of those subjected to the control, as recommending closure or budgetary allocations (Hood et al. 1999). From a systems theory point of view it is however unclear how these different types of characteristics are interrelated and how changes in one component affect the shape of other components and the functioning of the system as a whole.

Referring to Dornbusch & Scott (1975) regarding authority systems, in which superiors control the actions of subordinates, evaluation is defined as a component of central significance for the system's governing ability. How the evaluation is performed is considered to be of great importance both to the legitimacy and efficiency of the system. In connection to Hood et al. (1999) evaluation can be regarded as a fourth component of a control system. This evaluative component can be seen as a link between the information-gathering and behaviour-changing component with the function to value if the standards are fulfilled.

Qualitative characteristics of the system components and their relations

The standard-setting component can take the form of a qualitatively formulated goal statement, a measurable indicator or a rule. This means that the component defines the demands of the controlled object with greater or lower degree of exactness (Lindgren, 2006; Hood et al. 1999; Braithwaite & Braithwaite, 1995; Rombach, 1991). The *exactness* of the standard-setting component is here regarded as a varying qualitative characteristic of central significance for the shape of the other components as well as for the functioning of the system as a whole. Exactness is also one aspect of the concept explicitness defined by Hood et al. (1999). Variations in the exactness of the standard-setting component is here argued to have an impact on the qualitative characteristics of the other components by influencing the type of data generated, the type of evaluations made, and the type of behaviour-changing instrument used. An exact standard facilitates the information-gathering component to generate information about concrete, measurable characteristics of the inspected object, so-called *tangible* data. Such data in turn serves as a necessary basis to make *unconditional or clear-cut evaluations* in order to determine whether the object of inspection fulfils the system's demands. A combination of exact standards and tangible data furthermore leads to the system having a high degree of transparency. This means that given the system's standards and the collected data, there is a good basis for predicting what evaluations will be made. This transparency also has a great impact on what types of behaviour-changing components that can be used.

The behaviour-changing component is here described in terms of different policy instruments. Vedung (2010) distinguishes between three types: regulations, economic and informative instruments. An important difference between these types of instruments is that they are based on separate principles for behavioural impact (Vedung, 2010; Schneider & Ingram, 1990). These principles are here regarded as forming the base for the qualitative characteristic of the behaviour-changing component. Regulations, that take the form of prohibitions or requirements, are coercive in character and can also be associated with various forms of sanctions (Vedung, 2010). Economic and informative policy instruments differ from regulations in that they leave it up to the individual to decide upon a course of action. They govern the actions through various types of material benefits (e.g. grants) or charges (e.g. fines), or by affecting the individuals norms or values by means of persuasion such as advice, information or education (Vedung, 2010; Schneider & Ingram, 1990). Out of concern for legitimacy and

legal security the use of regulations, because of their coercive nature, places higher demands of predictability and transparency on the control system than the remaining two instruments. The *degree of coerciveness* is here regarded as an central interrelated qualitative propriety of the behavioural-changing component.

Control systems that are based on less exact or vague standards, such as qualitative goal statements leads from a systems theoretical viewpoint and the concept of wholeness to a different type of system. Vague standards can be seen as expressions of more abstract or subjective characteristics of the inspected object being the focus of control (cf. Braithwaite et al., 2007). This focus on abstract or subjective characteristics causes the system's information-gathering components to primarily generate intangible data, data that deal with less easy to grasp aspects of the object. Vague standards and intangible data limit the possibility to make clear-cut evaluations of whether the demands are being fulfilled. The evaluations made in this type of system are accordingly less predictable and the system is less transparent. This results in lower acceptance for the use of coercive policy instrument. The behaviour-changing components will therefore, for reasons of legitimacy, be based on informative or economic instruments.

Two ideal types of control systems

The theoretical framework for the construction of control systems and its qualitative characteristics presented above can be summarized in a model with two ideal types of systems. These ideal types differ in two respects. The components have separate qualitative characteristics and the systems ends up being based on separate assumptions about how behavioural impact is best accomplished. In Table 1, one ideal type is described as a disciplinary or hard system, the other as a non-disciplinary or soft system.

Table 1. Ideal types of control systems with separate qualitative characteristics

System components	Types of control systems	
	Disciplinary /hard	Non disciplinary /soft
Standard-setting	Exact demands	Less exact/ vague demands
Information-gathering	Tangible data	Intangible data
Evaluating	Clear-cut judgments	Ambiguous judgments
Behavior-changing	Coercive policy instruments	Voluntary policy instruments

Source: Author's elaboration based on Hood et al (1999) and Dornbusch & Scott (1975).

As Table 1 shows, the disciplinary or hard system is based on exact demands, tangible data, clear-cut evaluations, and coercive policy instruments. The combination of exact demands and clear-cut judgements foster transparency in the system, which in turn legitimates the use of coercive policy instruments. The scope for actors to influence how standards should be interpreted and what judgements should be made in this kind of system is very restricted and give rise to an authoritative or top-down form of governance.

The table likewise shows that the non-disciplinary system builds on less exact or vague demands, intangible data, ambiguous judgements, and non-coercive means of governing. The combination of vague demands and intangible data

leads to actors having greater leeway to interpret what demands the system's standards place on the object of inspection. This also tends to cause evaluations that are made to be more ambiguous and less predictable. Because of this, the system is less transparent, with the consequence that the behaviour-changing components, for reasons of legitimacy, take the form of economic or informative instruments. This type of control system gives rise to a more dialogue-based and bottom-up form of governance.

Methods and materials

The empirical basis of this study is an analysis of policy documents in the form of public investigations, propositions, and government white papers resulting from the work of the Supervision Commission and UTIS. The discussions conducted and the recommendations presented in these documents form the basis for how the supervision of social services has been regulated in the 2010 Social Services Act.

The Supervision Commission was tasked with presenting recommendations for how supervision can be defined to make government oversight more effective. UTIS was primarily commissioned to recommend how organizational change can improve the effectiveness of supervision within the social services, but its work should also be regarded as an attempt to fit the Supervision Commission's definition of supervision into a social services context.

The Supervision Commission has submitted two reports: *Inspection on behalf of the public* (SOU 2002:14) and *Supervision: Recommendations for more explicit and effective public supervision* (SOU 2004:100). In the government white paper *Explicit, legally secure, and effective supervision* (Regeringens skrivelse 2009/10:79), the Government outlines its standpoint regarding the definition of supervision proposed by the Supervision Commission. UTIS has submitted three reports *Serving alcohol responsibly – free from discrimination* (SOU 2006:56), *Improved supervision of addict care* (SOU 2006:57) and *Coordinated and explicit supervision of the social services* (SOU 2007:82). Because serving alcohol is not a social services' this report is not included in the study. The work of UTIS has resulted in a proposition concerning *Coordinated and explicit supervision of the social services* (Prop 2008/09:160).

The theoretical framework presented in the previous section has been used as a lens and an analytical tool in the research process (cf. Anfara & Mertz 2006). The framework has thereby had an impact on the formulation of the research questions as well as which aspects of the studied phenomena have been highlighted. It has also been used as an instrument to analyze the perceptions of the construction and functions of supervision as a regulatory instrument represented in the studied documents.

The goals of supervision

The goals of supervision are discussed in the reports of the Supervision Commission. Supervision is described as a means to protect citizens' common rights

and, strengthen confidence in the state and other vital societal functions (SOU 2002:14). Through supervision, the object of supervision shall be 'controlled and governed such that its operations agree with the rules and objectives decided by parliament and government' (SOU 2002:14 p. 174). Supervision is also charged with serving as a 'guarantee of implementation' (SOU 2002:14 p. 26) that the state furnishes to the public to 'ensure that democratically made decisions (in the form of laws) are implemented equally in the entire country' (SOU 2002:14 p. 89).

The directives to the Commission of Supervision as well as to UTIS conclude that there are shortcomings in the effectiveness of supervision. One explanation given for why supervision doesn´t reach its goals is the lack of a common view within administrative policy about what supervision is and how it should be conducted (SOU 2002:14). The prevailing breadth or diversity of views on what supervision is has made the supervisory instrument 'difficult to apply and unclear' (SOU 2002:14 p. 137). This has also caused supervision to be over-reliant on informative instruments rather than more coercive measures. This is evident, among other things, in how 'inspections and control [within several supervisory agencies] receive far less resources than information, guidance, and development efforts' (SOU 2002:14 p. 178).

At the same time as the wide scope for interpretation and action is viewed as one explanation of the low effectiveness, this same leeway is also found to benefit effectiveness as it makes it the supervisory instrument 'flexible, with a large capacity for adaptation to the specific circumstances of the case' (SOU 2002:14 p. 137).

UTIS, like the Supervision Commission, considers it a failing that there is a lack of a common view on what supervision is (SOU 2007:82). However, concerning the question of the causes of this inadequate effectiveness, UTIS stresses the fragmented organizational responsibility that they consider prevails regarding the supervision of social services.

The Commission´s conceptual framework for supervision

How does the Supervision Commission consider that supervision as a regulatory instrument should be designed to make it more effective? With the aim of clarifying this, a conceptual framework for supervision is developed (SOU 2002:14). In the framework, supervision is described as an inspection system comprising a number of actors with distinct functions and mutual relations. The supervisory agency is described in terms of a state-appointed body charged with ensuring that various kinds of inspected objects fulfil the demands set out in laws and directives. The judgement of whether or not the inspected object fulfils the applicable demands is presumed to take the form of decisions communicated to the person legally responsible for the inspected object. This view of supervision as an inspection system concludes with a definition of supervision as:

> …independent and autonomous examination of the object of supervision with the purpose to ascertain whether the object of supervision

fulfils the demands and conditions prescribed by law, EU directives, or other instructions, or by other particular conditions specified in connection with such instructions, as well as decisions on measures aiming, when necessary, to bring about rectification by the person responsible for the object. (SOU 2004:100 p. 21)

The definition implies that supervision is a specific form of state control, based on subsequent verification of compliance and the exercise of public authority, in which compliance with laws and regulations is a central measure of the governing instrument's effectiveness.

How does this description of the supervision relate to the theoretical framework about control systems' construction and governance characteristics presented above? First, it can be mentioned that this theoretical framework, like the Commission's description, is based on a systemic perspective of supervision and control. One essential difference between the two frameworks is that in the report supervision is described as an organizational system. It is the actors, their functions and internal relationships which make up the system, while the theoretical framework presented in this article focuses on the governing mechanisms of the regulatory instrument at a micro level. This hierarchical difference of system levels (cf. Skyttner, 2001) explains why supervision not being explicitly discussed by the Commission in terms of its standard setting, information gathering, evaluating, and behaviour-changing components. A closer analysis of the Commissions discussions reveals however that it is possible to discern the presence of these components.

The standard setting component

The standard setting component of supervision is discussed in the reports in terms as assessment criteria, demands, or conditions (SOU 2004:100; SOU 2002:14). From the commission's definition it can be concluded that supervision's standards take the form of:

the demands an conditions prescribed by *law, EU directives, or other instructions, or by other particular conditions specified in connection with such instructions*, as well as decisions on measures aiming when necessary to bring about rectification by the person responsible for the object. (SOU 2004:100 p. 21, italics by author)

From this description it is evident that only demands or conditions based on laws, and statutes with legally binding consequences, can serve as standards. This delimitation of standards has, the consequence that recommendations in the form of general guidelines made by authorities, are not able to function as supervisory standards (SOU 2004:100; SOU 2002:14). The view of supervision as a form of governance based on legally binding decisions also makes it, for reasons of legal security, especially important that the supervisory standards clearly indicate what demands are placed on the inspected object. The demands for exact standards are evident in the discussions about the problems caused by framework legislation in relation to supervision (SOU 2002:14). Characteristic

of this type of legislation, to which the Social Services Act belongs, is that provisions take the form of more general goals rather than detailed rules (Esping, 1994). Such provisions leave room for interpretation, making them unable to fulfil the requirements of exactness necessary to function as supervisory standards (SOU 2002:14).

The information gathering component

The information gathering component is described in the Supervision Commission's definition as an 'independent and autonomous examination' (SOU 2004:100 p. 21). There is no actual discussion of what type of information or data supervision is expected to generate to make regulation effective. On the other hand, there is discussion of methods for how this information gathering should take place. According to the investigators, supervision is conducted by '*inspections* of the object or in other ways, e.g. *through the examination of submitted records*' (SOU 2004:100 p. 50, italics by author). This emphasis on inspection and examination of documents as information gathering methods can be seen as reflecting the opinion that judgements by the supervisory agencies primarily should be based on data concerning objectively observable circumstances or characteristics of the inspected object. The stipulation that supervision should be independent and autonomous reflects the investigators' view that supervisory agencies should be independent organisations and their decision-making should not be inappropriately influenced by those being supervised (SOU 2004:100). These demands for an independent decision-making will in a later stage turn out to be of great importance for the Commissions views of the behaviour-changing component of supervision.

The evaluating component

The evaluating component, the supervisory agency´s judgement about whether or not the inspected object meets the standards is in the report of the Commission regarded as an integrated part of the supervisory agency´s decision making. According to these investigators, supervision should ideally result in a 'decision that unambiguously states whether the object of supervision fulfils established demands' (SOU 2004:100 p. 62). This means that the judgement in principle should be 'binary' (SOU 2004:100 p. 62) and questions of whether an operation meets the standards should be answered with a clear-cut 'yes or no' (SOU 2004:100 p. 62). The quotations reflect the high demands placed on evaluations to be unambiguous. The demands of unambiguous evaluations can be seen as a consequence of supervision being viewed as a form of governance based on legally binding decisions. If the evaluation is to form the basis for such decision, for reasons of legal security, there may be no doubt as to whether or not the demands on the inspected object are fulfilled.

The behaviour-changing component

The behaviour-changing component is described in the Commission´s definition in terms of 'decisions on actions to be taken' (SOU 2004:100 p. 21). By 'decision' the investigators mean, as already mentioned, official, legally-binding decisions; by 'actions' they refer to the use of various form of sanctions as a central part of supervision (SOU 2002:14, SOU 2004:100). The purpose of sanctions is to improve the effectiveness of the instrument by functioning as 'a latent threat that should steer all supervised object´s toward the level stipulated by legislation' (SOU 2004:100 p. 182). If the sanctions should have this effect they must however be known to those who are supervised, but also be clear, predictable, and proportionate in relation to the shortcoming to be rectified (SOU 2004:100). The latter demand implies that sanctions should range from milder forms, such as warnings, to the supervisory organ having the authority to forbid or shut down an operation. In this description, the behaviour-changing component takes a form that, in terms of Vedungs (2010) typology of policy instruments, can be described as an instance of regulation in which the behaviour-changing function is reinforced by sanctions.

What do these investigators then consider being the function of informative and economic policy instruments as behaviour-changing components of supervision? Economic instruments that use various types of benefit payments to encourage individuals to act in a certain fashion are not regarded as part of supervision. On the other hand, economic instruments in the form of charges such as penalty fees and fines have a central function as sanctions. As it comes to informative instruments, such as providing advice and information, the investigators' viewpoint is vaguer. The previously mentioned demand, that supervision should take the form of independent and autonomous examination, leads to informative instruments being viewed as especially problematic. The investigators address problems that can occur when supervisory agency provides advice to an operation that it later will inspect. For an agency to both advise and inspect the same operation can lead to 'conflicting roles and in the worst case erode the possibility for an independent supervision' (SOU 2002:14 p. 148). This could mean that the agency will inspect conditions that they themselves have contributed to creating through their own advice. The investigators therefore conclude that providing information and advice should occur 'apart from supervision' (SOU 2004:100 p. 60) and that such tasks are 'best left to other actors' then supervisory agencies (SOU 2004:100 p. 60). Despite a viewpoint that seems to exclude informative policy instruments as components in supervision, the investigators says that the intervention a supervisory agency undertakes against an accountable party when faults are discovered 'ought to be able to be coercive, but in such cases the supervisory agency should first have tested voluntary solutions' (SOU 2004:100 p. 50). What these voluntary solutions should consist of is not discussed in any detail. One interpretation is that in such cases the agency should first have attempted to convince the accountable part by information and advices to take necessary remedial action, and only when this has failed should regulations reinforced by sanctions could come into consideration.

Supervision is regarded as a disciplinary control system

The Commission's view of supervision as a regulatory instrument can be summarized as a control system that strongly emphasizes the exactness of the standard-setting components. In this system, the information-gathering components focus strongly on objective and observable characteristics of the inspected object. The demands for unambiguous assessments are high, and the behaviour-changing component is assumed to take the form of coercive means of governing. A comparison of this view with the ideal models of control systems (summarized in Table 1) shows that the Commission's view on supervision is very close to the model described as a disciplinary or hard control system.

What happens when this view of supervision as a disciplinary or hard control system meets the field of social services? How will supervision as a regulatory instrument be described? What are the consequences of the Commission's fundamental assumption that a uniform view of supervision as a regulatory instrument leads to more effective state control? These questions will be examined in the following section.

Adaption of the Commission´s view on supervision within the social service sector

The task of UTIS can be seen as an attempt to fit the Supervision Commission's framework or definition into a social services context. Investigators in UTIS also initially claim that their view of supervision 'agrees with the Commission of Supervision's proposal [on how the instrument should be defined]' (SOU 2007:82 p. 440).

Criticism against the narrow definition of the standard setting component

From the discussions taking place it is apparent, however, that the investigators in UTIS have objections to several points in the Supervision Commission's definition, and by extension also to the assumptions about how effective governance via supervision can best be achieved. Their primary criticism concerns the Commission's demarcation of what can be described as the standard-setting component of supervision. The investigators point out that:

> If supervision only comprises laws, regulations, and the directives of public authorities, and hence excludes other non-binding instructions, it will be less possible to deal with problems that are difficult to clearly regulate. There is also a risk that supervision will be concentrated to areas where it is easy to be clear, and that areas that are more open for interpretation and discussion will be avoided. (SOU 2007:82 p. 438)

What they object to is that the Commission's demarcation of supervision's standard-setting component will lead to only those aspects of the social services' operations that are regulated in laws and statutes being covered by supervision.

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The social services' operations, according to them, have to do with 'caring for and looking after people, which require that activities be adapted to individuals and circumstances' (SOU 2007:82 p. 398) They also note that it is not 'possible at every stage to create formalized routines for how people should be cared for and treated' (SOU 2007:82 p. 398). It is claimed, in other words, that the operations of the social services touch on aspects of a more subjective nature, which makes them difficult to control and govern in all respects with the help of rules and exact standards. Alongside this, it is also pointed out that within the social services there are 'situations that are unsuited for regulation in statutes, but there is still a need to specify guidelines for how they should be solved' (SOU 2007:82 p. 439). If supervision is to function as an effective governing instrument, in the sense of also being able to govern more subjective aspects of operations, the concept of supervision must be widened to also include softer forms of control.

In line with this reasoning, UTIS proposes two modifications of the view of the design of supervision in the social services sector. The first proposal is for the goals of legislation to be included as a basis for assessments. The second proposal is for a new concept, that of *supervisory role,* to be introduced into the Social Services Act.

Widening the definition of standard setting component

The proposal to include the goals of legislation as a basis for inspections have the effect that recommendations made by the National Board of Health and Welfare, explaining how to interpret instructions concerning goals, will be important tools of supervision (SOU 2007:82). This expansion means, however, that non-legally binding recommendations – separate from laws, regulations, and directives – take on the function of standards.

A proposal of this sort, which changes a central qualitative aspect of the system's standard-setting components, can be assumed to have repercussions both for the shaping of the remaining system components and for the supervisory instrument's governance characteristics as a whole. This is also what is in the process of happening, and what is being expressed in the on-going dialogue between the investigators and the Government about the design of social sector supervision.

In the proposition *Coordinated and explicit supervision of the social services* (Prop 2008/09:160) the Government accepts the proposal to broaden the standard-setting component of social sector supervision. Broadening supervision's standard-setting component has the effect, however, that in those cases where supervision is based on rules that do not take the form of legally binding directives or laws, the 'governing agency´s judgements and decisions have no legal force' (Prop 2008/09:160 p.74). Hence the supervisory agency´s decision cannot be tied to sanctions. Supervision becomes instead 'a question of highlighting areas for improvement' (Prop 2008/09:160 p.74). As can be seen, the proposal to broaden the standard-setting component has consequences for the idea of supervision as a control system. When non-legally binding and less exact

standards are brought into the system, the result is a widening of the scope for interpretation of the demands that supervision can place on the examined object but also a reduction of the possibility for the inspectors to make unambiguous assessments. These leads in turn to coercive instruments, such as regulations tied with sanctions, being excluded as behaviour-changing components, for reasons of legal security and legitimacy. Instead, instruments, such as providing information and advice, will come to have a more prominent role as behaviour-changing components.

From the on-going discussion an image of supervision in the field of social services as an instrument emerges comprising two types of control systems that build on distinct assumptions about how to achieve effective governance. The first type of system can be traced back to the Supervision Commission's definition of supervision, which UTIS claims to share, in which supervision has the character of a disciplinary or hard control system. The second type of system comes as a result of the criticism levelled by UTIS and the Government against the Commission's definition of the concept. In their criticism, social service supervision is depicted as also based on less exact standards, more ambiguous assessments, and a behaviour-changing component that comprises informative such as advice and guidance. This description of supervision as a governing instrument closely resembles the model of a non-disciplinary control system presented in Table 1.

Abandoning the idea about supervision as a control system

In addition to the proposal to widen supervision's standard-setting component UTIS and the Government also recommend that a new concept, *supervisory role,* should be introduced into the Social Services Act (Prop 2008/09:160; SOU 2007:82). According to the investigation, the supervisory role should include:

> … examining cases after completion and expressing criticism in case processing or the decisions do not meet the demands stipulated in legislation, as well as, during ongoing processing, providing advice and recommendations supported by the rules that govern the operation. (SOU 2007:82 p. 442)

The proposal to include the new concept of the supervisory role can be seen as expressing an ambition on the part of the state, outside the framework afforded by the idea of supervision as a control system, to create additional scope – through more purely informational and guidance-based activities – to govern the operations of the social services. The purpose of such activities is described by UTIS in terms of supervision needing to fulfil a more supportive function, with examples taken from how social sector supervision has been run until now (SOU 2007:82). It remains, however, unclear where the boundary lies between supervision as a control system and the supervisory role, as is evident from the quotation above. The Supervision Commission has discussed the risk that the supervisory agency's legitimacy, and indirectly also the effectiveness of supervision, will be eroded if the agency, alongside conducting supervision as a disciplinary

control system, also provides guidance (SOU 2004:100; SOU 2002:14). This is a dilemma also mentioned in UTIS. The UTIS investigators attempt to solve this problem by specifying what kinds of guidance they consider compatible with supervision. In this discussion, it is on the one hand said that the supervisory agency obviously must 'provide information on relevant laws, that is, what rules that apply in a given case, and provide advice on how and where a municipal employee can seek guidance when considering a concrete case' (SOU 2007:82 p. 443). On the other hand, it is also said that it is not 'appropriate for the supervisory authority to act as a consultant on behalf of the municipality and express an opinion on how a concrete case should be handled' (SOU 2007:82 p. 443). On the basis of these quotations it appears that it is difficult to judge what types of guidance are compatible or not with supervision as a disciplinary control system. The quotations also illustrate the risk of an increased ambiguity in the views of what supervision is. It is the same ambiguity that the Supervision Commission believes makes supervision 'difficult to apply and unclear' (SOU 2002: 14 p. 137) and which leads to an ineffectiveness of the instrument.

What, then, is the result of the attempts to fit the Supervision Commission's view and definition of supervision into the social services sector? What consequences does it have for the view of supervision as a regulatory instrument? What consequences does it have for the Commission's fundamental assumption that a uniform definition of supervision leads to more effective state governing?

Supervision is a broad and complex regulatory instrument

The results of the studies show that the Supervision Commission's definition of supervision, in which the instrument takes the form of a disciplinary control system based on an authoritative or top-down idea of governing, has not won full acceptance in UTIS and in the government proposition on supervision in the social services sector. Instead the criticism levelled by UTIS and the Government against the Commission's definition of supervision, lead to supervision within the social services taking the form of two types of control systems: a disciplinary and a non-disciplinary one. In this way, social service supervision comes to be founded on both a top-down and a bottom-up idea of governing. The introduction of the concept of supervisory role also widens the concept of supervision once again as supervision comprises state governing through informative instruments without these being components of a control system. Another conclusion is that the Commission's fundamental assumption that a uniform and narrow definition of supervision leads to more effective state governing is not supported by UTIS or by the Government.

Discussion

The purpose of the present article has been to present a theoretical framework describing the construction and functions of control system and its components, and to analyse the prevailing official view of the supervisory instrument's design within the social services sector in Sweden by using this framework. By using

these theories and the system theoretical concept of wholeness the study has contributed to a broadened understanding of the construction and functions of control systems as well as how supervision within the Swedish social sector is designed. It is explained how variations in the qualitative characteristic of a component affect the shapes of the other components as well as the government ability of the control system as a whole. In table 1 these variations have been summarized in two types, or ideal models of control systems: a disciplinary and a non-disciplinary system

The analyses of the studied policy documents shows that the investigators of the Supervision Commission regard supervision as a regulatory instrument very close to the ideal model of a hard or disciplinary control system, but that this is a view of the instrument has not been fully accepted within the area of social service supervision. UTIS and the Government, do on the contrary, espouse a standpoint implying that supervision within the social service sector takes the form of both a disciplinary and a non-disciplinary system, as well as providing advice and guidance alongside the control-system aspect of the instrument. This leads to the concept of supervision in the social services sector again being widened, and being given a more composite sense that places more emphasis on supervision as being dialogue based or a form of bottom-up governing.

What are the possible explanations of the differing views on supervision as a regulatory instrument between the Supervision Commission on the one side, and UTIS and the Swedish Government on the other side? In the following, three explanations will be discussed, which to varying degrees can be discerned in the studied policy documents.

1. The UTIS investigators and the Government have a broader view of the purpose of supervision than the Supervision Commission.

As seen above, Supervision Commission considers increased compliance with regulations and public confidence as the primary goals of supervision. Such a guarantee is best achieved, according to the Commission, if supervision takes the form of a disciplinary control system. There are a number of arguments for why compliance and confidence are promoted within a disciplinary control system. One is that the behaviour-changing component will take the form of a coercive policy instrument. Coercive instruments are generally viewed as more powerful and indirectly as more effective in terms of behavioural impact than economic and informative instruments (Vedung, 2010). Designing supervision as a disciplinary control system also creates mechanisms for demanding accountability; that is to say, there are better prerequisites for holding individuals accountable for deficiencies in operations (cf. Ahlbäck Öberg, 2010; Braithwaite et al., 2007; Day & Klein, 1987). In addition to greater compliance with regulations, the Supervision Commission also views increased public confidence in the state and vital social institutions as a goal of supervision. In achieving such a goal, the image that is conveyed of the supervision itself is of great importance (Braithwaite et al., 2007; Power, 1999). By emphasizing control, coercive measures, and sanctions, an image of supervision as a strong and powerful in-

strument of control is created. This image contributes to strengthening the legit-imacy of supervision as a regulatory instrument, and indirectly also the public's confidence in the state and the democratic system.

The opinion that a disciplinary system is an effective way to improve rule compliance and public confidence is not questioned by UTIS or by the Govern-ment. The reason why they have a partially different view of the design of the supervision is rather that UTIS introduce an additional goal when stating that supervision also should 'improve the quality' (Prop 2008/09:160 p. 74) of the social services. For supervision to achieve goals as improving operations or raising standards it is, however, necessary that supervision be designed also as a more dialogue-based instrument of governing (Braithwaite et al., 2007). In this non-disciplinary and more explicitly supportive model of supervision the central government's claim to possess privilege of defining what good social services are is toned down. Interpreting what good social services are and how they can be achieved, instead becomes a process that involves local actors. When the goal of improving operations is introduced as an aim, supervision shifts from being a governing instrument whose legitimacy rests on a purely legal and bureaucratic foundation to being an instrument whose legitimacy is also based on the partici-pation and influence of local politicians and professionals (cf. Rothstein, 2012).

2. The UTIS investigators and the Government see the social services as a more complex activity than is recognized by the Supervision Commission.

The view of the supervision as a disciplinary control system does not take into account the type of operation or organizational context. From the Commission's perspective, the supervisory instrument's effectiveness is primarily viewed as context independent. The objections that UTIS and the Government raise against the Commission's definition of supervision are based on the conception that central areas of the social services' operations are of such a character that they lack the prerequisites for shaping exact standards and making unambiguous assessments. Theories about human service organizations, and the technologies employed by professionals in their work within these areas, support the idea that the prerequisites for governing the social services differ between different types of working processes (cf. Hasenfeld, 1983). Demands for adapting management styles to fit different work processes also find support within management re-search. In work processes based on a known casual connection between the input and the effect managerial control can be based on rules or standards. For work processes that lack these features, management takes on more of a ritualized character and must be replaced by demands for staff competence (Brorström, 2009).

By theories on human service organizations, the social services can be iden-tified with three primary tasks or technologies: exercise of authority (people processing), preserving functionality (people sustaining), and effecting change (people changing). The understanding of causal connections and the prerequi-sites for measurability are greatest in relation to the social services' tasks of people processing (cf. Hasenfeld, 1983). This indicates that supervision as a

disciplinary control system ought to be a more efficient regulatory instrument for tasks related to the social services' exercise of authority, while supervision as a non- disciplinary system is to be preferred for tasks related to preserving client´s functionality and support change.

3. The UTIS investigators and Government's view of social sector supervision stems from a tradition dominated by dialogue-based supervision.

Since the Social Services Act came into force in 1982, social services supervision has been described as a governing instrument in which the state is to assist the municipalities through information, advice, and deliberations (Prop 1979/80:1). Coercive regulations and sanctions have long been considered unnecessary and largely in conflict with municipal self-governance. It can be assumed that this pre-existing view of supervision has to some extent served as a starting point for UTIS when assessing and criticizing the Supervision Commission's proposals. Research shows that choices of policy instruments are not based only on rational considerations, but that these choices to a large degree also are determined by the context in which the instrument is to be used. In this connection, historical, political, organizational, and other contextual factors are significant (Lemaire, 2010; Kelman, 1981). The changes in the design of the supervision proposed by the Commission, it into a disciplinary control system, stand in stark contrast to how the supervision for the social services sector was defined in connection with the social services reform of the early 1980s. The development of social sector supervision towards a disciplinary control system is not, however, new, and is reflected among other things in the fact that in recent decades control and inspections have become increasingly prominent aspects of social services supervision (Montin & Hedlund, 2012).

How social services supervision will be conducted after the implementation of the government proposition concerning *Coordinated and explicit supervision of the social services*, how supervision is perceived and responded to by representatives of the social services, and what effects supervision will have on the actual work of the social services, are questions that remain unanswered in this study. The framework of control systems construction and governance characteristics that have been presented and the analyses that have been performed will, however, be able to serve as a basis for continuing empirical research on the design and impact of the supervision, not only within the social services sector, but also within administrative policy as a whole. There are a number of questions that further research should be able to address with the help of this framework. One of these is to what extent social sector supervision in practice has taken the form of a disciplinary or non-disciplinary system. Another such question concerns possible differences between how social sector supervision has been shaped in practice and how it is depicted in the political arena. The latter question recalls Power's (1999) claim that a greater emphasis on control and sanctions is mostly a question of generating confidence in the system itself, rather than de facto being the most effective form of governance.

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