

# Discrimination in Schools Due to Disability in Gothenburg

Report to the Disability Ombudsman of Gothenburg City 2024

## Introduction

The Anti-Discrimination Agency West, along with other anti-discrimination agencies, authorities, and the City Audit, provides a unified picture of significant shortcomings regarding students with needs and rights to special support.

It indicates that schools in Gothenburg and the Swedish school system at large suffer from structural problems concerning deficiencies in special support. In some cases, this can constitute discrimination in the form of lack of accessibility.

The Anti-Discrimination Agency West wishes to see a clearer strategy for how students with needs can be guaranteed the right to support in Gothenburg City. This should include clearer follow-up of how work is conducted at the school unit level.

## Reports to the Anti Discrimination Agency West

The following statistics are based on approximately 430 notifications that the agency has registered during the period of January 1, 2022 - October 31, 2024. The Swedish Discrimination Act guides the work.

The agency notes the grounds for discrimination reported, according to the first chapter of the discrimination law. Beyond that, grounds falling outside the law are also noted, such as body weight, appearance, or socioeconomic status.

According to the second chapter, the societal areas where disadvantage might have occurred are noted, such as the education system and working life.

The agency also notes the event municipality and the affected person's municipality of residence.

There are insufficient resources to investigate all incoming notifications. A notification does not mean that an investigation has been conducted regarding whether discrimination has occurred.

## Discrimination in Gothenburg

**Discrimination in Gothenburg** refers to events that occurred in the municipality and/or where the affected person resides. Event municipality and residence municipality usually coincide.

- 55 per cent of all notifications to the agency concern discrimination in Gothenburg
- 24 per cent of these notifications concern discrimination due to disability in Gothenburg

<b>43 %</b>	of the complaints in Gothenburg concern discrimination due to	<b>disability</b>
<b>23 %</b>	of the complaints in Gothenburg concern discrimination due to	<b>ethnic origin</b>
<b>20 %</b>	of the complaints in Gothenburg concern discrimination due to	<b>not protected</b>

Disability is the most common ground for discrimination in notifications in Gothenburg.

43 per cent of notifications in Gothenburg concern discrimination due to disability. This can be compared to 44 per cent of total notifications in the catchment area concerning discrimination due to disability.

Discrimination due to disability in Gothenburg City thus constitutes a quarter of all notifications.

The second most common ground for discrimination is ethnic affiliation.

Notifications about discrimination related to other grounds, such as gender, religion, or age, each constitute less than ten percent. Discrimination can also be related to multiple discrimination grounds simultaneously.

The 20 per cent of notifications classified as "not protected" concern grounds, characteristics, and group affiliations not covered by the discrimination law. This can, for example, involve civil status, body weight, and socioeconomic status.

## Societal Areas

Discrimination due to disability in Gothenburg is most prevalent in the education sector.

- 34 per cent of reported discrimination due to disability in Gothenburg occurs in education
- 82 per cent of these notifications concern children being discriminated against in primary school

Discrimination due to disability in Gothenburg is second most common in the work life sector.

<b>34 %</b>	of reported discrimination due to disability in Gbg takes place within	<b>education</b>
<b>33 %</b>	of reported discrimination due to disability in Gbg takes place within	<b>working life</b>
<b>21 %</b>	of reported discrimination due to disability in Gbg takes place within	<b>goods, services and housing</b>
<b>12 %</b>	of reported discrimination due to disability in Gbg takes place within	<b>goods, services and housing</b>

## Beyond the Statistics

The described situation is not unique to Gothenburg City. It looks the same for all anti-discrimination agencies in Sweden.

Even to the Discrimination Ombudsman (DO), notifications about lack of accessibility in the education sector dominate.

Of the notifications included in DO's 2024 analysis, 70 per cent concerned schools not providing students with the support and adaptation they are entitled to according to the Education Act, according to the annual report "Occurrence of Discrimination" (DO 2024).

In 2023, DO received 407 notifications about discrimination related to disability within the education.

## Reports from the National Agency for Education (Skolverket) and the School Inspectorate (Skolinspektionen)

Skolverket published a report in November 2024 which reveals:

*Of the students who completed 9th grade in spring 2024, every ninth student received a failing grade (F) in mathematics. When tracking this student group back in time, it becomes clear that many have struggled to meet the grading criteria in mathematics even earlier during their schooling. Processing of Skolverket's statistics shows that half had a failing grade in mathematics in 6th grade, and only a quarter passed all national subject tests in the subject in 3rd grade. Despite this, the statistics show that four out of ten students have not received any special support at all during their compulsory school years, and those who have received support interventions often received it for a short time.*

Skolverket notes that several studies and investigations show that many schools are deficient in their work with additional adaptations and special support.

Skolverket believes that principals and school leaders, in order to reverse the trend, need to ensure that there are both economic and organisational prerequisites for this work.

It also emerges that students with neuropsychiatric functional impairments (NPF) such as ADHD and autism are an overrepresented group among students who do not achieve passing grades.

Of the students who completed compulsory school with a final failing grade in mathematics, six out of ten have had special support during some grade in compulsory school, while four out of ten students have not received special support at any time during their compulsory school years.

Among students who received special support, it is most common to have received it for one academic year.

*That few students have received special support for an extended period and that support is often introduced late in compulsory school indicates that schools are failing to provide students with the support they are entitled to. The differences between grade levels could suggest that schools are not sufficiently good at early identification of the need for special support and implementing the necessary support. This is serious because research strongly supports that early support reduces the risk of problems developing later.*

Skolverket highlights the responsibility of principals and school leaders regarding additional adaptations and special support, pointing out the importance of ensuring that schools have sufficient resources and follow up on how work is functioning in schools.

Skolverket also points to the economic development of recent years that has put pressure on municipal economies, which has led to many schools facing savings requirements resulting in cuts. In this area, principals and school leaders need to ensure there are sufficient resources and prioritise work with early support interventions so that students receive support at the right time.

The School Inspectorate's government report for 2024 shows similar shortcomings among principals regarding their responsibility to ensure that schools fully understand the regulations governing additional adaptations and special support.

The deficiencies can, among other things, be due to a lack of access to the competencies or professions that, according to law, should exist in student health services. This creates difficulties in support work in the schools the School Inspectorate has examined. It can lead to not all students reported to the principal being investigated, or that there are insufficient conditions and competence to provide support to students in need of special support. Collaboration issues, different perspectives on procedures, and incomplete investigations risk delaying special support.

The School Inspectorate emphasises the importance of principals providing good conditions for the work and writes, among other things:

*Several principals have not secured good conditions, resources for student health services, and systematic follow-up of support work. In several cases, access to all competencies in student health services has been lacking. When personnel are only hired as needed, the support teachers need in the classroom is not available. An under-dimensioned student health service can have negative effects for students both in the short and long term. If principals maintain a lower ambition level in support work or prioritise other parts of operations, it contributes to support work in schools being solved as best as each individual teacher can.*

From the School Inspectorate's investigations, it emerges that representatives of student health services have expressed that students are sometimes not investigated after being reported to the principal because the school lacks the prerequisites to provide special support to students who need it.

The School Inspectorate points out that when there are deficiencies in the school's support work, there is an obvious risk that relevant support interventions are not implemented at all, or are implemented too late.

They believe it is particularly serious when students who have been identified through grades or other assessments as not meeting the goals have not received support for a long time.

Students for whom special support is only introduced in 9th grade may find it difficult to meet the grading criteria and risk not being eligible for high school.

## City Audit's Review of the Primary School Board

In the City Audit's (Stadsrevisionen) review of the Primary School Board's activities for the year 2023, it emerges that there are deficiencies in the city's work with special support, and the board is not deemed to have ensured that all students' needs for special support are met.

It emerges, among other things, that there was a school unit where there were many students (100) with failing grades in the same subject(s) for two consecutive semesters, but where most (95) were not reported to the principal.

The explanation from both principals and staff for why more are not reported is that there are so many students who need special support and that there are

not resources to meet these needs. This leads to the school continuing with additional adaptations even if the student risks not being approved.

There is a discrepancy between the principals' and the administration's perception of whether there are sufficient resources to meet students' needs for special support.

On the one hand, none of the interviewed principals consider the resources to be sufficient, and three of the examined school units had action plans to achieve a balanced economy at the time of the review.

Two of the schools believe this has affected the work with special support, and in the third, there was concern that it would lead to negative consequences in the future.

Staff and principals also highlight that there is a problem that the support provided does not always correspond to the student's actual needs, but more to what the organisation can provide. This can involve, for example, staff lacking relevant competence, lack of suitable premises, or the student not receiving sufficient time. This can result in students not reaching the knowledge goals despite the special support.

On the other hand, the administration states that the student allocation in Gothenburg is high compared to other municipalities. Rather, it is about how principals organise the operation and what competence development the staff receives, the administration argues.

However, the administration clarifies that if an investigation shows that the student needs special support, an action program must be drawn up.

The City Audit concludes the review by noting that the board continuously needs to follow up whether school units have sufficient resources to meet the requirements regarding special support.

Furthermore, it highlights the risk of lacking equivalence, where school units with a high proportion of students not reaching the goals have great difficulties meeting students' needs.

Finally, the board and principals are urged to strengthen the follow-up of special support work so that any deficiencies can be identified and addressed.

The City Audit points out certain areas where the board needs to improve its work:

- Strengthen routines for reporting special support needs
- Ensure investigations are initiated promptly
- Ensure documentation and decisions are correctly formulated
- Ensure all students' needs for special support are met
- Ensure equivalent conditions across the city
- Strengthen follow-up of special support work

## Legal Responsibility for Discrimination Due to Lack of Special Support

Several of the deficiencies highlighted by the Swedish National Agency for Education, School Inspectorate, and City Audit could constitute discrimination in the form of lack of accessibility.

From preparatory work, it emerges, among other things:

*The right to adaptations and support in education depends on the regulations that apply to the education in question. For example, the Education Act's provisions in the area differ between different school forms. In primary and secondary schools and equivalent school forms, the Education Act's provisions on special support apply. For a student in primary school and equivalent forms, these provisions mean, for example, that special support should be provided in a way and to an extent necessary for the student to have the opportunity to reach the knowledge requirements that must be met at minimum.*

The government considers that provisions on suitable premises and special support in the Education Act should be strongly guiding when determining which adaptation measures may be relevant in a specific case.

From court rulings, it can be interpreted that discrimination through lack of accessibility includes:

- Not promptly investigating a student's need for special support after determining that existing adaptations were insufficient (taking approximately six months)
- Delaying approximately 6 months after a special support investigation to analyse what support measures a student needs, formulate an action plan with such support measures, and arrange special support

The rulings also clarified that no diagnosis is required for discrimination law to be applicable.

## Summary

The purpose of this report is to highlight the structural problems within Swedish schools regarding insufficient special support. The Discrimination Ombudsman, anti-discrimination agencies, and other civil society organisations often encounter students with NPF diagnoses who do not receive the school support they need to achieve educational goals.

The Anti-Discrimination Agency West calls for:

- A clearer strategy in Gothenburg City to guarantee students' right to support
- Clearer follow-up of work at the school unit level
- Ensuring sufficient economic resources for this work

Not providing students with the support they are legally entitled to can be considered discrimination in individual cases and represents a loss for both the individual student and society.

## The Anti-Discrimination Agency West

Non-profit organisation covering 34 municipalities in the Västra Götaland Region with three main tasks:

- Offering free legal advice to people who have experienced discrimination
- Educating about the Discrimination Act and how discrimination can be prevented
- Advocating to influence and voice opinion for human rights and against structural discrimination



## References

Diskrimineringslagen (The Discrimination Act)

Förekomst av diskriminering 2024, Diskrimineringsombudsmannen (The Discrimination Ombudsman)

Gransknings av grundskolenämnden – verksamhetsåret 2023, Stadsrevisionen (The City Audit)

Skolgången för elever med slutbetyget F, Skolverkets aktuella analyser, 2024 (The National Agency for Education)

Skolinspektionens samlade erfarenheter, 2024 (The School Inspectorate)

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