



beo

Barn- och elevombudet





## Children have the right to feel secure at school

There is zero tolerance to offensive treatment at preschool and school. Adults are responsible for ensuring that all children and students are provided with a school environment that is free of discrimination, harassment and offensive treatment.

The Child and School Student Representative, BEO, safeguards the rights possessed by children and students in school. We do this by offering advice and providing information about legislation. We investigate complaints of offensive treatment and can demand damages on behalf of a child or student.



# What the law says

There are two laws meant to protect children and students from offensive treatment, discrimination and harassment in school – the Education Act and the Discrimination Act.

According to the Education Act (Ch. 14 a), offensive treatment is behaviour that disparages another person's value, but which is not based on discrimination. It may be a matter of teasing someone for being overweight or having the "wrong" hair colour. However, it need not be based on any particular quality of the person being targeted; shoving and ignoring the person are also considered offensive treatment.

Discrimination and harassment are behaviours that are linked to one of the basic elements of discrimination: sex, ethnicity, religion or other belief, disability, sexual orientation, age, transgender identity or expression. Read more at [www.do.se](http://www.do.se)

The BEO and the Swedish Schools Inspectorate supervise the regulations in the Education Act, and the Equality Ombudsman supervises the Discrimination Act.

## Obligations on the part of schools

All members of staff have an obligation to act if a child or student feels like he or she is the target of

offensive treatment. However, it is the authority/party that is responsible for the school, i.e. the authority/party that owns the school, which is legally obligated for ensuring that schools adhere to the law. The Education Act stipulates that all entities:

- ✓ work in a goal-oriented manner to counteract offensive treatment of children and students
- ✓ put measures in place to prevent children from being subjected to offensive treatment
- ✓ draw up a plan every year to combat offensive treatment ("Annual Plan" in the Act)
- ✓ involve children and students in efforts to produce the plan
- ✓ live up to the obligation to act. This means that members of staff must act and investigate what has occurred, immediately upon being made aware of someone feeling offended. This obligation applies to isolated occurrences as well, not just to bullying.







## Absolutely prohibited for adults to insult students

According to the Education Act, adults at preschools and schools may under no circumstances insult a child or a student – for example, uttering disparaging comments or threats or using physical violence.

As a teacher, you are also obligated to provide a secure environment for children and students. This may sometimes mean that you must use disciplinary measures such as reprimanding a student or asking a student to leave for the duration of the lesson. Even if this may be perceived as offensive, it need not be in the eyes of the law.



# Plans to counteract offensive treatment

All preschools and schools must work preventatively to combat offensive treatment. A structured plan is an important tool in these efforts.

The plans should prevent offensive treatment and discrimination and promote equal rights for all children and students.

All entities bound to the Education Act, for example preschools, schools, after-school recreation centres and adult education, must establish a plan against offensive treatment (stipulated by the Education Act) every year, as well as an equal treatment plan (stipulated by the Discrimination Act).

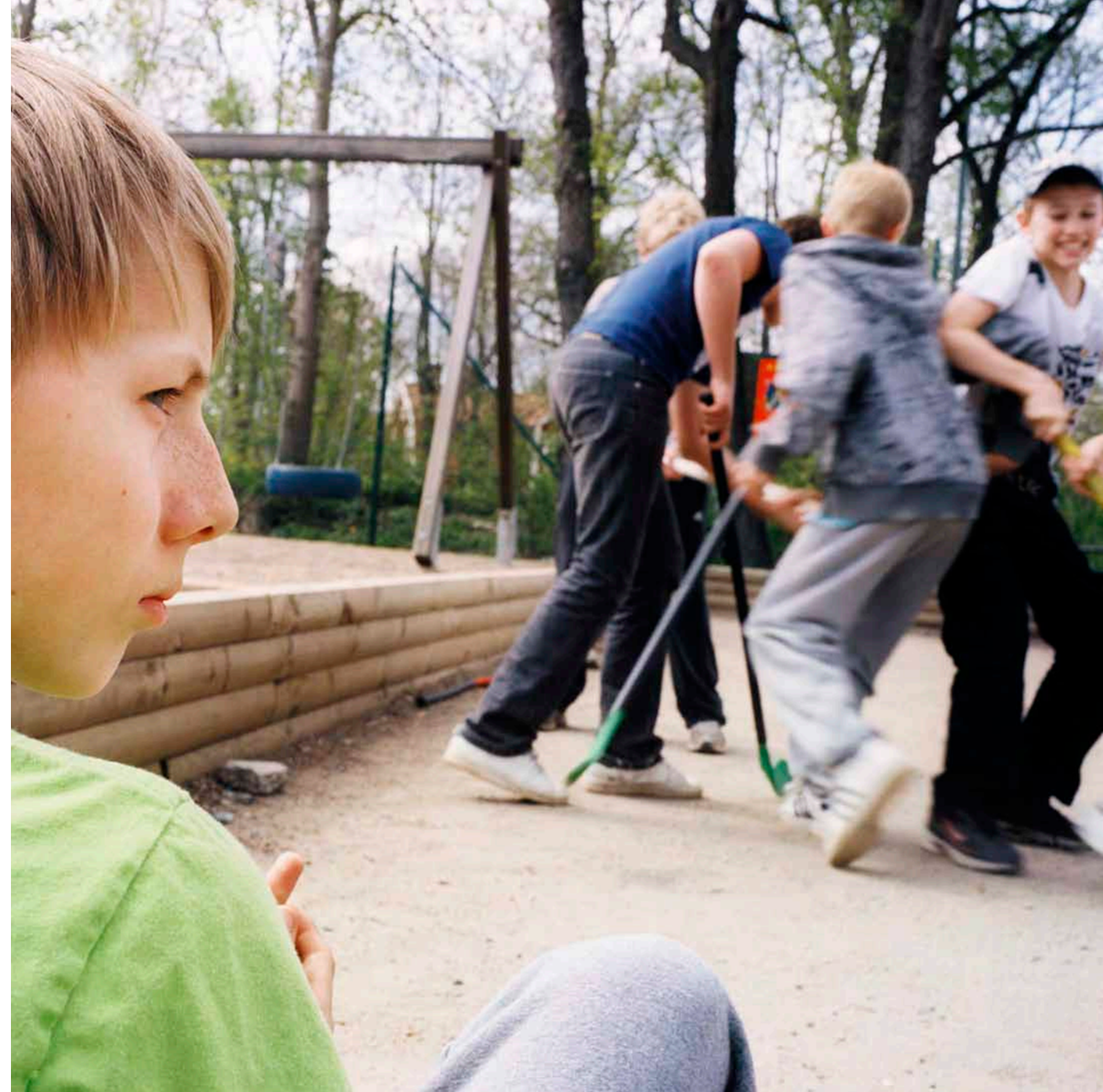
However, there is nothing to prevent both plans from being combined into one. It is of crucial importance that the content and all of the demands stipulated by legislation are satisfied.

The plans must be based on a current charting out of the situation. It is on this basis that decisions can be made regarding which actions should be implemented over the year. Children and students must be included in the work involved in establishing, following up and evaluating the plan. It is, after all, the students who are most aware of what the situation at school is like.

The plans should also describe how:

- ✓ members of staff should act in the event of an emergency situation
- ✓ the organization should work preventatively
- ✓ the planned measures should be implemented
- ✓ work should be followed up
- ✓ children and students have been involved in efforts
- ✓ children, students and parents are informed of the plan
- ✓ division of responsibility takes place – who does what?

There is more information available in the Swedish National Agency for Education's general advice and in the tutorials that the BEO has produced in collaboration with the Equality Ombudsman, DO. Read more at: [www.skolinspektionen.se/beo](http://www.skolinspektionen.se/beo)











# When schools do not adhere to the law

Om förskolor och skolor inte gör tillräckligt för att förebygga och förhindra kränkningar kan Barn- och elevombudet rikta kritik eller kräva skadestånd av huvudmannen.

If preschools and schools fail to do enough to prevent offensive treatment, the Child and School Student Representative can forward criticism or demand damages from the authority/person that is responsible for the school. Damages should in part serve as compensation for the victimized child and in part put pressure on schools to work preventatively.

The authority/person that is responsible for the school can be liable for damages to an individual child or student if:

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- ✓ the plan to prevent offensive treatment fails to satisfy legal requirements and has contributed

to a child or student being subjected to offensive treatment.

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- ✓ the preschool or school finds out that a child or student feels offended, but fails to investigate the event and has not taken necessary action to prevent offensive treatment.

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- ✓ a child or student has been insulted by a member of staff at the school. Since this is absolutely forbidden, it is up to the authority/person that is responsible for the school to prove that the child has not been subjected to offensive treatment.









## The Swedish Schools Inspectorate

All children and youth are entitled to attend schools that focus on both safety and knowledge. All of them should be subjected to the same conditions when working to reach the objectives regardless of sex, geographical origin or social and economical conditions.

The Swedish Schools Inspectorate is tasked with ensuring that every school lives up to these demands. The BEO works with the Swedish Schools Inspectorate on issues related to offensive treatment.



# The Child and School Student Representative, BEO

The BEO is appointed by the government. The BEO and the Swedish Schools Inspectorate are to ensure that preschools and schools adhere to the section of the Education Act that concerns offensive treatment. Together with the Equality Ombudsman, DO, we work to counteract offensive treatment, discrimination and harassment of children and students.

## Contact

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