

# Consolidation Act on Legal Protection and Administration in Social Matters

An Act to consolidate the Act on Legal Protection and Administration in Social Matters, cf. Consolidation Act No. 877 of 3 September 2008, incorporating the amendments enacted by section 3 of Act No. 286 of 15 April 2009, section 1 of Act No. 316 of 28 April 2009, section 12 of Act No. 483 of 12 June 2009 and section 20 of Act No. 483 of 12 June 2009.

The amendment under section 11 of Act No. 434 of 8 May 2006 is not incorporated into this Consolidation Act, since the effective date of this amendment is determined by the Minister for Justice, cf. section 15(3) of Act No. 434 of 8 May 2006.

The amendment under section 1(iii) under Act No. 316 of 28 April 2009 is not incorporated into this Consolidation Act, since the amendment will not come into force until 1 April 2010; cf. section 3(3) of Act No. 316 of 28 April 2009

## Part 1

### *Objects and scope*

**1** The objects of this Act are -

- (i) to protect the rights and influence of citizens whose cases are being considered by the social authorities;
- (ii) to emphasise the duty of the municipal council to attend to municipal tasks in the social area;
- (iii) to prevent persons who are facing or risk being faced with difficulties in remaining in their jobs from needing financial support; and
- (iv) to establish a structure and fundamental principles for the administration of social cases.

**2(1)** The Act provides rules governing the consideration and determination of cases by the municipality (municipal council) and the government authorities in the social area (the social complaints boards, employment appeals boards, the National Social Security Agency and the Social Appeals Board) in a statutory manner.

(2) Rules derogating from this Act may be laid down in other statutes.

(3) The Minister for the Interior and Social Affairs is authorised to designate the cases to which this Act will apply in whole or in part in the employment area subject to negotiation with the Minister for Employment.

## Part 2

### *The citizen*

**3(1)** The municipal council shall deal with matters of assistance as soon as possible with a view to determining whether assistance is warranted and if so the nature of such assistance.

(2) The municipal council shall stipulate a time limit within which a decision shall be made. If the said time limit cannot be complied with, the claimant shall be given written notice of when a decision may be expected<sup>1</sup>.

**4** The citizen shall be given the opportunity to attend the proceedings in which he/she is involved. The municipal council shall arrange the proceedings in such a way as to facilitate such attendance by the citizen.

**5** The municipal council shall consider applications and enquiries for assistance, having regard to all possibilities available to render assistance under the social legislation, including counselling and guidance. In addition, the municipal council shall have regard to the possibility that assistance may be available from another authority or subject to other statutory provisions.

**5 a(1)** The municipal council shall consider matters regarding assistance immediately, cf. section 5, when the municipality receives the notification from the enforcement court that a citizen is evicted from residential premises and the household includes children or young persons under the age of 18 or the municipality is in possession of information about the citizen that renders it probable that the citizen needs assistance. The same shall apply when the municipality receives notification from a housing organisation that a request for the eviction from a lease of a citizen due to non-performance of payment will be submitted to the enforcement court; cf. the rules on the landlord's notification to the municipality in Act on the Rent of Social Dwellings.

(2) If the municipal council assesses that no basis exists for providing assistance in connection with the eviction from the lease, the municipal council shall make a decision to this effect not later than 14 days after the enforcement court's notification that enforcement proceedings will be instituted and not later than 14 days after the housing organisation's notification that a request for eviction from a lease of a citizen due to non-performance of payment will be submitted to the enforcement court

(3) Subject to the prior consent of the citizen, the municipal council may inform the enforcement court or the housing organisation of its decision.

(4) The municipal council's decision under subsection (2) hereof may be brought before the social complaints board pursuant to the provisions of Part 10 hereof.

(5) When the municipality receives a notification as specified in subsection (1) hereof, without having to consider the issue of assistance, the municipal council must immediately contact the claimant and inform him/her of the possibility of contacting the municipality to have issues regarding assistance considered, cf. section 5 hereof.

**6** If a citizen requires long-term assistance, the municipality shall at an early stage seek to structure the assistance subject to an overall assessment of the claimant's specific situation and long-term needs.

**7(1)** Within 8 weeks from the first application for continuous financial provision the municipal council shall conduct an assessment under section 6 above. But this shall not apply to persons taking part in a contact process pursuant to Part 7 of the Act on Active Employment Measures or to persons taking part in a follow-up process pursuant to Part 6 of the Act on Sickness Benefits.

(2) The claimant shall be given written notice of the assessment conducted by the municipal council under subsection (1) hereof.

#### *Vocational measures*

**7 a(1)** No later than two weeks before a vocational measure ends, the municipal council shall take a position on the need for additional measures to help the citizen rejoin the labour market. The citizen, his/her general practitioner, the labour union, companies and other parties shall take part in making such assessment.

(2) If the municipal council decides to initiate additional measures, such measures shall be implemented immediately following the termination of the ongoing measure.

**8** The Minister for the Interior and Social Affairs is authorised to lay down rules governing the procedure and follow-up of cases, including specific time limits applicable to certain types of cases.

## Part 3

### *Residential municipality and inter-municipal reimbursement*

#### *General provisions*

- 9(1) The residential municipality is under an obligation to provide assistance, but cf. section 9a(4).
- (2) The residential municipality of a person is where he/she has his/her residence or ordinarily stays, but cf. section 9b(2).
- (3) The residential municipality of a married couple is the municipality in which the joint home is situated.
- (4) The Minister for the Interior and Social Affairs shall lay down regulations regarding residential municipality for persons staying abroad or who have permanent residence abroad.
- (5) The Minister for Employment shall lay down rules specifying which municipality is under a duty to act in cases under the Act on Sickness Benefits . The Minister for Employment shall lay down rules on which municipality is under a duty to act in cases under the Act on the Right to Leave of Absence and Daily Cash Benefits in the event of Childbirth.
- (6) On special grounds, the residential municipality may agree with a former residential municipality that it continues to have the duty to provide assistance. Such agreement is conditional upon the consent of the person receiving assistance.
- (7) Should two or more municipal authorities disagree about which municipality is a person's residential municipality, the municipality in which the person is or has most recently been registered with the National Registration Office shall act as residential municipality until it has been clarified which municipality is the proper residential municipality. When the proper residential municipality has been determined, and the acting residential municipality is not the person's residential municipality, the residential municipality shall reimburse the acting residential municipality for its expenses in the period in which the disagreement existed. The reimbursement shall be calculated as reimbursement pursuant to section 9c(1).

#### *Persons under 18 years of age*

- 9a(1) The residential municipality of a child or a young person under the age of 18 is under an obligation to provide assistance, but see section 9 b.
- (2) A child or a young person under 18 has the same residential municipality as his/her parents, but cf. subsections (3)-(5). A child or a young person under 18 spending most of his/her time with one parent has the residential municipality of that parent. If the child or the young person spends equal amounts of time with both parents, the residential municipality is the municipality in which the child or young person is registered.
- (3) A child or a young person under 18 who is not living with any of his/her parents and who is self-sufficient has a separate residential municipality.
- (4) The residential municipality of the custodial parent is under an obligation to provide assistance pursuant to Part 11 of the Act on Social Services. But if a child or a young person is in care, the independent residential municipality of the child or the young person shall be the municipality that made the decision regarding care pursuant to Part 11 of the Act on Social Services. The independent residential municipality of the child or the young person shall cooperate with the residential municipality of the custodial parent to solve the family's problems, and consults the custodial parent and the child or the young person before making a decision pursuant to Part 11 of the Act on Social Services. The independent residential municipality of the child or the young person shall make decisions regarding the circumstances of the child or the young person.

Decisions targeted at the custodial parent shall be made by the residential municipality of the custodial parent.

(5) A young person under 18 who is responsible for providing for a spouse or a child has a separate residential municipality.

(6) Notwithstanding the provision in the second and third sentences of section 4, the residential municipality of the custodial parent may agree with the residential municipality of the child or the young person that the former municipality shall be the acting authority in matters pertaining to the child or the young person. Such agreement is subject to the consent of the custodial parent and the young person over 15 years of age.

*Staying outside the residential municipality*

**9b(1)** A person staying temporarily outside his/her residential municipality shall be entitled to receive personal and practical help pursuant to section 83 of the Act on Social Services in the municipality in which the person is temporarily staying, provided that the person in question has been granted personal and practical assistance in the residential municipality prior to the temporary stay. Dying people to whom constant care allowance is paid under section 119 of the Act on Social Services in a municipality other than the residential municipality are entitled to personal and practical assistance in the municipality in which care is provided under section 83 of the Act on Social Services regardless of whether assistance has been granted by the residential municipality prior to this.

(2) Constant care allowance and subsidies for nursing requisites, etc., cf. sections 120 and 122 of the Act on Social Services, shall be payable by the municipality in which the care takes place.

(3) A spouse or a child staying outside the residential municipality, cf. section 9(3) and section 9 a(2) above, shall also be entitled to necessary assistance regardless of the fact that the stay is non-temporary. The municipality in which the family member is currently staying shall grant the assistance.

**9c(1)** The residential municipality shall be entitled to recover its share of the expenses for assistance pursuant to the Act on Social Services, the Act on an Active Social Policy, the Act on Active Employment Measures, the Act on Individual Housing Benefits, section 52(1) of the Act on Social Pensions and section 50(1) of the Act on the Highest, Intermediate, Increased Ordinary and Ordinary Anticipatory Pension, etc., from the former residential municipality pursuant to subsections (2)-(5) hereof.

(2) The residential municipality shall be entitled to reimbursement when the former municipality or other public authority has helped provide accommodation for a person in

(i) Accommodation facilities under sections 107-110 and 192 of the Act on Social Services;

(ii) housing under section 115(4), cf. section 105(2), of the Act on Social Housing and Subsidised Private Co-operative Housing, etc.;

(iii) institutions under the hospital service;

(iv) institutions under the Prison and Probation Service;

(v) housing, accommodation facilities, etc., replacing and corresponding to accommodation facilities, etc., under paras (i)-(iv); or

(vi) care facilities for children and young persons under sections 67 and 142 of the Act on Social Services.

(3) Where the residential municipality is entitled to reimbursement under section 2 (vi) hereof, such reimbursement right shall continue if measures are initiated pursuant to section 76(3) of the Act on Social Services.

(4) The residential municipality shall be entitled to reimbursement under subsection (1) hereof where a person has moved to a corresponding facility in another municipality subject to :

(i) section 108(2) and section 192 of the Act on Social Services

(ii) section 58a of the Act on Social Housing and Subsidised Private Co-operative Housing, etc.

(iii) the Act on Private Care Dwellings

(5) The residential municipality shall be entitled to reimbursement where a person is accommodated in a facility as mentioned in subsections (2) – (4) hereof and the former residential municipality knew the circumstances motivating such accommodation and intervention was obviously needed. A residential municipality shall also be entitled to reimbursement under subsection (1) hereof where a child or a young person is placed in accommodation facilities, cf. sections 67 and 142 of the Act on Social Services, as a result of the former residential municipality's decision to return the child or young person to his/her home, when the decision to return the child or young person was obviously unfounded.

(6) The residential municipality shall reimburse expenses for personal and practical assistance pursuant to section 83 of the Act on Social Services during a person's temporary stay in another municipality; cf. section 9b(1) above. The residential municipality shall also reimburse expenses for constant care allowance and subsidies for nursing requisites, etc, cf. sections 120 and 122 of the Act on Social Services, during a person's stay in another municipality; cf. section 9b(2) hereof.

(7) The municipality that was the pensioner's residential municipality at the time the pension was awarded shall reimburse the residential municipality's expenses for anticipatory pension pursuant to Part 3 and section 52(1) of the Act on Social Pensions for up to six years as from the time the pensioner was awarded anticipatory pension. Reimbursement pursuant to subsections (2), (4) and (5) hereof shall postpone the right to reimbursement pursuant to the first sentence hereof.

(8) The expenses for which the residential municipality may receive coverage pursuant to subsections (2) – (6) above are the residential municipality's actual expenses. The actual expenses comprise a proportionate share of common expenses and expenses for management and administration stemming from the operation of a facility. If a rate or a price requirement has been fixed pursuant to the Act on Social Services, the residential municipality shall be entitled to reimbursement corresponding to this rate or price requirement.

(9) The right to reimbursement pursuant to subsections (2), (4) and (5) above shall exist for as long as the citizen resides in the relevant residential accommodation or a corresponding residential facility. The obligation of a former residential municipality to reimburse expenses incurred for a citizen's stay in an institution pursuant to section 110 of the Act on Social Services shall exist until the citizen has taken residence in a new municipality.

(10) Outside the cases listed in subsections (2) – (5) above, municipalities may agree between themselves that a former residential municipality shall continue to pay the cost of assistance under the Acts listed in subsection (1) above. Any such agreement shall specify the duration thereof.

(11) Any claim against a former residential municipality under subsections (2) – (7) above shall be raised within 3 years from the provision of the assistance.

#### *Municipal cooperation*

**9d** Subject to prior application, the Minister for the Interior and Social Affairs may permit for the obligation to provide assistance pursuant to sections 9 and 9a above to be assigned to another municipality, where such assignment takes place as an element in a common inter-municipal out-of-hours placement service.

Part 3 a

*Duty of information, etc.*

*Disclosure, etc.*

**10** In considering cases coming under this Act, the authority shall be responsible for ensuring it has the amount of information needed to make a decision.

**11(1)** The authority may request persons applying for or receiving assistance to

(i) help procure such information as is necessary to determine the type of assistance to which they are entitled; and

(ii) be subjected to a medical examination or be admitted for observation and treatment as an element in the consideration of the case.

(2) A person receiving assistance shall inform the relevant authority of any changes likely to affect such assistance.

**11a(1)** Subject to the prior consent of the person claiming or receiving assistance, the authority may demand that other public authorities, educational institutions, hospitals, doctors, psychologists, authorized health service personnel in general and persons acting under the responsibility of these individuals, unemployment insurance funds, banks, employers and private individuals performing assignments on behalf of the public authorities disclose information about the relevant person that is necessary for considering the case. This also applies to information about a person's purely private circumstances and other confidential information, and the authority can obtain medical records, hospital records or transcripts thereof. The authority may require that a judicial examination be conducted in pursuance of section 1018 of the Administration of Justice Act if the information is not furnished.

(2) Without prior consent, the authority may require other public authorities and unemployment insurance funds to provide information about financial circumstances in respect of the person claiming or receiving assistance and his/her spouse or cohabitee for use in considering an individual case or for general control purposes. Similar information may be retrieved on other members of the household. Information may be shared and compared with data from the authority's own, other authorities' and the unemployment insurance funds' IT systems when this is necessary for checking whether the conditions for granting assistance have been met, including for subsequent control of whether mistakes have been made or abuse has occurred when the assistance was granted. The information can be obtained even if the person that the information concerns is not a resident of the municipality or county requesting the information.

(3) The authority may get terminal access to the necessary information as mentioned in subsections (1) and (2) above in the income register; cf. section 7 of the Act on an Income Register. To the extent that information as mentioned in subsection (1) or (2) above exists in the income register, the authority must obtain the information from such register.

(4) In case of complaints filed with the Social Complaints Board, the Employment Appeals Board or the Social Appeals Board and for the processing of cases by the National Social Security Agency, consent to obtain information pursuant to section 11a(1) may be obtained when a written acknowledgment of receipt of the complaint notifies the citizen of which type of information he or she may be required to furnish, and is given a deadline for making an objection to such action.

**11b** If the citizen does not provide his assistance, cf. section 11(1)(i) and (ii) above or does not consent to the authority's obtaining information, cf. section 11a(1) above, the authority shall consider the case regarding assistance on the basis of the available material, unless the information can be obtained without consent, cf. section 11a(2) and section 11c above.

**11c(1)** If the consideration of the case so necessitates, the requirement as to consent pursuant to section 11a(1) and (3)<sup>2</sup> may be derogated from in cases regarding

(i) special support to children and young persons pursuant to Part 11 of the Act on Social Services, where the authority may of its own motion commence a case or make a decision without the consent of the parents, and in connection with investigations pursuant to section 50 of the Act on Social Services;

(ii) anticipatory pension, where the authority may of its own motion commence a case or make a decision in a case without having received the relevant person's application, cf. section 17(2) of the Act on Social Pensions;

(iii) withdrawal of anticipatory pension, cf. section 44(1) of the Act on Social Pensions and withdrawal of or transfer to another pension, cf. section 44(1) of the Act on the Highest, Intermediate, Increased Ordinary and Ordinary Anticipatory Pension, etc.;

(iv) repayment of social services; and

(v) inter-municipal reimbursement, cf. section 9c, in respect of the following information on the citizen for which reimbursement is granted:

- a) Personal code number.
- b) Authority to pay the expense.
- c) Elements of the expense.
- d) Number of units.

(2) If necessary for the consideration of a case pursuant to subsection (1)(i) hereof, the authority may also, without the consent of the person concerned, request private individuals with knowledge of the circumstances to give information necessary for the consideration of the case. In making such request, the authority shall inform the person asked that he/she is not obliged to answer.

(3) In cases pursuant to section 1(i), the authority may, without the consent of the person concerned, request information pursuant to section 11a(1) and obtain information pursuant to section 11c(2) above about persons who are parties to the case and about the co-habiting partner or spouse of the custodial parent.

(4) Notwithstanding the access to obtain information without the consent of the person concerned, cf. subsections (1) – (3) hereof, the authority must try to obtain the concerned person's consent to obtain such information.

#### *The authority's duty of disclosure*

**12** The authority shall notify the citizen in writing about

(i) the authority's access to obtain information pursuant to sections 11 a and 11 c above and to perform inspections pursuant to section 12a;

(ii) the consequences if the citizen fails to assist, cf. section 11b;

(iii) the types of changes likely to affect the assistance; and

(iv) the possibility that the citizen may receive a claim for repayment and possibly be charged for violating section 289a of the Penal Code and pursuant to section 12b of this Act if the citizen fails to inform the relevant authority of the changes, cf. section 11(2) above.

#### *Inspection*

**12a(1)** The municipal authority shall at all times without a court order have access to the premises, etc., of a business as well as to workplaces outside the business premises for the purpose of checking the information about citizens' wage and work circumstances that forms the basis for payment of benefits in cases comprised by this Act. The municipality in which the business is located may perform the inspection. The municipal authority shall not have access to perform the inspection in private homes without a court order.

(2) The municipal authority may inspect the business' records on the citizen's wage and work circumstances no matter whether such information is available in manual or electronic records. Material deemed to be of importance for further inspection must be surrendered on request or filed with the municipal authority.

(3) The officer representing the municipal authority shall prove his/her identity before the inspection commences.

(4) The owners of the business and its employees must assist the municipal authority in performing the inspection.

(5) The municipal council may order an employer to register information on employees on a daily basis. The information to be registered is the same as the information that the National Director of Labour has laid down under the authority of section 91(4) of the Act on Unemployment Insurance, etc.

(6) The municipal council shall only order the employer to register information, cf. subsection (5) hereof, if, during an inspection, cf. subsection (1), the municipal authority finds that the employer's registrations are insufficient.

(7) Registrations pursuant to subsection (5) must at all times be shown to the municipal authority on request.

(8) Persons engaged in the company at the time of inspection can be requested to state their name, address and date of birth, term of employment and wage and employment terms and whether they currently receive social or employment-related services.

(9) The police shall assist the municipal authority. The Minister for the Interior and Social Affairs may lay down rules to that effect in consultation with the Minister for Justice and the Minister for Employment.

#### *Punishment*

**12b (1)** Unless other legislation imposes stricter sanctions, a person shall be liable to pay a fine if such person, by exercising gross negligence, provokes, corroborates or exploits a misconception by the authority by misrepresenting the truth or by omitting to give information about circumstances impacting on the assistance, cf. section 11(1)(i) and (2) above, and thus inflicts an economic loss on the authority.

(2) An employer who fails to fulfil the obligations resting on the employer pursuant to section 12a(5) and (7) shall be liable to pay a fine.

(3) Criminal liability may be imposed on companies, etc. (legal persons) under the rules of Part 5 of the Criminal Code.

#### *Other exchange of information*

**12c(1)** For the purpose of preparing care tasks, etc. pursuant to Part 16 of the Act on Social Services, the Act on Preventive Home Visits for the Elderly, etc., and the Health Act and for use in following up cases pursuant to sections 8-10 of the Act on Sickness Benefits municipal councils and hospitals may exchange information about admission of citizens in the municipality to hospitals and discharge from them. The exchange can be made automatically and without the consent of the citizen.

**12 d.** For the purpose of considering cases pursuant to the Workers' Compensation Act and following up cases pursuant to sections 8-10 of the Act on Sickness Benefits, the National Board of Industrial Injuries and municipal councils may exchange information on the opening of industrial injury cases and cases on sickness benefits, rehabilitation, flexible working arrangements and anticipatory pension. In industrial injury cases and cases about sickness benefits, rehabilitation, flexible working arrangements and anticipatory pension, the National Board of Industrial Injuries and the municipal councils may also exchange information on retrieval of case information documenting working capacity and exchange information to the effect that a decision has been made on working capacity. Such information exchange may take place automatically and without the citizen's consent.

**13** (Repealed).

**14** The municipal authority may disclose information to pharmacies stating name, civil registration number and the individual allowance percentage in respect of any person receiving an individual allowance for medical expenses. Such information may be provided electronically and without the consent of the person concerned.

#### Part 4

##### *The municipality Duties of the municipal council*

**15** The municipal council shall be responsible for and determine the way in which the municipality is to plan and carry out the social and public health activities in pursuance of the social legislation.

**16** The municipal council shall supervise the discharge of municipal duties, cf. section 15 above. Such supervision shall include the content as well as the implementation of the facilities provided.

**16 a.** The municipal council shall supervise persons with considerable and permanently diminished mental capacity, who under a judgment or order or under terms for dismissal of charges or probation must be subjected to supervision by the social authorities. The municipal council may decide on accommodation in a dwelling type specified in section 108 of the Act on Social Services.

(2) The Minister for the Interior and Social Affairs may lay down rules as to the supervision performed by the social authorities.

##### *Consideration of individual cases at municipal council meetings*

**17** Consideration of a case for assistance to individual persons at municipal council meetings shall take place behind closed doors.

##### *The children and young persons committee*

**18** The municipal council shall set up a children and young persons committee responsible for making decisions concerning children and young persons, cf. section 62 of the Act on Social Services.

**19(1)** The children and young persons committee shall consist of

(i) 3 members elected by the municipal council from among its members;

(ii) the city court judge of the judicial district, provided that where there are several judges in the judicial district the Danish Court Administration shall appoint one of them; and

(iii) an educational/psychology expert to be appointed by the state administration for the municipal term of office.

(2) Subject to the same rules an alternate shall be elected and appointed for each committee member, such alternates being required to attend meetings whenever the relevant member is unable to attend.

(3) The educational/psychology expert appointed under subsection (1), para. iii above, may not participate in the consideration of other cases concerning the same person or same family in the public administration, including consideration of cases in the state administration and complaints..

**20**(1) The children and young persons committee shall elect its own chairman and deputy chairman from among the members elected by the municipal council.

(2) The judge shall chair the meetings of the committee and shall ensure that the necessary investigations have been undertaken, decide whether to obtain more information and may require a judicial examination to be conducted under section 1018 of the Administration of Justice Act. Also, the judge shall provide guidance as to the interpretation and application of the rules and consider and evaluate the information available.

**21**(1) The Minister for the Interior and Social Affairs shall set the rules of procedure for the children and young persons committee. The Minister for the Interior and Social Affairs can be authorised in the rules of procedure to grant exemptions from the requirement in section 19(2) to the effect that an alternate shall be appointed for each member.

(2) The Minister for the Interior and Social Affairs is authorised to lay down rules governing the remuneration of the chairman and other members elected by the municipal council.

**22-29** (Repealed)

#### *Senior citizens' councils*

**30**(1) Each municipality shall establish a senior citizens' council. The council members shall be elected through direct elections. The senior citizens' council shall advise the municipal council in policy matters relating to the elderly and shall communicate the views of the citizens and the municipal council about matters of local politics concerning the elderly.

(2) The municipal council shall consult the senior citizens' council before adopting any proposals concerning the elderly.

(3) The municipal council shall decide whether there is a basis for establishing several local senior citizens' councils.

**31**(1) The senior citizens' council shall consist of not less than 5 members. The members shall be elected in direct elections, and an alternate shall be elected for each council member. Party lists may not be used or electoral pacts made in connection with elections to senior citizens' councils.

(2) The municipal council shall ensure that elections for the senior citizens' council shall be held at least every 4 years and shall in cooperation with the senior citizens' council lay down rules governing the election procedure.

**32**Persons who has attained the age of 60 and reside permanently in the municipality are entitled to vote and are eligible for membership of the senior citizens' council.

**33(1)** The municipal council shall lay down regulations governing the senior citizens' council in cooperation with the council. The senior citizens' council shall determine its own rules of procedure.

(2) The municipal council shall pay the cost of the work performed of the senior citizens' council and shall make secretarial assistance available to the council if so requested.

(3) The municipal council shall pay attendance fees, compensation for documented loss of earnings and reimbursement of costs according to the provisions of section 16a of the Act on the Management of Local Authorities to the members of the senior citizens' councils.

(4) A member of the senior citizen council is not obligated to accept attendance fees or reimbursement of costs to which he/she is entitled under subsection (3) above.

#### *Complaints councils*

**34(1)** The municipal council shall establish a complaints council responsible for -

(i) discussing, considering and referring complaints of decisions concerning the assistance offered under sections 83 and 84 of the Act on Social Services; and

(ii) keeping the development in the area under review and contributing to the discharge of the duties in accordance with the objectives of the municipal council.

(2) The complaints council shall decide which general and specific questions concerning personal care and assistance, etc., to present to the municipal council. The complaints council may express any critical views and propose changes within the area. The Minister for the Interior and Social Affairs is authorised to lay down rules governing the procedure to be adopted by the complaints council in considering complaints, cf. section 74 below.

(3) The municipal council shall ensure that the complaints council is provided with any necessary general and local information about the assistance as set out in subsection (1) hereof.

(4) Subject to consultation with the senior citizens' council, the municipal council shall decide whether there is any basis for establishing several complaints councils.

**35(1)** The municipal council shall ensure that members for the complaints council be elected at least every 4 years and shall in cooperation with the senior citizens' council lay down rules governing the election procedure.

(2) The complaints council shall consist of -

(i) 3 members to be elected by the senior citizens' council of the municipality from among its members;

(ii) 2 members to be elected by the municipal council from among its members;

(iii) 1 member to be elected by the organisations of disabled people in the municipality.

(3) The member elected under subsection (2)(iii) by the organisations of disabled people in the municipality must be a recipient of a social pension, be under 60 and be a permanent resident of the municipality.

(4) An alternate member shall be elected for each council member. If the senior citizens' council is composed of five members, only two alternates shall be elected among its members.

(5) The complaints council shall elect its own chairman among the members elected by the senior citizens' council.

**36(1)** The municipality shall pay the cost of the work performed by the complaints council and shall make secretarial assistance available to the council.

(2) The municipal council may decide that members of the complaints council who are not members of the municipal council shall be paid attendance fees, compensation for loss of earnings subject to documentation and reimbursement of costs under the rules of section 16a of the Act on the Administration of Municipalities.

(3) A member of the complaints council is not obligated to receive attendance fees or reimbursement of costs to which he/she is entitled under subsection (2) above.

**37** Repealed.

#### *Disability council*

**37 a.(1)** The municipal council shall establish a disability council. The disability council shall advise the municipal council on matters relating to disability policy and shall communicate the views of the citizens and the municipal council about matters of local politics concerning disabled people.

(2) The municipal council shall consult the disability council on all initiatives affecting disabled people.

(3) The disability council shall consist of 3-7 members from the disability organisations in the municipality appointed on the recommendation of the Disabled Peoples Organisations Denmark and 3-7 members appointed by the municipal council, including some of its own members. The disability council shall elect its own chairman.

(4) The Minister for the Interior and Social Affairs shall by order specify the rules for the activities and composition of the disability council.

#### Part 5

(Repealed).

#### Part 6

#### *Tasks left to private individuals*

**42 (Repealed)**

**43(1)** Where a municipality or a region is paying for work under the social legislation, the authority shall decide on the appropriate action to be taken in respect of any property thereby accumulated. This provision shall not apply to property accumulated in connection with the operation of private day-care facilities pursuant to section 19 (4) and 51(4) of the Day-Care Facilities Act, and property obtained by the private care dwelling provider in connection with the provision of service and care in private care dwellings.

(2) Where an authority delegates duties under the Act on an Active Social Policy, the Act on Active Employment Measures, the Act on Day-Care Facilities, the Act on Sickness Benefits the Act on the Right to Leave of Absence and Daily Cash Benefits in the event of Childbirth and the Act on Social Services to parties other than public authorities, such parties shall be subject to the provisions of the Public Administration Act and the Right of Access to Public Records Act in respect of the duty to be discharged. This provision shall also apply to private day-care facilities; cf. section 19(4) and 51(4) of the Day-Care Facility Act, and to private care dwellings.

(3) In the discharge of such duties, cf. subsection (2) above, passing on and obtaining information about individuals shall be subject to sections 27, 29, 31 and 32 of the Public Administration Act. The same shall apply to any independent institution performing work for a municipal council or a regional council.

**43a** (Repealed).

## Part 7

### *Social complaints boards*

**44**(1) The social complaints board shall consider any complaints of decisions by the municipal council as provided for under the Act.

(2) The social complaints board shall approve the following decisions by the municipal council where such decision has been made against the will of the person in question:

(i) Decisions on alarm and paging systems under section 125 of the Act on Social Services.

(ii) Decisions on detention in the home under section 127 of the Act on Social Services.

(iii) Decisions on the use of protective measures under section 128 of the Act on Social Services.

(3) The social complaints board shall decide in a meeting on the admission to special accommodation without consent under section 129 of the Act on Social Services on the recommendation of the municipal council.

(4) The social complaints board shall make decisions and order the municipal council to make and enforce decisions pursuant to section 65 of the Act on Social Services.

**45**(1) A social complaints board shall be established in each region. The term of the social complaints board shall be four years counting from the 1 June of the year following the municipal election year..

(2) The boards shall consist of the Director of the state administration as ex officio chairman, one member appointed by the Minister for the Interior and Social Affairs on the recommendation of the municipal councils of the region and one member appointed by the Minister for the Interior and Social Affairs on the recommendation of Disabled Peoples Organisations Denmark. The State administration shall provide the board with secretariat assistance.

(3) Members of the board appointed by the Minister for the Interior and Social Affairs shall reside in the region of the state administration or otherwise be connected thereto. Members shall be elected for a term of four years. Members of the National Social Appeals Board cannot be members of the social complaints board.

(4) Decisions in individual cases shall be made by a simple majority of votes.

(5) The Minister for the Interior and Social Affairs shall lay down the rules of procedure of the board. The Minister for the Interior and Social Affairs shall determine the number of members necessary for the purpose of establishing several boards in the same region.

**46**(Repealed)

**46a**(Repealed)

**47**(1) A member of a social complaints board shall not participate in the hearing of cases relating to a municipality in which the member is either an employee or a member of the municipal council.

**48** (Repealed)

Part 8

(Repealed).

Part 9

*The National Social Appeals Board*

**50**(1) The National Social Appeals Board is the appeals body for administrative decisions as specified by statute.

(2) The National Social Appeals Board shall make decisions and order the municipal board to make and enforce decisions pursuant to section 65 of the Act on Social Services.

(3) The National Social Appeals Board shall provide secretariat assistance to the Working Environment Appeals Board and the Board of Equal Treatment.

(4) The decisions of the Social Appeals Board shall not be brought before any other administrative authority.

50a (Repealed)

*Composition*

**51**(1) Decisions by the Social Appeals Board shall be made by -

- (i) the director, his deputy and a number of assistant secretaries and
- (ii) the members appointed under section 52 below.

(2) The director, his deputy and each of the assistant secretaries of the Social Appeals Board must hold a degree in law, political science or economics or have similar educational qualifications. They shall be full-time officers of the Social Appeals Board as the appointing authority.

**52**(1) The Minister for the Interior and Social Affairs shall determine the number of members and alternates to be appointed by the Minister on the recommendation of -

- (i) the Danish Confederation of Danish Employers;
- (ii) the Danish Confederation of Trade Unions;
- (iii) the Salaried Employees' and Civil Servants' Confederation;
- (iv) Local Government Denmark;
- (v) the Danish Council of Organisations of Disabled People;

.

(2) Members shall be appointed for a term of four years. Appointment shall be effective from 1 June of the year following the municipal election year. If appointment is made during a period, it shall last until the end of that period.

(3) The following persons shall not be eligible for membership:

- (i) members of a social complaints board or;
- (ii) persons, who have been appointed members of the National Social Appeals Board or the Employment Committee of the National Social Appeals Board for two full terms

*Decisions in individual cases*

**53(1)** The Social Appeals Board shall make decisions in individual cases at a meeting attended by 2 members and 1 assistant secretary, who is officio chairman. Decisions shall be made by simple majority.

(2) Where the Social Appeals Board finds that a given case may be suitable for decision without a formal meeting, the board shall submit a decision in the recommended form to the members. If any member does not wish for the matter to be decided on that basis, the case shall be decided at a formal meeting.

(3) The chairman may stipulate that a decision shall not be effective where it is deemed to be doubtful whether the decision is legal. Subsequently, the case shall be considered at a meeting subject to a full review, cf. section 55 below.

**54** A member of the National Social Appeals Board may not participate in the hearing of cases relating to a municipality in which the member is either an employee of a member of the municipal council.

*Decisions subject to full consideration*

**55(1)** For the purpose of decisions subject to full consideration, the relevant meeting shall be attended by 2 members and 2 assistant secretaries one of whom shall be ex officio chairman of the meeting.

(2) Full consideration shall be required in cases involving:

(i) Decisions by the social complaints boards that are subject to review on the grounds of their fundamental or general public importance, cf. section 63 below.

(ii) Decisions by the children and young persons committee, cf. section 74 of the Act on Social Services.

(iii) Cases on the Social Appeals Board's consent to or approval of adoption without the consent of the custodial parent or other person having custody under sections 9 and 10 of the Adoption Act.

(iv) Cases on detention in the home under section 127 and admission to special accommodation facilities without consent under section 129 of the Act on Social Services.

(v) Decisions stayed pending full consideration, cf. section 53(3) above.

(vi) Any other cases deemed by the director of the Social Appeals Board to be of fundamental or general public importance.

(3) Any such decision shall be made by simple majority. In case of equality of votes, the chairman shall have the casting vote.

**56(1)** In cases of fundamental or general public importance, the director of the National Social Appeals Board may decide that decisions shall be made during meetings chaired by the director or his deputy and attended by two members and two assistant secretaries.

(2) Section 55(3) shall apply mutatis mutandis.

*Decisions made by one assistant secretary*

**57** The following decisions shall be made by one assistant secretary:

(i) Whether a decision by an employment appeals board or a social complaints board satisfies the provisions set out in section 59a(2) and section 63 for review by the Social Appeals Board. Any

such decision shall be made within 14 days from the filing of the case with the National Social Appeals Board.

(ii) Whether to reopen a decided case.

(iii) Whether a complaint of a previous decision on accommodation facility under Part 20 of the Act on Social Services shall have suspensive effect; cf. section 72(4) hereof.

*Rules of procedure etc.*

**58** The Minister for the Interior and Social Affairs shall lay down rules of procedure for the Social Appeals Board.

**59** The director of the Social Appeals Board may delegate his statutory powers to his deputy and the assistant secretaries. The director may lay down rules governing the right of the deputy and the assistant secretaries to delegate their statutory powers to any employee who satisfies the educational qualifications requirement set out in section 51(2) above.

Part 9 a

Employment Committee of the National Social Appeals Board

**59a(1)** The Employment Committee of the National Social Appeals Board may consider complaints of decisions made by employment appeals boards established pursuant to the Act on the Responsibility for and Management of Active Employment Measures, cf. subsection (2) below.

(2) If the Social Appeals Board assesses that a case is of general or fundamental importance, the Board may, based on a complaint, decide that the case be heard by the Employment Committee of the National Social Appeals Board. The complaint shall be brought before the Board within the deadline for filing complaints stipulated by legislation; cf. section 67 hereof.

(3) The person affected by the decision or the municipal council, including the job centre, may request the Board for a hearing of the case by the Employment Committee. In complaints of decisions about distortion of competition under section 33(1) and sections 49 and 65 of the Act on Active Employment Measures, others holding a significant stake in the decision may request the Board to consider the case.

(4) Hearing of complaints of decisions made by the employment committees, cf. subsection (2) above, shall be attended by two assistant secretaries, of which one shall be chairman, but see section 59d(5) hereof, and a member appointed by the Minister for Employment on the recommendation of each of the following organisations, but see subsection (5) below:

(i) Local Government Denmark;

(ii) Danish Confederation of Trade Unions;

(iii) Confederation of Danish Employers;

(iv) Disabled Peoples Organisations Denmark.

(5) In the hearing of complaints of decisions on the right to sickness benefits or right to leave of absence and daily cash benefits to seafarers in the event of childbirth, the two members appointed on the recommendation of the Danish Confederation of Trade Unions and the Confederation of Danish Employers shall be replaced by two members appointed by the Minister for Employment on

the recommendation of a shipping organisation and an organisation safeguarding the interests of seafarers, respectively.

(6) Section 50(4), section 51(2), sections 57, 59 and 66-70, section 71(1), section 72(1) and (8) and section 74 hereof shall apply to the Employment Committee and its hearing of complaints under subsection (2) above, cf. subsection (1) above.

**59b** (1) The Employment Committee shall hear complaints of decisions made by others than the employment appeals boards where stipulated by law.

(2) The Employment Committee shall hear complaints, cf. subsection (1) above, where complaints have been brought before the committee within the deadlines for filing complaints laid down by legislation. Where no specific deadlines for filing complaints have been set, the deadline stipulated by section 67(1) hereof shall apply.

(3) The Employment Committee shall also consider matters relating to an employer's payment of employer-labile unemployment benefit under the Act on Unemployment Insurance, etc., and matters brought before the committee about an employer's observance of the duty to disclose under the Act on an Employer's Obligation to Inform Employees of the Conditions Applicable to the Employment Relationship.

(4) The hearing of complaints under subsection (1) above, but see subsections (5) and (6) below, shall be attended by two assistant secretaries, of which one shall be chairman, but see section 59d(5) hereof, and a member appointed by the Minister for Employment on the recommendation of each of the following organisations:

- (i) Local Government Denmark;
- (ii) Danish Confederation of Trade Unions;
- (iii) Confederation of Danish Employers.

(5) The hearing of complaints or decisions relating to travelling subsidies, subsidies for room and board and repayment under section 31 of the Act on vocational education and training and decisions on the right to choosing one's own education under Part 8a of the Act on Active Employment Measures and decisions on education assistance under Part 9b of the Act on Unemployment Insurance, etc. and decisions on compensation for loss of earnings or employment opportunities, compensation paid to the employer, compensation during legal industrial dispute and repayment under section 20 of the Act on Participation in Vocational Adult and Supplementary Training shall in addition to the members set out in subsection (4) above also be attended by a further member with special expertise in these areas. The Minister for Employment shall appoint expert members in each of the areas mentioned on the recommendation of the Minister for Education.

(6) The consideration of matters relating to the employer's payment of employer-labile unemployment benefit under the Act on Unemployment Insurance, etc. shall be attended by two assistant secretaries, of which one shall be chairman, and a member from the Danish Confederation of Trade Unions and the Confederation of Danish Employers, respectively. The hearing of complaints relating to decisions made pursuant to the Holiday Act and matters on the employer's observance of the duty to disclose under the Act on an Employer's Obligation to Inform Employees of the Conditions Applicable to the Employee Relationship shall be attended by two assistant secretaries, of which one shall be chairman, and a member from the Danish Confederation of Trade Unions and the Confederation of Danish Employers, respectively, but see subsections (7) and (8) below. Members shall be appointed by the Minister for Employment on the recommendation of the confederations.

(7) If an employee or an employer who is a party to a case comprised by subsection (6) second sentence above is a member of an association not affiliated with Danish Confederation of Trade Unions or the Confederation of Danish Employers, the members specified in subsection (6) above shall be supplemented by a representative of the central organisation of the relevant employee or employer association. If the case relates to public employers, a member from Local Government Denmark or a representative of Danish Regions or the Ministry of Finance shall attend.

(8) If the employee or employer who is a party to a case comprised by subsection (6) second sentence above is a member of an association that is not a member of a central organisation, the members specified in subsection (6) above shall be supplemented by a representative of the employee or employer association.

(9) The representatives specified in subsections (7) and (8) above shall be appointed by the central organisations, the relevant employee or employer associations, Local Government Denmark, Danish Regions or the Ministry of Finance and shall participate in the Employment Committee's hearing of complaints and questions comprised by subsection (6) second sentence above and shall have a right to vote.

(10) Section 50(4), section 51(2), section 57(ii), section 59, section 67(2), sections 68 and 70, section 72(1) and (8) and section 74 hereof shall apply to the Employment Committee and its hearing of complaints and questions under subsections (1) and (3) above.

**59c** (1) Subject to negotiation with the Minister for the Interior and Social Affairs, the Minister for Employment shall determine the number of members and alternates to be appointed for the Employment Committee of the National Social Appeals Board on the recommendation of the associations under section 59a (4) and (5) and section 59b (4)-(6) hereof.

(2) The members of the Employment Committee shall be appointed for a term of four years. Appointment is effective from 1 June of the year after the municipal election year. If appointment is made during a term, it shall last until the end of that term.

(3) The following persons shall not be eligible for membership:

(i) persons appointed as members or alternates in an employment appeals board;

(ii) persons employed in a municipality or elected for the municipal council;

(iii) persons employed in or elected for an unemployment insurance fund;

(iv) employers or

(v) persons, who have previously been appointed members of the National Social Appeals Board or the Employment Committee of the National Social Appeals Board or have previously been appointed as member or alternate of the Labour Market Appeals Board for two full terms.

(4) Notwithstanding subsection (3)(v) above, the Minister for Employment may decide that appointment exceeding two full terms may be allowed if it would otherwise be impossible to appoint members for the Labour Market Appeals Board.

**59d** (1) The Employment Committee shall perform its activities through meetings, but see subsection (6) below

- (2) The Employment Committee shall constitute a quorum when the members and any representatives required to participate in the hearing of the individual case, cf. section 59a (4) and (5) and section 59b (4)-(8), are present.
- (3) Decisions are made by a simple majority of votes. In case of an equality of votes, the chairman shall have the casting vote.
- (4) If the chairman finds that doubt can be raised as to whether a decision is legal, he/she may decide that the decision be suspended. The case shall then be considered according to subsection (5) below.
- (5) The director of the Board may decide that a decision must be made in a meeting at which the director or deputy director is chairman and where three assistant secretaries attend together with the members and representatives appointed to participate under section 59a (4) and (5) or section 59b (4)-(8).
- (6) If the National Social Appeals Board finds that a case can be determined without holding a meeting, the Board shall send a recommendation for a decision to the members. If a member does not want to decide the case on this basis, the case must be heard at a meeting.

**59e** The Minister for Employment shall lay down the rules of procedure of the Employment Committee of the National Social Appeals Board.

## Part 10

### *General complaints procedure Right to complain*

- 60**(1) Where specified by legislation, decisions of the municipal council can be brought before the social complaints board and the decisions of the municipal council, including decisions of the job centre, can be brought before the employment appeals board.
- (2) Only the person affected by the decision may file a complaint of the decision. However, complaints of decisions in matters on distorted competition under section 33(1) and sections 49 and 65 of the Act on Active Employment Measures may also be brought before the employment appeals board by others holding a significant stake in the decision.
- (3) Decisions on the general service level, including the facilities and places available in the municipality and the rates charged for such facilities shall not be brought before any other administrative complaints body.
- 61** In case of any disagreement between municipalities as to their respective obligations, the case may be brought before the social complaints board. Any such complaint shall be brought the social complaints board having jurisdiction in the municipality against which the obligation is claimed.
- 62** Any disagreement as to the powers of the National Social Security Agency may be brought before the Social Appeals Board. The person affected by the decision, the municipal council and the National Social Security Agency may file the case.
- 63** Decisions by the social complaints board shall not be brought before any other administrative authority. The Social Appeals Board may reopen any case based on a complaint and deemed to be of fundamental or general public importance. Only the person affected by the decision or the municipal council may request the Social Appeals Board to reopen the case.

**64(1)** The following decisions by the National Social Security Agency may be brought before the Social Appeals Board:

(i) Decisions about assistance to non-nationals under section 3(4) of the Act on an Active Social Policy.

(ii) Decisions about assistance to Danes living abroad under section 6 of the Act on an Active Social Policy.

(iii) Decisions on survivor's allowance to persons who are subject to Danish social security legislation, cf. section 85a(8), cf. subsection (9), of the Act on an Active Social Policy, under Council Regulation No. 1408/71 and the associated EEA Agreement.

(iv) Decisions about pension entitlement abroad under sections 3(4) and 62 of the Act on Social Pensions, and section 3(3) and section 56 of the Act on the Highest, Intermediate, Increased Ordinary and Ordinary Anticipatory Pension, etc.

(v) Decisions about applicable law under the provisions of Regulation (EEC) No. 1408/71, the Nordic Convention on Social Security and the bilateral social security agreements made between Denmark and other countries, except for any decisions to conclude such agreements with one or more countries for the purpose of derogation.

(2) The person affected by the decision may complain of decisions under subsection (1) above.

**65** (Repealed).

#### *Duty to review a case*

**66(1)** Prior to the reviewing of a complaint the authority making the decision shall consider whether there are any grounds for deciding in the complainant's favour, in whole or in part. Consequently a complaint shall be filed first with the authority making the decision.

(2) Where the said authority cannot accept the complaint, the complaint will be referred to the complaints body, stating the reasons for the original decision and the review.

#### *Time-limits*

**67(1)** Complaints shall be filed with the social complaints board, the employment appeals board and the Social Appeals Board within 4 weeks from the date on which the complainant was given notice of the decision. Any request to the Social Appeals Board for the reopening of a case under section 57 above shall be filed within the same time limit.

(2) On specific grounds, the chairman of the social complaints board and the director of the Social Appeals Board may disregard any non-compliance with the time limit. Decisions to disregard time-limits and decisions about the calculation of such time limits shall not be brought before any other administrative authority.

#### *Procedure*

**68(1)** The Social Appeals Board, the social complaints boards and the employment appeals boards shall not be bound by the respective claims of the parties and shall be independent of any instructions concerning the decision of the individual case.

(2) The decisions available to the Social Appeals Board and the social complaints boards are dismissal, affirmation, remand, quashing or amendment of the original decision.

**69** The social complaints board, the employment appeals board and the Social Appeals Board may review legal questions.

**70** Decisions by the Social Appeals Board, the social complaints boards and the employment appeals board shall be in writing and shall be reasoned. The decisions shall be published in pursuance of provisions laid down in the rules of procedure.

*Decisions by the chairman*

**71(1)** If the chairman of the social complaints board finds that there is probable cause to doubt whether a decision by the board is in compliance with existing law, the chairman may stay execution and bring the decision before the Social Appeals Board within 1 week from the date of the said decision. The decision of the Social Appeals Board shall be available within 8 weeks from the filing with the Social Appeals Board. The matter shall be reviewed by the Social Appeals Board subject to full consideration, cf. section 55 above.

(2) The chairman of the social complaints board shall make decisions in cases where there is no doubt as to the outcome.

(3) The chairman's decisions about procedure shall not be brought before the Social Appeals Board.

(4) In urgent cases of need or where this is required for any other reasons, the chairman may make a provisional decision. Any such provisional decision shall not be brought before the Social Appeals Board, but shall be considered as soon as possible at a board meeting, but see subsection (5) hereof.

(5) Any decision by the chairman, cf. section 130(1) and (2) of the Act on Social Services, which shall not be brought before the Social Appeals Board, shall be considered at the first meeting thereafter.

*Stay of execution*

**72(1)** The complaint against a decision shall not operate to stay execution, but see subsections (2) – (6) below.

(2) The complaint against the choice of facility pursuant to section 167(1) of the Act on Social Services shall operate to stay execution. Where required by special circumstances, the municipal council shall, at the time when it makes a decision on the choice of facility or a change of facility, also make a decision on immediate implementation of the decision. The decision to implement a decision immediately shall not be brought before any other administrative authority.

(3) The complaint against a decision that a child or young person shall not remain in care, cf. section 76(3)(i) of the Act on Social Services, shall operate to stay execution.

(4) Upon application, the Social Appeals Board and the social complaints board may stay the execution of any decision on accommodation under Part 20 of the Act on Social Services.

(5) An appeal to the Social Appeals Board against admission to a special accommodation facility without consent under section 129 of the Act on Social Services shall operate to stay execution. If required for specific reasons, the social complaints board will decide to implement such admission immediately upon making the decision. Any decision to discontinue a stay of execution shall not be brought before the Social Appeals Board.

(6) Complaints about the municipality's claim for repayment of overpaid housing benefits pursuant to section 47 of the Act on Individual Housing Benefits shall operate to stay execution.

(7) When amending a decision to the detriment of the applicant, the Social Appeals Board or the social complaints board shall also determine the effective date of such amendment.

(8) When making decisions on the grant of a subsidy for the purchase of a car, cf. section 114 (1) and (2) of the Act on Social Services, the Social Appeals Board shall make decisions providing for the termination of the grant, repayment of loans, etc.

#### *Judicial review*

**73(1)** Decisions by the Social Appeals Board under the Act on Social Services may be brought before the Court subject to the special provisions of Part 43a of the Administration of Justice Act:

(i) Detention in the home under section 127.

(ii) Admission to special accommodation facilities without consent under section 129.

(iii) Decisions relating to decisions by the children and young persons committee under the provisions of section 169.

The decision by the Social Appeals Board shall be available within 8 weeks.

(2) In their decisions of cases under subsection (1) hereof, the Social Appeals Board shall specify the right to claim judicial review and the time limit within such claim shall be made.

#### *Authorisations*

**74** Subject to negotiation with the Minister for Employment, the Minister for the Interior and Social Affairs shall lay down rules governing complaints and appeals procedure, including rules stipulating the time limits within which complaints etc. must be filed and referred.

**75** (Repealed)

### Part 11

#### *Coordination of administrative practice*

**76** The Social Appeals Board shall coordinate nationally that decisions which may be brought before the Social Appeals Board, the social complaints boards and the employment appeals boards be decided in accordance with legislation. The Social Appeals board shall observe the practice of the municipalities, job centres, the social complaints boards and the employment appeals boards and provide guidance on appeals body practice.

**77** The Minister for the Interior and Social Affairs and the Minister for Employment may request the Social Appeals Board to review the decisions of the municipal councils or the boards.

**78(1)** Within the scope of its area, the complaints board and the employment appeals board shall coordinate that decisions brought before the boards are considered and decided in accordance with legislation.

(2) For the purpose of such coordination, the social complaints board shall follow the practice of municipalities, job centres and the boards and provide guidance on appeals body practice

**79** The Social Appeals Board, the employment appeals board and the social complaints board shall discharge their coordination duties under sections 76 and 78 together and may in that connection obtain copies of relevant decisions for reviewing purposes. Information about the decisions is available in written or electronic form.

**79a(1)** The municipal council shall hold a meeting to consider the Social Appeals Board's and the boards' investigations of the municipality's practice.

(2) The Social Appeals Board or board having made an investigation as mentioned in subsection (1) hereof, may decide that the municipal council must notify the board of the consideration of the

municipal council, including any measures ensuing from the outcome of the investigation. The Social Appeals Board or the board may fix a deadline for such notification.

*The Advisory Practice Committee*

**80(1)** The Social Appeals Board shall set up a national advisory committee to support its efforts to coordinate practice, cf. section 76 hereof.

(2) The committee shall keep under review and advise the Social Appeals Board of practice coordination measures to be undertaken by the Social Appeals Board, employment appeals boards and the social complaints boards.

**81** The director of the Social Appeals Board shall be ex officio chairman of the committee. The other members shall be appointed by the Social Appeals board on the recommendation of:

- (i) Local Government Denmark;
- (ii) the Confederation of Danish Employers;
- (iii) the Danish Confederation of Trade Unions;
- (iv) the Salaried Employees' and Civil Servants' Confederation;
- (v) the Disabled Peoples Organisations Denmark and
- (vi) the directors of the state administrations.

Part 12

*Statistics, analysis, information, etc.*

**82** The municipal councils, regional councils, the employment appeals boards and the social complaints boards shall procure and submit statistical data etc. as requested by the Minister for the Interior and Social Affairs.

**83(1)** The municipal councils shall provide information to the Ministry of the Interior and Social Affairs of decisions and expectations pertaining to developments in the social area, including their targets for such development.

(2) The municipal councils shall contribute to the planning of special subjects or themes, in municipal panels, and to procure further information about developments in specific areas.

**84** The Minister for the Interior and Social Affairs shall lay down rules governing the scope of such information, cf. sections 82 and 83 above, and the updating and submission thereof.

Part 13

*Accounting, auditing, etc.*

**85(1)** Subject to consultation with the Minister for Employment, the Minister for the Interior and Social Affairs shall issue an executive order laying down rules governing authorisation for the payment of central government reimbursements and subsidies, accounting and auditing.

**86** Subject to consultation with the Minister for Employment, the Minister for the Interior and Social Affairs shall issue an executive order laying down rules governing the payment of the cost of medical certificates, transportation, etc., imposed on applicants by an authority where such costs are not reimbursable under any other legislation.

Part 14

*Councils etc.*

*The Danish National Handicap Advisory Board*

**87(1)** The Minister for the Interior and Social Affairs shall set up a National Handicap Advisory Board advising on issues relating to disabled persons. The state shall pay all cost incurred in connection with the work of the Board.

(2) The Minister for the Interior and Social Affairs shall lay down rules governing the composition and duties of the Board.

*The Council Responsible for Social Initiatives on the Inclusive Labour Market  
(The Social Council)*

**87a** (Repealed)

*The National Council for Children*

**88(1)** The Minister for the Interior and Social Affairs shall set up a council for children aimed at protecting children's rights and providing information and counselling of the social conditions of children. The state shall cover the cost of the Council's work.

(2) The Minister for the Interior and Social Affairs shall lay down rules governing the composition and duties of the Council.

Part 15

*Commencement etc.*

**89(1)** This Act shall come into force on 1 July 1998.

(2) The rehabilitation and pensions boards shall be abolished on 30 June 1998. Cases under section 14(1) and (2) and sections 16 and 18 of the Act on Social Pensions and under sections 43 and 58 of the Act on Social Services in respect of which municipal authorities have submitted recommendations to the boards, and which have not been decided by the rehabilitation and pensions boards on or before the said date shall be referred to the social complaints boards established under section 44 above. Cases relating to any municipal decisions brought before the boards that have not been decided on or before the said date shall likewise be referred to the social complaints boards. Such cases shall be decided and be subject to appeal under the provisions of the Act on Social Pensions and the Act on Social Assistance in force until 1 July 1998. The term(s) of office for the chairman and members of the rehabilitation and pensions boards shall expire on 30 June 1998.

(3) The social appeals boards shall be abolished on 30 June 1998. Cases not decided on or before that date shall be referred to the social complaints boards. The cases shall be decided and be subject to appeal under the former rules. The term(s) of office of the chairman and members of the social appeals boards shall expire on 30 June 1998.

(4) The initial term of office for members of the social complaints boards, cf. section 44 above, shall commence on 1 July 1998 and expire on 30 June 2002.

(5) The benefits committee, cf. section 33 of the Act on Benefits in the event of Illness or Maternity, shall be abolished on 31 May 1999. The term(s) of office of the chairman and members shall expire on the same date.

(6) Any powers delegated by the municipal or the county council to an independent institution subject to agreement with the municipal or the county council, cf. section 9(2) of the Social Assistance Act, shall be retained under the former rules.

(7) The coordination committee, cf. section 24 above, shall be established on or before 31 December 1998.

(8) Municipalities having established senior citizens' councils prior to 1 January 1997 shall establish councils satisfying the conditions of sections 30-33 above on or before 1 January 1999.

**90** This Act shall not extend to the Faeroe Islands or Greenland.

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<sup>1</sup> Pursuant to section 1, para. iii of Act No. 316 of 28 April 2009, section 3(2) shall have the following wording: The municipal council must set deadlines in the different fields for the duration allowed from reception of a complaint to the decision. The deadlines must be published. If the deadline is not observed in a specific case, the claimant must be notified in writing of when a decision can be expected.

<sup>2</sup> Reference should be made to section 11a(1) and (4). The reference has been changed to 11a(1) and (3) by mistake in section 2 of Act No. 1418 of 21 December 2005.