



SIVILOMBUDSMANNEN

Humana child welfare, Jessheim section and Hol gård section

3– 5 and 20 September 2019

1 Summary

The Parliamentary Ombudsman's National Preventive Mechanism visited Humana East, Jessheim section and Hol gård section in September 2019. Visits were made to both places at the same time. Both Jessheim and Hol gård are long-term units for adolescents aged 13 to 18, placed there due to serious behavioural problems.

Both sections had companion shifts, each had a separate section manager and shared the same institution manager.

There had been high staff turnover in both sections in 2018 and 2019, both at employee and management level. Instability and the high staff turnover rate could pose a risk, insecurity and lack of continuity for the adolescents. It could also pose a risk that the staff might not have the training and expertise required. We found that more training was needed to ensure that everyone working in the sections has the knowledge and skills they need to safeguard the target group they are approved for.

The Office for Children, Youth and Family Affairs (Bufetat) assessed in a subsequent control in autumn 2018 that there was a risk of a lack of management presence in Humana East. At the time of the visit, there still appeared to be a risk of this at Hol gård section. There had recently been a change in the management, and the current section manager at Hol gård was also the manager of a section in Asker with a different target group to that of Hol gård. There had also recently been a change at the institution management level.

Many changes and a lack of presence by management pose a risk of a lack of continuity in, and overview of, the running of the sections and the work with the adolescents. This appeared to constitute a risk in a range of situations, both at Hol and Jessheim.

During the visit, we noticed, among other things, that important routines and procedures had not been sufficiently implemented. We also found that there was an inadequate overview of and records about the use of force and invasive measures, such as returning an adolescent to the institution against his/her will after an attempt to escape. The use-of-force records contained several instances of inadequate descriptions of the sequence of events before the use of force, which measures had been attempted or why it was necessary to make a decision on the use of force. We also found that incorrect information had been provided about important details in decisions on the use of physical force.

In addition, we discovered that illegal use of force had been used repeatedly in situations of acute danger. We were unable to confirm that the management had a full overview of these situations, or that adequate measures had been implemented to prevent future scenarios where adolescents could be subjected to illegal use of force. This is not in line with the duty to prevent the use of force.

The report also looks at how poor language skills could affect legal protection. An overall assessment of language as a vulnerability and risk for the adolescents, how it should be handled and documentation of the need for an interpreter were lacking at Humana East.

It became apparent from the visit that one of the adolescents who had been placed in the institution pursuant to the Child Welfare Act Section 4–26, where the adolescent and guardians consent to the placement, had very limited knowledge of Norwegian. Only after several months at the institution

had the adolescent in question understood that the placement required consent. This poses a risk of arbitrary deprivation of liberty.

We also found that the overview and documentation of situations where the institutions had asked for police assistance were inadequate. At the time of the visit, none of the institutions had their own guidelines in place for staff, or an agreement with police about how the section wanted police to act in the event it required assistance.

Recommendation: Staffing

- Humana East should maintain stability and continuity in the staff in order to ensure a sense of security, proper care and the right competence.

Recommendation: Conditions for deprivation of liberty

- The child welfare service and Humana East should ensure that adolescents that are placed in the institution in accordance with the Child Welfare Act Section 4–26 have given their consent based on correct and sufficient information that the adolescents have had the opportunity to fully understand. The adolescents' right to withdraw their consent must also be ensured, and the retention deadline must not be exceeded.

Recommendation: Overview of the use of force

- Humana East should ensure that it maintains a complete overview of the use of force and that records are kept when required, in order to safeguard the adolescents' right to due process, ensure proper internal control and the opportunity to perform audits.

Recommendation: Use of physical force

- Humana East should carry out a systematic and comprehensive review of scenarios where force has been used in situations of acute danger over the past years, and implement measures to ensure that adolescents are not subject to illegal or excessive use of force.

Recommendation: Quality of decisions

- Humana East should ensure that the adolescents' right to due process is fully respected/safeguarded, and that decisions and records include correct and detailed information.

Recommendation: Preventing the use of force

- Humana East should ensure that systematic work is carried out to prevent the use of force in its sections.

Recommendation: Searches

- The institution should ensure that the adolescents' right to due process and their right to privacy is safeguarded and that their property is never searched without this being provided for in an administrative decision, including the instances where the adolescent has given consent.

Recommendation: Body searches

- Humana should ensure that all staff have knowledge of how a measure as invasive as a body search should be carried out, and that Humana's procedures and training are designed in such a way that adolescents are not subject to unnecessary intrusions.

Recommendation: Adolescents in particularly vulnerable situations

- Humana East should review its procedures to ensure that comprehensive assessments are made relating to language as a vulnerability and risk factor, how this is to be handled for the individual adolescent, and ensure that qualified interpreters are used for adolescents who need such services.

Recommendations: Police assistance

- Humana East should ensure systematic documentation of police assistance in the sections, and ensure that management has an overview of and conducts an evaluation of situations with police involvement.
- Humana East should ensure that the sections have separate procedures or guidelines for when and how police assistance is to be used, and for their dialogue with the police in situations where assistance is necessary.

Recommendations: Competence and management

- Humana East should ensure systematic training of both permanent and temporary staff. Regular training and guidance should be given to all staff on the use of the applicable regulations and treatment methods.
- Humana East should ensure that all staff are given training and have the competence to safeguard that adolescents are not subject to illegal use of force.
- Humana East must ensure a stable and present management in both sections.