



**SIVILOMBUDET**  
Norwegian Parliamentary Ombud

**VISIT REPORT | no. 72**

**SUMMARY AND RECOMMENDATIONS**

**Humana Care and Assistance  
Kristiansand Region**

**18.–20. January 2023**



**National Preventive Mechanism against  
Torture and Ill-Treatment**



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## I. Summary

In December 2022, the private child welfare provider Humana Care and Assistance Kristiansand Region was notified that the that the Parliamentary Ombud would conduct a visit to one or more of their child welfare departments during the first half of 2023.

The visit took place from January 18th to January 20th, 2023, to five departments. The main focus of the visit was children living alone with staff members in institutions.

### **Risk when children live alone in institutions**

At all the departments we visited, there was one child living alone with staff members. At the time of the visit, all of them had been living alone for at least four months. One of the children had been living alone in their department for almost three years. None of the children had a formal decision for placement in solitary care.

Although all the children had been living alone for some time, we could not see from the institution's plans and evaluations that they or the child welfare service had assessed whether it was in the best interest of the child to live alone. We did not find that the youths' perspectives on living alone had been systematically examined and documented.

Overall, it appeared that the youths we visited had opportunities to be with peers and had contact with people outside the institution, such as teachers, friends, and family. They generally had the freedom to move around and were not deprived of their electronic communication devices (their mobile phones). However, we felt that the risks associated with individual children living alone, such as the institution's location, social interaction with peers, and the use of coercion in the form of restrictions, should have had a more pronounced and central place in the institution's plans for the youths.

### **Protection against violence and abuse**

The institution had written procedures for the prevention and handling of abuse. However, these procedures were not known among the staff, and it appeared that violence and abuse were rarely discussed or reflected upon. Recognizing the risk of children being subjected to abuse is a prerequisite for prevention. the Parliamentary Ombud considers it crucial that Humana Care and Assistance Region Kristiansand ensures that protection against violence and abuse is a regular topic of discussion and reflection among the staff.

The written procedures of the institution did not specifically address the risks that can occur when children are in solitary care or living alone with only staff members. It also lacked a description of how the institution would ensure that children could safely report such incidents.

### **Use of coercion**

During the visit, it became apparent that there was uncertainty about how to handle situations where a youth was threatening or acting out. This applied to both when and how to intervene in a situation, as well as how to handle physical restraint in a safest and gentle manner.

In an institution where only one youth resides alone, there are usually only two staff members present to handle acute dangerous situations. As a result, staff members may end up using relatively

high levels of force to manage the situation, increasing the risk of harm or exaggerated use of force. This makes the work of preventing conflict situations and the use of coercion even more crucial.

The Ombud found that in all situations where physical force was used against the youths in 2022, they were restrained by being brought down to a lying position and held down by staff members. It varied whether the youths were placed face down or on their backs. In three of these situations, we found that pressure was applied to the upper body during the restraint. In all three cases, the youths told the personnel they had difficulty breathing.

Physical restraint and immobilization in a lying position are highly invasive forms of coercion, in particular when used on children. Being held down can be experienced as traumatic and frightening, especially for children who have experienced violence or sexual abuse. When someone is held down with force, it usually triggers resistance to break free, increasing the need for oxygen. Therefore, it is important to avoid putting weight on someone's upper body or blocking the airways.

Our findings indicated weaknesses in the institution's efforts to ensure that all staff members had equal knowledge and understanding of how to prevent the use of force and physical restraints as much as possible, as well as how to implement physical restraints in the safest and gentlest possible way when needed. The seriousness of these findings was underlined by the fact that there was a high use of substitute personnel in units with a great potential for conflict between the youth and the employees.

We also found a need to emphasize that the lack of stability in staffing should not have consequences for the follow-up and use of coercion towards the child.

#### **Weaknesses in child welfare legislation**

Considering the findings in the report, the Parliamentary Ombud found that it should be considered whether there is a need for specific rules or guidelines to ensure systematic assessments of whether it is in the best interest of the child to live alone in an institution.

The Ombud also points out that there are no central guidelines in law or regulation regarding the permissible means to avert acute danger of harm, and the lack of regulation of intrusive restraint techniques may lead to a violation of the state's positive duty to protect life under Article 2 of the European Convention on Human Rights. The Ombud will address the need for amended regulations on coercion in acute dangerous situations with central child welfare authorities.

## II. Recommendations

### Assessment of the child's best interest

- If a child lives alone for an extended period, the institution, in collaboration with child welfare authorities, should conduct systematic assessments of whether it is in the child's best interest to live alone. The child's ability to express their opinion on this matter must be ensured.

### Prevention of social isolation

- The institution should ensure that the risk of social isolation when children live alone with adults is continuously assessed for each individual child and followed up with specific interventions.

### Protection against violence and abuse

- The institution should implement measures to increase staff awareness and knowledge of abuse, enabling them to prevent, identify, and address such incidents.
- The institution should ensure that the procedures clearly outline how children safely can report incidents of abuse and that they are informed about this.

### Stable leadership and staffing

- The institution should work continuously to ensure stable leadership and staffing.

### Extent and documentation of coercion

- The institution should ensure that the rights of the youths are fully safeguarded when coercion is used, and that decisions and protocols contain accurate and thorough information.

### Duty to prevent the use of coercion

- All staff members and substitutes should receive comprehensive and uniform training in the prevention of coercion to ensure that any use of coercion is necessary and proportionate.
- The institution should ensure that comprehensive evaluations are conducted to assess causality and proportionality when multiple decisions regarding use of coercion are made within a short period.

### Use of physical coercion

- The institutions should ensure that all staff members and substitutes have uniform training and understanding of how intrusive physical coercion should be carried out.
- The institution should ensure that physical coercion is always carried out in a safe manner and never in a way that obstructs the airways.



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