



SIVILOMBUDET
Norwegian Parliamentary Ombud

VISIT REPORT | no. 73

SUMMARY AND RECOMMENDATIONS

Haralds plass Serio Ung

1.-3. February 2023



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



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February 1. - 3. 2023

I. Summary

In December 2022, Haraldsclass Serio Ung AS was notified that the Parliamentary Ombud would conduct a visit to one or more of their child welfare units during the first half of 2023.

The visit took place from February 1st to 3rd, 2023, at two of the company's units in the Agder region. The main focus of the visit was on children who live alone with staff members in the institution.

Risk when children live alone in an institution

At both units, there was one youth living alone with staff members. At the time of the visit, one of them had been living in the institution without peers for approximately three months. The other youth had been living alone for about four months and largely alone for a total of eleven months. Neither of the youths had a decision or placement order for solitary care.

Although both youths had been living alone for a significant period, we could not find any evidence in the institution's plans and evaluations that assessments had been made by the institution or child welfare services regarding whether it was in the child's best interest to live alone. The youths' perspectives on living alone had not been systematically examined and documented.

The staff members facilitated social contact between the youths and their peers. As far as we could determine, neither of the youths had experienced coercion preventing contact with friends or family. However, by living alone in the institution, the youths had a much more limited social life compared to what is normal for their age group. This was particularly evident for one of them, who lived alone in an institution far from friends and family. The remote location and limited natural meeting places with other youths in the local area increased the risk of social isolation.

Protection against violence and abuse

The institution had written procedures for preventing violence and abuse. However, the staff members were not sufficiently familiar with these procedures. Although several staff members reflected well on their roles in dealing with vulnerable youths, the risk of abuse was rarely discussed among the staff. This was especially true regarding the risk that colleagues might commit abuse or engage in boundary-crossing behavior. We did not find any evidence suggesting that the youths had been subjected to such situations at the institution.

Recognizing the risk of abuse is a prerequisite for preventing children from being subjected to it. The Parliamentary Ombud considers it crucial for Serio to ensure that protection against violence and abuse is regularly discussed and reflected upon with the staff.

Use of coercion

All child welfare institutions are required to work systematically to prevent the use of coercion. Ensuring that children and young people are heard is an important part of preventing coercion. A positive finding was that the staff members made good efforts to allow the youths to influence the content of their daily lives.

At one of the units, the autumn of 2022 was characterized by instability in leadership and the staff group, with some serious incidents, the use of physical coercion, and the involvement of the police. During this period, there was significant use of substitutes, sick leave, and turnover in the staff group. Much of the coercion was attributed to the use of substitutes who did not know the youths well enough and had not received adequate training. Since then, the management has worked systematically to establish a more stable core staff and regular substitutes.

A review of the coercive measures indicated that in most cases, staff members had only resorted to physical coercion when it appeared to be strictly necessary in acute dangerous situations. However,

we found examples of unfortunate handling by the staff that may have contributed to increased conflict and the use of coercion.

During the visit, it became apparent that there was uncertainty about how to handle the physical restraint of the youths in the gentlest possible manner when it was absolutely necessary. In most situations where physical coercion was used against the youths, they were laid down in a prone position and restrained by multiple staff members. It seemed to vary whether the youths were placed on their side or their stomach. In several situations, it was unclear how the youths were attended to during the restraint.

Physical restraint and immobilization in a lying position are highly invasive forms of coercion, especially 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 have the necessary knowledge about the safe and gentle implementation of physical restraint techniques. There was also a need for more systematic training for staff members on how to handle these situations.

Body searches

The institution had local procedures for body searches, which included requesting the youths to squat naked. In 2022, the institution issued two decisions regarding body searches at the two units we visited. None of the youths had been asked to squat, despite it being stated in the procedure. This demonstrates a good ethical capacity for reflection among staff members regarding the intrusiveness of such measures.

From the Parliamentary Ombud's perspective, local procedures that allow for such intrusive implementation of body searches are highly problematic. As formulated in the procedure, there is no individual assessment of the level of intrusiveness required for the search. This is problematic considering human rights requirements of necessity and proportionality. The Parliamentary Ombud strongly objects to children being asked to squat while naked. These procedures resemble search procedures for adults in prison.

Identified 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 raised the need for central guidelines in the law or regulations regarding children's protection against violence and abuse in institutions, intrusive restraint techniques, and guidelines for the gentle implementation of body searches. The Parliamentary Ombud will address these issues with central child welfare authorities.

II. Recommendations

Assessment of whether it is in the child's best interest to live alone

- 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 child and followed up with specific interventions.

Stable leadership and staffing

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

Protection against 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.

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.

Use of physical coercion

- All staff members should receive uniform training in the use of intrusive physical coercion.
- The institution should ensure that physical coercion is always carried out in a safe manner and never in a way that obstructs the airways.

Use of "seclusion rooms"

- The isolation room should be abolished.

Body searches

- The institution must revise its procedures to prevent children from experiencing humiliating naked searches and ensure that body searches are conducted only when necessary and proper

Office address: Akersgata 8, Oslo
Postal address: P.O. Box 3 Sentrum, NO-0101 Oslo
Telephone: +47 22 82 85 00
Free of charge: +47 800 80 039
Email: postmottak@sivilombudet.no
www.sivilombudet.no

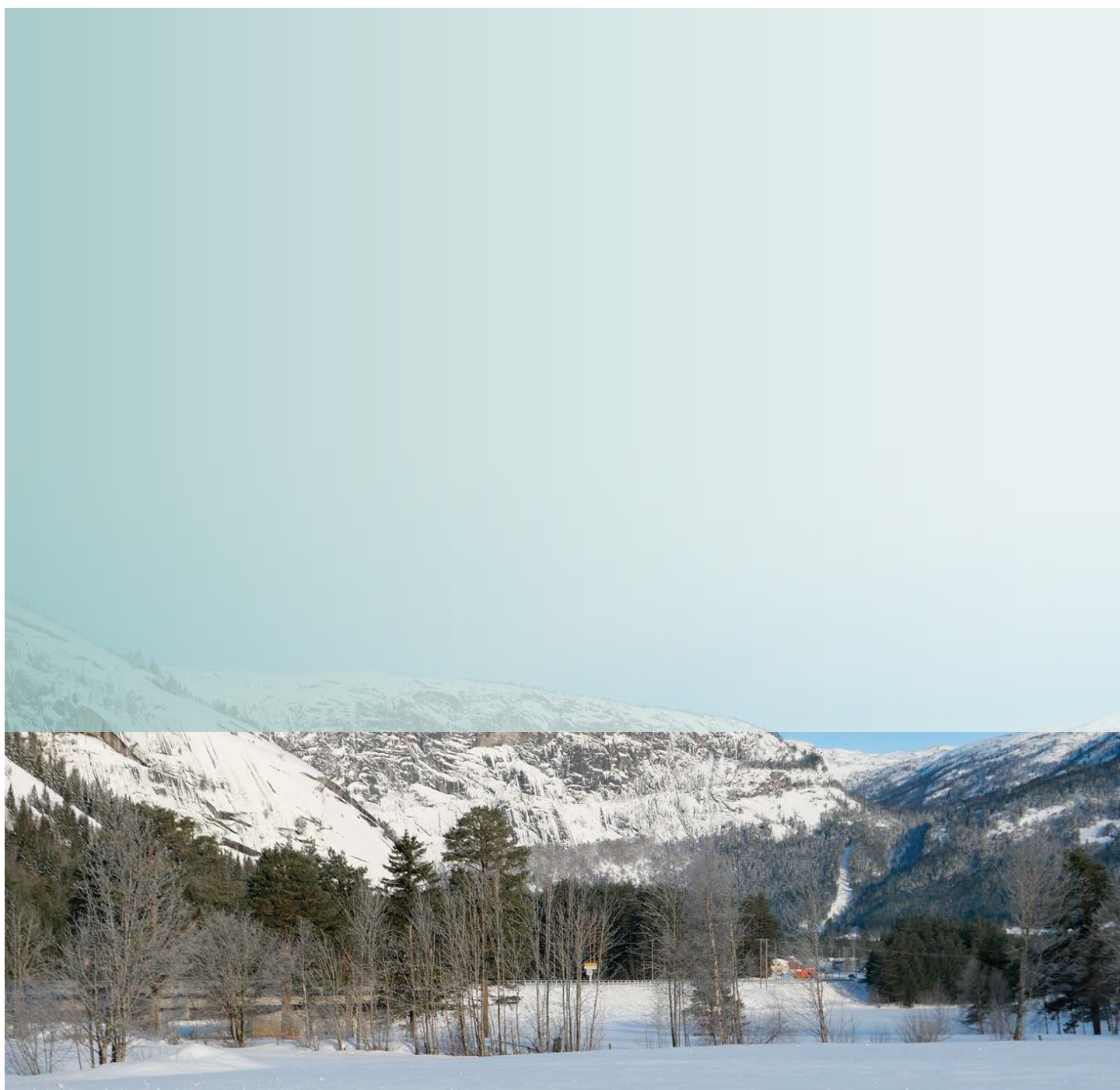


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