



**FOLKETINGETS  
OMBUDSMAND**

23 June 2020

**Thematic report 2019**

# **Younger children in social care placement**

# Content

23 June 2020

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## **1. Introduction**

Younger children in social care placement was the theme for the monitoring visits which the Ombudsman carried out in the children's sector in 2019 in collaboration with the Danish Institute for Human Rights (IMR) and DIGNITY – the Danish Institute Against Torture.

In this context, children in social care placement mean children who have been placed outside the home in accommodation facilities or open residential care institutions according to the Danish Social Services Act.

The Ombudsman carried out a total of eight monitoring visits in order to examine the theme. The Ombudsman visited five private accommodation facilities and three residential care institutions. All visits were announced in advance.

The target group for the year's monitoring visits was children between the age of 6 and 12 years. Regardless, the visits included all children below the age of 18 years in the visited facilities and institutions.

Six of the eight visited facilities and institutions had in-house schools, and the education provided in the in-house schools was included in the monitoring visits.

During the monitoring visits the focus was especially on:

- use of physical force
- education
- contact with relatives.

During the monitoring visits there was in addition a focus on, among other things, healthcare conditions, including the children's access to healthcare service and the medicines management by the visited facilities and institutions.

## **2. What have the thematic visits shown?**

### **2.1. Main conclusions**

#### *Use of physical force*

- The deadlines for recording and reporting the use of physical force were to a wide extent not observed by the visited facilities and institutions.

- There was in a number of facilities and institutions a lack of sufficient knowledge of the rules on adult responsibility and their scope of application, and a lack of sufficient knowledge of how the use of force is exercised most gently.
- A number of facilities and institutions did not inform – in connection with moving in – children, young persons and custodial parents of their rights in relation to the use of force, etc.

#### *Education in in-house schools*

- Apart from one, all in-house schools were challenged with regard to observing the rules on teaching a full range of subjects and on the number of teaching hours and with the rules on exemption from lessons in subjects, mandatory tests and examinations of the Danish Folkeskole (the Danish municipal primary and lower secondary school).
- The agreement of a number of in-house schools with the municipality of location regarding schooling did not fully meet the legislative requirements.

#### *Contact with relatives*

- In overall terms, the facilities and institutions were good at supporting the children and young people's contact with their relatives.

#### *Medicines management*

- A number of facilities and institutions did not fully observe the applicable rules on medicines management.

Appendix 2 contains a list of the visited facilities and institutions and the recommendations made in connection with the monitoring visits.

### **2.2. General recommendations, etc.**

Based on the monitoring visits, the Ombudsman recommends in general the following:

- Accommodation facilities and residential institutions observe the deadlines for recording and reporting the use of physical force.
- Accommodation facilities and residential institutions ensure that staff, including in-house school staff, are sufficiently familiar with the Danish Act on Adult Responsibility towards Children in Foster Care and the Act's

scope of application and with what restraining holds to use in connection with a use of physical force so that the force is used as gently as possible.

- Accommodation facilities and residential institutions ensure that children, young people and custodial parents are informed on arrival about their rights in relation to the use of force and other restrictions of the right of self-determination, including the right to complain. In this context, the Ombudsman recommends that accommodation facilities and residential institutions consider drawing up written material on rights and channels of complaint which can be given to the children, young people and custodial parents on arrival.
- Private accommodation facilities with in-house schools ensure – in cooperation with the municipality of location – that the agreements on education are in accordance with legislation.
- Accommodation facilities and residential institutions with in-house schools ensure that all pupils are taught a full range of subjects and number of teaching hours, and that exceptions from this are only made if a pupil – based on a concrete and individual assessment – is exempted from lessons in one or more subjects or has the teaching time reduced.
- Accommodation facilities and residential institutions with in-house schools ensure that exemptions from lessons in subjects, mandatory tests and Folkeskole examinations are decided in accordance with the rules, and that there is documentation therefore.
- Accommodation facilities and residential institutions ensure that medicines management is carried out in accordance with the applicable rules, and that the places' instructions on medicines management are prepared in accordance with the Danish Health Authority's guidelines on the drawing-up of instructions.

The Ombudsman will discuss the follow-up on these general recommendations with, respectively, the Ministry of Social Affairs and the Interior, the Ministry of Children and Education and the Ministry of Health, and will at the same time discuss additional issues uncovered in connection with the monitoring visits with the relevant ministries, cf. heading 3.3.2, 4.4.2 and 4.8.2 below.

The Ombudsman will also follow up on the general recommendations during future monitoring visits.

Based on the monitoring visits in 2019, the Ombudsman has in addition raised an issue on his own initiative with the Ministry of Social Affairs and the Interior regarding the application of the Danish Act on Adult Responsibility towards Children and Young People placed in Foster Care when they are in respite care at an accommodation facility or residential institution. The Ombudsman has also raised the issue with the Ministry of which in-house school pupils force can be used towards according to the Act on Adult Responsibility. The case is pending.

### **2.3. Background for the choice of theme and focus points**

2.3.1. Younger children who are placed outside the home will often be very vulnerable and have few resources. They may come from a difficult family background and be especially challenged due to their physical and mental health. They may have difficulties understanding why they cannot live at home and be together with their parents, siblings and other relatives. They may also have difficulties in making use of the general measures of support available to children and young people. Their rights may therefore easily come under pressure.

2.3.2. Normally, the Ombudsman will only have very limited contact with 6-12 year old children placed in care. With this theme, the Ombudsman wanted to gain a better insight into conditions for these children, and to examine their conditions in more detail.

During the visits it was important to the Ombudsman to, among other things, get an insight into the extent to which physical force is used in accommodation facilities and residential institutions where younger children are placed, as it can be a distressing experience to be the subject of physical force or to witness others being the subject of physical force.

It was also central for the Ombudsman to examine whether younger children placed in care and attending in-house schools are getting the education they are entitled to according to legislation. This is because research shows that education is the most important factor in relation to children formerly placed in care getting a normal adult life.

Contact with relatives is important for the wellbeing of children during a care placement. Consequently, in connection with the monitoring visits the Ombudsman also examined the extent to which the children had contact and visitation with their relatives, and the extent to which the facilities and institutions supported that contact and visitation.

During the monitoring visits the Ombudsman also wanted to examine the children's access to health services, including the way this is organised. In addition, the Ombudsman examined the medicines management by the visited facilities and institutions. This is because it is important that the staff manage medicines in accordance with the applicable rules on preventing medication errors, among other things.

Appendix 1 contains additional information on the Ombudsman's work with themes.

## **2.4. How did the Ombudsman proceed?**

2.4.1. Prior to the monitoring visits the Ombudsman asked the facilities and institutions for a range of information with a view to shedding light on the conditions which the Ombudsman would focus on during the visits. This was, among other things, the following information:

- Guidelines for use of physical force and information on how children and custodial parents are informed of their rights in relation to the use of force and to other restrictions of the right to self-determination, including the right to complain.
- A summary of the number of times when physical force has been used within the most recent three years with a copy of the five most recent reports on the use of physical force towards children at the facility or institution.
- An account of the reasons for any development in the use of physical force, how the facility or institution prevents the use of physical force, and how children who have been involved in a use of physical force get the opportunity to make a statement regarding the episode.
- Information about children who do not have contact or who rarely have contact with relatives.
- An account of how the children's contact with relatives is organised.
- Instruction for medicines management.
- An account of how the children's access to health care is organised.

If the accommodation facility or residential institution had an in-house school, the Ombudsman also asked for, among other things, a copy of the three most recent exemptions from lessons in a subject in the in-house school.

Furthermore, the Ombudsman asked the private accommodation facilities for



a copy of the agreement with the municipality of location regarding the in-house school.

2.4.2. In the week leading up to the monitoring visits, the Ombudsman sent a letter to the facilities and institutions, containing a card to each individual child placed there, with information about the Ombudsman's upcoming visit.

There was a QR code on the card. By using the QR code, the children had access to a film with information about the Ombudsman's Children's Division, the upcoming monitoring visit and the subjects which the visiting teams would like to talk with the children about. The film (in Danish) can be seen here: <http://boernekontoret.ombudsmanden.dk/besoeg/>.

At the same time, the Ombudsman asked the facilities and institutions to help the children see the film so that everybody was informed of the monitoring visit.

The aim was to reach as many children as possible because their experience of how it is to live in an accommodation facility or residential institution is a significant and important source of information to the Ombudsman.

During the monitoring visits the visiting teams had interviews with 77 children and young people under the age of 18, of which 43 were children between the ages of 6 and 12. In addition, the visiting teams spoke with relatives and staff, including in-house school teachers and those responsible for medicines who also contributed with information about the visited facilities and institutions. Finally, the visiting teams obtained information about the visited facilities and institutions, including on how it is for the children to live at an accommodation facility or residential institution, through discussions with management during the monitoring visits.

2.4.3. The monitoring visits were carried out as part of the Ombudsman's general monitoring activities pursuant to the Parliamentary Ombudsman Act, and as part of the Ombudsman's task of preventing that persons who are or who can be deprived of their liberty are exposed to for instance inhuman or degrading treatment, cf. the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

In addition, the Ombudsman has a special responsibility for protecting children's rights pursuant to, among others, the UN Convention on the Rights of the Child.

The Ombudsman's work on preventing degrading treatment, etc., pursuant to the Protocol is carried out in cooperation with the Danish Institute for Human Rights and DIGNITY – Danish Institute Against Torture.

The Danish Institute for Human Rights and DIGNITY contribute to the cooperation with human rights and medical expertise. This means, among other things, that staff with expertise in these two areas participate on behalf of the two institutes in the planning and execution of and follow-up on monitoring visits.

In addition, a special advisor on children's issues from the Ombudsman's office participates in monitoring visits to the children's sector.

### **3. Use of physical force**

#### **3.1. The rules**

The best interest of the child shall be a primary consideration in all actions concerning children, says the UN Convention on the Rights of the Child.

It follows from the Act on Adult Responsibility that staff at accommodation facilities and residential institutions can use physical force towards a child or a young person when certain specified conditions are met.

However, the physical force must only be used as an exception. And the use of physical force must never take the place of care and social-pedagogical measures. In addition, the force must always be in reasonable proportion to the aim and must be exercised as gently and as briefly as conditions allow, and with the highest possible regard for the personal integrity of the child or young person.

The rules on the use of physical force also apply to the in-house schools connected with accommodation facilities and residential institutions.

## **USE OF PHYSICAL FORCE**

### **Who and what**

*Staff can restrain or lead a child or a young person to another room.*

### **When**

Physical force can be used when the child or the young person exhibits a behaviour, including persistent harassment, which *endangers the child or the young person or others at the location.*

### **Documentation and hearing**

The facility or institution shall *record and report* the use of physical force.

The child or young person shall be *informed of the report* and given the *opportunity to make a statement.*

### **Information**

The child or young person and custodial parents shall be *informed of their rights in relation to the use of force and other restrictions of the right to self-determination*, including channels of complaint, when they arrive at the placement.

### **3.2. Extent of the use of physical force**

The monitoring visits showed that the majority of the facilities and institutions used physical force towards the children only to a limited extent. Some places, however, had overall many instances of use of physical force – in all of the most recent three years or in individual years. In these instances, a significant part of the use of force was centred on one child or on a few children. Often, the child or children in question was or were no longer living at the places.

All the visited facilities and institutions explained to a relevant extent how they worked on preventing the use of force by means of, among other things, so-called 'low arousal', diversion, staff changes and risk assessments.

The Ombudsman recommended to four places to continue their work of preventing and reducing the number of incidences of the use of force.

### **3.3. Examples of reports on the use of physical force**

The Ombudsman asked to receive the five most recent reports on the use of physical force from all the facilities and institutions to be visited.

The Ombudsman received a total of 42 reports on the use of physical force which were reviewed prior to the monitoring visits (see check-up form in Appendix 3). The review of the reports formed a basis for discussions between the visiting teams and the visited facilities and institutions during the monitoring visits.

### *3.3.1. Observance of deadlines for recording and reporting the use of physical force*

If force has been used towards a child or a young person, the manager of the facility or institution (or the deputy manager) shall, pursuant to the rules on adult responsibility, record the incident in a specific report form within 24 hours. The short deadline is primarily out of regard for the legal rights of the child or young person, but also out of regard for the staff involved in the incident.

Then the manager (or deputy manager) of the facility or institution shall without undue delay send a copy of the report form to the placing municipality and inform the custodial parent. By the requirement of 'without undue delay' is meant that the forms must be sent as quickly as possible within 24 hours once the recording has been completed. At the end of the month, a copy of the report form must be sent to the local social supervisory authority, and a possible municipal or regional operator must be informed.

If the use of force has taken place in an in-house school, the use of force shall in addition be reported to the municipality of location (the municipality in which the school is located).

The review of the reports showed that none of the visited facilities or institutions fully observed the deadlines for recording and reporting the use of physical force. In some cases, the places stated that reporting had been carried out but just not been correctly entered in the forms. Several places indicated that the deadlines were very short and difficult to meet, particularly if the use of force had taken place on a Friday or during the weekend.

On this basis, the Ombudsman recommended to five places that they observe the deadlines for both recording and reporting the use of force, while two places were recommended to observe the deadlines for reporting use of force. One place was recommended to ensure that the report forms are completed correctly as far as the time of recording and reporting are concerned.

On that basis, the Ombudsman generally recommends that accommodation facilities and residential institutions observe the deadlines for recording and reporting the use of physical force.

In addition, the Ombudsman gave recommendations to the effect that the report forms be completed satisfactorily. The Ombudsman also recommended that the form in the Executive Order on Adult Responsibility on recording the use of force be used in in-house schools, and that the use of force in an in-house school be reported to the municipality of location (the municipality in which the school is located).

### 3.3.2. *Prohibited uses of force*

During use of physical force staff may *restrain* or *lead* a child or young person to another room.

By *restrain* is meant that a child or a young person can be restrained physically, for instance by holding the child or the young person in the form of placing your arms around the child/young person while you are standing still. Restraint must never include violence, including violent armlocks, punches or kicks. Neither can the one carrying out the restraint lay down on top of the child or young person and restrain the individual with his or her body weight.

By *lead* to another room is meant that a child or young person can be led to another room in the facility or institution, for instance the individual's own room. When it is a younger child, restraining or leading could take place by carrying the child to another room. When it is an older child or a young person, restraining and leading can for instance be done by having a firm hold of the individual's hand and leading him or her to another room. You can also lead the child or young person while you have your arms around them. The crucial factor is that the child or young person do not suffer harm.

Not all staff at an accommodation facility, a residential institution or an in-house school are allowed to use force. Only the staff carrying out pedagogical work or teaching in in-house schools are allowed to do so. This means that for instance kitchen staff, cleaning staff and janitors are not allowed to use force.

Review of the reports showed examples of children between the ages of 8 and 13 years having been lifted or carried in connection with an incidence involving the use of physical force. The review also showed that physical force in two instances had been exercised by a janitor.

On that basis, the Ombudsman recommended that it be ensured that staff are aware that it is not allowed to lift older children, and that it is remembered that according to the Act on Adult Responsibility only pedagogical staff, etc., are allowed to use force.

The Ombudsman will discuss the issue of lifting children, including the age limit for when staff can carry a younger child to another room as part of a use of force, with the Ministry of Social Affairs and the Interior.

### *3.3.3. Inclusion of the child*

The child or the young person who has been involved in a physical force incident must be informed of the recording of the episode and be given the opportunity to have the record include his or her own views on the episode. This follows from the legislation on adult responsibility.

The review of the reports showed that the children in most, but not all, cases were informed of the contents of the report on the use of force.

Correspondingly, the review showed that the staff, as a main rule, had spoken with – or tried to speak with – the child about the use of force.

All visited facilities and institutions stated that they had spoken with or endeavoured to speak with children towards whom physical force had been used. This was confirmed during interviews with the staff. However, the interviews that the visiting teams had with children towards whom physical force had been used could not in all places fully confirm that this was the case.

In two places, the Ombudsman recommended that it should be ensured that the children and the young persons be informed of the contents of the report on the use of force and be given the opportunity to have the record include their own account of the episode. In addition, the Ombudsman recommended one place to ensure that the children and the young persons be given the opportunity to have a record on the use of force include their own account of the incident.

### **3.4. Knowledge of the Act on Adult Responsibility and the use of force**

Children and young persons living at accommodation facilities and residential institutions or attending in-house schools in accommodation facilities and residential institutions must be treated with dignity, consideration and in accordance with their rights. In order to ensure this, it is among other things crucial that staff are familiar with the rules applying to the use of physical force towards the children and the young persons.

A use of physical force shall be applied as gently and as briefly as possible, as circumstances allow, and with greatest possible consideration for the personal integrity of the child or young person. This presupposes, among other things, that staff know what restraining holds to use in connection with a use of force.

The visiting teams got the impression during the majority of the monitoring visits that not all staff, including in-house school staff, were sufficiently familiar with the rules and scope of application of the Act on Adult Responsibility, or had sufficient knowledge of how a use of force is carried out most gently.

On that basis, the Ombudsman gave a recommendation to five places to ensure that staff, including in-house school staff, have sufficient knowledge of the rules and scope of application of the Act on Adult Responsibility. The Ombudsman also gave a recommendation to three places with the aim of ensuring that staff achieve a sufficient knowledge of what restraining holds to use in connection with a use of force, and how a use of force is carried out most gently.

In the light of this, the Ombudsman recommends generally that accommodation facilities and residential institutions ensure that staff have a sufficient knowledge of the rules and scope of application of the Act on Adult Responsibility and of what restraining holds to use in connection with a use of force so that the use of force is carried out most gently.

### **3.5. Information on rights**

It is important that children, young people and custodial parents are informed of their rights.

When a child or a young person is placed at an accommodation facility or a residential institution, the manager shall inform the child or young person and the custodial parents of their rights in relation to use of force and other restrictions of the right to self-determination, including channels of complaint. This follows from the legislation on adult responsibility.

The visits showed that several visited facilities and institutions had not on arrival informed children, young persons and custodial parents of their rights in relation to use of force, etc.

Some places stated that it was difficult to give information about the possibility of use of force at the time when a child was moving in. The information could seem violent and frightening and could give a wrong impression of the place.

Several parents stated during the interviews that they were not – or could not remember having been – informed of their rights in relation to use of force when their child moved into the accommodation facility or residential institution.

The Ombudsman recommended to five places that they ensure that the children, the young people and the custodial parents are informed on arrival of their rights in relation to use of force and other restrictions of the right to self-determination. In addition, The Ombudsman recommended to one place that it complete the preparation of written material with information of both children's and parents' rights and channels of complaint.

The Ombudsman recommends in general that accommodation facilities and residential institutions ensure that children, young people and custodial parents are informed of their rights in relation to use of force and other restrictions of the right to self-determination, including channels of complaint, when moving in. In this connection, the Ombudsman recommends that accommodation facilities and residential institutions consider drawing up written material on rights and channels of complaints which can be given to the children, the young people and the custodial parents on arrival.

## **4. Education in in-house schools**

### **4.1. The rules**

A child is entitled to education. This follows from the UN Convention on the Rights of the Child.

The rules on primary and lower secondary school education appear from the Danish Folkeskole Act (Act on the Danish municipal primary and lower secondary school) with related executive orders and guidelines. Among other things, an executive order has been issued on special education, etc., in in-house schools at accommodation facilities and residential institutions. At the time of the monitoring visits, the applicable rules were found in Executive Order No. 702 of 23 June 2014 on the Folkeskole's Special Educational Teaching and Other Kinds of Specialist Pedagogical Assistance pursuant to the Danish Folkeskole Act in day-care facilities and placement facilities (now Executive Order No. 693 of 26 May 2020).

Children and young people attending an in-house school are entitled to the same education as children and young people attending a Folkeskole (the Danish primary and secondary State or municipal school). This means that they must be taught the full range of subjects and the number of hours laid down in the Folkeskole Act.

An in-house school must have a capacity of at least 10 pupils at the start of the school year.



## **4.2. Number of pupils in the in-house schools**

The Ombudsman asked all the visited facilities and institutions to state, among other things, what schools the children attended. Some children attended in-house schools, others attended an ordinary Folkeskole or special educational school. The teaching in the ordinary Folkeskole and special educational schools was not included in the monitoring visits.

The in-house schools typically had between 12 and 17 pupils.

In five of the six in-house schools visited by the Ombudsman there were both children living at the facility or institution (live-in pupils) and children who lived at home or were living at another facility or institution (external pupils). In one of the in-house schools, there were only live-in pupils.

## **4.3. Agreements on education**

4.3.1. A private accommodation facility with an in-house school must enter into an agreement with the municipality of location regarding education. The Executive Order on Special Educational Teaching, etc. (mentioned above under heading 4.1) lists a number of elements which the agreement must observe as a minimum, including the pedagogical-psychological services and the recording and reporting to the municipal council of use of force towards pupils.

The Ombudsman visited five private accommodation facilities with an in-house school.

4.3.2. During the monitoring visits to accommodation facilities with in-house schools, the Ombudsman examined whether the facilities had entered into an agreement with the municipality of location, and whether the contents of the agreement met the requirements in the Executive Order.

All five accommodation facilities had entered into an agreement with the municipality of location on education but none of the five agreements fully met the requirements of the Executive Order as to content.

One agreement did not, for instance, contain any stipulations on recording and reporting any use of force towards pupils in the in-house school to the municipality of location. Other agreements had such stipulations but either did not contain an adequate description of the legal basis for using force, or the description was not correct. Correspondingly, several agreements' description of the pedagogical-psychological services was so brief as to be inadequate.

On that basis, the Ombudsman recommended to the five accommodation facilities that they – in cooperation with the municipality of location – update the agreement on education in the in-house school.

On that basis, the Ombudsman recommends in general that private accommodation facilities with in-house schools – in cooperation with the municipality of location – ensure that the agreement on education is in accordance with the applicable rules.

#### **4.4. Educational plan assessment**

4.4.1. If a municipality wants to place a child at a placement facility located in another municipality, the placing municipality must involve the municipality of location prior to the placement with a view to establishing a professional dialogue regarding the child's education plan. If it is an emergency placement, the placing municipality must, at the latest when the child is placed, notify the municipality of location thereof with a view to establishing the professional dialogue regarding the pupil's education plan. This appears from the applicable rules, cf. heading 4.1 above.

In addition, no more than three weeks (15 school days) from the placement must pass before an education plan is established for the child. In the interim period, individual teaching must be established, unless the placing municipality can approve an alternative education plan.

4.4.2. Several places stated that it is a general problem that the placing municipalities either not at all or very late, possibly not until the child has moved in, contact the municipality of location regarding education for the child. One place stated that it experienced that the placing municipalities contacted the place directly regarding schooling instead of contacting the municipality of location which made the assessment of the children for schooling difficult and delayed it.

The information could indicate that some municipalities are not sufficiently familiar with or focused on when and who they should contact regarding education for children whom the municipality want to place at a placement facility in another municipality. In consequence, the education plan assessment for children placed in social care is delayed in some cases, so that the children for a period of time do not receive the schooling to which they are entitled.

The Ombudsman did not give any recommendation on this subject but will discuss the issue with the Ministry of Social Affairs and the Interior and the Ministry of Children and Education.

#### **4.5. Schooling in full range of subjects and hours**

4.5.1. As mentioned above, children and young people attending an in-house school are entitled to schooling in the full range of subjects and to the number of hours stipulated in the Danish Folkeskole Act.

Range of subjects and hours, including the minimum hours in, respectively, Danish and history and the overall annual minimum hours, vary from grade to grade.

4.5.2. In the in-house schools at the places the Ombudsman visited, the pupils were in several places divided up into two or three groups so that each group included pupils from different grade levels. One place had divided the pupils into three groups – one group for the younger pupils aged 9-10, another group for pupils aged 11-14, and a third group for pupils in 9<sup>th</sup> and 10<sup>th</sup> grade.

Another place had divided the pupils into two groups – one group for pupils in 1<sup>st</sup> till 3<sup>rd</sup> grade and another group for pupils in 7<sup>th</sup> till 9<sup>th</sup> grade.

The fact that the children were taught in groups across grade levels meant that there were doubts in several cases whether the individual pupils received schooling in the full range of subjects and hours corresponding to their grade level.

Furthermore, the visits showed that the in-house schools were particularly challenged in relation to offering lessons in physics and chemistry. Only two of the six in-house schools had their own physics laboratory. However, one of the two in-house schools did not use its physics laboratory for physics lessons. In some of the in-house schools, the physics lessons took place at a local Folkeskole. Two in-house schools did not provide physics and chemistry lessons.

During one of the visits, management stated that having to teach the full range of subjects gave rise to quite a number of challenges. At another place, the school staff said, among other things, that teaching the full range of subjects far from always made sense in relation to the pupils who attended the in-house school.

The visits showed that three of the six in-house schools did not observe the rules on teaching a full range of subjects. However, two of those schools were working on ensuring that the full range of subjects and number of hours were taught.

On that basis, the Ombudsman recommended to two places to continue the work of ensuring that the rules on teaching the full range of subjects and number of hours are observed. One place was recommended to ensure that the rules on teaching the full range of subjects were observed.

The Ombudsman recommends in general that accommodation facilities and residential institutions ensure that all pupils are taught the full range of subjects and number of hours, and that exceptions therefrom are only made if a pupil – based on a concrete and individual assessment – is exempted from lessons in one or more subjects or has the class hours reduced.

#### **4.6. Exemption from lessons in subjects**

4.6.1. It is possible to exempt pupils from lessons in one or more subjects, though not in Danish and Maths. This follows from the executive orders on special educational teaching issued pursuant to the Danish Folkeskole Act.

It is only possible to exempt a pupil from lessons in a subject if the pupil has extraordinary difficulties in mastering the subject, so that it is not deemed meaningful to give the pupil special educational teaching in the subject in question.

Exemption from lessons in a subject must be decided on the basis of a concrete and individual assessment of the pupil's difficulties with the subject. It is for instance not possible to exempt a pupil – or a group of pupils – from lessons in a subject on the grounds that the in-house school does not have a teacher who can teach the subject, that the in-house school does not have a classroom specially fitted for the subject, or that there are only one or a few pupils to be taught the subject in question.

A decision to exempt a pupil from lessons in a subject is made by the head of the school on the basis of a pedagogical-psychological assessment. In addition, the parents must give their consent to the exemption.

If a pupil is exempted from lessons in one or more subjects, the pupil must have other lessons instead of the subject(s) in question. It is therefore not possible to reduce a pupil's teaching hours by exempting the pupil from lessons in one or more subjects.

4.6.2. In connection with the monitoring visits to accommodation facilities and residential institutions, the Ombudsman received material concerning seven exemptions from lessons in one or more subjects. Generally, the exemptions had not been made in accordance with the underlying rules, and the reasons given for the exemptions were not adequate.

The basic condition for an exemption – that the pupil has extraordinary difficulties in mastering the subject, so that it is not deemed meaningful to provide the pupil with special educational teaching in the subject in question – was in several cases not mentioned in the exemptions, just as a number of the exemptions did not contain a description of the pupil's difficulties with the subject in which the pupil had been exempted from lessons.

It did not appear from any of the exemptions that a pedagogical-psychological assessment had been obtained from the municipality, or that the decisions on exemption had been made on the basis of such a pedagogical-psychological assessment. It was stated in one of the exemptions that the 'PPR' (Pædagogisk Psykologisk Rådgivning, Pedagogical Psychological Counselling) in the municipality of location was notified of the exemption.

It is important that the pupils are only exempted from lessons in one or more subjects if the basic conditions therefore are met. It is therefore also important that the in-house schools can document the grounds for the exemption, that the parents have given their consent to the exemption and that the decision has been made on the basis of a pedagogical-psychological assessment.

The Ombudsman recommended to five places that they ensure that the rules on exemption from lessons in subjects are observed.

The Ombudsman recommends in general that accommodation facilities and residential institutions with in-house schools ensure that decisions on exemption from lessons in school subjects are made in accordance with the rules, and that there is documentation therefore.

#### **4.7. Exemption from tests and examinations**

4.7.1. Pupils in in-house schools must complete mandatory tests and sit the Folkeskole examinations in the same way that pupils taught in the Folkeskole, unless the pupils are exempted according to the special rules applying therefore. This follows from executive orders issued pursuant to the Danish Folkeskole Act

In connection with a decision on exemption from a mandatory test, the head of the school shall, after consultation with the pupil's parents – and as far as possible with the pupil – determine which other methods for assessment of the pupil to use instead of the mandatory test.

Similarly, a decision on exemption from a test shall be followed by a decision on how the pupil's benefit from the schooling can be assessed in another way.

4.7.2. From four of the six places with an in-house school the Ombudsman received material on seven exemptions from mandatory tests and five exemptions from Folkeskole examinations.

A number of the exemptions did not contain information on the background for the exemption, whether the pupil and his or her parents had been included in the decision on exemption, or how the pupil would then be assessed.

On that basis, the Ombudsman recommended to two places that they be aware of the rules on, respectively, mandatory tests in the Folkeskole and the Folkeskole examinations, such as the rules on exemption from tests and examinations.

The Ombudsman recommends in general that accommodation facilities and residential institutions with in-house schools ensure that decisions on exemption from mandatory tests and Folkeskole examinations be made in accordance with the rules, and that there is documentation therefore.

#### **4.8. Municipality's supervision of teaching in in-house schools**

4.8.1. A municipality shall supervise the teaching in in-house schools in accommodation facilities and residential institutions located in the municipality. The municipality's supervision shall ensure that the teaching in the in-house schools lives up to the requirements in the Danish Folkeskole Act) with applicable executive orders, including the requirements for range of subjects, minimum hours, total class hours, etc. In addition, the supervision shall ensure that the rules on exemption from subjects, mandatory tests and Folkeskole examinations are observed.

The aim of the municipalities' supervision is thus to ensure that pupils taught in in-house schools receive the education they are entitled to.

4.8.2. The monitoring visits showed that one municipality had not carried out any supervision since 2017 in relation to two in-house schools.

In the rest of the cases, the municipalities' supervision reports were very brief in their mention of range of subjects, minimum hours, total class hours and exemptions from subjects, mandatory tests and Folkeskole examinations. Some reports contained information about for instance exemptions from

subjects, tests and examinations but not an assessment of whether the rules for these exemptions had been observed.

As the monitoring visits were not directed towards the municipalities of location, the Ombudsman did not give any recommendation on this topic. In the places where the municipality of location participated in the visit, the quality of the supervision and the supervision report was discussed with the municipality.

The Ombudsman will discuss the municipalities' supervision of the teaching in the in-house schools and the quality of the supervision reports with the Ministry for Children and Education.

## **5. Contact with relatives**

### **5.1. The rules**

A child has the right to maintain regular contact with both parents, if the child lives apart from one or both parents, except if it is contrary to the child's best interests. This follows from the UN Convention on the Rights of the Child.

It also appears from the Danish Act on Social Services that children have a right of visitation and contact with parents and network, including siblings, grandparents, other family members, friends, etc., while the child is in an out-of-home placement.

The municipal council shall, if necessary, make a decision on the scope and exercise of the visitation and contact, and may specify particular conditions therefore. In making this decision, the municipal council will have special regard to the best interest of the child and the purpose of the placement.

If it is necessary in view of the health or development of the child, the municipality's Children and Young Persons Committee may decide that for a specified period visitation may only be exercised under supervision, or to stop visitation or contact via letter, e-mail or telephone between the child and the parents or network.

### **5.2. The children's visitation and contact with their relatives**

By far the majority of the children living at the places visited by the Ombudsman were in contact with their relatives. The contact could – in addition to visitation – consist of telephone and FaceTime conversations and mobile phone texts.

Some children had reduced or only little visitation and contact with parents and other relatives, for instance supervised visitation or only a few hours of visitation every month.

Only a few children did not have contact with their relatives. In some cases this was because the child did not want to have contact.

Some children wanted more visitation with their relatives than they had.

It varied how the facilities and institutions visited by the Ombudsman were notified of the decisions on limitation of visitation and contact that were made by the authorities. One place was informed over the telephone, while another place sometimes received a copy of the decision that had been made on limitation of visitation or contact with the relatives.

One place stated that it was difficult to enforce the limitations that had been decided regarding telephone contact with relatives, for instance for children attending an external school.

Another place stated that it could be problematic that the children had their mobile phones with them when they had gone to bed at night, among other things because that made it possible for the children to telephone their parents.

It was the Ombudsman's impression that the places generally supported the visitation and contact between the children and their relatives. One place stated for instance that it had helped children to re-establish contact with parents who had been absent from the child's life or with whom the child had lost contact. Another place stated that – if the relationship between parents and child had been very difficult – the place to the widest possible extent took care of establishing contact between the child and its other network.

The Ombudsman gave no recommendation to the visited places on this topic.

### **5.3. Generally on the cooperation with parents**

Generally, the Ombudsman got the impression that the facilities and institutions gave the cooperation with parents high priority, and that some places went to great lengths to make the cooperation work. Two places worked systematically to include the parents.

Several places organised activities with the aim of involving parents and other relatives in the children's lives. These were for instance communal eating, family days, newsletters, summer and winter events. At one place, the child's contact person had regular, weekly telephone talks with the parents, another place had set up a parent council.



A few places stated that they experienced challenges from time to time in the cooperation with parents, for instance parents who showed up unannounced – perhaps intoxicated – but that this was not a big or general problem.

Some of the parents that the visiting teams spoke with were satisfied with the cooperation, others were not satisfied. The parents who were dissatisfied with the cooperation stated that they missed being included and informed of how their children were doing.

The Ombudsman gave no recommendation to the visited places on this topic.

## **6. Health**

### **6.1. The rules**

A child has a right to the enjoyment of the highest attainable standard of health, access to facilities for the treatment of illnesses and rehabilitation of health. This follows from the UN Convention on the Rights of the Child.

Correct medicines management is crucial to patient safety, and the Danish Health Authority has issued partly a guidance on drawing up instructions and partly a guidance on prescription and medicines management. In addition, the Danish Patient Safety Authority has issued a folder on correct medicines management as a tool for care facilities, home care, community nursing, accommodation facilities, etc. (*'Korrekt håndtering af medicin – Et værktøj for plejecentre, hjemmehjælp, hjemmesygepleje, bosteder m.v.'*; in Danish only).

### **6.2. Access to healthcare service**

The children and the young people were registered with a General Practitioner (GP). In several places the children and the young people were registered with the same GP, medical practice or medical centre.

A few places stated that they had a procedure whereby the children and the young people had a medical check-up with the doctor shortly after moving in.

Several places stated that staff helped the children to book an appointment with the doctor, if the children needed to or expressed a wish to see the doctor. Older children typically booked an appointment with the doctor themselves. Staff accompanied the children, if necessary, and participated in the appointment with the doctor, if the child wanted them to. It was also possible for the children to have a confidential talk with the doctor, if the children wanted to.

The children normally followed the vaccination programme. However, a few places stated that it could be difficult to get an overview of previous vaccinations, just as it could be difficult to obtain parental consent to the vaccinations.

### **6.3. Medicines management**

The visits showed that several places did not fully observe the applicable rules for medicines management.

The majority of the visited places were recommended to ensure that medicines management take place according to the applicable rules. The shortcomings consisted for instance of a lack of name and social security number on medicine organiser boxes, and that medicine that had been dispensed, including *pro necessitate* medicine (meaning medicines which can be taken or administered according to need), was not labelled correctly. In a number of cases, the places were issued with recommendations to either draw up or update their instructions on medicines management with a view to ensuring that they observed the Danish Health Authority's guidance on drawing up instructions.

The Ombudsman recommends in general that accommodation facilities and residential institutions ensure that medicines management take place in accordance with applicable rules and that the places' instructions on medicines management are drawn up in accordance with the Danish Health Authority's guidance on drawing up instructions.

Yours sincerely,



Niels Fenger

Danish Parliamentary Ombudsman

## **Appendix 1: The Ombudsman's work with themes**

### **1. Themes for monitoring activities**

Every year, the Ombudsman selects one or more themes for the year's monitoring visits, in cooperation with the Danish Institute for Human Rights (IMR) and DIGNITY – Danish Institute Against Torture.

The choice of theme is particularly dependent on which areas are in need of an extra monitoring initiative. The Ombudsman will often select a narrow theme, such as for instance the Prison and Probation Service's use of security cells. Other times the Ombudsman will select a broad theme such as for instance children and young people who, due to a substantial and permanent impairment of their physical or mental function, attend or reside at an institution.

The themes give the Ombudsman the opportunity to include current topics in his monitoring activities and also to make in-depth and transverse investigations of particularly problematic issues and to gather experience about practice, including best practice.

A principle aim of any year's monitoring visits is to shed light on and investigate the year's themes. The majority of the year's monitoring visits will therefore go to the institutions where the themes are relevant.

### **2. Thematic reports**

At the end of the year, the Ombudsman, together with the Danish Institute for Human Rights (IMR) and DIGNITY, reports on the outcome of the year's monitoring activities.

The themes are especially reported in separate reports on the individual themes. In these reports the Ombudsman sums up and imparts the most important results of the themes.

### **3. General recommendations**

Results of the themes may be general recommendations to the authorities, such as for instance a recommendation to draw up a policy for the prevention of violence and intimidation between users/residents.

General recommendations are based on the Ombudsman's experience of the field in question. Usually, they will also have been given as concrete recommendations to particular institutions during the year's monitoring visits.

Typically, the Ombudsman will discuss the follow-up to his general recommendations with the central authorities. In addition, the Ombudsman will follow up on the recommendations during monitoring visits.

The general recommendations have a preventive aim. The basis for the preventive work in the monitoring field is that the ombudsman has been appointed National Preventive Mechanism (NPM) according to the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

The thematic reports are published on the Ombudsman's website, [en.ombudsmanden.dk/publications/thematic\\_reports](https://en.ombudsmanden.dk/publications/thematic_reports). In addition, the Ombudsman sends the reports to all relevant authorities so that the authorities can include the reports in their deliberations regarding the various sectors. The Ombudsman also sends the thematic report to the facilities and institutions, etc., which the Ombudsman has visited in that year. Lastly, the Ombudsman informs the Danish Parliament, Folketinget, of the reports.

For further details, please see the Ombudsman's manual for monitoring activities at [en.ombudsmanden.dk/introduction/Monitoring\\_visits/manual\\_for\\_monitoring\\_activities/](https://en.ombudsmanden.dk/introduction/Monitoring_visits/manual_for_monitoring_activities/)

## Appendix 2: Overview of visited facilities and institutions and recommendations given

Where	What	Interviews with users <sup>1</sup>	Interviews with relatives and others	DIGNITY participated	IMR participated	Recommendations
8 visits		80 interviews	40 interviews	7 visits	3 visits	Visit concluded with recommendations: 8 Visit concluded without recommendations: 0

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<sup>1</sup> Number of children and young people with whom the visiting teams had interviews.

Where	What	Interviews with users <sup>2</sup>	Interviews with relatives and others	DIGNITY participated	IMR participated	Recommendations
Villa Kokkedal in Hørsholm	Open residential institution for children and young people	7	7			<ul style="list-style-type: none"> <li>• Strive to observe deadlines for recording and reporting use of force</li> <li>• Ensure – in accordance with Centre for Social Education and Psychiatry’s (CSP) guidelines and working method for forcible measures in the Centre – that it always appears from the report forms what has gone before the use of force itself.</li> <li>• Ensure adequate completion of the report forms, for instance when the form is sent to the local social supervisory authority.</li> <li>• Consider (possibly in cooperation with the municipality) drawing up in-house guidelines for the use of force, explaining in an easily understandable way what staff may and may not do.</li> <li>• Finalise (possibly in cooperation with the municipality) drawing up written material with information on both children’s and parents’ rights and access to complaint.</li> <li>• Finalise work of laying down a written list of house rules.</li> <li>• Ensure that all staff are aware that the Act on Adult Responsibility does not apply to children in respite care.</li> <li>• Ensure that, in accordance with CSP’s guideline, a local procedure for follow-up on use of force is drawn up.</li> </ul>

<sup>2</sup> Number of children and young people with whom the visiting teams had interviews.

Where	What	Interviews with users <sup>3</sup>	Interviews with relatives and others	DIGNITY participated	IMR participated	Recommendations
Mini-institutions Solbrinken, Tøften and Sølyst in Aarhus	Open residential institution for children and young people	17	3	√		<ul style="list-style-type: none"> <li>• Ensure that staff – in accordance with their wishes – are trained in/taught how a use of force is carried out in practice, including how to carry it out as gently as possible.</li> <li>• Ensure that there is an evaluation with staff of any use of force, and that this will appear from the Mini-institutions' guidance on use of force.</li> <li>• Ensure that the children, young people and custodial parents are informed of their rights in relation to use of force and other restrictions of the right to self-determination, including channels of complaint, when the children and young people take up residence at the institution, cf. Section 24(1)(ii) of the Act on Adult Responsibility.</li> <li>• Adjust the guidance on use of force so that it shows that children and young persons above the age of 12 years can complain about use of force to the municipal council.</li> <li>• Ensure that the report forms are completed adequately with regard to the time of recording and reporting.</li> <li>• Ensure that staff are aware of the City of Aarhus' policies and procedures regarding violence and sexual assault and suspicion thereof, and that, in addition, management consider drawing up own guidelines for prevention of violence and sexual assault between the children/young people.</li> </ul>

<sup>3</sup> Number of children and young people with whom the visiting teams had interviews.

Where	What	Interviews with users <sup>4</sup>	Interviews with relatives and others	DIGNITY participated	IMR participated	Recommendations
Hostruphøj S/I in Hobro	Social-pedagogical accommodation facility for children and young people  In-house school	10	2	√		<ul style="list-style-type: none"> <li>• Continue the work of preventing and reducing the number of use of force.</li> <li>• Update the procedure description concerning the use of force so that it refers to the applicable rules in the legislation on adult responsibility.</li> <li>• Consider extending the procedure description with an easily accessible guideline for the staff regarding the applicable rules on the use of force.</li> <li>• Ensure that children, young people, custodial parents and any guardians are informed – when the children and the young people take up residence at the institution – of their rights in relation to the use of force (and other restrictions of the right to self-determination).</li> <li>• Ensure that staff, including in-house school staff, are familiar with the scope of application of the Act on Adult Responsibility.</li> <li>• Ensure that staff are aware that it is not allowed to lift and carry the children and the young people in connection with a use of force.</li> <li>• Ensure that the grounds in reports recording use of force are adequate.</li> <li>• Strive to observe the deadlines for reporting of use of force.</li> <li>• Ensure that the use of force carried out in the in-house school is reported to the municipality of location.</li> </ul> <p>(Continued next page)</p>

<sup>4</sup> Number of children and young people with whom the visiting teams had interviews.



Where	What	Interviews with users <sup>4</sup>	Interviews with relatives and others	DIGNITY participated	IMR participated	Recommendations
Hostruphøj S/I in Hobro (continued)						<ul style="list-style-type: none"> <li>• In cooperation with Mariagerfjord Municipality, update the agreement on education for the in-house school with a paragraph on recording and reporting to the Municipal Council any use of force towards the pupils.</li> <li>• Ensure that the rules on exemption from lessons in school subjects are observed.</li> <li>• Awareness of the rules on, respectively, mandatory tests in the Folkeskole and the Folkeskole examinations, including the rules of exemption from tests and examinations.</li> <li>• Revise house rules so that they do not contain rules that could constitute a restriction of the right to self-determination for the children and the young people.</li> <li>• Continue the work of implementing the policy on prevention of violence and sexual assaults.</li> </ul> <p>(Continued next page)</p>

Where	What	Interviews with users <sup>4</sup>	Interviews with relatives and others	DIGNITY participated	IMR participated	Recommendations
Hostruphøj S/I in Hobro (continued)						<ul style="list-style-type: none"> <li>• Consider the background for the paragraph in the guidelines on prevention of violence and sexual assault that the children are not allowed to date each other, to kiss and touch each other, and in the light thereof ensure that the guideline – if it is maintained – in its content and application does not go further than what the regard for the facility's aim and function intends, including not constituting a disproportionate restriction of the rights of the children and the young people.</li> <li>• Update instructions on the medicines management in relation to date indication and clarification of target group pursuant to guideline on drawing up instructions.</li> </ul>

Where	What	Interviews with users <sup>5</sup>	Interviews with relatives and others	DIGNITY participated	IMR participated	Recommendations
Altiden Solskovgaard ApS in Brovst	Social-pedagogical accommodation facility for children and young people  In-house school	8	4	√		<ul style="list-style-type: none"> <li>• Continue the work of preventing and reducing number of use of force.</li> <li>• Consider drawing up guidance notes for the use of physical force and other restriction of the right to self-determination.</li> <li>• Strive to observe deadlines for recording and reporting the use of force.</li> <li>• Use the form in the Executive Order on Adult Responsibility for recording and reporting use of force, if such are used in the in-house school towards children placed at Solskovgaard.</li> <li>• In cooperation with Jammerbugt Municipality, update the education agreement for the in-house school so that the paragraph on the use of force takes into account the rules in the Act on Adult Responsibility on recording and reporting the use of force.</li> <li>• Ensure documentation for the pedagogical-psychological assessment carried out in connection with exemption for pupils from lessons in one or more subjects.</li> <li>• Awareness of the rules on, respectively, mandatory tests in the Folkeskole and the Folkeskole examinations, including the rules on exemption from tests and examinations.</li> </ul> <p>(Continued next page)</p>

<sup>5</sup> Number of children and young people with whom the visiting teams had interviews.

Where	What	Interviews with users <sup>5</sup>	Interviews with relatives and others	DIGNITY participated	IMR participated	Recommendations
Altiden Solskovgaard ApS in Brovst (continued)						<ul style="list-style-type: none"> <li>• Consider drawing up written material with information on the rights of the children and young people, including in connection with the use of force, etc., in a language which is targeted at children and young people and which is perhaps tailored to age.</li> <li>• Draw up a local instruction for the medicines management which is practical to use in daily routines, cf. the applicable guidance note on drawing up instructions.</li> </ul>

Where	What	Interviews with users <sup>6</sup>	Interviews with relatives and others	DIGNITY participated	IMR participated	Recommendations
Det Social-pædagogiske opholdssted Munkegården at Avernakø	Social-pedagogical accommodation facility for children and young people  In-house school	12 <sup>7</sup>	5	√	√	<ul style="list-style-type: none"> <li>• Consider a training course for the staff on using gentle restraining holds in connection with the use of force.</li> <li>• Resume work on drawing up risk assessments in order to prevent the need for using force.</li> <li>• Consider extending guidelines on the use of force as guidance for staff.</li> <li>• Ensure that children, young people and custodial parents are informed of their rights in relation to the use of force when the children and the young people take up residence at the facility.</li> <li>• Ensure that staff are familiar with the legislation on the use of force.</li> <li>• Strive to observe deadlines for recording and reporting the use of force.</li> <li>• Ensure that the children and the young people are informed of the contents of the report on the use of force and are given the opportunity to have the report include their own account of the episode.</li> <li>• Ensure compliance with the rules on teaching the full range of subjects so that it is also possible to have lessons in physics/chemistry.</li> <li>• Ensure compliance with rules on exemption from lessons in subjects, including especially that exemption is decided on the basis of a pedagogical-psychological assessment carried out by PPR.</li> </ul> <p>(Continued next page)</p>

<sup>6</sup> Number of children and young people with whom the visiting teams had interviews.

<sup>7</sup> Including a young person above the age of 18 years.

Where	What	Interviews with users <sup>6</sup>	Interviews with relatives and others	DIGNITY participated	IMR participated	Recommendations
Det Social-pædagogiske opholdssted Munkegården at Avernakø (continued)						<ul style="list-style-type: none"> <li>• In cooperation with the municipality of location, update the agreement on education in accordance with applicable rules (concerning assessment and use of force).</li> <li>• Consider the background for the house rule on telephone access, and in light thereof ensure that the rule – if it is maintained – in its content and application does not go further than what the aim and function of the facility intend, including not constituting a disproportionate restriction of the rights of the children and the young people.</li> <li>• Ensure correct labelling of <i>pro necessitate</i> medicine so that it appears when the medicine has been dispensed and when it must be discarded (4 weeks after dispensing).</li> </ul>

Where	What	Interviews with users <sup>8</sup>	Interviews with relatives and others	DIGNITY participated	IMR participated	Recommendations
Fonden Asgaard-Sødinge in Ringe	Social-pedagogical accommodation facility for children and young people  In-house school	7 <sup>9</sup>	3	√	√	<ul style="list-style-type: none"> <li>• Ensure that staff are sufficiently familiar with the rules on force in the legislation on adult responsibility, possibly by giving staff a training course in the subject.</li> <li>• Consider a training course for staff on using gentle restraining holds in connection with use of force.</li> <li>• Ensure awareness of the fact that according to legislation on adult responsibility, it is only pedagogical staff who are allowed to use force.</li> <li>• Consider drawing up guidelines on the use of force as guidance for staff.</li> <li>• Ensure that children, young people and custodial parents are informed of their rights in relation to the use of force (and other restrictions of the right to self-determination) when the children and the young people take up residence at the facility.</li> <li>• Strive to observe deadlines for recording and reporting the use of force.</li> <li>• Continue the work of ensuring documentation in reports on the use of force, and ensure that the manager's assessment is included in the report form.</li> <li>• Ensure that the children and the young people are informed of the contents of the report on the use of force and are given the opportunity to have the report include their own account of the episode, and document that this has taken place.</li> </ul> <p>(Continued next page)</p>

<sup>8</sup> Number of children and young people with whom the visiting teams had interviews.

<sup>9</sup> Including two young persons above the age of 18 years.

Where	What	Interviews with users <sup>8</sup>	Interviews with relatives and others	DIGNITY participated	IMR participated	Recommendations
Fonden Asgaard-Sødinge in Ringe (continued)						<ul style="list-style-type: none"> <li>• Review the reported use of force with staff and carry out an assessment and discussion thereof in order to learn (and prevent the need for the use of force).</li> <li>• Continue the work of ensuring compliance with the rules on teaching the full range of subjects and on number of hours.</li> <li>• Ensure compliance with the rules on exemption from lessons in subjects, including especially that exemption is based on a pedagogical-psychological assessment carried out by PPR.</li> <li>• In cooperation with the municipality of location, finalise the agreement on education and ensure accordance with applicable rules (particularly on exemption from lessons in subjects and on the use of force).</li> <li>• Ensure notification to the relevant extent pursuant to Section 153 of the Social Services Act in connection with unlawful absence from school.</li> <li>• Ensure that the formal requirements for instructions in the field of health care are followed, cf. the Danish Health Authority's guideline on drawing up instructions.</li> <li>• Ensure that the temperature in the fridge is checked regularly when medicines are kept there.</li> </ul>



Where	What	Interviews with users <sup>10</sup>	Interviews with relatives and others	DIGNITY participated	IMR participated	Recommendations
Magnoliegården in Hårlev	Open residential institutions for children and young people  In-house school	6	7	√		<ul style="list-style-type: none"> <li>• Continue the work of preventing the need for and reducing the number of use of force.</li> <li>• Ensure that staff are sufficiently aware of the conditions in the Act on Adult responsibility for using physical force.</li> <li>• Strive to observe the deadlines for recording and reporting the use of force.</li> <li>• Ensure that incident descriptions in report forms on the use of force are adequate.</li> <li>• Ensure that the children and the young people are given the opportunity to have a report on a use of force include their own account of the incident.</li> <li>• Continue the work of ensuring that the rules on teaching the full range of subjects and number of hours are observed.</li> <li>• Continue the work of ensuring that the rules on exemption from lessons in individual subjects are observed.</li> <li>• Ensure that in-house school staff are familiar with the scope of application of the Act on Adult Responsibility.</li> <li>• Consider drawing up written guidelines on prevention of violence and sexual assaults, and on procedure in connection with suspicion of assault.</li> <li>• Ensure that the instructions on medicines management are updated with clarification of target group pursuant to guidance on drawing up instructions.</li> </ul> <p>(Continued next page)</p>

<sup>10</sup> Number of children and young people with whom the visiting teams had interviews.

Where	What	Interviews with users <sup>10</sup>	Interviews with relatives and others	DIGNITY participated	IMR participated	Recommendations
Magnoliegården in Hårlev (continued)						<ul style="list-style-type: none"> <li>• Ensure that the instruction regarding <i>pro necessitate</i> medicine is updated so that the description corresponds to the actual procedure.</li> <li>• Ensure that medicine organiser boxes are labelled with name and social security number.</li> </ul>

Where	What	Interviews with users <sup>11</sup>	Interviews with relatives and others	DIGNITY participated	IMR participated	Recommendations
Skole- og behandlings-hjemmet Orøstrand	Social-pedagogical accommodation facility for children and young people  In-house school	13	9	√	√	<ul style="list-style-type: none"> <li>• Continue the work of preventing the need for and reducing the number of use of force.</li> <li>• Ensure that children, young people and custodial parents are informed of their rights in relation to the use of force (and other restrictions of the right to self-determination) when the children and the young people take up residence at the facility.</li> <li>• Strive to observe deadlines for reporting the use of force.</li> <li>• Ensure that the grounds for the use of force in the report forms are adequate.</li> <li>• Ensure that the instructions on medicines management are updated with date indication and clarification of managerial responsibility and target group pursuant to guidance on drawing up instructions.</li> <li>• Ensure that dispensed medicine is labelled with drug name and dispensing date, pursuant to guidance on prescription and medicines management.</li> </ul>

<sup>11</sup> Number of children and young people with whom the visiting teams had interviews.

## Appendix 3: Check-up form for review of report forms on use of physical force

DANISH PARLIAMENTARY OMBUDSMAN

# Check-up form on use of physical force

Institution, including any specific unit: \_\_\_\_\_

Age of the child or the young person at the start of the use of force: \_\_\_\_\_

Name of the child or the young person: \_\_\_\_\_

Date of use of force: \_\_\_\_\_

### In general

- |   |                          |                          |
|---|--------------------------|--------------------------|
| Has the standard form of Order 94/2019, appendix 1 a, been used ..... | <input type="checkbox"/> | <input type="checkbox"/> |
|   | Yes                      | No                       |
| Have the mandatory blue boxes been (largely) filled in .....          | <input type="checkbox"/> | <input type="checkbox"/> |
|   | Yes                      | No                       |
| Have the voluntary green boxes been (largely) filled in .....         | <input type="checkbox"/> | <input type="checkbox"/> |
|   | Yes                      | No                       |

### The intervention

Physical use of force: .....  Duration: \_\_\_\_ hours \_\_\_\_ minutes

Does the description give grounds for doubt about the lawfulness,  
of the intervention, including proportionality? .....  Yes  No  Unclear

If yes, state reasons briefly \_\_\_\_\_

Has the intervention been sufficiently documented? .....  Yes  No  Unclear

## Inclusion of the child or the young person

Has the child or the young person been informed about the report? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	No info.
Has the child or the young person had the opportunity to comment on the episode? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	No info.
Has the child or the young person commented on the episode? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	No info.
Has a solution been found on how the use of force can be avoided in future?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	No info.
Does the inclusion of the child or the young person give grounds for other comments? .....	<input type="checkbox"/>	<input type="checkbox"/>	
	Yes	No	

State reasons briefly \_\_\_\_\_

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## Recording and reporting

Has the episode been recorded in the report form 'within 24 hours'? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	No info.
Has a copy of the report form been sent to the placing municipality 'without undue delay'/'within 24 hours after recording'? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	No info.
Has the custodial parent been informed 'without undue delay'/'immediately after recording'? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	No info.
Has a copy of the report form been sent to the Social Supervision Authority 'by the end of the month'? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	No info.
Has municipal or regional operator been informed 'by the end of the month'? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	No info. Not relevant

Has the episode been reported to the school municipality? .....

Yes

No

No info.

Not relevant

NOTE: Special rules apply on recording and reporting an action which is subject to prosecution, including a possible criminal liability.

### Best interest of the child

Has the best interest of the child been a primary concern when using force,

including in relation to the inclusion of the child or the young person? .....

Yes

No

Unclear

Briefly state reasons for reply \_\_\_\_\_

\_\_\_\_\_

### Other remarks