



News from the Danish Parliamentary Ombudsman

The Ombudsman: Focus needed on observing the rules on force in the psychiatric sector

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In 2021, the Ombudsman investigated the use of force and non-statutory interventions in connection with monitoring visits to 10 psychiatric wards. The investigation showed that there is a need for continued focus on preventing and reducing the use of force and to ensure that the legal framework for use of force and non-statutory interventions is complied with.

‘Being subjected to force can be very intrusive. Force must only be used when absolutely necessary. Everyone involved should focus on ensuring the patient’s rights,’ says Parliamentary Ombudsman Niels Fenger and emphasises: ‘Therefore, it is also important to know the rules and make sure to document that they have in fact been complied with.’

During the visits, the Ombudsman’s visiting teams investigated examples of interventions without authority in the Mental Health Act, which can therefore only be implemented with the patient’s consent.

Based on this part of the investigation, the Ombudsman recommends that no non-statutory interventions are carried out without consent that has been obtained and documented in accordance with the relevant requirements set out in applicable rules and practices.

The Ombudsman will discuss the follow-up of the general recommendations with the Ministry of Health and Danish Regions.

Read the [2021 thematic report on force and non-statutory interventions in the psychiatric sector](#).

Read the [news item on the theme of the Ombudsman’s 2021 monitoring visits in the adult sector](#) (in Danish only).

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FACTS

The Ombudsman's general recommendations etc. on force under the Mental Health Act

The Ombudsman generally recommends that the regions ensure focus on

- preventing and reducing use of force in the psychiatric sector
- observing the rules on force
- precise and comprehensive documentation in records on forced immobilisation – including in relation to the grounds for initiating and maintaining belt restraints – which observes the more rigorous requirements of Section 14(3) of the Mental Health Act in cases of restraint lasting more than a few hours.

The Ombudsman has started an investigation of the Ministry of Health in order to clarify the legal framework for private guards' use of force in psychiatric wards.

The Ombudsman's general recommendations etc. on non-statutory measures and interventions

The Ombudsman generally recommends that the regions ensure

- that house rules and practices in the wards observe the applicable rules
- that no non-statutory interventions are carried out without consent that has been obtained and documented in accordance with the relevant requirements set out in applicable rules and practices

Based on information in a complaint, the Ombudsman has started an investigation of the Ministry of Health and a forensic psychiatric ward about whether – after an amendment to the Mental Health Act – there is currently authority to carry out seclusion in own room without the patient's consent.

Seclusion in own room is generally characterised by a patient being isolated in his or her own room or another limited area with an unlocked door and possibly with members of staff standing guard outside the door.

In 2020, the Ombudsman made a statement on the use of seclusion in own room. The new case concerns the legal position after an amendment to the Mental Health Act of 1 January 2022. Read [the Ombudsman's statement on seclusion in own room and informed consent](#).

Follow-up on the general recommendations

The Ombudsman's general recommendations in the thematic report are directed at the regions – including the psychiatric wards – which have the principal responsibility for the daily administration and handling of tasks in relation to the stated issues in the psychiatric sector.

However, the general recommendations are also directed at the Ministry of Health, which has the overall responsibility in the field.

The Ombudsman will discuss the follow-up on the general recommendations with the Ministry of Health and Danish Regions. The Ombudsman will also follow up on the general recommendations during future monitoring visits.

The Ombudsman's monitoring visits

The Parliamentary Ombudsman carries out monitoring visits in public and private institutions, especially where people are or can be deprived of their liberty.

The monitoring visits are carried out in collaboration with DIGNITY – Danish Institute Against Torture and the Danish Institute for Human Rights, which contribute with medical and human rights expertise.

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

Read [the Ombudsman's previous thematic reports](#).

Read more about [the Ombudsman's monitoring visits](#).