



News from the Danish Parliamentary Ombudsman

Thematic report 2022: Private accommodation facilities must be better at documenting use of force

When children and young people are placed in accommodation facilities, staff have access, within the scope of the Act on Adult Responsibility, to use physical force and to impose other restrictions on the children and young people's right to self-determination, such as search of person or room.

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In 2022, the Ombudsman's Children's Division carried out a number of monitoring visits to small private accommodation facilities in order to examine the staff's knowledge of the rules and use of the authority afforded by the Act on Adult Responsibility.

The Ombudsman primarily visited facilities that house young people with alcohol and drug abuse, self-harming behaviour or similar serious problems.

The monitoring visits showed that the accommodation facilities only use physical force to a limited extent and as far as possible seek to avoid it or to impose other restrictions on the young people's right to self-determination. But the visits also showed that staff in several facilities only had a more general knowledge of the rules, and that there were problems with documentation of use of force in some of the accommodation facilities.

Several of the accommodation facilities thus reported the episodes too late, and the relevant report forms were often inadequately completed.

On that background, the Ombudsman has recommended several of the accommodation facilities to ensure that the report forms on use of physical force contain an adequate description of the course of events and that the deadlines for reporting to and informing authorities and custodial parents are observed. The Ombudsman has also recommended facilities to ensure that staff are sufficiently familiar with the rules of the Act on Adult Responsibility, including on how physical force should to be carried out in practice.

'It was positive to find that the accommodation facilities generally work with pedagogical tools in relation to handling conflicts. When staff do decide to resort to physical force, it must be ensured that the episode is reported within the stipulated deadlines and is documented adequately – not just as a formal requirement but out of concern for the young people's legal rights', says Parliamentary Ombudsman Niels Fenger.

The monitoring visits left the impression that the accommodation facilities were focused to a relevant extent on prevention and handling of alcohol and drug abuse and self-harming behaviour. A separate issue on the use of drug tests in relation to the young people has caused the Ombudsman to raise an own-initiative investigation of the Ministry of Social Affairs, Housing and Senior Citizens regarding the scope of the rules on drug tests.

Read [the entire thematic report on small private accommodation facilities for young people in 2022](#)

Read [news item of 21 January 2022 about the theme](#) for the monitoring visits by the Children's Division in 2022.

Further details:

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FACTS

The theme of the Children's Division's monitoring in 2022 was small private accommodation facilities for young people. During the monitoring visits, the focus was on particularly the following:

- Use of physical force and search of person or room
- Return of runaways and detaining in connection with or during placement
- Drug testing
- Prevention and handling of alcohol and drug abuse, sexual abuse and self-harming behaviour
- Healthcare services.

As part of the theme, the Ombudsman's Children's Division carried out monitoring visits to eight small private accommodation facilities that generally had eight to ten places for young people aged 13-17 years. Here, the visiting teams spoke with a total of 41 young people in this age group. The visiting teams also spoke with parents of the young people and with staff and management at the accommodation facilities.

Recommendations

On the basis of the monitoring visits, the Ombudsman generally recommends that private accommodation facilities

- ensure that the deadline is observed for recording use of physical force and search of person and room and for reporting to and informing the relevant authorities and custodial parents
- ensure that the report forms on use of physical force contain an adequate description of the course of events, including a description of how the child or young person was conducted or manually restrained, and the grounds for why the intervention was necessary.
- ensure that report forms on search of person and room contain an adequate description of the course of events, including a specification of whether or not the child or young person has been informed of the reason for the search and has been asked to hand over any effects voluntarily.
- ensure that staff are sufficiently familiar with the rules under the Act on Adult Responsibility, including the rules on use of physical force, and that the accommodation facilities have written guidelines on use of physical force and other restrictions of the right to self-determination
- ensure that – in connection with the placement – 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 complaint access. In this context, the Ombudsman recommends that the facilities consider drawing up written material on rights and complaint access that can be handed out on arrival.
- ensure that drug tests are used in accordance with the relevant rules, including that general consent for use of drug tests is obtained, either in connection with arrival or during the placement period if the need for being able to use a drug test arises, and that the placing municipality and custodial parents are informed that a drug test has been used and of the result of the test
- ensure that medicines management is carried out in accordance with applicable rules and that instructions on medicines management are drawn up in accordance with the Danish Health Authority's national clinical guidelines on drawing up instructions.

The Ombudsman's monitoring visits

- The Parliamentary Ombudsman carries out monitoring visits to public and private institutions, especially where people are or can be deprived of their liberty.
- The monitoring visits are carried out in cooperation with the Danish Institute for Human Rights and DIGNITY – Danish Institute Against Torture. The two institutes contribute with medical and human rights expertise.
- The Ombudsman has a special responsibility for protecting the rights of children pursuant to, among others, the UN Convention on the Rights of the Child.
- The Ombudsman's Children's Division carry out [monitoring visits in the children's sector](#).
- Read more about [the Ombudsman's monitoring visits](#).