



Õiguskantsler

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Inspection visit to the Valgejõe Study Centre of Maarjamaa Education College (*Maarjamaa Hariduskolleegium*)

Dear Mrs Kristin Hollo,

On 9–10 February 2022, advisers to the Chancellor of Justice inspected the work of the Valgejõe Study Centre of Maarjamaa Education College (hereinafter ‘the study centre’).

Group homes in the study centre are cosy. Each young person has their own bedroom which they can decorate to their liking. Good opportunities exist for sports and handicrafts, hobby groups are active. Resting and meeting rooms have been set up for staff. Young people now have more opportunities to communicate with next of kin. Pupils can meet their family in a private visiting room. Privacy is also ensured during telephone conversations.

At the study centre, regular support network meetings are held where young people’s next of kin can consult with child protection workers and representatives of state agencies and specialists. Deliberations focus on how to ensure the necessary services for pupils both within the study centre and after a pupil’s departure.

It was positive to see that, in comparison to the previous situation, the pupils’ trust in staff has increased. Incidents of physical bullying are resolved swiftly and competently. The work of the study centre’s nurse and psychologist left a good impression.

Instances of placement in a seclusion room are carefully documented. The study centre maintains a separate register on seclusion and incidents of violence.

The first group’s room at the study centre should be made cosier. Replacement of the locking system of automatically lockable room doors must continue. It is not correct to display tables describing pupils’ behaviour (the so-called bonus points tables) on a group board.

After arrival at the study centre, a young person must be provided with immediate access to therapy and support from a psychologist. If for security considerations a pupil has been accommodated

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separately from others, the study centre must have a treatment and rehabilitation plan prepared to facilitate the pupil's quick socialisation.

The minimum time allowed for using the telephone may not be reduced or home visits restricted for the purpose of influencing a pupil. Collective punishments are not allowed. Those staff authorised to decide a pupil's placement in a seclusion room must have a uniform understanding of the principles of applying this measure.

Detecting and resolving covert incidents of bullying requires a great deal of staff attention and determined action. The possibility of providing staff with portable emergency call buttons could be considered.

Maarjamaa Education College is an educational institution providing the closed childcare institution service to young people (§ 130¹ et seq. ([Social Welfare Act](#))). A juvenile is referred to the service under a court order. During the inspection visit, twenty-five pupils between the age of 13–17 years were at the Valgejõe Study Centre, of whom 18 were young men and 7 young women.

The Chancellor's advisers and a healthcare expert (a child psychiatrist) examined the centre's rooms, interviewed staff and pupils, and examined documents.

1. Living conditions in groups

Young people are accommodated in groups located in the study centre building. A total of seven groups are accommodated on several floors. Up to six children at a time can be accommodated in each group. At the time of the inspection visit, each group consisted of one to five young people. Young women and men were accommodated in separate groups. However, forming mixed groups is not ruled out.

According to explanations by the head of the centre, vacancies in groups do not mean that the centre can accept more children. Young people are divided into groups based on how they match each other and taking account of their individual needs.

Furnishings and living conditions in the six groups are generally similar. One group (group 1) differs from the others in that initially it was built for young people referred to the 24-hour special care service by the court.

Each young person has their own bedroom and a private toilet and washroom. Each group also has a communal activity area, a kitchen corner and a staff room. Young people can decorate their bedrooms according to individual interests and personality. During the inspection visit, items important for young people, such as photographs, drawings and toys, were visible in the rooms. It is commendable that the opaque plastic film on windows noticeable during the [previous inspection visit](#) had been removed either fully or to a large extent, so that natural light could reach the room. If wished, a roller blind can be pulled down to cover the window.

The communal room is also decorated according to the wishes of children living in the particular group. These rooms contained potted plants and pupils' drawings. Interviews with young people revealed that they highly appreciated the privacy afforded by private bedrooms. Pupils may use cosmetic and hygiene products of their choice.

During the [2017 inspection visit](#), it was found that the doors of many bedrooms locked automatically, so that it was not possible to open the door from the inside. It is positive to note that the study centre has been dealing with the problem and the locking system of those rooms has mostly been replaced. However, several bedrooms still remain whose doors still lock automatically. In some bedrooms, an obstacle (e.g. a piece of wood) was placed between the door and the threshold to prevent locking. According to staff, all pupils have a key to enable them to leave the room if necessary. The study centre is also dealing with replacing the automatic locking systems with a more reasonable solution. It is planned to install thumb turn locks (so-called butterfly locks) on the doors to offer more privacy to young people as well as to enable a quick exit from the room. If necessary, the staff can enter a pupil's room with their own key.

Furnishings in the first group were considerably more austere compared to other groups. The communal activity room was lacking elements to create cosiness. Furniture in bedrooms (bed, chair, table) in that group was fixed to the floor. During the inspection, only one pupil was accommodated in that group. The young person's bedroom was somewhat cosier and reflected more personality than the group rooms in general. The staff explained that the young person accommodated in group 1 manifests extremely complicated behaviour due to a psychiatric disorder, so that they may also pose a danger. For this reason, all items that the young person could use to assault others have been removed from the communal activity room.

In her recommendations sent to [psychiatric hospitals](#) and [social welfare institutions](#), the Chancellor has emphasised the importance of a therapeutic environment. The Chancellor has also [asked](#) that furnishings in small groups at the Emajõe Study Centre of Maarjamaa Education College should be made cosier. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has [said](#)¹ that metal furnishings and fittings and furniture fixed to the floor are not suitable for an establishment whose purpose is rehabilitation of young people.

The Chancellor understands that people with mental disorders may need an adjusted environment. It is also clear that in accommodating some young people the study centre must find a balance between safety and cosiness. At the same time, after the young person's behaviour has stabilised, new design elements can gradually be introduced to their room to make the room cosier and contribute to the young person's recovery.

The Chancellor recognises the study centre for allowing young people themselves to decorate their bedroom in the group home. It is positive that each pupil has their own well-furnished bedroom and everyone can use the kitchen corner. At the same time, the accommodation conditions for young people with more complicated behavioural problems should also be made cosier and more child-friendly. Replacement of the locking system for room doors must continue.

2. Treatment and therapy options and recreational activities

Treatment and therapeutic possibilities are similar to [therapeutic options created at the Emajõe Study Centre](#) of Maarjamaa Education College. Great emphasis is laid on multidimensional family therapy ([MDFT](#)). The study centre documents showed that many young people together with their next of kin can participate in such family therapy. However, many young people do not meet the MDFT programme criteria because either their family is not interested in therapy or communicating with family members is not in the child's best interests. For these young people, unfortunately, no alternative programme equal to MDFT has been prepared which would

¹ See the [CPT's recommendation to Spain](#), para. 180.

systematically support their rehabilitation and create for them a trusting extensive support network for the future.

Most pupils attend a psychologist's appointments. During interviews, young people said that they highly appreciated the work of the psychologist and, if possible, would see the psychologist more often. Pupils with Russian mother tongue pointed out that the study centre does not have a psychologist with good proficiency in Russian. They conceded that although the study centre's psychologist does understand Russian, communication is nevertheless complicated.

The study centre offers young people career counselling about future study plans and possible career choices. Pupils regularly meet with social pedagogues. Some young people receive therapy (e.g. activity therapy) prescribed by the rehabilitation plan outside the study centre.

On a day-to-day basis, a group's development teachers (*kasvatuspedagoog*) deal with young people – under their guidance, conversation groups take place, young people's concerns are discussed and group plans are drawn up. Development teachers also help young people with doing school homework. In the evenings, practical life issues are discussed in groups (e.g. a healthy diet, hygiene, rules of behaviour, handling money). Some evenings are also occupied with joint film viewing or book-reading. At designated times, young people can play computer games.

The medical expert involved in the inspection visit reiterated the [recommendation](#) given after the inspection visit to the Emajõe Study Centre of Maarjamaa Education College to ensure the assistance of a psychologist for all young people at the study centre. Therapeutic intervention must begin immediately after a child arrives at the centre. Documents showed that after arrival at the study centre some young people had to wait for approximately one month for a meeting with a psychologist. This is a long waiting time for a child in a situation requiring immediate intervention and support. The expert recognised psychologists and therapists at the centre, who work at the limit of their capacities. Young people's needs are greater than the possibilities that the specialists at the centre are able to offer. Therefore, the team of psychologists should definitely be increased.

The European Court of Human Rights in its judgment in the case of [Rooman v. Belgium](#) reached the opinion that the state must ensure that a detainee with a mental disorder receives therapy in a language they understand. The expert participating in the inspection visit noted that successful psychotherapy is only possible if the specialist and the young person understand each other. Considering that many Russian mother tongue speakers are referred to the study centre, the institution should make efforts to also find a Russian-speaking psychologist.

On working days, a nurse is present at the study centre to provide counselling to pupils with health problems. The nurse monitors pupils' state of health, communicates with their attending doctors, organises doctors' appointments, ensures availability of medicines prescribed in young people's treatment schemes, and distributes medicines to drug dispensers. The nurse also accompanies young people at a specialist doctor's appointment. The study centre nurse speaks both Estonian and Russian and, according to their own assessment, does not feel any language barrier in communicating with pupils.

During interviews young people mentioned that both the nurse and the study centre psychologist themselves come to groups to ask whether young people have any concerns they wish to discuss. Such a proactive approach deserves recognition.

The study centre has well-equipped classrooms. In the manual training and arts classroom, hobby groups are also organised in addition to the study programme. Young people can try out various types of handicrafts and handiwork as well as exciting art techniques.

The study centre yard is equipped with sports facilities. According to the daily schedule, young people can have a walk in the yard twice a day. Up to three groups at a time are outdoors. The study centre has also acquired the necessary equipment for indoor sports. According to the schedule, pupils use the sports hall at least once a day. In the sports hall, aerobics classes are organised and it is possible to play ball games. Young people said that they liked table tennis and volleyball training sessions.

In general, pupils found that hobby activities on offer were diverse. It is good that young people themselves can choose which hobby group they wish to participate in. Nevertheless, some young people said that they did not find any activities to their liking because in a closed institution it is not possible to engage in hobbies they like (e.g. cyclo-cross, or the like).

The Chancellor acknowledges specialists who participate in children's rehabilitation and support children every day. The work of the study centre nurse and the psychologist's dedication to young people left an extremely good impression. The Chancellor asks that it be ensured that every young person referred to the study centre receives psychological counselling immediately after their arrival at the centre. Additionally, the Chancellor asks the study centre to also find a psychologist freely proficient in Russian.

3. Use of the seclusion room

The study centre has two seclusion rooms. One of these is located in the first-floor corridor and the other in group 1. The seclusion rooms were furnished somewhat differently. A bed and a table had been fixed to the floor of the seclusion room located in the corridor. The group 1 seclusion room had no furniture. On the floor was a mattress and on top of it a blanket and a pillow. Both seclusion rooms had a sanitary corner with a stainless steel toilet bowl, a sink and a shower head attached to the wall. Radiators in the seclusion rooms were covered in a metal grid and windows were covered with opaque plastic film. Both rooms had video surveillance.

During the [previous inspection visit](#), the toilet bowl in the seclusion room was visible from the door hatch and was also within the range of view of the security camera. Now the sanitary area in both seclusion rooms is separated from the rest of the room, so as to protect a pupil's privacy.

The [law](#) does not lay down specific requirements for furnishings and fittings of a seclusion room in the frame of provision of the closed childcare institution service. The CPT has [said](#)² that a seclusion room must be suitable for an agitated person to calm down and its furnishings and fittings must be safe.

A young person whose behaviour poses a direct and immediate threat to their own life or health or the life or health of others may be placed in a seclusion room (§ 130³(4) clause 2 [Social Welfare Act](#)). Thus, the furnishings in a seclusion room must reduce the possibility of self-harm. The Chancellor has previously [drawn](#) the attention of social welfare institutions to the fact that some solutions used in a seclusion room might not be safe. For instance, an agitated person may injure themselves against a sharp edge of the heating system,

² [CPT standards](#), para. 3.8.

A young person in a seclusion room is generally monitored via a CCTV camera. The CPT has [emphasised](#)³ that in a seclusion room a person must also retain contact with staff. A staff member does not need to be in the same room with the secluded person but the person placed in a seclusion room must receive direct attention which cannot be replaced by video surveillance. It is good if a secluded person can see staff, for instance, through a safety glass opening in the door.

All instances of use of the seclusion room are recorded in the centre's general register. According to the register, a young person generally stays in a seclusion room for less than an hour. The longest period of seclusion was 175 minutes and the shortest 22 minutes.

The study centre has established a procedure for placement in a seclusion room stating, inter alia, that a child's condition must be documented after every 15 minutes. Requisite forms are filled out about every instance of placement in a seclusion room (§ 130³(5) [Social Welfare Act](#); § 107(8) [Social Welfare Act](#)). Forms are filled out in handwriting.

About incidents of violence in the study centre, the staff who had contact with the particular incident draw up a report on it. Reports are filled out in a computer and are combined in a separate register. This is commendable practice. Not every violent incident needs to conclude with a pupil's placement in a seclusion room. At the same time, detailed reports about a violent incident enable a better overview of the events preceding seclusion than can be provided in a general form on seclusion. Several reports on violent incidents also reflected essential information concerning seclusion. For example, information about staff injuries, intervention by a medical nurse and a conversation with a young person.

Reports on violent incidents related to placement in a seclusion room are recorded in a general register of reports, so that it may be hard to quickly find them if necessary. The study centre might think of a solution to link forms filled out in the event of placement in a seclusion room with more detailed situational reports. For example, relevant violent incident reports may also be recorded in the register on use of the seclusion room.

Based on the documents examined, it may be concluded that, as a rule, placement of young people in a seclusion room has been justified and this measure was only applied in a situation where other options to resolve the situation had been exhausted (§ 130³(4) clause 2 [Social Welfare Act](#)). However, the reports included a couple of instances where the principles for use of a seclusion room had been breached.

The report on one violent incident revealed⁴ that a group teacher and a supervisory staff member decided to place a young person in a seclusion room for three hours. The decision on duration of placement was made prior to sending the young person to the seclusion room. However, according to the form on placement in a seclusion room⁵, the pupil stayed in the room for 35 minutes.

The [law](#) allows a child to be placed in a seclusion room until the threat has passed but for no longer than three consecutive hours (§ 130³(4) clause 2 [Social Welfare Act](#)). The [explanatory memorandum](#) to the Social Welfare Act states that a child may not be held in a seclusion room longer than absolutely necessary. Thus, deciding for how long a young person should stay in a seclusion room is not allowed prior to placement in the room. The condition of a young person in

³ See the [CPT recommendation to Finland](#), paras 85, 131.

⁴ Time of submission of report 31 March 20221 at 22.39.

⁵ Report on placement of a pupil in a seclusion room (decision) No 4-6.2/439.

a seclusion room must be constantly monitored and they should be let out of the seclusion room immediately when the situation so allows.

It is positive to note that, in the case mentioned above, the staff dealing with the young person under seclusion complied with the legal requirement and did not follow their prior agreement on the duration of placement in a seclusion room. However, the study centre must be convinced that all staff have a uniform understanding of the rules on use of a seclusion room. The duration of application of a seclusion room is unpredictable in each individual case.

Another example relates to seclusion where a remark had been entered on the form that the pupil went to the seclusion room voluntarily⁶. The Chancellor has previously [drawn](#) the attention of Maarjamaa Education College to the fact that a young person's compliance with an instruction from the staff to go to the seclusion room cannot be interpreted as consent to stay in the seclusion room. According to CPT [assessment](#)⁷, if a person represents a danger and their seclusion would be justified, that person is unlikely to be in a fit state of mind to seriously consent to application of the relevant measure.

The incident described in the second example was properly documented. The form on use of a seclusion room showed that the situation requiring the young person's seclusion was dangerous. Nevertheless, it should be ensured that the staff correctly understand the preconditions for application of a seclusion room. Definitely, a pupil's consent cannot serve as a basis for placement in a seclusion room. Each young person in the study centre has their own bedroom. Thus, a pupil has the possibility to retreat from others in order to calm down or simply be on their own if they so wish.

The Chancellor asks that it be ensured that seclusion room furnishings are as safe as possible for an agitated young person. Reports on violent incidents could be added to the register on use of a seclusion room. The staff deciding on placement in a seclusion room must have a uniform understanding of the rules for applying this measure and that understanding must also be compatible with the law.

4. Accommodating a pupil separately from others

During the inspection visit, only one pupil was accommodated in group 1. The staff explained that this was a young person with a complicated mental disorder who may pose a danger to others.

During the daytime, two teachers are present in that group, and at night one staff member remains in the group. Study takes place in the group. The young person can go outside the group at the time designated in the daily schedule; then they may go to a sports hall, outdoors, or a computer classroom. The pupil's contact with other young people is very limited. They sometimes walk outdoors at the same time with another young person but no meaningful communication between them takes place. A small adjusted classroom is located in group 1, so that the pupil in group 1 saw the other pupils moving back and forth to that classroom for their studies.

According to staff, this was the first time they had to deal with a young person with such complicated behaviour, so that they were only getting adjusted and trying to find the best way to help the pupil. According to documents, several specialists (social pedagogue, psychologist and others) had considered the condition of that young person hopeless and conceded that they were

⁶ Report on placement of a pupil in a seclusion room (decision) No 4-6.2/358.

⁷ See the [CPT's recommendation sent to Malta](#), para. 153.

unable to suggest a well-functioning therapy. The young person had already been in the study centre for two months but documents did not show what steps were intended to be taken for their rehabilitation or whom it was planned to consult. For this reason, an impression remained that in this case a lot of effort has gone into protecting the staff and other pupils – which is definitely also very important – but no possibility had yet been found to support the young person.

Documents and interviews with the staff revealed that the young person was not someone who could be characterised as impulsively aggressive but rather as a person manipulative with the feelings of others and planning their activities. The study centre also has other young people whose behaviour may pose a danger and who have repeatedly assaulted the staff and fellow pupils. At the same time, they were enabled to live in groups together with others and participate in joint activities. The young person accommodated in group 1 has not used physical violence against others while staying at the study centre.

Accommodating the young person in group 1 separately and keeping them away from joint activities is a measure applied to ensure security. However, to the young person this may feel like a punishment because they have to accept stricter restrictions on communication and movement and more austere living conditions than other young people. The young person's separate accommodation resembles somewhat the measure applied at the Emajõe Study Centre of Maarjamaa Education College under which a young person who had participated in a conflict was accommodated in the study centre's small group in order to ensure safety. The Chancellor has [noted](#) that a pupil may perceive their transfer to a small group as a punishment and exertion of pressure, so this kind of measure should be avoided.

Under the Social Welfare Act, if certain preconditions exist, a young person may be isolated from others by placing them in a seclusion room for up to three hours (§ 130³(4) clause 2 [Social Welfare Act](#)). The law does not stipulate a measure such as long-term separation of a young person from others (e.g. accommodation in a separate unit). At the same time, this is not complete isolation since a staff member is constantly present with the young person and once in a while the young person can meet other pupils (e.g. outdoors).

The CPT is of the [opinion](#)⁸ that any form of isolation may have a detrimental effect on the physical and mental well-being of juveniles. For this reason, the CPT has also strongly criticised⁹ punishing juveniles by segregating them from others. At the same time, the CPT has [accepted](#)¹⁰ a situation where the law enables a young person in need of special attention or treatment to be accommodated separately from others in order to ensure safety. In doing so, the institution must review and assess on a weekly basis whether segregated accommodation is still justified in respect of the particular young person.

The Chancellor has [emphasised](#) that if a patient who is likely to behave dangerously is isolated from others for an unspecified period, the medical institution must have a treatment and therapy plan prepared to support improvement of the patient's condition and enable them to gradually interact more with others.

The expert participating in the inspection visit is of the opinion that accommodating a young person with a serious mental disorder and complicated behaviour separately from others may be

⁸ See the [CPT's recommendation sent to Spain](#), para. 191.

⁹ See e.g. the CPT's 2017 [visit to Croatia](#) (para. 90); the CPT's 2018 [visit to Hungary](#) (para. 72); the CPT's 2020 [visit to Spain](#) (para. 191).

¹⁰ See the [CPT's recommendation sent to Sweden](#), para. 95.

understandable during the young person's induction period. The staff must be given an opportunity to monitor a young person's behaviour without the young person endangering fellow pupils. At the same time, longer-term isolation from peers has a detrimental effect on the young person, and lack of opportunity to communicate may even intensify their disorder. Certainly, this case is more complicated than usual, but possibilities should even more so be sought for an appropriate therapeutic intervention and, if necessary, more specialists should be involved. The study centre must have an activity plan for how to support the young person's rehabilitation. If necessary, the initial plan can be amended and a different strategy chosen. This would in any case be better than simply noting that it is complicated to find suitable treatment and therapy for the young person.

The [explanatory memorandum to the Draft Act](#) regulating the closed childcare institution service states that a child is referred to a closed childcare institution for the purpose of helping them resolve problems and preparing them to cope successfully once they have returned home. Undoubtedly one of the preconditions for coping successfully is the ability to communicate and cooperate with others.

If possible, the Chancellor asks that the young person not be accommodated separately from others. If accommodating a young person in a separate group is necessary due to dangers posed by their mental disorders, their quick integration must be supported with consistent treatment and therapy.

5. Staff and security

The staff assured that they generally felt safe. Usually they have to deal with verbal insults but there have also been some major physical assaults. In a dangerous situation, a group staff member or a teacher can call supervisory staff for assistance by walkie-talkie. The need for assistance can also be notified via video surveillance. Video surveillance is used in the communal rooms at the study centre, in the yard area and in the seclusion room. The video feed is constantly monitored by security staff. According to the group staff, supervisory specialists very quickly respond to dangerous situations.

In interviews, pupils asserted that in comparison to [previous](#) times the situation has become much calmer and anxious situations tend to be rare. According to young people, the constant presence in the group of someone from the staff helps to prevent conflicts. Groups are also small and pupils get to know each other better and do not wish to quarrel with each other. At the same time, young people conceded that name-calling and bullying still happen, sometimes also fights with each other. Young people noted that some fellow pupils' behaviour may be unpredictable or spiteful due to their mental disorder so that others may refrain from interacting with them.

It is positive that by now the situation prevalent during the [previous inspection visit](#) has been resolved where children in some groups were left on their own for the night. Constant presence of a staff member helps to prevent conflicts and bullying between pupils. In the case of concern, a young person can also quickly receive assistance from staff.

Young people said that, as a rule, they trust the study centre staff and know whom they can contact with their concern. Young people also noted that they felt the trust of group staff towards them. For instance, young people are allowed to operate on their own in the kitchen corner. Pupils described how the staff involve them in debates, provide explanations and offer support. During interviews, the work of the psychologist and the nurse was highlighted. Even those young people who were not eager to trust other study centre staff admitted in interviews that they were open

with the nurse and the psychologist. Increased trust in general constitutes a noteworthy development in the institution's work, and the management and staff deserve recognition because a few years ago when the Chancellor's [advisers visited the study centre](#) trust towards the staff was rather small.

Nevertheless, situations occur at the study centre which should be noticed early and steps taken accordingly. For instance, a pupil mentioned that they perceived the animosity of other young people towards them. The young person said that during the induction period they had to put up with bullying by group mates, both verbal and physical. Although the staff intervened, often the pupil was advised to go to their own room. Currently, bullying has decreased significantly. In order to prevent bullying, the young person now spends a lot of time in their room but admitted that they would also like to be in the communal room where it is possible to watch television and cook. Documents showed that the young person was a Russian mother tongue speaker but the other group members were Estonian mother tongue speakers. It was also found that in the same group a pupil was accommodated who has a tendency to bully others. The risk of bullying and exclusion is increased by the possible language barrier, as well as the presence in the group of pupils who have bullied others. In such a situation, the staff must be especially attentive so as to notice signs of bullying. It is understandable that some young people wish to spend more time on their own. However, if a young person constantly avoids using the communal room, refrains from joint activities and does not interact with others outdoors – this kind of behaviour should arouse concern among the staff – then this is a sign of covert bullying¹¹.

Interviews with pupils and the institution's documents affirm that the study centre actively and successfully deals with preventing and resolving physical bullying. Covert incidents of bullying also need the staff's attention and response. It is not sufficient if someone who has been bullied withdraws from the situation. This only seemingly puts an end to bullying because the victim does not receive the necessary protection or support in order to safely operate in the group.

In the event of danger, the staff can call for assistance on a portable walkie-talkie. The reports on some violent incidents showed that sometimes an agitated young person had managed to seize the walkie-talkie. Luckily, this was noticed by the supervisory staff monitoring the video feed and they quickly intervened. However, a dangerous situation might occur in a room without video surveillance. For example, in one case the supervisory staff noticed a pupil's assault on a teacher only after the teacher had managed to leave the classroom.

The Chancellor has [emphasised](#)¹² that it is important to ensure the security of the institution's staff. It is good that each staff member has a walkie-talkie. In order to be able to call for assistance even more quickly in a critical situation, the study centre should consider the possibility of giving the staff portable (e.g. fastened around the arm) emergency buttons. This solution would be especially necessary for those who work with young people in rooms with no video surveillance.

The Chancellor acknowledges the study centre for efforts invested in creating a trusting atmosphere and ensuring security. Detecting and resolving covert incidents of bullying requires

¹¹ See also the Chancellor's advisory leaflet "[Kool kiusamisest vabaks](#)" (Freedom from bullying at school); the Kiusamisvaba Kool Foundation "[Varjatud kiusamine – nähtamatu vaenlane, kellega ei saa võidelda pimesi](#)" (Covert bullying – a hidden enemy impossible to fight blindfold).

¹² See section 3; the Chancellor's [inspection visit](#) of 16 August 2021 to Kodijärve Home operated by AS Hoolekandeteenused (section 2); the Chancellor's [inspection visit](#) of 17 January 2019 to Valkla Home operated by AS Hoolekandeteenused (section 1).

more attention and more determined action from the staff. Use of emergency buttons might be considered.

6. Sanctions and restrictions

In every group, the study centre rules are displayed for young people. It is positive that in some groups these rules have also been translated into Russian because many young people living at the study centre are Russian mother tongue speakers and not very proficient in Estonian.

During interviews, young people mentioned that compliance with the rules is primarily monitored by development teachers. Pupils said that violation of the rules is also assessed by development teachers who are also entitled to impose a punishment. Young people noted that a fight occurring at the study centre usually results in their being deprived of the possibility of a home visit.

According to young people, the staff always wish to find the culprit of a violation or a violent incident occurring at the study centre. The staff may invite the culprit to confess what they had done and threaten restrictions on the whole group if they did not confess. In such situations, young people have been threatened, for example, with cancellation of the period for computer use.

Documents showed that the possibility of a home visit is also used to motivate a pupil to study.

In group homes, a system of behaviour assessment is used (the so-called bonus points system). Some groups maintain tables with assessment criteria, where daily remarks are entered regarding a pupil's behaviour and compliance with agreements. In the case of a positive assessment, a pupil is given bonus points. For the points collected, for example, a pupil's telephone or computer time is extended. In some groups, no tables are maintained but a young person's overall behaviour is monitored, and on that basis a decision is made whether to extend telephone or computer time.

In one group, tables with pupils' bonus points were displayed on the board in the communal room. This meant that all pupils in the group saw whose behaviour the staff were satisfied with and who had a longer phone call or computer time allowance. The table also reflected poor assessments given to young people.

Positive results of fellow pupils reflected in the bonus points table may also motivate others to maintain cleanliness and comply with the rules. At the same time, a high risk exists that disclosure of assessments may arouse envy in young people, distress in those whose results are not so good, and cause bullying. The expert participating in the inspection visit noted that, in view of the mental and behavioural problems of young people at the study centre, disclosure of the table, rather than evoking a motivational sense of competitiveness, may lead to frustration in those whose results are not so favourable. It may also cause harmful group pressure on young people who abide by the rules. It would be better to keep the table data in the staff room where every young person could examine the table concerning themselves and, if they wish, to add their own comments.

The Chancellor has [noted](#) that the law prohibits enabling third persons access to data describing children's health, special needs, academic achievement, behaviour, development, conditions at home, and data describing other personal aspects. This information may become an incentive for bullying and cause poor treatment. Third persons include, for example, fellow pupils and their parents, support specialists and teachers not involved in assessing a particular pupil and ensuring their development.

The framework daily schedule approved at the study centre sets out that each pupil is granted 20 minutes telephone time a day. However, on the board in one of the groups a rule was mentioned that 10 minutes are allocated for calling and additionally a pupil can earn 10 more minutes of calling time. Interviews with pupils revealed that the time allocated for calling varies from group to group. Young people pointed out that even though an agreement may exist within a group that 20 minutes is allocated for a call, some staff members do not abide by it and may reduce calling time down to 10 minutes.

After the inspection visit to the Emajõe Study Centre of Maarjamaa Education College, the Chancellor [explained and emphasised](#) that the time and opportunities designated for calling or other kinds of interaction with next of kin at the study centre (e.g. communication via computer, home visits) may not be reduced in order to punish or sanction young people. A planned home visit may not be cancelled in order to punish a pupil. A prohibition also applies to collective punishments, including threatening young people with joint restrictions when trying to ascertain who violated the rules. The reasoning presented in the summary of the inspection visit to Emajõe study centre is also relevant for the Valgejõe study centre.

The Chancellor asks the study centre to ensure that the staff do not reduce the time allocated for calling in the framework daily schedule, nor may restrictions on home visits be applied as a sanction. Collective punishments or threatening to impose them is inadmissible. The results entered in the bonus points table should not be available for all to see.

7. Communicating with next of kin (including during the spread of the coronavirus)

Young people use the study centre telephone and computer to communicate with next of kin. Next of kin can visit young people at the study centre and, if circumstances allow, young people can go on a home visit.

It is positive to note that, in comparison to the [time of the previous inspection visit](#), calling possibilities for pupils have improved. A pupil may call every day and, according to the framework daily schedule, telephone time was at least 20 minutes. A welcome change is that on working days additional time is allocated for calling state agencies. Young people can call in privacy from their room.

Young people may use the computer twice a week, 45 minutes at a time. Computers are connected to the internet, young people can send e-mails and use the social media to communicate with their next of kin. Pupils may use the computer rather freely; access is only restricted to websites with content harmful for young people.

With good behaviour (i.e. having earned 'bonus points'), a pupil can obtain extra time for phone calls and computer use. Young people said that some of them had been able to call for half an hour or even longer thanks to bonus points.

During the spread of the SARS-CoV-2 coronavirus, home visits were prohibited, and visits by parents were also reduced. In order to alleviate the effect of restrictions imposed due to the spread of the infectious disease, young people were allowed to use the computer for 45 minutes every day during that period. The 20-minute calling time was also retained.

Young people conceded that restrictions on home visits strongly affected their mood and motivation. In general, the period of the spread of the virus was considered complicated since there

was no clarity as to when this would end. Certain restrictions were definitely inevitable to combat the spread of the virus. It is positive that the study centre applied measures flexibly and found ways to balance the restrictions (increasing the possibility to use the computer).

The study centre has set up a visiting room where young people can meet with next of kin. Visitors may come on the day that suits them and visiting time is not restricted. Since the door of the visiting room is partially transparent and the room also has video surveillance, the staff can monitor what is happening in the visiting room but cannot listen to the conversation.

If the situation allows, young people are given permission for a home visit. The precondition for a home visit is consent by the young person's parents and their readiness to support the pupil. The possibility of a home visit is also assessed by a child protection worker, and in some instances also the police. The study centre staff said that cooperation with substitute homes has significantly improved and most substitute homes welcome young people for a home visit. This is a happy development. Usually, home visits take place at the weekend. As a rule, a young person goes home and returns to the study centre independently by public transport. Some pupils are picked up by next of kin.

The Chancellor has repeatedly [emphasised](#)¹³ how important it is for juveniles in a closed institution to be able to call their next of kin. It is commendable that the study centre enables young people to maintain contact with their next of kin in various ways. The Chancellor is also pleased to note that the study centre respects young people's privacy and allows them to make calls and meet with visitors in a private room. Unfortunately, some of the staff use reduction of possibilities for communication, or threat of it, to influence or punish young people. It should be ensured that the staff have a uniform understanding of the fact that the minimum time allowed for young people for calling or computer use may not be reduced.

The Chancellor recognises the study centre's decision to increase young people's possibilities to communicate with next of kin more than previously. It is positive that during the restrictions imposed due to the spread of the coronavirus young people could use the computer more often than usual.

I expect feedback from Maarjamaa Education College to the recommendations by 1 November 2022 at the latest if possible.

Yours sincerely,

Ülle Madise

Appendix: Healthcare expert's opinion on 4 pages.

Copy: Ministry of Education and Research, the Ministry of Social Affairs, the Social Insurance Board

¹³ See section 3; see also the Chancellor's [inspection visit](#) of 17–18 May 2016 to Emajõe study centre at Maarjamaa Education College (section 1); the Chancellor's [inspection visit](#) of 5 May 2018 to the department for children and young people of the Tartu University Hospital Foundation psychiatric clinic (section 4).