

Connect's response to the Scottish Public Services Ombudsman's Child Friendly Complaints Handling Principles Consultation

1 March 2024

Below, we set out the suggested Principles and the consultation questions, with Connect's responses in bold.

Principle 1 - For Everyone Under 18

- *For the purposes of complaints handling a child is defined as "anyone under the age of 18".*
- *All concerns affecting any child will be handled in a way that meets all of their rights under the UNCRC.*
- *This includes concerns raised directly by a child, as well as concerns raised by an adult, either on a child's behalf, or about matters that affect a child.*

Article 1 (definition of the child) Everyone under the age of 18 has all the rights in the Convention.

1. How well do you think we have explained this principle?

- **Connect: Mostly clear**

2. Is there anything you think would help explain this principle better?

Connect: Where it refers to concerns raised by an adult, it should explicitly mention parents as an example.

Principle 2 – Focused on Children's Best Interests

- *The best interests of any children affected will be at the heart of the complaints process. This means all decisions made or actions taken will treat the best interests of any children affected as a top priority.*

Article 3 (best interests of the child) The best interests of the child must be a top priority in all decisions and actions that affect children.

3. How well do you think we have explained this principle?

- **Connect: Partly clear**

4. Is there anything you think would help explain this principle better?

Connect: The 'best interests of the child' is so wide that it's open to interpretation - perhaps an additional few words to help focus on what this means (i.e. the wellbeing of the child is paramount and/ or that the child's needs will be prioritised over all else etc).

Principle 3 - Trusting and Inclusive

- *Trust will be placed in children to make decisions they can manage, recognising their increasing ability to make their own choices.*
- *Concerns will be handled in a way that respects the rights of their parent/s, guardian/s or other responsible adult/s to guide and direct them.*

- *If a child does not wish their parent/s, guardian/s or other responsible adult/s to be made aware of their concerns, their involvement will be decided by carefully weighing the child's views, their best interests, and the rights of everyone involved.*

Article 5 (parental guidance and a child's evolving capacities) Governments must respect the rights and responsibilities of parents and carers to provide guidance and direction to their child as they grow up, so that they fully enjoy their rights. This must be done in a way that recognises the child's increasing capacity to make their own choices.

5. How well do you think we have explained this principle?

- **Connect: Mostly clear**

6. Is there anything you think would help explain this principle better?

Connect: We are glad to see explicit reference to the need to respect the rights of parents/guardians, and the need to balance the rights of the child and parents when it comes to informing of concerns in this principle.

The word 'trust' has more emotive connotations, when instead it should be about empowering, respect, confidence, relying, responding to the decisions of children. We suggest 'Respectful and Inclusive', or 'Supportive and Inclusive.'

Principle 4 – Centred on Children's Voices

- *Children will be given the chance to express their views, feelings and wishes in all matters that affect them.*
- *Children's voices and views will always be listened to, taken seriously, and have real impact.*
- *Children will be asked how they want to communicate and things will be done their way whenever possible.*
- *Informed consent will be sought from the child affected where a concern has been raised by parent/s, guardian/s or other responsible adult/s on behalf of their child.*

Article 12 (respect for the views of the child) Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. This right applies at all times, for example during immigration proceedings, housing decisions or the child's day-to-day home life.

7. How well do you think we have explained this principle?

- **Connect: Partly clear**

8. Is there anything you think would help explain this principle better?

Connect: The phrase 'given the chance' is not an empowering phrase. This is their right so it should be about empower, support, encouraged (i.e. children will be empowered to voice their opinions, emotions, needs and wants in every situation that impacts them etc)

Informed consent will not always be able to be given, for example very young children. There should be an acknowledgement that not all children will have capacity and so some require advocates to make decisions on their behalf.

Principle 5 – Kind and Supportive

- *Children will be treated with kindness and understanding at all times, and they will never be treated differently for raising concerns.*
- *Every effort will be made to ensure children feel comfortable to freely and openly express their thoughts and opinions.*
- *Wherever possible, children will be supported to complain by people they know and trust.*

Article 13 (freedom of expression) Every child must be free to express their thoughts and opinions and to access all kinds of information, as long as it is within the law.

9. How well do you think we have explained this principle?

- **Connect: Mostly clear**

10. Is there anything you think would help explain this principle better?

Connect: Some reference to parents and families might also be helpful in terms of their advocacy for their children. Anyone involved in raising a complaint in relation to a child's needs or rights should be treated with kindness and given support to do so.

Principle 6 – Confidential

- *Nothing a child shares will be passed on without their permission, unless doing so is required to raise a child protection concern.*
- *Before speaking with any child about a complaint, explanations will be given about when things may need to be passed on without their permission. This will include explaining what happens if they say something that suggests they are at risk.
If a child's concerns have to be shared, or their parent/s, guardian/s or other responsible adult/s involved, they will be told this, and why this needs to happen.*
- *If a child's concerns are shared this will be done as far as possible without identifying them.*
- *Where an investigation might mean other people could identify the child, this will be discussed with them for their views on whether they wish to continue.*

Article 16 (right to privacy) Every child has the right to privacy. The law should protect the child's private, family and home life, including protecting children from unlawful attacks that harm their reputation.

11. How well do you think we have explained this principle?

- **Connect: Mostly clear**

12. Is there anything you think would help explain this principle better?

Connect: This should also refer to confidentiality for information/ concerns shared by an adult such as a parent/guardian who is advocating on a child's behalf.

Principle 7 – Educational about Rights

- *Information will be provided to children and any parent/s, guardian/s or other responsible adult/s about their rights under the UNCRC and they will be helped to understand what this means for them.*

Article 18 (parental responsibilities and state assistance) Both parents share responsibility for bringing up their child and should always consider what is best for the child. Governments must support parents by creating support services for children and giving parents the help they need to raise their children.

Article 42 (knowledge of rights) Governments must actively work to make sure children and adults know about the Convention.

13. How well do you think we have explained this principle?

- **Connect: Mostly clear**

14. Is there anything you think would help explain this principle better?

Connect: It would be good to provide a bit more clarification on what children/their advocates should expect, such as that they should be told who will provide the information and when this should happen.

15. Please share any other comments you have below:

Connect: It would be helpful to have a couple of sentences at the start to explain in what contexts these Principles would be used. There is an assumption that people know what the Scottish Ombudsman does.

Regarding the definition of a child as someone under the age of 18, some young people in education (school) will be 18 or 19, so how will their complaints be dealt with? What about young people up to 21 or 25 who under Scottish legislation/policy have extensions to the support etc they are entitled to? eg The Promise.