|  |
| --- |
| Consultation on Child Friendly Complaints Handling PrinciplesPlease respond by Friday 1 March 2024 |

**Top of Form**

**Welcome**

With the help of children and young people, as well as lots of people who work with them, we are co-producing a new way for Scottish public services to respond to complaints that involve anyone under the age of 18.

The Scottish Government are funding the SPSO to do this, to help support the wider work they are doing to ensure children and young people’s rights under [the United Nations Convention on the Rights of the Child (the UNCRC)](https://www.unicef.org.uk/what-we-do/un-convention-child-rights/) have protection in Scottish law.

Our work has resulted in seven Child Friendly Complaints Handling Principles.  Each principle links to a specific part of the UNCRC and explains steps public services can take to ensure children’s rights are respected when handling complaints.

These Principles are a high level guide public services should be considering when handling complaints involving children.

We are also co-producing a Child Friendly Complaints Handling Procedure, which will give more detailed guidance on how the Principles can be used.  We are currently testing the Procedure with public bodies and may use responses to this survey to make changes to the Procedure as well as the Principles.

**This questionnaire**

This new way of handling complaints is for any child or young person who wants to make a complaint.  This means that it might affect anyone who is under 18 or who cares for someone who is under 18 that receives a Scottish public service.  We want to hear from any of those people who would like to respond.

We would also like to hear from any Scottish public service who works with people under 18, or any other organisation or person that has an interest in helping children or promoting their rights.

As well as helping us ensure the Principles are clearly communicated, your responses will help us decide what to include in the Procedure for public bodies to help them use the Principles and respect children’s rights.

Please only give one response per person or organisation.

**What we will do with your information**

All responses will be looked at, and we might produce a report about them.  If you give us permission to, we might also publish some responses, or parts of them.

We might also include some of your personal details, if you give us permission to do that.

We will never publish your contact details.

We might also get in touch to ask you about your response, if you are happy for us to.

Our privacy policy can be found here: [Privacy notice | SPSO](https://www.spso.org.uk/privacy-notice)

## 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?

The principle is (*please delete appropriate*): Very Clear/Mostly Clear/Partly Clear/Not at all clear

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

**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.

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

The principle is (*please delete appropriate*): Very Clear/Mostly Clear/Partly Clear/Not at all clear

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

**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.

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

The principle is (*please delete appropriate*): Very Clear/Mostly Clear/Partly Clear/Not at all clear

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

**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.

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

The principle is (*please delete appropriate*): Very Clear/Mostly Clear/Partly Clear/Not at all clear

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

**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.

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

The principle is (*please delete appropriate*): Very Clear/Mostly Clear/Partly Clear/Not at all clear

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

**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.

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

The principle is (*please delete appropriate*): Very Clear/Mostly Clear/Partly Clear/Not at all clear

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

**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.

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

The principle is (*please delete appropriate*): Very Clear/Mostly Clear/Partly Clear/Not at all clear

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

**General**

1. Please share any other comments you have below:

|  |
| --- |
|  |

**About you**

1. Are you responding for an organisation or yourself? (*please delete as appropriate*) Organisation/myself
2. What is the name of the organisation?
3. What is your role?

#### 19. If you are happy for us to, we might publish your response, or parts of it, and we would like your permission to do that.  Please select whether you would be happy for us to do that below:

* **I am happy for you to publish my response with my name/**
* **I am happy for you to publish the content of my response, but not my name/**
* **Please do not publish any part of my response**

If you choose the do not publish option, we will still take your comments into account when looking over the consultation responses, but we won’t use any of your comments in any report we publish.  If you are responding for an organisation, we might still list that you have responded in any reports.

#### 20. Would you be happy for us to contact you to discuss your response?

#### **Yes/No**

#### 21. If so, please provide your contact details below:

Name:

Email address:

Phone number:

**We are really grateful for you taking the time to respond.  We will use the feedback we get to improve the Principles and Procedure before we publish them.**