

# Principles underpinning the Ombuds Approach



Ombuds  
Office

for  
SOS Children's  
Villages



SOS CHILDREN'S  
VILLAGES



proteknôn

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# Introduction

SOS Children's Villages plans to pilot an Ombuds approach at the global level in the GSC, and at national levels by member associations, initially in three countries (Benin, Sierra Leone, and Uruguay), drawing upon lessons learned to inform adaptation and scale-up.

Proteknôn team is collaborating with managers, programme staff, and children and young people from SOS Children's Villages to support the design, implementation, and monitoring of an Ombuds approach to:

1. Assist children, young people, staff, or individuals in determining options to help resolve their concerns, conflicts, problematic issues, or allegations; and
2. Bring systemic challenges and concerns to the attention of the organisation for resolution.

This briefing paper describes key principles that are likely to underpin the Ombuds approach for SOS Children's Villages. These principles may be refined and elaborated during the piloting process:

## 1. Independence

The principle of independence is crucial to the Ombuds approach (Barkat, 2005). The Ombuds is independent in structure, function, and appearance to the highest degree possible within the organisation (IOA, 2009b). An Ombuds has an arm's length relationship with the organisation he or she serves (Russell, 2003). Furthermore, the Ombuds does not hold any other position within the organisation which might compromise independence (IOA, 2009b).

In the performance of their duties, handling sensitive issues, and identifying the root causes of problematic practices or gaps in procedures, the Ombuds, as much as possible, must be able to move unimpeded by the politics of the organisation (Barkat, 2005). However, it is important to recognise that independence can only be relative, not absolute; if the Ombuds approach for SOS Children's Villages is established and funded largely by SOS Children's Villages, it cannot be wholly independent.

### 10 Key Principles:

1. Independence
2. Confidentiality
3. Child's right to be heard
4. Best interests of the child
5. Non-discrimination and accessibility
6. Dignity
7. Informality
8. Allocate adequate resources
9. Impartiality and fairness
10. Accountability

To enhance its independence:

- The Ombuds must be independent from the existing SOS Children's Villages administrative structures, with opportunities to report directly to the top levels of management (e.g., CEO and the Board);
- The Ombuds has access to all information and all individuals in the organisation, as permitted by law, for the implementation of their mandate;
- The Ombuds should have access to make independent visits to children, young people, and other relevant stakeholders within SOS Children's Villages programmes;
- The Ombuds should manage its own human and financial resources.

## 2. Confidentiality

The Ombuds holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality, unless there appears to be imminent risk of serious harm (IOA, 2009b). The Ombuds maintains information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others (including management), and has a consistent and standard practice for the destruction of such information (IOA, 2009b).

The principle of confidentiality is important to encourage people to come forward to share and express their concerns with an Ombuds (Barkat, 2015). Confidentiality is a vital part of the relationship, based on trust and respect, between a child or young person seeking help and the Ombuds (DoH, 2002).

An individual's right to privacy and confidentiality must be respected, while also ensuring sensitive and timely follow-up to any identified safeguarding concerns. From the first interaction, children and young people need to be informed about any limits to confidentiality and made aware that if they are being harmed, or if they are harming others, follow-up will occur - with decisions guided by careful consideration of their best interests (UNICEF, 2021). Privacy is an element of the child's dignity, and also protects children from possible threats, retaliation, re-victimisation, and/or stigmatisation and harassment, both during the proceedings and in the future (UNICEF, 2019).

## 3. Child's right to be heard

In accordance with Article 12 of the UNCRC, every child and young person has the right to be heard and for their views to be seriously considered in decisions that affect them. Adults should recognise children's capacities to express their views and feelings from a young age and should build relationships of trust that encourage freedom of expression by children and young people of different genders, ages, and abilities. Children can make or contribute to complex decisions, and it is recognised that the nature of a child's participation in decision-making will increase in accordance with their age and evolving capacities (CoE, 2020).

When raising concerns or complaints, children and young people should have a say concerning when, how, and where they want to be heard (UNICEF, 2019). Child and young people's participation also extends to the design of the Ombuds approach, with children's views being gathered on various aspects to make it more accessible and effective, and to monitoring and review of the approach.

## 4. Best interests of the child

In accordance with Article 3 of the UNCRC, the best interests of the child or young person is a primary consideration in all decisions and actions taken by the Ombuds, at every step in the process. Moreover, the child/young person is considered to be an active participant in defining their best interests, taking into

consideration their evolving capacities. The Ombuds' actions will be guided by whatever they consider to be best for the child/young person's protection, development, and wellbeing.

In complex cases where there may be dilemmas about what is in the best interests of the child, it is important to: elicit and seriously listen to the views of the child/young person; consult with caregivers and/or other professionals that know the child/young person; consider various factors at play concerning the individual child/young person, their characteristics, and their wider environment; and to assess and anticipate the impact of the decision on the child's development over the long term (UNICEF, 2019).

If concerns or complaints involve more than one child or young person, careful consideration of each individual and their individual best interests is required.

## 5. Non-discrimination and accessibility

In accordance with Article 2 of the UNCRC, every child has the right to be treated without discrimination, and the SOS Ombuds should be accessible to all children and young people who are participating (or historically have participated in) SOS programmes, regardless of age, gender, disability, race, ethnicity, nationality, religion, or other factors.

Awareness raising and widespread dissemination of child/youth-friendly information about the Ombuds and their role is crucial, with extra efforts to ensure that children and young people from the most disadvantaged backgrounds are informed about the Ombuds service. The national level Ombuds should have regular contact with children and young people of different age-groups and backgrounds who are part of SOS Children's Villages programmes, to build trusting relationships to enhance safe freedom of expression about concerns and complaints. Furthermore, to enhance accessibility, concerns and complaints can be made by and on behalf of children and young people.

## 6. Dignity

The Ombuds will communicate with children, young people, and adults and support them in resolving concerns and conflicts in a manner which respects the worth and dignity of each individual throughout the process. This includes treating the child with the same respect as any other person, taking the child seriously without undermining any views expressed, and providing necessary information and answers to questions asked (UNICEF, 2019).

## 7. Informality

The Ombuds will work collaboratively with those seeking assistance, supporting and empowering them to evaluate options, and to select a course of action best suited to their situation and needs (Barkat, 2015). This includes efforts to share information about and opportunities to use informal methods to resolve concerns and conflicts, while also sharing information about options to use formal (rights-based) complaints procedures (IOA, 2009).

The Ombuds may use informal methods, such as listening, providing and receiving information, identifying and reframing issues, developing a range of responsible options. Furthermore, through opportunities to resolve issues informally, parties may have greater control and flexibility in framing the issues and crafting resolutions (Barkat, 2015; IOA, 2009a, 2009b).

The principle of informality does not mean that the Ombuds cannot work and/or contribute alongside others who have formal or compliance roles. Indeed, close cooperation between such actors in the organisation is useful - and sometimes essential - in facilitating lasting and effective resolutions (Barkat, 2015).

The International Ombuds Association, Standards of Practice (IOA 2009b) describes how:

4.2 The Ombudsman as an informal and off-the-record resource pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems when appropriate.

4.3 The Ombudsman does not make binding decisions, mandate policies, or formally adjudicate issues for the organisation.

4.4 The Ombudsman supplements, but does not replace, any formal channels. Use of the Ombudsman Office is voluntary, and is not a required step in any grievance process or organisational policy.

## 8. Allocate adequate resources

The Ombuds must have access to adequate, sufficient, and sustainable resources to allow them to carry out their mandate in a fully independent manner (CoE, 2019). These resources include adequate space, equipment, staffing, staff development, and the production and distribution of informational materials (IOA, 2009a). In order to be visible and accessible, the Ombuds and his/her staff need to be able to travel within the area of its mandate (Save the Children Norway, 2005).

The Ombuds should have authority over human and financial resource decisions related to the functioning of the Ombuds office (IOA, 2009b). Ombuds institutions should be able to appoint their own staff and to ensure that they receive adequate training (CoE, 2019). The Ombuds budget should also allow for supplemental budget to hire external mediators or subcontractors as needed, who could mediate, assist with group facilitations, provide reports, train, etc. (Barkat, 2015). The composition of the Ombuds and other mediators ideally mirrors the mix of faces within the organisation in terms of gender, ethnicity, age, and language (Barkat, 2015).

## 9. Impartiality and fairness

The Ombuds for SOS Children's Villages is considered a designated neutral reporting to the highest possible level of the organisation. The Ombuds strives for impartiality, fairness, and objectivity in their interactions and consideration of issues, concerns, and complaints (IOA, 2009a, 2009b) – while keeping the best interests of the child as their primary consideration.

There needs to be transparency in the process of how complaints are to be made, received, and acted upon. The Ombuds has a responsibility to consider the legitimate concerns and interests of all individuals affected by the matter under consideration, and they help develop a range of responsible options to effectively resolve problems and complaints (IOA, 2009b).

Furthermore, efforts must be made to identify and reduce unconscious bias either of the Ombuds, or of other professionals or practitioners who are engaged in the process (UNICEF, 2019). Involving several persons in the resolution of a case, especially the most complex cases, may help ensure that the case is dealt with fairly and individual conscious and unconscious biases are limited by collective decision-making (UNICEF, 2019). Moreover, SOS Children's Villages International should assure that all specified members

of the organisation have the right to consult with the Ombuds, and retaliation for exercising that right will not be tolerated (IOA, 2009a).

## 10. Accountability

The Ombuds must be accountable to the children, young people, and adults they serve, as well as to SOS Children's Villages. As a rule, each and every complaint submitted to the Ombuds concerning a child rights violation should receive a response showing that the complaint has been taken seriously and acted upon – and if not, stating the reasons why and offering other avenues for redress or support relevant to the situation (UNICEF, 2019). Children, young people, and other relevant stakeholders must be provided with transparent feedback at every stage of the process, while respecting the privacy and confidentiality of those involved.

Furthermore, the Ombuds for SOS Children's Villages will prepare and present an annual report on the activities and accomplishments of their office. The report, including a child/youth-friendly version should be publicly available in a form that is accessible to and understood by children and young people.

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