

Ombuds Approach

Key questions on the
scope and roles



**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.

A 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.

The first briefing paper outlined different Ombuds models to help inform SOS Children's Villages deliberations and decision-making regarding the most relevant model for the organisation. Considering SOS Children's Villages' focus on supporting children without parental care and families at risk, it appears that a hybrid model between an Organisational Ombuds and an Advocacy Ombuds may be most relevant.

This second briefing paper draws upon literature review findings to identify key questions concerning the scope and potential roles of the Ombuds for children and young people (and other relevant stakeholders). These questions need to be carefully deliberated by managers of SOS Children's Villages and the Proteknôn team, drawing upon the insights and advice of children and young people, caregivers, and field staff during the process in order to inform the design of an accessible and relevant Ombuds approach for SOS Children's Villages.

Key questions on the scope and roles of the Ombuds for SOS Children's Villages

1. How will the Ombuds role supplement existing safeguarding, PSEAH, and complaints procedures?

Note: It is intended that the Ombuds approach for SOS Children's Villages supplements and does not replace existing organisational child safeguarding and complaints procedures. For instance, the Ombuds could provide independent assistance to children, young people, or other individuals when their concerns and cases are not adequately resolved through regular procedures. This may encompass current and historical cases and concerns (and will build upon existing SOS Children's Villages guidance on "Listening and Responding" to better address past child abuse).

It is very important that there will be no confusion with already existing systems, such as the whistle-blower system and normal incident management systems for children and persons affected by abuse. Ombuds do not replace strong integrity, compliance, and safeguarding procedures, but supplement them with a person able to guide and advocate for whistle-blowers and persons affected.

- When, why, and how will concerns and cases be addressed by the Ombuds rather than through the existing safeguarding or complaints system?
- Who can make a report to the Ombuds for SOS Children's Villages?
- Can children and young people directly raise a concern with the Global Ombuds?
- What is the mandate and powers of the Global and National Ombuds?
- Will the mandate and powers of the Global and National Ombuds be articulated in a new SOS policy and/or elaborated in existing policies?
- How will the Ombuds approach support informal resolution approaches, as well as complainant's access to formal resolution processes?
- Will the National and/or Global Ombuds undertake formal investigations or not?
- What is NOT the role of the Ombuds for SOS Children's Villages?
- When and how are concerns or complaints escalated from National Ombuds to global level Ombuds?
- What will be the relationship between the Ombuds and the formal statutory protection and care services?

2. How will Ombuds (National and Global) bring systemic challenges and concerns to the attention of the organisation for resolution?

Note: SOS organisation has acknowledged failings, which had occurred over time and, in specific instances, had been hidden from view. The organisation recognises the important role that Ombuds can play to bring systemic challenges and concerns to the attention of the organisation for resolution – to improve policies, procedures, and practices that enhance the care, protection, and wellbeing of children and staff.

- What will be the preferred process for Ombuds (National and Global) to bring systemic challenges and concerns to the attention of the organisation for resolution?
- How can the Ombuds support identification and early warning of any emerging new issues or concerns for fast and effective resolution?
- How can we ensure that the Ombuds have regular access to top management and the board to influence as a catalyst for change?
- What is the link between the Ombuds and the newly established Special Commission (that is mandated to investigate and make recommendations to address systemic failures)?

3. How will the Ombuds be independent?

Note: The principle of independence is crucial to the Ombuds approach. 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. But there are elements in the establishment of an Ombuds office which can enhance its independence.

- How will the Ombuds be independent from the existing SOS Children's Villages administrative structures, while still having access to children, young people, and other relevant stakeholders within SOS Children's Villages programmes?
- How can we ensure the Ombuds have financial autonomy? (See question 8 below.)
- Where will the Ombuds be based (both for the Global Ombuds and the National Ombuds)?
- Who will the Global Ombuds and the National Ombuds be managed by? And who will they report to?

- How will the Ombuds have regular access to children and young people in SOS Children's Villages programmes? (See question 4 below.)
- What Standards of Professional Practice will the Ombuds adhere to?
- How can we ensure the SOS Ombuds have access to legal counsel for response to individual and/or broader organisational concerns?

4. When and how will the Ombuds have access to and communication with children and young people?

- What are children and young people's views about how to design and implement an accessible, safe, and child-friendly Ombuds approach?
- How will SOS Children's Villages ensure that children, young people, and other whistle-blowers are protected from any retribution if they raise concerns/complaints?
- Will the National Ombuds have rights to make regular visits to meet and discuss with children and young people in SOS Children's Villages, Family Strengthening Programmes, Youth Homes, and Leaving Care programmes?
- How will child and youth-friendly information about the National Ombuds and Global Ombuds be shared with children and young people in SOS Children's Villages, Family Strengthening Programmes, Youth Homes, and Leaving Care programmes?
- Who is responsible for developing and disseminating child and youth-friendly information (in age and disability-appropriate formats) about i) the Ombuds services, and ii) other existing organisational safeguarding and complaints procedures?
- When and how can Ombuds have face-to-face contact with children, young people, or other relevant stakeholders who have unresolved concerns or complaints?

5. Does the Ombuds only focus on concerns and complaints of children and young people (and other relevant stakeholders), or do they also have a broader focus to provide independent advocacy for children and young people's views to be heard and seriously considered in decisions that concern them?

- Will all children and young people who are part of (or used to be part of) SOS Children's Villages, Family Strengthening Programmes, Youth Homes, and Leaving Care programmes have rights to access and get support from an Ombuds for SOS Children's Villages to address identified concerns or complaints?
- Will children and young people also have broader rights to access the Ombuds for independent advocacy to ensure that their views are heard and seriously considered in decisions that concern them?
- Will caregivers and staff concerns and complaints also be considered and resolved through the Ombuds (e.g., if a caregiver of SOS Children's Villages experiences sexual harassment in the workplace)?
- Should the Ombuds cover all types of complaints, including fraud and corruption, or should the focus be solely on children and staff safeguarding?

6. Are the Ombuds supposed to be neutral or are they supposed to be primarily focused on representing the needs, views, and best interests of children and young people?

Note: For an Organisational Ombuds, Barkat (2015) describes how they are "a designated neutral, the ombudsman officially represents no one and represents everyone - including the organization -equally. The ombudsman does not advocate for the employee or for management, but rather for fair treatment and fair processes. Thus, the ombudsman serves as an independent internal consultant to the organization." However, for the Advocacy Ombuds they advocate on behalf of a designated population, such as children

and young people, to ensure that the views and interests of the child/young person are heard and seriously considered.

Independent advocates supporting children and young people in the looked after system in the UK have emphasised that their focus is on representing the child's wishes, and not their 'best interests' (Oliver et al., 2006)

- Thus, is the Ombuds for SOS Children's Villages supposed to be primarily focused on representing the needs, views, and best interests of children and young people or are they expected to be more neutral?
- If there is a conflict between what the child/young person wants and their best interests is the Ombuds supposed to be primarily focused on representing the views of the child or on ensuring decision-making that is in their best interests?

7. At the global level, and also at each national level, will the Ombuds role be taken up by a minimum of two individuals?

Note: It is recommended the Ombuds role is taken up by a minimum of two people as:

- *Some complaints may involve young people under the age of 18 years as both the victim/survivor and the perpetrator. It is important that best interests of each young person is considered. Thus, if there are two Ombuds one can focus on listening to the views and considering the best interests of the young person survivor/victim, and the other can focus on listening to the views and considering the best interests of the young person who is the perpetrator.*
- *It enhances greater opportunities to recruit both a female and male Ombuds who can work as a team to resolve conflicts and concerns and to find solutions.*
- *It allows more continuous availability of the Ombuds service (e.g., if one Ombuds is on leave, the other is still available).*
- Will the Ombuds at global and at national levels be implemented by a pair or a team?
- Who will provide administrative support to the Ombuds, including receiving communication from children, young people, and adults through different sources (e.g., texts, phone/hotline, emails, visits etc.)?

8. To ensure effective remedies to children and young people (and other relevant stakeholders), what budget and referral systems will National and Global Ombuds have access to?

Note: SOS Children's Villages has made organisational commitments to provide funding from existing reserves to provide individual support to all children, young people, and other persons affected by abuse, to heal, have closure, and have the capacity to become self-reliant. This includes medical, mental health, and legal support as well as support to improve their individual living situations.

- What budget will be allocated to the Global and National Ombuds?
- Who will assist the Ombuds in identifying and updating relevant referral mechanisms (e.g., for provision of counselling, MHPSS, legal aid, health, education. support etc.)?
- Who will provide case management to ensure referral and follow up to individual children, young people, and adults?

9. How will the diverse needs and interests of children and young people be met through the Ombuds approach?

- How will an equitable Ombuds service be provided for children and young people of different ages, genders, race and ethnic groups, and abilities?
- What needs to be done to ensure that the service is accessible to children and young people with disabilities? And to children and young people from Black and minority ethnic communities?
- How will the service offer choice and diversity of Ombuds?

Conclusion

It is clear that careful deliberation of these questions is required to tailor and design an Ombuds approach for SOS Children's Villages that fits specific needs of SOS Children's Villages and the children and young people that it serves. Moreover, the specifics of the National level Ombuds model may also be adapted to the specific socio-cultural and political context in which it operates.

SOS Children's Villages and Proteknôn are committed to a collaborative participatory planning and design process, including opportunities for staff engagement through key informant interviews, periodic consultations, and through the establishment and functioning of an Advisory Group (including staff representatives from each of the three pilot countries and senior managers from the GSC). There is also a strong commitment to ensure meaningful participation of children and young people in the design, planning, and implementation process. Child/youth participatory processes will be coordinated by a designated Youth Participation Adviser within SOS Children's Villages and will be mentored and supported by the Proteknôn team. Wherever feasible close collaboration with the existing International Youth Coalition will also be sought.

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