

Ombuds Models



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.

There are different Ombuds models with different roles, functional responsibilities, and standards of practice (Bombin, 2014). While all Ombuds apply principles of independence and confidentiality to assist individuals and groups in the resolution of conflicts or concerns, the models differ significantly depending on the specific organisation or user-base that they serve (MacAllister, 2011).

The Ombuds approach for SOS Children's Villages will be tailored and adapted to fit specific needs of SOS Children's Villages and the children and young people that it serves. The design of the model for SOS Children's Villages will be informed by findings from a literature review, as well as drawing upon findings from interviews from key informants, managers and staff of SOS Children's Villages, and consultations with children and young people. This briefing paper outlines different Ombuds models to help inform SOS Children's Villages deliberations and decision-making regarding the most relevant model. It is the first briefing paper in a series to inform the design and refinement of the Ombuds approach for SOS Children's Villages.

Three main models of Ombuds

(Adapted from: ABA, 2004; Bombin, 2014)

Classical Ombuds	Organisational Ombuds	Advocacy Ombuds
<ul style="list-style-type: none"> • Developed to ensure fair treatment for citizens, residents, and members of the public • Often appointed by legislative body • Receives complaints from aggrieved persons against government agencies and officials • Power to perform formal investigations • Designated neutrals • May be "general" Ombuds or have a focus on a specific group (e.g., Children's Ombuds or Commissioner) 	<ul style="list-style-type: none"> • Developed as a resource to help manage internal grievances and conflicts within organisations • Should report to Board or top management • Often serve internal staff and may serve external parties • Handle complaints informally • Designated neutrals 	<ul style="list-style-type: none"> • Developed to protect individual rights and interests and serve as a resource for those who face information or power imbalance • Should report to top management • Serve designated groups (e.g., children living in alternative care or justice settings) • Degree of investigative authority dependent on enabling legislation • Advocate for designated group (e.g., represent children's views and interests)

The Classical Ombuds

The Classical Ombuds is typically appointed by a legislative body to ensure fair treatment for citizens, residents, and members of the public. The Ombuds receive and investigate complaints and concerns regarding governmental policies and processes and make recommendations for appropriate redress or policy change.

Children's Ombuds or Independent offices to promote the human rights of children, with powers and duties set out in legislation, are examples of the Classical Ombuds model. Norway was the first to establish a Children's Ombudsman in 1981, and this model has been expanded in many countries across different continents.

Children's Ombuds and/or other Independent Human Rights Institutions (IHRI) for children are distinguished from NGOs by having powers and duties set out in legislation. Furthermore, the role of Children's Ombuds often goes beyond the traditional role of taking up individual cases or complaints, to represent the interests of children as a group. Indeed, some Ombuds are not allowed to take on individual cases at all, but are only concerned with representing the interests of children as a group (ENOC, 2009).

The European Network of Ombudsperson for Children (ENOC, 2009) outline how a Children's Ombuds would typically:

- monitor and report on children's rights to promote full implementation of the Convention on the Rights of the Child;
- promote a higher priority for children and a greater visibility of children's rights, in central, regional, or local government and in civil society, and to improve public attitudes to children;
- influence law, policy, and practice which will affect the human rights of children, both by responding to government and other proposals and by actively proposing changes;
- promote proper co-ordination of government for children at all levels and ensure that the impact on children's human rights of policy proposals is assessed and given proper consideration;
- promote effective use of scarce resources - money and other resources -for children;
- provide a channel for children's views, promote structures for children to exercise rights for themselves, and encourage government and the public to respect children's views;
- respond to individual problems or complaints from children or those representing children, and where appropriate to initiate or support legal action on behalf of children.

The European Network of Ombudspersons for Children (ENOC)

was established in 1997 as a not-for-profit association of independent children's rights institutions (ICRIs). Its mandate is to facilitate the promotion and protection of the rights of children, as formulated in the UN Convention on the Rights of the Child. By 2020 it had grown to include 43 institutions in 34 countries within the Council of Europe, 22 of which EU countries. Membership is limited to institutions in the 47 member states of the Council of Europe.

The Paris Principles (1993) developed by the United Nations Human Rights Office of the High Commissioner, the Venice Principles (2019), and the CM Recommendation (2019) provide an updated set of standards covering different aspects of establishment and functioning of Ombuds institutes. To more effectively reach and respond to children's needs and concerns, Children's Ombuds have introduced and used informal complaints mechanisms, as well as being able to use formal procedures when necessary (Glusac, 2019).

The Organisational Ombuds

There are Organisational Ombuds in a variety of sectors (corporate, academic, governmental, non-governmental, and non-profit). The Organisational Ombuds helps manage internal grievances and conflicts within organisations through dispute resolution and problem-solving methods such as coaching and mediation to members of the organisation (internal Ombuds) and/or for clients or customers of the organisation (external Ombuds).

The Organisational Ombuds also identifies and acts as an agent of change to better address systemic problems, taking organisational concerns and issues to high-level leaders and executives in a confidential manner.

The Organisational Ombuds is not supposed to advocate for individuals, groups, or entities, but rather for the principles of fairness and equity (UCONN, undated). Furthermore, the Organisational Ombuds does not play a role in formal processes, investigate problems brought to the office's attention, or represent any side in a dispute (UCONN, undated). The Ombuds facilitates informal resolution processes and may refer individuals to more formal processes.

The Advocacy Ombuds

The Advocacy Ombuds advocates on behalf of a designated population, such as children and young people living in alternative care, in juvenile justice settings, or patients in long-term care facilities.

An Advocate Ombuds may be located in either the public or private sector, and may be located in organisations working with specific vulnerable groups. Independent advocates usually have rights to access and routinely visit their designated population (e.g., in children's homes, juvenile justice settings, care facilities etc.), in order to share information with them, to dialogue with them individually and/or collectively to better understand their concerns, needs, and priorities.

In some countries, national legislation supports the establishment and functioning of independent advocacy for children and young people in care. The roles of the independent advocate may include:

- Promoting children and young people's active participation in decisions that affect them;
- Supporting children and young people to access information (in language they understand) to make informed choices and to decide on the best course of action;
- Supporting children and young people to prepare for planning or review meetings, and/or attending meetings and representing children and young people's views and interests in meetings, if the child/young person does not want to attend the meeting;
- Assisting children and young people to raise concerns or complaints;
- Assisting children and young people to access relevant services.

In the United Kingdom, for example, the Children's Act 1989 supports the appointment of an **independent advocate for a "looked after" child** (a child in the care system) to ensure that the child's views are represented in care planning and review meetings. The independent advocate also assists in making a complaint or bringing matters of concern to the care provider, the Local Authority or the Regulatory Authority. Furthermore, children and young people in the Looked After system must be informed about the advocacy services.

Conclusion

It is crucial that the Ombuds approach for SOS Children's Villages is tailored and adapted to fit specific needs of the organisation and children and young people that it serves; and that it should supplement, not replace, existing organisational child safeguarding and complaints procedures. 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 for the organisation. The second briefing paper in this series will outline key questions regarding the scope and potential roles of the Ombuds for children and young people in SOS Children's Villages.

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November 2021 Claire O'Kane claire.okane@proteknon.net