

Enabling and hindering factors for an Ombuds Approach



Ombuds
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Villages



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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 draws upon key literature to identify existing evidence concerning factors that enable and hinder the effective design and delivery of an Ombuds approach, especially drawing upon literature concerning child-focused Ombuds and independent advocacy services.

Enabling Factors

Organisational wide buy-in and clarity on the scope and roles of the Ombuds. When developing and designing the Ombuds approach it is important to consult and engage managers, children and young people, caregivers, and other fieldwork staff (Barkat, 2015). It is necessary to tailor the Ombuds model to meet the particular needs of the children and young people that it serves, and to have sufficient communication among stakeholders to ensure a common understanding about the scope and the roles of the Ombuds (Barkat, 2015; Hilhorst, Naik & Cunningham, 2018). Creation of a working group or advisory group and transparent sharing of policy decisions and Terms of References for an Ombuds can help ensure inclusive design processes and refinement of the Ombuds model to the particular needs of stakeholders (Russell, 2003).

The concept and powers of the Ombuds should be mandated through a policy framework and backed-up by allocation of necessary human and financial resources (Russell, 2003). Legal counsel is also necessary when developing the policy framework and procedures, especially in relation to handling of cases that may become litigious (Barkat, 2015).

Creating an enabling environment for meaningful participation of children and young people in the design, implementation, and monitoring of the Ombuds approach. Practical application of Lundy's model to ensure Space, Voice, Audience, and Influence supports meaningful participation processes (CoE, 2020; Lundy, 2007; O'Kane et al., 2021; SOS, 2021). This requires a readiness from senior managers to create space and to seriously listen to and act upon the views and suggestions of children and young people during the process. Building upon existing participatory processes and structures, such as existing Youth Advisory Boards or Coalitions (at local, national, regional, and/or global levels) can also enhance meaningful and sustainable participation (O'Kane et al., 2021).

Dedicated staff time to invest in participatory processes over time, building children and young people's knowledge, skills, and confidence, as well as investments in adult capacity building to support meaningful participation is important. The development and dissemination of child and youth-friendly information is also crucial (O'Kane et al., 2021). It is critical that children, young people, and caregivers are aware of the existence of the Ombuds and their roles. Awareness-raising and publicity about the Ombuds is needed, through diverse approaches such as community meetings, leaflets, posters, online information, and public meetings (Austrian Ombudsman Board, 2017; Barkat, 2015; Hilhorst, Naik & Cunningham, 2018).

Accessibility of the Ombuds to children, young people, and caregivers is critical to the success of the approach. Geographical proximity, language, and cultural characteristics can be enablers or barriers, especially when trying to reach vulnerable groups and when responding to sensitive issues (Hilhorst, Naik & Cunningham, 2018). Concerns relating to sexual abuse and exploitation are more likely to be reported when Ombuds are open to all types of complaints and when victims/survivors are not stigmatised by the reporting channels (Hilhorst, Naik & Cunningham, 2018).

The Ombuds can be more accessible when stakeholders, especially children and young people themselves, have a choice about how to reach the Ombuds, for example through face-to-face meetings, complaints box, helpline, SMS text etc. (Hilhorst, Naik & Cunningham, 2018). Face-to-face contact with Ombuds at local levels, including regular visits by the Ombuds to children and young people living in alternative care, can create opportunities to build trust that enable individuals to report sensitive issues and concerns (Austrian Ombudsman Board, 2017; Hilhorst, Naik & Cunningham, 2018; Posta, 2015; UNICEF, 2019). The establishment of relationships based on trust, effective communication, and transparent information sharing (e.g., on their rights and options to resolve concerns) are all key enablers (Children's Commissioner, 2016; NCB, 2013). Ombuds are most effective when they listen seriously to children and young people, are emotionally supportive and action oriented (Oliver et al., 2006).

Ensure independence of the Ombuds, with lines of management and reporting of the Ombuds direct to the CEO or Board (Barkat, 2015). Children and young people place a high value on the confidentiality and independence of Ombuds and/or advocacy services (Oliver et al., 2006). It is crucial that the Ombuds should apply existing Standards of Professional Practice, which encompass a commitment to independence, impartiality, and fairness (IOA, 2009).

Robust systems and a clear process for proper follow-up. A systems approach is required to handle a wide number of cases, with clear procedural steps on how to screen, open, investigate, and follow up cases; being clear on the criteria for referring cases that do not fall within the mandate of the Ombuds, and on criteria for closure of cases. The Ombuds approach should work in a way that bolsters and supplements existing safeguarding and complaints procedures, not replace them (Hilhorst, Naik & Cunningham, 2018). 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.

Opportunities for the Ombuds to support informal resolution of cases, including conflict-mediation, can complement options to use formal complaints procedures (Oliver et al., 2006). In some contexts, children and young people have preferred options for informal resolutions of cases, as they found it less bureaucratic and they felt their experiences and views were more valued (Oliver et al., 2006). For example, young people living in alternative care in a UK context who had access to independent advocates emphasised how they valued advocacy for making their complaint 'more formal' without necessarily going through a written complaints procedure, and for helping them to 'sort out' their problems relatively swiftly (Olivier et al., 2006).

The Ombuds require knowledge on available referral mechanisms and access to mental health specialists, lawyers and/or other sources of multi-sectoral support (e.g., education, livelihood, social protection etc.). Professional support needs to be child-centred, collaborating with professionals who are ready to seriously listen to children and young people, to recognise and build upon their individual's strengths and resilience and to support them in practical ways.

Generating periodic reports on emerging trends and concerns to inform systems change. Identification, documentation, and systematic action to address emerging issues in an institutional way supports efforts to address gaps and weaknesses in institutional policies and practices (Barkat, 2015), and can enhance the care and protection of children and young people, as well as staff wellbeing.

Hindering Factors

Insufficient commitment and allocation of necessary human and financial resources to run and sustain the Ombuds is a clear hindrance (Oliver et al., 2006; Posta, 2015; UNICEF, 2019). It is necessary to secure sufficient resources to support the Ombuds role and their outreach work, including resources for participatory planning and monitoring processes involving children and young people. Having a single worker as an Ombuds can lead to professional isolation, stress, and inadequate responses (Olivier et al., 2006). As stakeholders become more aware of the Ombuds services, the number of complaints may increase, requiring sufficient numbers of staff to respond to the cases. Furthermore, in cases involving young people under the age of 18 years as both the victim/survivor and the abuser, it is necessary to have two staff, so that each can represent and consider the best interests of each young person.

Lack of clarity about the mandate and roles of the Ombuds among different stakeholders creates confusion and challenges (Posta, 2015).

Insufficient efforts to promote the Ombuds service, especially among the most vulnerable groups contributes to ineffective use of the Ombuds (UNICEF, 2019). If there is not outreach and visits with vulnerable groups of children and young people, including those living in alternative care, individuals will be less aware and less likely to share their concerns with the Ombuds.

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