## WEST LOTHIAN COUNCIL

# Child Friendly Complaints

**A COMPLAINT PROCESS IS A WAY FOR CHILDREN TO SPEAK UP IF THEY THINK THEIR RIGHTS HAVE BEEN BROKEN. WHETHER IT'S JUST ONE CHILD OR A GROUP, THIS IS A WAY FOR CHILDREN TO HAVE THEIR VOICE HEARD IF THEY ARE UNHAPPY WITH A SERVICE THEY HAVE RECEIVED OR FEEL THEIR RIGHTS HAVE NOT BEEN UPHELD.**

## Background: Why do we need a new Complaints Process?

On July 16 2024, the **United Nation Convention on the Rights of Children** (UNCRC) (Incorporation)(Scotland) Act 2024 made Scotland the first country in the UK, and the first devolved nation in the world, to directly incorporate the UNCRC into domestic law.

This Act ensures that children's rights are central to policy and decision-making, and that their needs are met by public service complaints procedures in Scotland. The Act is a public authority duty, all public authorities must adhere to the UNCRC. **(Scottish Parliament, 2025).**




The SPSO is being funded by the Scottish Government to develop a child-friendly way for public bodies to handle complaints. They have created a **Child Friendly Complaints Handling Principles** and **Child Friendly Complaints Handling Process Guidance** to help organisations implement the Model Complaints Handling Procedure in a way that upholds children's rights under the UNCRC. Incorporation of this guidance is a key part of the duty placed on public authorities as part of the UNCRC Act. **(Education Scotland, 2025).**




## SPSO Guidance



### PURPOSE OF THIS PROCESS

This procedure is intended to ensure that all complaints are handled in a manner that respects and promotes children's rights under the **United Nations Convention on the Rights of the Child** (the UNCRC).



### ROLE OF THE ADULT

The role of the adult is to ensure that the young person feels safe around you and that you listen and take seriously what they say. A child may not want to be involved within the complaints process but still wants a complaint made, they will turn to you as their trusted adult to take their views forward and complete the complaints process.



### WHEN TO USE THE PROCESS

The process should be used whenever a child is involved in a complaint. This is when:

- A child raises a complaint directly.
- An adult raises a complaint at the request of a child.
- An adult raises a complaint about all matters which affect a child.

# WHY DO WE NEED Child Friendly Complaints?

**West Lothian Council are in the beginning stages of working with children & young people in creating a child friendly complaint process that can be used by children and young people if something happens that they would like to complain about.**

## The Core Areas within the UNCRC

### Protection



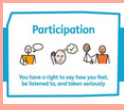

You have a right to be treated well and not be hurt by anyone.

### Development




You have a right to an education and time to relax and play.

### Participation




You have a right to say how you feel, be listened to, and taken seriously.

### Survival




You have a right to life, good food, water, and to grow up healthy.

## What's the benefits of a new Complaints Process?



### FOR EVERYONE UNDER 18 YEARS OLD

This new process will ensure all complaints from children are handled in a way that respects and promotes children's rights under the UN Convention on the Rights of the Child (UNCRC).



### EVERYONE KNOWING ABOUT RIGHTS

This new process will support services in dealing with complaints that are from young people or comments from young people. Services dealing with complaints from young people will be aware of childrens rights and the importance of ensuring their rights are being met during the whole complaint process.



### CENTERED ON CHILDRENS VOICES

This complaints process will ensure that it is centred on the young persons views, opinions and feelings. This will ensure that young people feel respected and heard during the process and that their opinions/feelings matter.

## The Best Interests of the Child

| Article | What it means | Link to Child Friendly Complaints |
|---|---|---|
|  | All children should enjoy their rights and should never be subjected to any discrimination. | All complaints affecting any child will be handled in a way that meets all of their rights under the UNCRC. (SPSO, P3) |
|  | Best interests of the child, especially when they are very young, are vulnerable and need special support to be able to enjoy their rights fully. | All decisions made or actions taken will treat the best interests of any children affected as a top priority. (SPSO, P3) |
|  | This article emphasises not only the right to life but also the right to survival and development, which encompasses and empowers children's economic and social rights. | Complaints will be handled in a way that empowers children to realise all of their rights. (SPCO, P4). |
|  | In order to know what is actually in the interest of the child it is logical to listen to them. | Children will be given the chance to express their views, feelings and wishes in all matters that affect them, to the extent they wish to. (SPCO, P4). |

# Child Friendly Complaints Handling Process and it's links to UNCRC




## For Everyone Under 18

- For the purposes of complaints handling, a child is defined as "anyone under the age of 18".
- **All** complaints affecting **any** child will be handled in a way that meets **all** of their rights under the UNCRC.
- This includes complaints raised directly by a child, as well as complaints 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.

**Article 2 (non-discrimination)**
The Convention applies to every child without discrimination, whatever their ethnicity, sex, religion, language, abilities or any other status, whatever they think or say, whatever their family background.




## 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.




## Trusting and Inclusive

- **Trust** will be placed in children to make decisions they can manage, recognising their increasing ability to make their own choices.
- Complaints will be handled in a way that empowers children to realise all of their rights.
- They will also be handled in a way that respects the rights of their parent/s or other responsible adult/s to guide, support and direct them.
- A child may not wish their parent/s or other responsible adult/s to be made aware of their complaints. If this is the case, adult involvement will be decided by carefully weighing the child's views, best interests, age, and capacity, with the rights of others 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.




## Centred on Children's Voices

- Children will be given the chance to express their views, feelings and wishes in **all** matters that affect them, to the extent they wish to.
- Children's voices and views will **always** be listened to and taken seriously. The impact of their views will be shared with them and explained.
- Children will be asked how they want to communicate and things will be done their way whenever possible.
- Children's communication needs will be met in a way that makes them feel safe and involved.
- Informed consent will be sought from the child affected where a complaint has been raised by parent/s or other responsible adult/s on behalf of the 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.

## Kind and Supportive

- Children will be treated with kindness and understanding at all times, and they will never be treated differently for raising a complaint. This is essential to foster trust and help children to feel able to openly express themselves.
- Every effort will be made to ensure children feel comfortable to express their thoughts and opinions freely and openly.
- Wherever possible, children will be supported to complain or voice concerns by people they know and trust.
- Where a child does not feel they have anyone to support them, they will be offered a referral to independent advocacy.

**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.

## Private and Confidential

- Nothing a child shares will be passed on without their permission, unless doing so is required to raise a child protection concern, or meet another legal duty.
- 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 complaints have to be shared, or their parent/s or other responsible adult/s involved, they will be told this, and why it needs to happen.
- If a child's complaints 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.






# Challenges of UNCRC Implementation

## Main Concerns

- **Child participation**

A gap between theory and practice in engaging young people in decision-making processes.

- **Communication skills**

Challenges in communicating the UNCRC with young people as adults may not have knowledge of the UNCRC and feel confident in communicating this effectively.

- **Data collection and monitoring**

Challenges in completing effective research, especially for those at higher risk of having their rights breached.

- **Raising awareness**

Difficulty in spreading awareness of childrens right's, including lease seldom groups being left out. As well as not having enough money within the budget to improve communication.

- **Access to justice**

Difficulties in making sure childrens rights are protected and that young people can take action if their rights are at risk or have been violated.

- **Budgeting**

Confusion caused by using different words and methods for child rights budgeting.

- **Child Rights Impact Assessments**

Extensive gaps in knowledge and understanding around CRIA, as well as poor access to data needed to complete the process.

## How to overcome these challenges...

Becoming involved in training opportunities about childrens rights. The more you develop your knowledge on this topic, the more your confidence will grow and therefore will not be as intimidating.

Seeking advice from partner organisations, For Example: **Together Scotland**, **Who Cares? Scotland**, **UNCRC website**, **The Children and Young People Commissioner Scotland**. These websites have invaluable resources, readings and contact details to support you in this journey.

Build relationships with the young people you want to engage with, use a **relationship based practice**. This is key in creating a trusting environment where young people feel safe and respected when sharing their views.

Imbedding an **inclusive** and **trauma informed** communication style this can enhance communication with young people who are at risk of their rights being breached.

It is important when allocating budgeting costs that professionals are hearing directly from children and young people on a regular basis. If direct contact with young people is not possible contact services who advocate for children and who participate in children's consultations. Begin cultivating strong relationships with decision makers to ensure childrens views and rights are still being communicated.

It is also key to ensure professionals are hearing from a wide range of groups to ensure those lease seldom heard are having the opportunity to communicate their wants/needs. This supports inclusivity.

(Together Scotland, 2022) (Together Scotland, 2024)

# What risks are there for West Lothian Council, with no implementation of UNCRC and a Child Friendly Complaints Process?

## Potential Risks

If public bodies do not comply with the UNCRC they face legal action. **(Children and Young Peoples Commissioner, 2024).**
The implementation should allow children, or those acting for them, to challenge actions by public authorities, including the Scottish Government, if they believe their rights have been violated. **(The Scottish Government, 2019).**

Public Authorities must report on current actions taken and planned to embed the UNCRC. Failure to produce these reports can lead to investigation and potential discipline from higher authorities. **(The Scottish Government, 2024).** Reports on compliance of the UNCRC must be sent to Scottish Ministers. Non-compliance can result in repercussions or oversight from the government. **(The Scottish Government, 2024).**

It is unlawful for a public authority to act in a way that is incompatible with the UNCRC. This means that any action or failure to act that breaches these requirements can be challenged legally. **(The Scottish Parliament, 2023).** Individuals or groups can bring legal consequences for public authorities for non-compliance. Courts can then rule against the authority, which could potentially lead to change in practices or policies. **(The Scottish Parliament, 2023).**

## Why the UNCRC is important in law?

- Incorporates childrens rights and principles into legislation.
- Allows services within different departments to have an assigned team to focus on childrens rights.
- Allows governments to make national plans for childrens wellbeing.
- Supports child rights advocates.
- Supports and encourages the implementation of child friendly complaints.
- Allows public bodies to check how actions affect children and young people.

- Allows for adjustments of budgets to support childrens rights.
- Allows opportunities to focus on childrens health and development within legislation.
- Reduces inequalities and fights against discrimination amongst children.
- Allows children to share their opinions and for them to be taken seriously.
- Builds partnership with children and young people.

**(United Nations Myanmar, 2023).**
**(Barnardos, 2023).**

# Conclusion

"A person's a person, no matter how small."
-Dr Seuss



**Do you feel you better understand the importance of the implementation of; UNCRC and a Child Friendly Complaints Process?**

Yes

A little

No

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Embedding the UNCRC ensures children's rights are upheld, fostering a respectful environment. A child-friendly complaints process empowers children to safely voice concerns, promoting trust and accountability in public services.

## Useful Readings...

UN Convention on the Rights of the Child for partner agency staff

Childrens Rights: 5 Challenges we Need to Address

State of Children's Rights report published

Contemporary challenges for children's rights, well-being, justice and equity: Policy, community activism and pedagogy

Human rights' monitoring and implementation: how to make rights 'real' in children's lives

Justice for Children

Decision-making: children and young people's participation

**What would help you and your service with the implementation of UNCRC and a Child Friendly Complaints Process?**

Workshops

Face-to-face discussion

Peer feedback

Leaflets/Pamphlets/PowerPoints

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If you have any further questions please get in touch at: childrensrightsnetwork@westlothian.gov.uk

