SCOTTISH PUBLIC SERVICES OMBUDSMAN

People Centred | Improvement Focused

Children's Rights in the Complaints Process: A Guide for Parents and Carers

Why do we need to consider your child's rights during the complaints process?

By law, all public services in Scotland must give children under the age of 18 the chance to have a say about anything that affects them. This includes complaints.

For example, children have the right to give their view in complaints about their education, housing, a service they have received from the NHS or any other public service.

How do we do this?

Children have the right to complain directly if they want. Some older children may choose to do this. You can find out more about this on our website.

Most of the time, complaints affecting children will be made by parents or carers. This guide explains how we will handle these complaints to make sure your child's rights are met and how we might need you to help us do that.

1. Find out if your child understands the complaint

First, we will need to know whether your child understands the complaint. We will speak to people who know your child best, including you, to decide this. We might also need to speak to your child.

Some children won't be able to understand the complaint. This could be because they are too young or for other reasons. In these cases, parents or carers will usually have the right to make decisions for them, but children must still be given the chance to have their say, in whatever way they can manage.

2. Ask your child if they want to give a view

If your child can understand the complaint, we will need them to tell us if they want to be involved or if they are happy for you to speak with us on their behalf.

Many children will not want to be involved. This is okay, we will just need them to tell us this before we can look into the complaint. They can do this in the easiest way for them. For example, they can email us directly, leave a voicemail, or arrange a time to speak with someone.

If your child tells us they are happy for you to complain on their behalf, you will be our main contact. We will not usually need to contact your child again.

If your child wants to give their view, we will support them to do this in a way that makes them feel comfortable and safe. We will think carefully about what they tell us and explain how this affects our decision on the complaint.

If your child asks to speak to us directly, we may not be able to share what they tell us with you, unless they give us permission to.

3. Consider your child's best interests throughout

We will consider your child's best interests whenever we make a decision that affects them. This means thinking carefully about:

- If our decision is going to impact any of their rights
- What your child thinks is in their best interests
- What you think is in their best interests
- All of your child's circumstances that are relevant to the decision

More information

You can find out more on our Child Friendly Complaints page. If you have any questions, please ask the member of SPSO handling your complaint and they will be happy to help.