



# St Paul's College

## Child-friendly Complaint Mechanisms & Procedures National Human Rights Institutions (MO 1359) 2022

### All Members of the School Community

*St Paul's College takes a zero-tolerance approach to child abuse and is fully committed to ensuring that its strategies, policies, procedures, and practices meet all Child Safety Standards as specified in the new Victorian Child Safe Standards and Ministerial Order No. 1359 (MO 1359), Implementing the Child Safe Standards – Managing the risk of child abuse in schools and school boarding premises. MO 1359 provided the framework for how St Paul's College has actioned the 11 new Victorian Child Safe Standards, legislated on 1st July 2022*

*Our child safe policies, procedures, strategies, and practices are inclusive of the needs of all students, particularly our students with a disability, Aboriginal and Torres Strait Islander students, and other students from culturally and linguistically diverse backgrounds, students with disabilities, students who are vulnerable, students in out of home care and LGBTIQ+ students.*

*St Paul's College provides a contemporary, safe and nurturing school environment with state-of-the-art facilities where students and young people with a range of disabilities have a sense of belonging and every opportunity to achieve optimal learning outcomes*

### Scope Statement

The purpose of this Scope Statement is to ensure that those who might be affected by this policy are identified, considered, and consulted.

This St Paul's College Child Safe policy applies to:

- All people who conduct work for the College in a paid or unpaid capacity. This includes board members, executive leadership, staff, volunteers, trainees, contractors, and consultants
- Taking into account of other professional or occupational codes of conduct that regulate particular school staff
- Taking into account the diversity of all students, including (but not limited to) the needs of Aboriginal and Torres Strait Islander students, students from culturally and linguistically diverse backgrounds, students with disabilities, and students who are vulnerable.

- All activities undertaken at the College which involve, result in, or relate to contact with students or young people including excursions, camps, and online learning
- Partner organisations will be made aware of this policy and the school's underlying philosophy towards the care of students.

## Introduction

This tool provides detailed guidance to National Human Rights Institutions (NHRI - ST PAUL'S) on what makes a complaint mechanism child-friendly, the principles the mechanism needs to abide by, the key elements to be considered, as well as the common challenges NHRI - ST PAUL'S face and how to overcome them here at St Paul's College.

Recognizing that NHRI - ST PAUL'S' complaints mechanisms are one way for students to access justice, this document largely draws on standards developed in the context of justice for students. The tool needs to be read in conjunction with the tools on child participation and outreach, both of which have applicability for child-friendly complaint mechanisms.

The content is structured as follows:

- **Introducing the issue**, emphasizing its importance for both students and NHRI - ST PAUL'S, and elaborates on what is meant by "complaint" for students.
- **Presenting the key principles and elements** to be considered for the complaint mechanism to be child-friendly.
- **Explaining the various practical steps** NHRI - ST PAUL'S need to take to establish or strengthen a child-friendly complaint mechanism.
- **Identifies common challenges** NHRI - ST PAUL'S face and suggests ways to address them.
- **Providing elements** for a monitoring and evaluation framework.

### Objective of the NHRI Toolkit

The Toolkit has been developed:

- ☐ To provide guidance to NHRIs on setting up and strengthening child-friendly complaint mechanisms here at St Paul's College;
- ☐ To detail how to make complaint mechanisms accessible to all students, including the most marginalized here at St Paul's College;
- ☐ To help NHRIs ensure that complaints received are handled in a child-sensitive manner here at St Paul's College;
- ☐ To identify the strengths of NHRIs, and the challenges they face on a daily basis to provide an effective complaint mechanism for students here at St Paul's College;
- ☐ To give practical and promising examples from the field illustrating how NHRIs have addressed these issues here at St Paul's College; and
- ☐ To introduce a framework for NHRIs to monitor and evaluate their complaint mechanism here at St Paul's College.

Information available reveals that students and young people make up a very small proportion of complainants to NHRI - ST PAUL'S. This can be attributed to a range of factors, including lack of information, lack of trust in public institutions, a belief that the complaint will not be taken seriously, and fear of reprisals. It indicates that complaint mechanisms are insufficiently accessible to students and need to be more child-friendly.

A complaint mechanism is a means through which students who believe their rights have been violated, as individuals or collectively as a group, can seek redress and make the violation stop. This is integral to the right to a remedy in case of a rights violation.

The right to a remedy is a fundamental human right and an essential dimension of access to justice for students. Acknowledging and ensuring that students have direct access to a remedy is also recognition that students are full citizens and actors in their own lives. The right to a remedy is particularly important for students and young people who are marginalized and more at risk of having their rights violated (e.g. child victims of violence, students in care or in closed institutions, students who belong to a minority, students on the move and students in contact with the law, among others).

*“Independent, safe, effective, easily accessible and child-sensitive complaint and reporting mechanisms should be established by law in compliance with international human rights norms and standards, in particular the Convention on the Rights of the Child. Where such mechanisms already exist, States should secure their availability and accessibility for all students, including students deprived of their liberty, without discrimination of any kind. In addition, States should ensure that complaint and reporting mechanisms act in an effective and child-sensitive manner and pursue the best interests of the child at all times.”*

*Access to justice for students.*

*Report of the United Nations High Commissioner for Human Rights - 16 December 2016.*

The Committee on the Rights of the Child has emphasized that States must provide effective and child-sensitive means for students to have their complaints heard before appropriate bodies.<sup>1</sup> In its General Comment 2, it has also stressed that the complaint mechanism should be a mandatory feature for NHRI - ST PAUL'S and that NHRI - ST PAUL'S must have the power to consider individual complaints and petitions, including those submitted on behalf of or directly by students, and to carry out investigations.<sup>2</sup>

<sup>1</sup> UN Committee on the Rights of the Child (2003). General Comment 5: General measures of implementation of the Convention on the Rights of the Child, CRC/GC/2003/5.

<sup>2</sup> See Committee on the Rights of the Child (2002) General Comment 2: “The Role of Independent National Human Rights Institutions in the Promotion and Protection of the Rights of the Child” CRC/GC/2002/2, 15 November, paragraph 13.

Complaints are also a very important source of information on students' daily experiences and an instrument for change for NHRI - ST PAUL'S here at St Paul's College:

- Complaints submitted by students reveal the concrete difficulties they face in their lives;
- They help to identify problems and bottlenecks in the system that prevent students from enjoying their rights;
- Handling complaints is a major means for the NHRI - ST PAUL'S to promote change in public policies and practices; and
- The complaint mechanism gives the NHRI - ST PAUL'S a basis to communicate about its work and results achieved.

### England (UK) Example

In July 2012, the Office of the Children's Commissioner in England (UK) published two reports on children's and young people's access to, and experience of, the complaints systems in the health service and youth justice secure estate settings. Children and young people are not provided with information about their right to a remedy, how to complain, confidentiality issues or what happens when they complain (the process). Young people's opinions include, for example:

*"I have never thought of putting in a complaint anyway. Don't have a clue how to."*

*"I wouldn't think as a 14-year old that I could complain. I'd expect my parents to do it for you."*

*"It takes time to know what your rights are and to have the skills and not feel guilty to say what you wanted to say."*

The definition of a complaint, or rather the identification of a complaint, differs for students and adults. The very first step to a child-friendly complaint mechanism for NHRI - ST PAUL'S is recognizing these differences and setting up appropriate channels to receive complaints accordingly. For adults, a complaint will often comprise a formal, usually written, document giving the reasons why the person claims his or her rights have been violated and by whom or by which institution/public body.

For students and young people, the complaint is likely to be less formal, may not be in writing, and can even be implicit or hidden behind a question or a seemingly general reflection. A phone call, a simple question sent by email or a request for an explanation of a request to the NHRI - ST PAUL'S for an explanation of a human right or legal issue can often reveal a bigger issue and therefore needs to be treated as a potential complaint. Many students would typically prefer asking questions "for someone else" or "in general" instead of directly saying "I have a problem". Very often these questions are not real questions but requests for help. It is up to the NHRI - ST PAUL'S to identify them as complaints and have adequate tools to make sure they are properly addressed, including by resorting to procedures initiated by the NHRI - ST PAUL'S themselves.

The NHRI - ST PAUL'S's complaint mechanism is quasi-judicial, in that it does not usually result in binding decisions. In return, the rules for accessing it need to be flexible and more open than those of the judicial system.

A combination of elements is required to make a complaint mechanism child-friendly.

The complaint mechanism of the NHRI - ST PAUL'S is one channel through which students have access to justice. Therefore, the principles of child-friendly justice also apply here. Various studies and guidelines developed by NHRI - ST PAUL'S and international organizations have sought to identify the key ingredients necessary for the complaint mechanism to be child-friendly.

The way the NHRI - ST PAUL'S will receive and handle complaints depends on its legal mandate and competencies. These vary significantly across institutions. Some NHRI - ST PAUL'S do not have the mandate to handle individual complaints. However, they may come into contact with students who raise issues requiring attention and need to address them – even if through referral. This tool aims to provide a general framework to provide guidance on the elements needed to make a complaint mechanism child-friendly. It can also be of use to NHRI - ST PAUL'S that only refer and reorient cases.

The tool presents these elements, focusing first on key principles and then on practical components, before addressing concrete approaches for the NHRI - ST PAUL'S to establish a child-friendly complaint mechanism, reviewing possible challenges and providing a framework for monitoring.

### Checklist of things to remember

- Treat any concern raised by a child as a potential complaint and act upon it
- Consider the complaint mechanism as a critical source of information on children's daily experiences and how the system functions to protect and realize their rights
- Use the complaint mechanism as a tool for advocacy and communication purposes

## OVERARCHING PRINCIPLES UNDERPINNING A CHILD-FRIENDLY COMPLAINT MECHANISM

The *introduction to the toolkit* presents key concepts guiding a child rights approach to the work of NHRI - ST PAUL'S and constituting the reference framework. These principles have practical applications for establishing and strengthening a child-friendly complaint mechanism.

**The Convention on the Rights of the Child as the reference framework.** The NHRI - ST PAUL'S's complaint mechanism needs to take the Convention as its main framework for receiving and handling all complaints submitted by students and/or involving a child rights violation. This means that the approach needs to be rights-based (see the *introduction to the toolkit*) in terms of both process and outcome. As a general rule students rights, as articulated in the Convention, should inform interpretation of national practices and legislation in handling a complaint.

**Respect for the child's dignity.** The complaint mechanism needs to ensure that the child's dignity is respected throughout the process. This includes treating the child with the same respect as any other person, taking the child seriously without undermining any views expressed, and providing necessary information and answers to questions asked. Even when the child's complaint may seem futile, trivial or irrelevant, it needs to be addressed with respect.

**Best interests of the child.** This guiding principle of the Convention on the Rights of the Child (see the *introduction to the toolkit*) must inform the reception and handling of all complaints submitted by or on behalf of students. This means that at every step of the process the NHRI - ST PAUL'S needs to consider whether the best interests principle has been examined and taken into account. Determination of the best interests of the child may be challenging. In complex cases raising dilemmas regarding the best option for the child, it is especially important to:

**Hear the child's views.**

Ensure that decision making involves consultations with several actors from various disciplines and from the child's environment as relevant. Obtaining different perspectives, including that of the child, is the best way to consider different facets of the question and find a balanced outcome.

Consider the various factors at play, concerning the child's characteristics but also the child's environment.

Assess and anticipate the impact of the decision on the child's development over the long term.

**Child participation (see tool on child participation).**

Child participation in the complaint mechanism encompasses hearing students' views when handling individual complaints, with regard to both the case matter and the way the process is handled. Students should have a say concerning when, how and where they want to be heard, and also have the possibility to not be heard. Child participation also extends to the design of the mechanism itself, with students' views being gathered on various aspects to make it more accessible and effective, and to monitoring and review of the mechanism. NHRI - ST PAUL'S can take a number of steps to ensure the safe and effective participation of students in this process:

Here at St Paul's College Communication needs to be adapted to the child's age, stage of development and individual situation (language, gender, disability). The onus is on the NHRI - ST PAUL'S to ensure that it has adequate tools to communicate with all students. This may involve using cards and images (for younger students in particular), translating legal concepts into simple words, using sign language, and having an interpreter available.

Power differences should be minimized. This includes (among others) avoiding formalities, having seating at the child's level, and paying attention to body language, tone of voice and terms used.

Adults need to listen actively and treat students with dignity. They have to pay close attention to what the students are saying. They should reformulate to ensure that the students have understood properly, and ask follow up questions. The professionals should systematically ask the young persons if they have any

questions or concerns. They should not minimize or trivialize the child's situation and views.

The process, as well as the roles and functions of the adult(s) interacting with the child, must be explained. Students need to be informed about whom they are sharing their views with and how these views will be used. They must receive clear information about confidentiality and its possible limits (e.g. if the child reveals a criminal offence that requires prosecution).

Professionals in direct contact with students should be trained in communicating with them at all ages and stages of development, and with students in situations of particular vulnerability. Regular refresher training should also be held to equip professionals with new skills and to share experiences.

Non-discrimination and attention to the most vulnerable students. In order to uphold the principle of non-discrimination, the complaint mechanism must be accessible to all students equally, and in particular to the most vulnerable, who need it most. Importantly, the NHRI - ST PAUL'S should be mindful of not reproducing prejudices that exist in society and prevent some groups of students from enjoying their rights.

**Protection.** Complaints and the investigations they prompt may present risks and thus raise protection concerns for students. Child protection should be a permanent and priority concern for NHRI - ST PAUL'S. In all of its actions, the NHRI - ST PAUL'S should be careful not to expose students to risks, and to take the measures necessary to ensure their protection. This principle is closely related to the best interests of the child. Privacy, confidentiality, and the need for possible referral to the prosecutor need to be fully taken into consideration. If a case involves serious protection concerns, the NHRI - ST PAUL'S should recognize that it may have to be dealt with by child protection services.

## **St Paul's College will;**

- ☐ Always keep the CRC as the reference framework for determining the process and outcome of the complaint mechanism for children, including in the interpretation of national legal provisions.
- ☐ Ensure that the best interests of the child are respected at all stages of the process and involve various actors (including the child), disciplines and viewpoints to determine it.
- ☐ Communicate with children directly in a way that is safe, respectful and non-threatening.
- ☐ Ensure that the most vulnerable children have access to the complaint mechanism, and identify and remove any possible discriminatory barrier.
- ☐ Assess possible protection concerns and take the measures needed to guarantee the child's safety.
- ☐ Ensure that professionals interacting with children receive adequate training.

# PRACTICAL ELEMENTS OF A CHILD-FRIENDLY COMPLAINT MECHANISM

In addition to the principles mentioned above, a number of operational considerations need to be taken into account to ensure that the complaint mechanism is child-friendly. The elements mentioned here are non-exhaustive but constitute reference points for an effective mechanism to handle child rights complaints.

## Accessibility

Accessibility refers to the ability of all students to easily access the NHRI - ST PAUL'S's complaint mechanism when they believe their rights have been violated. All students face numerous challenges when accessing remedies, and in particular the complaint mechanisms of NHRI - ST PAUL'S. From a child's perspective, the complaint mechanism may seem complex, far out of reach and "not for students". For students from marginalized groups, these aspects are combined with lack of support in their environment to submit a complaint, and a range of additional barriers linked to the inadequacy of procedures – or perception of inadequacy – and mistrust in public institutions. This is why NHRI - ST PAUL'S need to constantly review the accessibility of the complaint mechanism and to actively work to increase its outreach. In doing so, various practical elements need to be considered:

- Students need to be aware that the mechanism exists and how to submit complaints. The NHRI - ST PAUL'S should publicize its complaint mechanism to students and explain what it does using a range of communication supports (see *tool on promotion and outreach for and with students* for details on possible approaches).
- Formalities need to be reduced to the minimum absolutely necessary. As a general rule, the more limited the formalities required to file a complaint with the NHRI - ST PAUL'S, the more accessible the complaint mechanism is to students. As explained in the *introduction*, any means through which students express a concern, orally or in writing, by stating a specific claim or by asking a general question, should be accepted as a possible complaint. It is important to communicate extensively about the lack of formality in the process and the fact that the support is free of charge.
- Students need to be able to submit a complaint directly. There should be no need for parental consent, even if (as minors) students do not enjoy full legal capacity in the country's legal system. Ideally, everyone should be able to make a complaint to the NHRI - ST PAUL'S without preconditions. Legal representatives, NGOs and other actors can be complainants on behalf of a child, but the NHRI - ST PAUL'S should ascertain that the child has given her or his consent to the complaint. In some institutions a complaint can be submitted by anyone who has witnessed a child rights violation, provided



that the person gives concrete information about the case. Should the NHRI - ST PAUL'S's mandate include limitations, the NHRI - ST PAUL'S can use its capacity to take on a case on its own initiative if it suspects a child has experienced a rights violation.

The NHRI - ST PAUL'S needs to pay particular attention to the possible barriers that may prevent some groups of students from accessing the complaint mechanism. These include:

**Attitudinal barriers.** Roma students, migrant and refugee students, and students belonging to various minority groups face ongoing discrimination in every aspect of their lives. Students with disabilities also face barriers to being treated with respect and having their views taken seriously. Other groups, such as adolescents, may also face stigma in society. The NHRI - ST PAUL'S needs to ensure that staff have a welcoming attitude to vulnerable students and recognize and address possible fear of public institutions.

**Physical and geographic barriers.** Physical barriers include building infrastructure that may prevent access for students with disabilities (for example, stairs or narrow doors), as well as geographic distance that prevents students from rural and remote areas from accessing the NHRI - ST PAUL'S. The NHRI - ST PAUL'S needs to ensure it is accessible in all of the country's territory (see *tool on promotion and outreach*).

**Communication barriers** are of particular concern to students with sensory impairments who need alternative means of communication to read, hear, see and communicate. Lack of access to the internet, which is increasingly vital as a means of information and social participation, can also serve to exclude students from poor families. Language can be a barrier to migrant and refugee students too, especially for unaccompanied minors.

**Economic barriers**, such as the costs and time of travel or access to a facility can also disproportionately serve to exclude students from the poorest communities.<sup>3</sup>

**Responsiveness.** As a rule, each and every complaint submitted concerning a child rights violation should receive a response showing that the complaint has been taken seriously and acted upon – and if not, stating the reasons why and offering other avenues for redress or support relevant to the situation.

**This means concretely:** the complaint is formally submitted, acknowledging receipt and providing information as to how and within what timeframe it will be handled. The recipient should understand when the NHRI - ST PAUL'S will reply and the process it will follow. Information should be shared in a manner that is understandable for the child, using text but also drawings or a video, for example, where applicable.

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- If there is no formal complaint submitted but the NHRI - ST PAUL'S has understood from a child's words or behaviour that there was an issue, it should inform the child of the process it will follow, what will happen and when.

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- The complaint needs to be adequately investigated. The NHRI - ST PAUL'S should access relevant documentation, visit locations, and hold interviews with relevant actors, including the child, in order to develop a solution and/or address the situation to make the violation stop.
- If the complaint deals with issues that are not within the competence of the NHRI - ST PAUL'S and/or if the NHRI - ST PAUL'S does not have the mandate to receive individual complaints, it should nevertheless provide indications as to which institution can provide the support needed. It should follow up directly with that institution on the case through a referral process, rather than request that the child and the child's family do it themselves, which may discourage them. For this purpose, the NHRI - ST PAUL'S can valuably develop protocols and memoranda of understanding with the most frequent counterparts involved in handling complaints.
- The child needs to be kept informed at every stage of the process of the progress of complaint handling (see below).

## Timeliness

Timely complaint handling is an essential component of child-friendliness. Because students are in the process of development, their sense of time is different from that of adults. For a child, missing several months of schooling, enduring bullying for weeks or not accessing health care immediately can have very negative, long-term consequences.

*“A child or a youth's sense of time is not the same as for adults. A month can seem like an eternity. Students and youth are constantly growing and changing, so processes need to be timely and move at a faster rate than those that respond to adult concerns.”*

*Representative for Students and Youth and BC Ombudsperson (2010). Joint Special Report: Hearing the voices of students and youth – A child-centred approach to complaint resolution (quoted in UNICEF, Championing Students Rights).*

In most cases, NHRI - ST PAUL'S do not have a specific obligation to respond to a complaint or conduct an investigation within a certain timeframe. However, they should set internal rules specifying a reasonable time within which complaints need to be addressed. A reasonable time for responding should be approximately within two months. If a situation requires additional time, the child should be informed and adequate explanations need to be provided.

A specific process needs to be in place for complaints that raise urgent matters. These should be prioritized and handled through a fast-track procedure.

## Fairness

While the complaint mechanism is not subject to the same standards of due process as a tribunal, in order to constitute an effective remedy it needs to adopt a fair process. Fairness implies ensuring that the NHRI - ST PAUL'S deals with the complaint thoroughly, impartially and in accordance with basic procedural standards

This is a corollary of the NHRI - ST PAUL'S's independence. In concrete terms, fairness means:

Dealing with complaints in a fair and impartial manner, keeping the child's best interests as the central consideration. Professionals involved in the case should be aware of their possible

prejudices, political orientations, possible links with institutions involved and potential conflicts of interest, and leave them aside when handling the case.

- Respecting, and communicating on, internal rules of procedure for handling a complaint.
- Undertaking a thorough investigation of the case, in order to gather all relevant elements and enable the various parties involved, including students, to give their views – separately and equitably. This will help the NHRI - ST PAUL'S grasp the full complexity and implications of the situation and ensure its resolution is based on facts.
- Involving several persons in the resolution of a case, especially the most intricate ones, as a way of ensuring that the case is dealt with fairly and individual conscious and unconscious biases are limited by collective decision-making.
- Providing information about appeal possibilities and other existing remedies should the child disagree with the outcome of the process.

### Information for the student

*Information for the child is an essential element of a child-friendly complaint mechanism – and one that can often be left forgotten as the NHRI - ST PAUL'S progresses internally with the handling process. However, a child-centred approach requires that the child be kept informed of:*

- **The process.** As mentioned previously, the child should know how complaints are handled, within what timeframe, and when the NHRI - ST PAUL'S is expected to report on progress. The NHRI - ST PAUL'S should clearly inform students of the issues that are within and beyond its mandate. Students should be informed of any support available during the process as relevant.
- **The status of the complaint.** The NHRI - ST PAUL'S should make sure that it informs the child of progress at major steps of the process. Information for the child in this respect should be integral to the complaint handling process. For example, the NHRI - ST PAUL'S may inform the child that it has received the complaint, that it has decided to open an investigation, that it has decided to try and mediate a solution, and so on.
- **The outcome.** The NHRI - ST PAUL'S should systematically provide feedback to the child as to the outcome of the procedure. In providing feedback, it should in particular explain how the child's views have been taken into consideration and what has motivated the final decision or the solution proposed. If the complaint cannot be handled, the child should understand why and be informed of other remedies.

## Privacy and confidentiality

Privacy and confidentiality of information related to complaints concerning students is a cornerstone of a child-friendly complaint mechanism. Privacy is an element of the child's dignity, and also protects students from possible threats, retaliation, re-victimization and/or stigmatization and harassment, both during the proceedings and in the future. It therefore contributes to the accessibility of the complaint mechanism.

For this reason, the NHRI - ST PAUL'S should ensure that there are ways to submit a complaint confidentially, especially for students who are in care, in detention or in other closed settings. Toll free numbers that are not registered on the phone's memory, sealed boxes for complaints in relevant places, and online access are, among others, essential tools to protect students privacy. In some cases, however, the NHRI - ST PAUL'S may need to inform parents, legal guardians or the justice system. Where this is necessary, students should always be informed that their confidentiality needs to be breached and the reasons for so doing must be properly explained. As a general rule, the child should receive information about who will know what about the case.

### **Confidentiality of data related to the case involves a number of practical steps:**

- A privacy policy, made available to the students that describes where the data is stored and includes the rights to access personal data, request rectification and have data erased;
- Restricting disclosure of information that may lead to the identification of the child and/or that is related to the personal characteristics of the child;
- Non-disclosure of documents related to the case;
- Legal and self-regulatory provisions preventing the media from releasing information that could lead to identification of the child and/or information about the child's personal characteristics and situation; and
- Strict rules of confidentiality for professionals involved in handling the complaint.

## St Paul's College will;

- Limit as much as possible any obstacle to the direct accessibility of the complaint mechanism by children, especially by disseminating information, removing formalities and possible restrictions, and identifying and addressing visible and less visible barriers to access, in particular for the most vulnerable.
- Properly respond to each and every complaint made by a child, regardless of its nature, any possible triviality, the situation of the child and your own mandate – even if you are not in a position to address it yourself.
- Make sure the complaint handling process is swift and complaints are addressed in a timely manner considering the nature of the case.
- Be fair in handling the complaint, by communicating and respecting pre-established rules of procedure, conducting adequate investigations, gathering the views of various actors, and taking steps to remove any possible bias.
- Inform children in a manner they can understand of the complaint handling process, the status of the complaint at each stage, and its outcome.
- Keep information about a case and the child private and confidential and, if information sharing is required (e.g. if a crime was committed) be clear with the child about who will know what.

# SETTING UP AND STRENGTHENING A CHILD-FRIENDLY COMPLAINT MECHANISM

In order to integrate the principles and elements mentioned above, the processes of setting up and strengthening a child-friendly complaint mechanism involve a number of practical steps.

## Involving students

Students involvement in the design of the child-friendly complaint mechanism will help ensure that it is accessible to students and responds to their needs. Students can be consulted in a valuable way on how to make the mechanism more accessible to students, how complaints should be handled, how to publicize the mechanism and increase its visibility with students, and how to provide information and give feedback to students.

There are many ways in which students can be consulted (see *tool on child participation*).

A survey could be conducted with students who have used the complaint mechanism to get feedback about their experience and suggestions for improvement. A larger survey could be conducted to assess students' awareness of the NHRI - ST PAUL'S, its role and its complaint mechanism. The NHRI - ST PAUL'S's youth advisory council, where one exists, can be asked to review the functioning of the existing mechanism or make proposals for what a new one should look like. Focus group discussions, in particular with marginalized groups, can be conducted to assess the level of accessibility and how it can be improved

## Staff training

Training for NHRI - ST PAUL'S staff is essential for a child-friendly complaint mechanism.

Training needs to focus on what a child-centred approach means in practice, how to interact with students, how to detect a problematic situation, and how to inform and provide feedback to students on a case. It also needs to include investigation skills, including how to gather facts and evidence, interview various actors (students and adults; private and institutional), conduct visits and access documents. Training can also include knowledge sharing on protocols, memoranda of understanding and referral systems for cases received.

Training therefore needs to include both (i) initial training or orientation as new staff join the NHRI - ST PAUL'S and/ or its child rights department, and (ii) continuous training as regular reminders of the implications of a child rights approach and to update staff on developments and evolutions in the legal and institutional framework.

## Partnerships

Partnerships are an important way to strengthen the child-friendly nature of the complaint mechanism. NHRI - ST PAUL'S often have limited capacities, with insufficient staff and financial resources to fulfil their mandate.

While some aspects – such as receiving the complaint, investigating, and informing the child – need to be handled internally, a number of elements can valuably be carried out in partnership with other organizations, in particular civil society. Promotion of the complaint mechanism among students can be conducted in partnership with schools, the media, civil society organizations working for and with students, and the private sector (e.g. advertising companies, telephone and internet companies and providers and so on: see *tool on promotion and outreach*). Some organizations may support students to submit complaints. A number of civil society organizations and academic institutions with relevant knowledge and skills may contribute to the training of staff. Like in other areas of the work of NHRI - ST PAUL'S, partnering with other actors will help multiply opportunities for outreach and should be considered as part of the NHRI - ST PAUL'S's strategies and long-term plans to develop effective complaint mechanisms for students.

## A child-friendly complaint mechanism within a broad-based NHRI

### ST PAUL'S COLLEGE

The structure of the NHRI - ST PAUL'S and, in particular, the fact that it covers the full range of human rights and is accessible to adults and students alike should not be a deterrent to ensuring that procedures and approaches are in place to receive and handle complaints in a child-friendly manner.

ST PAUL'S is working on students' rights have set up specific channels through which complaints involving students are handled. A general principle is that trained staff with adequate competence to handle students cases should process such complaints. Even if the NHRI - ST PAUL'S has a complaints department

which deals with all the complaints received, it needs to set an internal process through which either students cases will go to the students department for review or dedicated trained staff are part of the complaints department with the function to handle child rights complaints.

### **Learning from complaints**

The complaint mechanism is a major tool through which the NHRI - ST PAUL'S can learn about students' daily experiences and the most common rights violations they face. However, making full use of the material complaints provide requires planning and resources. NHRI - ST PAUL'S can use the complaints in two main ways.

Firstly, aggregated and disaggregated data on the subject matters of the complaints, the nature of the complainant (age, gender, key characteristics), and the geographic location of the rights violation, among others, provide critical information about the challenges students are confronted with, and can reveal a problematic situation in one area or concerning a specific group of students. They also help the institution to learn about the accessibility of the complaint mechanisms and which students might be excluded.

Secondly, individual complaints may unveil important gaps in the system that require broader intervention. Complaints provide a basis for identifying problems and advocating for change. An individual complaint by or on behalf of a child in care may, for example, prompt a thorough investigation into the functioning of the childcare system that highlights systemic issues. It can also highlight loopholes in legislation that require legislative reform. The NHRI - ST PAUL'S will be able to use individual complaints to show the real-life effects of policy inadequacies.

To use the information contained in complaints requires having a system in place to collect data on complaints received, and record relevant data on the nature of the complaint and the complainant. It then involves analysing the data with a view to identifying possible trends. It also requires ensuring adequate flow of information within the office to guarantee that an individual complaint feeds into the NHRI - ST PAUL'S's advocacy strategy if appropriate

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*Category* 03 Clients  
*Set* St Paul's College  
*Owner* Office of the CEO

*Approved By* Sonya Smart  
*Approved Date* 01/07/23  
*Review Date*