

# together we can fix it

A consultation with children about their right to complain

A report by  
Children's Parliament

**SCCYP**  
Scotland's Commissioner  
for Children & Young People

# Together we can fix it

A consultation with children about their right to complain

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Research and report by



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Auchinraith Primary School – South Lanarkshire  
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# About Scotland's Commissioner for Children and Young People

Scotland's Commissioner for Children and Young People promotes and safeguards the rights of children and young people in Scotland under the age of 18 (and those under 21 if they have ever been in the care of, or looked after, by a local authority).

The current Commissioner is Tam Baillie (appointed by the Queen on the nomination of the Scottish Parliament in May 2009). He is independent of Parliament and Government but is accountable for the work done. The responsibilities and powers of the Commissioner are laid out in the Commissioner for Children and Young People (Scotland) Act (2003).

The Commissioner has a responsibility to:

- promote and safeguard the rights of children and young people;
- have regard to the United Nations Convention on the Rights of the Child, and act in a manner that encourages equal opportunities; and
- encourage the involvement of children and young people in the work of the Commissioner, and consult relevant organisations and in particular under the Act those children and young people who otherwise might not have their views known/or included.

The Commissioner has the power to:

- carry out an investigation into whether a service provider has regard to the rights, interests and views of children and young people generally, or to particular groups of children and young people.

As part of the Commissioner's general function, the Commissioner also promotes, commissions, undertakes and publishes research on issues relating to the rights of children and young people.

## About Children's Parliament

Children's Parliament is Scotland's Centre for Excellence for children's participation & engagement.

Children's Parliament works for a future where all children in Scotland are actively engaged in shaping our world so that everyone is healthy, happy and safe. We believe all children should live and grow with dignity and be valued for what they can offer the world.

We work creatively through projects, consultations and training programmes to improve communication between children and adults and to build relationships based on mutual respect and understanding. This enables us to explore our world together.

We provide children with opportunities to share their experiences, thoughts and feelings so that they can influence life at home, in school and in the community through change at a local and national level.

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# Introduction

In the Children and Young People (Scotland) Act 2014, Scotland's Commissioner for Children and Young People has been given new powers to investigate complaints from individual children and young people. These new powers are likely to come into force in April 2016.

In preparation for this, the Commissioner's office has undertaken a mapping exercise exploring the various complaints-handling bodies and regulators in Scotland to assess if and how they take complaints and concerns from children and young people. As part of this mapping process Children's Parliament were commissioned to speak with children to gather their views on the theme of complaints.

This evidence from children and young people will be used to demonstrate how current practice can be developed to improve children's ability to complain. This will be the start of ongoing work to develop systems and services in preparation for this new power vested in the Commissioner. It is important that the realisation of this new power is informed by children and young people so that the process works for *them*.

Children and young people seldom complain. It is mostly parents or carers who complain on their behalf and the Commissioner's office wanted to know why this is the case. There are many reasons highlighted in this report that help us to understand why children and young people do not complain. If they do complain, the outcome is often unsatisfactory and many children feel disempowered as a result. At the moment complaints handling systems seem to be inflexible and are not sensitive to the child's experience. The child is often forced to fit the process. Giving children some control around their complaint will empower them and give them confidence, which will make the system better for others who follow, and indeed better for everyone.

Real participation is when children and young people are able to influence decisions, but they need a choice in how to participate, access to the right information and the opportunity to build relationships with trusted adults. Listening to their views will lead to better systems and processes and will mean that children and young people feel more in control and happier with their lives as a result.



# Methodology

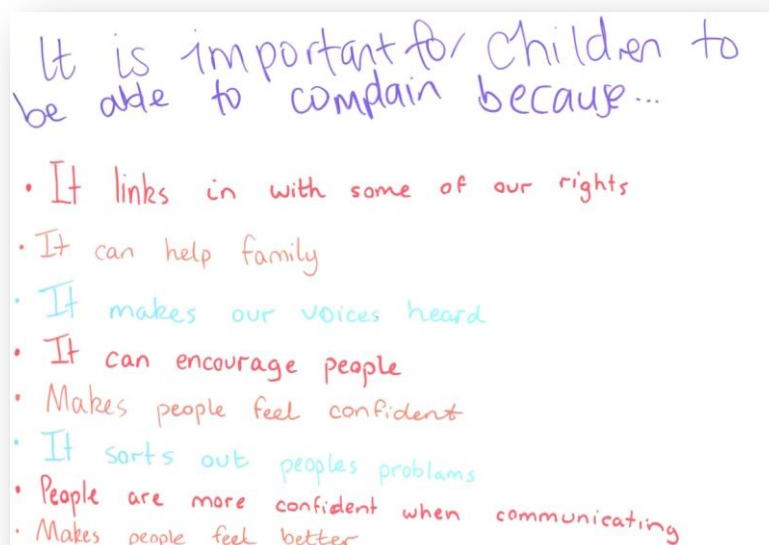
Children's Parliament was asked by Scotland's Commissioner for Children and Young People to speak to children in different parts of Scotland to gather the views of a range of children on the theme of complaints.

This initial work started a conversation with 15 children from a range of backgrounds (social, geographic, gender, age, ability) attending schools in South Lanarkshire and Midlothian. We met with children from one primary school and three high schools. All children were under the age of 14 and the youngest was 9. The average age was 11 years old.

Through the application of creative and participatory groupwork, children were supported through a series of activities that formed the basis of semi-structured focus groups. Children met in three groups of up to six children per group, facilitated by Children's Parliament staff. Children recorded their own ideas throughout the workshops and staff noted key themes and conversations.

The workshops explored the following themes:

- What are children worried about?
- What might children need to complain about?
- What role can adults play and how should they act?
- What are the barriers to complaining and how can they be overcome?
- How do children feel when their complaints are taken seriously?





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Children have a...

# Complaining is good for you

Children are in no doubt that complaining is good for you. Even though it is not seen as popular and children worry about the repercussions of making a complaint, there are four key themes that children identified that tell us why complaining is good for both children and adults.

## Promoting children's right to a voice

A central theme throughout our discussions with children was the right for children to have a say in matters that affect them. "People have the right to a say and some children in the world have the right to a say but some kids don't get these rights." Children feel that when they are able to complain and their complaints are taken seriously this right is upheld. They also feel that when the opportunity to complain is made available to them, this sends out a clear signal that children's rights are being taken seriously and they are being respected.

"I know we are only children but we have complaints too and children have the right to a voice, so why should we not be able to complain? I think adults should listen to us more because we may be children but we all have rights."

## Promoting equality

The difference between how adults treat their own worries and how adults may trivialise children's worries was a recurring theme. A genuine, child-friendly approach to facilitating complaints was seen as an opportunity to share power and control with children. Such an approach would reassure children that adults, who are appropriately trained and have true regard for children, would be supportive of their worries and treat them as seriously as adults' worries. A well-constructed response to the Commissioner's new powers could be a powerful tool to address age-based inequalities and perceptions and to demonstrate that "everyone is equal."

Children feel that when complaints are dealt with, they should be active participants in addressing problems and finding solutions: "Children have opinions too and should not be overlooked just because of their age." We are asked to remember that "children's ideas are often as good as - or better than - adults."



### Promoting positive impact

Being able to complain is seen as an opportunity to foster wellbeing for children and adults alike. Children told us “it helps boost [our] confidence in life” and “it is also important because it teaches children to respect others and adults too.”

“It can help family”, “it can encourage people” and “it will give them confidence in themselves” because “people are more confident when communicating.”

Being able to learn the skills to raise a complaint helps children in later life too. Children told us “they need to be able to make complaints when they are older too” and “we all deserve a say in what happens because it could determine our future.”

### Avoiding negative impact

Conversely, children spoke of the problems that may arise if they cannot complain. Some of the consequences were more immediate: “problems in the back of your mind can affect your academic performance.” Others were more long term: “pent up feelings can affect you in later life.” Children saw complaints as a way of avoiding these potential outcomes and improving the quality of life for themselves and others.



# Children's worries are real

We asked children what they worried about in order to get a sense of what may prompt a complaint. Children's worries were far-reaching, ranging from immediate issues close to home (bullying, standards of education) to issues of global importance (war, poverty, child neglect).

One overarching theme came through strongly in all groups: **children worry that adults do not take them seriously when they complain about things that need to change.**

Children are worried that adults struggle to understand why children are concerned about things and see children's worries as trivial and insignificant. This undermines children's confidence to make a complaint.





# What children want to complain about

Bullying  
Bus prices  
Free meals  
Cinema prices  
Better facilities  
Cyber-bullying  
Too many adults lie  
Equal opportunities  
If children are not happy  
More community facilities  
Using abandoned buildings  
Free leisure centre activities  
People have the right to play  
The way we are being taught  
Cheaper, healthy food options  
If we are not being treated fairly  
Homework – too much, too hard  
People get treated better than others  
Workers making noise outside the house  
Children in foster care not being treated well  
If we are struggling in class or with homework  
Children not getting all their rights from parents  
You order lunch and someone takes your lunch

# Who children want to complain to

Pupil Support / Guidance  
Leaders of activities  
Responsible adults  
Keep it to myself  
MPs / MSPs  
Friends  
Teachers  
Relatives  
Childline  
Council  
Siblings  
CEOP



## More than a complaint

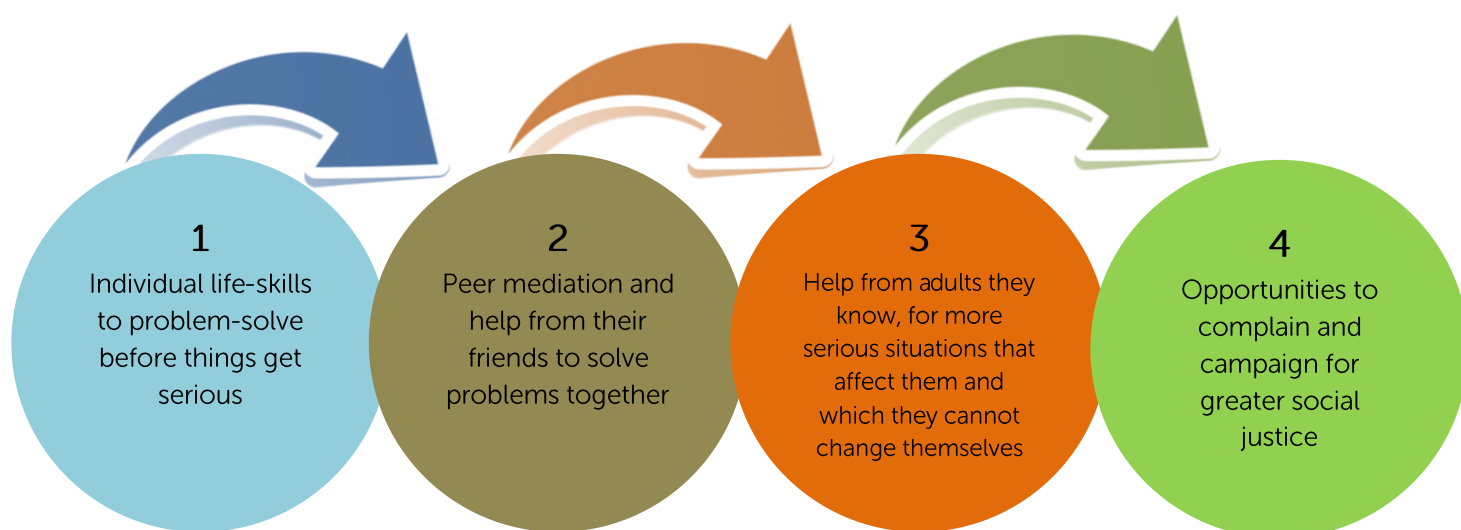
When we discussed how children would like to make complaints and to whom, all groups spoke of the need to retain power and autonomy as much as possible. Children believe that adults hold great power and this is a significant barrier to children raising complaints and seeking support.

To retain as much control as possible requires children to develop the skills to resolve problems for themselves. Peer mediation in one school was seen as a positive example of how children can take complaints to their peers and work amongst themselves to make changes. Children feel that their peers are more likely to understand them and take their complaints seriously.

Children also recognise the value of taking more serious complaints to adults. They feel that they are more likely to do this if they know the adult to whom they should complain and if they have a good relationship with this person. By knowing the adult, they would have a better sense of what their reaction may be and could therefore feel more trusting of the adult. Taking complaints to strangers was seen as a barrier to complaining.

In discussion, children told us that as well as wanting to complain about worries in their own lives, they also wanted avenues to complain about wider social issues that they see affecting other children.

For the children we spoke to, there is a continuum of opportunity that they seek:





# Power

Children need more power to be able to complain

To achieve this they want to:

- develop their own skills to resolve issues for themselves, whenever possible
- have more opportunities for peer mediation
- know where to go to complain and have a range of choices about where to take complaints
- take their complaints to people they know and trust
- have confidence that adults will respect their complaints and see the world through their eyes
- know something will be done about their complaint

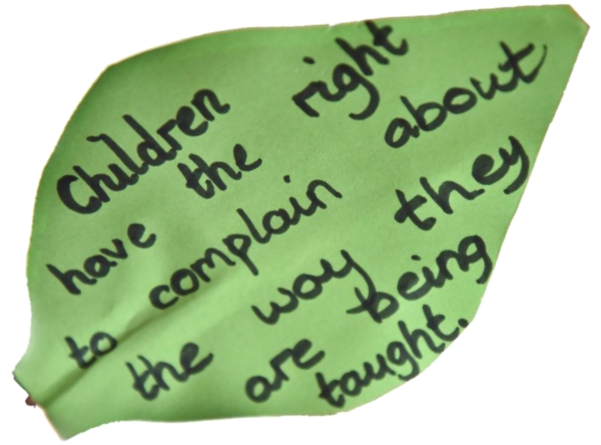
Adults' power stops children from being able to complain

Children tell us that adults:

- do not listen properly to children
- do not take children's concerns seriously
- struggle to see the world through the eyes of children
- have systems that are designed by adults, for adults
- share information without children's knowledge or consent
- do not work with children to find solutions that work

# When complaining worked

Children in one group shared an experience of when raising a complaint had worked out well for them. Some children in their school had been unhappy with how their playground was being used and how the differing needs of younger and older children were creating challenges. Interestingly, this example did not result in a 'perfect' solution, but the children were appreciative of the process and felt heard and respected. The use of their playground was modified to meet a range of different needs as a result of their complaint. Crucially for the children, they had an active role in coming up with solutions.



## What worked?

1

Children knew that they could complain and who to complain to. They were confident that they would be taken seriously.

2

Teachers listened to the children and took their complaint seriously. They saw the problem through the eyes of the children.

3

Peer mediators helped by empathising with the children and listening to what the problem was.

4

Everybody worked together to find solutions and to fix the problem.

5

Changes were made that the children could see. Children felt listened to.

6

Things got better. The solutions are not perfect but the situation improved.



lack of confidence

# Barriers

not respected

Being

Int



Thinking the person  
won't take you  
seriously

When you discuss  
a complaint and  
the person who you're  
talking to does not  
listen.

Adults must  
be able to take  
on board your  
complaint.

Incase you have  
no confidence to  
tell someone that  
they're doing something  
you don't like.

The thought of it  
going wrong, being  
scared of the  
result.

getting frightened  
things will  
go wrong.

When you make a  
complaint it's not always  
something that gets  
in the way it  
might be the person  
you make it to.

Adults are in  
power, children  
can't take power  
over them.

Being too  
far away  
from the  
person to make  
a complaint to.

Being  
Scared.

# Barriers to complaining

## Culture

Children want adults to help create a culture where complaining and speaking out is seen as acceptable and OK. "It should be seen as normal to have an opinion and make a complaint" but at the moment this is not the case. To make a complaint is to go against the dominant culture and to appear as someone who is problematic rather than someone who can see how life can be improved for themselves and/or other children. Complaints need to be seen as something positive that affect change for the better.

## Institutions

Adults create systems and in these systems *they* are in charge. Children feel at the mercy of these large systems and do not feel they have any power to influence or change them. As a result there is a "feeling like there is no point in complaining anyway" and that "adults are in power, children can't take power over them." In the face of large institutions children feel powerless: "there is a feeling of being only one person up against a giant corporation if you complain." One example of where children felt disempowered related to the impact of Local Authority cuts to their education. Children say they had never been consulted on how cuts may affect them, yet they are one of the biggest recipients of Local Authority services. Because the Local Authority is such a large institution, children have no idea how to complain and influence decisions that affect them directly.

## Confidence

The act of making a complaint requires children to be confident in their opinions, experiences and rights. Many children speak about feeling shy and therefore lacking in confidence to complain. The power that adults have – and how children experience this power – undermines children's confidence to complain. This is amplified by a sense that "it might waste someone's time."

Children fear that making a complaint can undermine their confidence and what power they do have. "You want to feel independent and like you can handle things on your own. [You're] not wanting to appear weak and pathetic."



Given that some of the things that children worry about have a direct impact on their emotional wellbeing, it was suggested that any place that offers children the opportunity to complain should also offer counselling and support.

### Skills

The act of making a complaint requires skills to be able to get your point across and stand your ground. Children do not always feel they had the ability to assert themselves and to be heard by adults. They request support to develop their skills and confidence to be more able to complain when things go wrong. One child suggested schools “hold workshops so children can practice” and in response, another child said “speaking up makes us more confident.” “Seeing other young people and adults expressing their opinions is very encouraging and inspiring. It shows that young people can affect change.” The more we support children to develop the skills to speak up, within a culture that hears children, the more confident they will become.

Children feel they have the skills to be very imaginative and to help come up with solutions: “We’ve almost got too much imagination and adults have got too little.” What is frustrating for children is that they do not feel involved in coming up with solutions to complaints: “They [the adults] usually make decisions without asking us – we get told later.”

### Perceptions

There is a belief that adults will not take children seriously when they do complain. “Adults make comparisons to *their* problems and think we can’t understand because our problems aren’t as important. It’s quite patronising.” Children fear that that their complaints will be seen as trivial and irrelevant. “Other people have problems too: Yeah, I have a problem. It may not be as bad as yours, but it’s still a problem.” Children hold back from complaining because this perception undermines their sense of self-belief and erodes their confidence that something will be done about a complaint they have.

### Knowledge

Children do not always know who to complain to or how. “Knowing who to talk to and being able to find them” was a significant barrier. Children feel that if they needed to take a complaint to someone far away, it would be more difficult to find them and know how to complain to them. Children want someone local to complain to. Someone they know. This would make it more likely that all children know where to take complaints.

## Fear

Children don't want to make a fuss. They worry that making a complaint may "hurt their [adults] feelings" and worry about "the thought of it going wrong, being scared of the result" and "making matters worse." These fears link directly to children's anxiety that adults make decisions without involving children and that when children make a complaint, the issue is taken out of their hands. These fears hold children back.

Children are also fearful that nothing will be done when they complain. They do recognise that "not everything can be fixed" but they encourage a pragmatic can-do attitude that says "let's get on and fix it." They understand that through being able to resolve problems together with adults, they will feel better about themselves and their relationships with others.

## Communication

Despite children having a right to a say in matters that affect them, they feel left out of the loop when they make a complaint. They feel that adults make decision on their behalf and this feeds children's fears that complaining may lead to worse outcomes and lead to children feeling disempowered. Children want to have open communication throughout a complaint process and to be actively involved in exploring solutions they feel confident in. Children want to be informed whenever information needs to be shared. Children need to feel in charge.

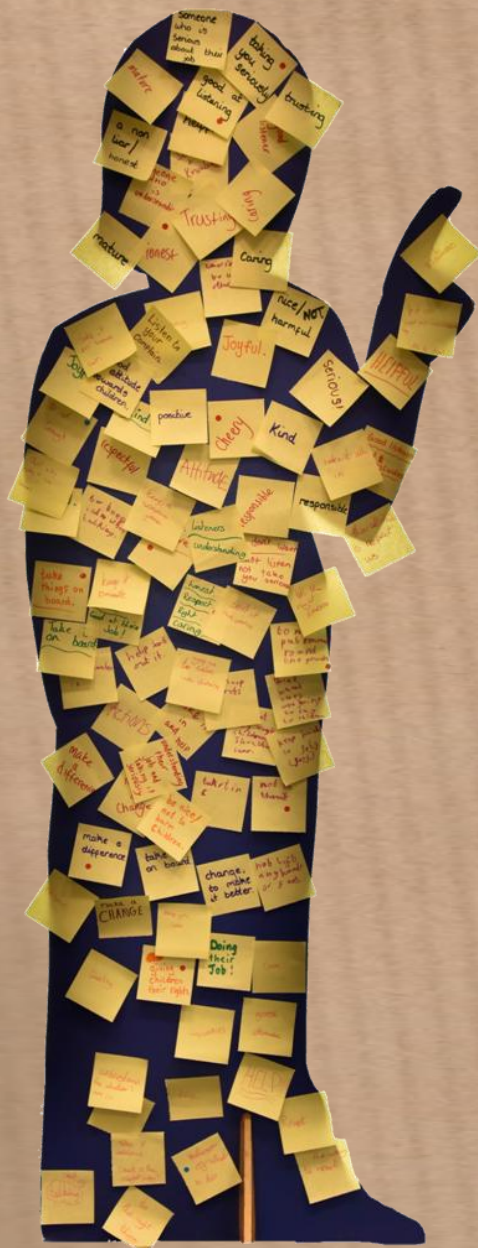
## Availability

Having only one avenue through which to make a complaint is problematic for children. They want a range of options where they can complain, including online, email, telephone and face-to-face support. One group suggested that it would be helpful to have a local centre where they could get to know the people who may hear their complaints. This would help them build confidence in the adults who they may come to rely on and work with.





WHAT  
WE  
NEED  
FROM  
ADULTS



### Treat children with a sense of equality

Think and believe that we are all equal and take children seriously.

### Don't judge

Adults should give children a chance before judging. Don't jump to conclusions.

### Respect

Treat children's concerns like you would treat your own. "Respect our opinions and why we think this way."

### See children as individuals

Understand that everyone is different and we don't all think the same way.

### Know your stuff

Children want to know you are knowledgeable and successful in what you do and what you are talking about. This will give children confidence in you.

### Be genuine

Don't just act caring. "Be caring in your heart." There's a difference and children see it.

### Listen

Give children time to speak. Don't just hear children, understand them too. Encourage children to open up.

### Talk with children

Discuss ways to solve the problem and check out your understanding with a child.

### Respond

Offer a solution and remember children have solutions too.

### Be direct and honest

"Don't beat around the bush." Be to the point and be honest. Children appreciate this.

### Offer privacy

Respect children's privacy and say if you need to share information with other people *before* you do it.

### Stay upbeat

Be positive and cheery. A smile goes a long way.



# Building connections

Children shared ideas about what may facilitate children and young people to complain. At the heart of many ideas was the need to connect, whether in person or through technology. Children feel empowered by meaningful connections and know the power of learning from each other.

## Reach out

Use existing channels to actively reach out to children and young people so they are aware of the possibilities and opportunities open to them. Nothing's going to happen if nobody knows about it. Show children stories that communicate the power of complaining and expressing their own opinions. Do this in spaces that children and young people are already using. Instagram, Facebook, Snapchat and YouTube are all popular, although subject to age restrictions.

## Go online

The internet is a very important space for young people to connect with other young people and adults who can hear a complaint. But adults need to remember that not all children have easy access to the internet without adult supervision so it won't suit some groups. This may be especially true for younger children, looked after children, children with disabilities and others.

## Role models are powerful

Children and young people want to see examples of other young people like them. They want to see role models and other children they feel they can identify with. They also want to know who in their own school and community they can turn to for peer support because "it's easier to make a difference when other people are involved."

Seeing other children, young people and adults expressing their opinions is very encouraging and inspiring. Children learn through observation how to share their thoughts and stand their ground – even if other people do not agree. Seeing other people making a difference shows that children and young people can influence change too.

## Create space

Children spoke of the benefits of dedicated youth spaces designed to offer support to children and young people. These spaces should not just be a place to complain, but also a place for support and advice on a range of issues. This space needs to be developed with children in order that it meets their needs and reflects their values.

## It makes a difference

In a world where complaining is largely seen as negative and where children seldom have the opportunity to complain and to be taken seriously, it should reassure adults that children see complaining as an opportunity to change the world for the better and to further their own wellbeing and the wellbeing of others. A well-handled complaint has the power to improve relationships between adults and children and, crucially, it furthers the implementation of children's rights. Children do not see complaining as an opportunity to 'get even' nor to 'make a fuss'.

And, leaving the final word to them, this is how children tell us they feel when a complaint is handled well:



"I know we are only children but we have complaints too and children have the right to a voice, so why should we not be able to complain? I think adults should listen to us more because we may be children but we all have rights."

# Contacts



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