



nsw commission for
children & young people

Ideas for what to include in your Complaint Procedures

Ideas for complaint procedures

■ What should be reported

Concerns about inappropriate behaviour around kids, actual harm to kids.

■ Kids and complaints

Children are vulnerable and you need to listen carefully to any complaints they make. They may not use adult “complaint” language, so people who work with children must be alert to their way of communicating.

■ Child Safety Contact Person

The name of the person appointed and the steps they should take in handling a complaint.

■ Confidentiality

Confidentiality is essential to a fair and effective reporting process. Everyone in your organisation should know that all complaints are to be handled through the complaints procedures. Information will only be given to relevant people and authorities involved in the complaints procedures.

■ Record keeping

How information is recorded and stored (see Complaint Record Form).

■ Reporting obligations to authorities

Your organisation should be aware that a complaint or disclosure of child abuse must be reported to the NSW Department of Community Services.

■ Internal discipline procedure

Details on how staff, volunteers and students will be disciplined for inappropriate behaviour. Your organisation needs to protect itself and the rights of staff, volunteers, students and kids. The internal discipline procedure can be included as part of your Child-Safe and Child-Friendly Policy.

■ Closure of a complaint

Support for the child, reporting back to those concerned, follow up with the child, parents, staff, volunteers and students.

NSW Commission for Children & Young People

Level 2

407 Elizabeth Street
Surry Hills NSW 2010

Ph: (02) 9286 7276

Fax: (02) 9286 7267

TTY: (02) 9286 7268

E-mail:

kids@kids.nsw.gov.au

www.kids.nsw.gov.au



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Receiving a Complaint: Tips for the Child Safety Contact Person

Things to keep in mind

■ Be Fair

You need to show support to the person raising the concern or complaint but you must avoid 'taking sides'. Listen and record the complaint for action through the complaints process.

■ Supporting Children

Children will be frightened in this situation. Make sure you listen carefully to the child, treat them with respect, take them seriously and provide them with support and comfort.

■ Keep Confidences

Only people involved in the complaints procedures should know about the complaint. You cannot promise to keep complaints/disclosures secret, but you can promise that those who need to take action will be informed. To a child, you can explain that sometimes a secret cannot be kept if it means someone like them will be hurt.

■ Questions

Where serious allegations have been made avoid asking too many questions. Listen to the complainant's story and take notes. It's not your role to investigate the complaint – leave that to the professionals! (There have been times where cases have been weakened due to inappropriate questioning.)

■ Explain the process

You should explain what will happen next. Let the complainant know exactly who will be told about the matter (eg your senior manager, the relevant government authority if appropriate, parents [if it's a non-family matter]).

■ Investigate

Matters that don't require reporting to the authorities will still need to be investigated by your organisation. You need to ask both parties what happened and then determine what action should be taken. Action could include changes in staffing arrangements, explanations, apologies and improved systems for the whole organisation.

■ Keeping kids connected

Ask the child what the organisation can do to keep them safe and feeling welcome.

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Dealing with Complaints

EXAMPLE ONLY

For Example

1. Statement

Everyone in our organisation should be confident that complaints will be dealt with honestly and fairly.

Everyone in our organisation should be confident in reporting inappropriate behaviour around kids.

Everyone in our organisation should report any concerns about the safety or welfare of a child or young person immediately.

2. All complaints should be reported. This includes:

- Disclosure of abuse.
- Inappropriate behaviour around kids.
- Suspicion of abuse or harm to a kid.

3. All complaints must be reported to the Child Safety Contact Person, (person's name) on (mobile number).

A child or young person, or any staff member/volunteer/student can make a complaint, or raise a concern, directly to the Child Safety Contact Person.

4. The Child Safety Contact Person will take the following action:

- Listen to the person making the complaint and make a record of the complaint using the 'Complaint Record Form'.
- In NSW make a report to the NSW Department of Community Services in the case of an allegation of child abuse. Inform everyone involved in the complaint of the requirement to report the complaint to the relevant authorities in the case of a child abuse allegation.
- If the complaint involves inappropriate behaviour and a breach of the Code of Conduct, the manager/leader will need to take action in accordance with the internal discipline procedure.

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Dealing with Complaints

EXAMPLE ONLY

5. NSW Reporting Obligations

Department of Community Services (DoCS)

Any person who has reasonable grounds to believe that a child or young person is at risk of harm may report to DoCS. Phone 132 111 to report child abuse or neglect (24 hour service).

Some people must report if they have reasonable grounds to suspect a child is at risk of harm. They are legally 'mandatory reporters' and must report concerns about risk of harm to kids to DoCS. A person who is paid to provide the following services and a person (paid or unpaid) who is in a management position in these services are mandatory reporters:

- Health care (eg doctors, nurses etc).
- Education (eg teachers).
- Children's services (eg child care centres).
- Residential services (eg refuges).
- Law enforcement (eg police).

The DoCS website has clear tips about reporting. Go to www.community.nsw.gov.au for more information.

NSW Ombudsman

The NSW Ombudsman supervises the complaints process of all state and local government agencies as well as schools, child care centres and agencies providing Out-of-home care. People using these services can complain to the Ombudsman and the Ombudsman can check that the service has handled the complaint properly.

The NSW Ombudsman's 'Complaint Handler's Tool Kit' and 'Child Protection for the Workplace' Guidelines are available at www.ombo.nsw.gov.au

NSW Working With Children Check

Employers must provide details to the NSW Commission for Children and Young People of any worker, volunteer or student who has been the subject of completed employment proceedings involving:

- reportable conduct; or
- acts of violence committed by them in the presence of a child.

Reportable conduct is:

- any sexual offence or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence); or
- any assault, ill treatment or neglect of a child; or
- any behaviour that causes psychological harm to a child;

whether or not, in any case, with the consent of the child.

(Section 33, Commission for Children and Young People Act 1998)

You do not need to report conduct that is reasonable for the discipline, management and care of children or if it was found the conduct did not occur.

For more information go to www.kids.nsw.gov.au/check

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Dealing with Complaints

Use this template to help develop a complaints policy in your organisation.

Complaints policy for

(your organisation's name)

1. Statement

2. All complaints should be reported. This includes:

3. All complaints must be reported to:

4. The Child Safety Contact Person will take the following action:
