



# Child Safe Program

## Child Protection Complaints Management

For the purposes of this Policy, we refer to School Staff, Volunteers or Contractors together as “Staff” or “staff members”.

## Key Definitions

### Complaint

A “complaint” is an expression of dissatisfaction with an action taken, decision made, or service provided, or with the failure to provide a service, take action or make a decision at the School.

A complaint can be made by anyone including a student, former student, parent/carer, other family member, staff member or member of the wider community.

### Child Protection-Related Complaint

For the purposes of this Policy, a “child protection-related complaint” includes any disclosure, allegation, suspicion, concern or internal report of:

- ♦ a breach of the School’s Child Protection Codes of Conduct
- ♦ a child safety incident or concern alleged to have occurred, be occurring or be at risk of occurring at the School or a School event
- ♦ Reportable Conduct
- ♦ other staff misconduct (such as a procedural breach of the Child Protection Program)

- any complaint about the School’s response to or management of a child safety incident or concern, including complaints alleging non-compliance with our procedures for Responding to and Reporting Child Safety Incidents or Concerns.

## Background

Under Standard 7 of the Victorian Child Safe Standards, the School must have and implement child-focused processes for managing complaints and concerns. To meet this Standard, Ministerial Order I359 requires the Board to (among other things):

- develop a complaints handling policy that meets a number of specific elements and that clearly outlines:
  - the process for making a complaint about the School, or the behaviour of any person within the School
  - the roles and responsibilities of leadership, school staff, and Volunteers in relation to complaints handling
  - the process for dealing with different types of complaints, breaches of relevant policies or the Child Safety Code of Conduct, and obligations to act and report
- have policies and procedures in place that address reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and cooperating with law enforcement
- ensure that record keeping, reporting, privacy and employment law obligations are met when responding to complaints and concerns
- have a clear procedure or set of procedures for responding to complaints or concerns relating to child abuse
- ensure that complaints are taken seriously and responded to promptly.

A child-focused complaints handling process is important for helping students and others at the School make complaints, whether about child safety wellbeing or otherwise. This Policy supports the creation of a culture for students and their families to have their complaints heard, considered and responded to, and a culture of transparency in our complaints management processes.

It sets out how the School, as a child safe organisation:

- has and implements a child-focused complaints handling system
- manages child protection-related complaints

This Child Protection Complaints Management Policy is communicated to and understood by students, Staff and parents/carers, and ensures that child protection-related complaints are handled in a timely, fair and transparent manner.

This Policy is summarised in our public-facing Procedures for Managing Child Safety Incidents or Concerns At or Involving the School or its Staff. In our public-facing Grievance procedure, we include details about how to make a Child Protection complaint.

A child-friendly version of this Policy is also provided to students.

## **Child-Focused and Culturally Safe Complaints Handling**

The School's system for handling complaints that involve students (whether as complainant, victim, witness or person being complained about) is child-focused, and follows the National Office for Child Safety's [Complaint Handling Guide: Upholding the rights of children and young people](#) and the Commission for Children and Young People's [Including Children and Young People in Reportable Conduct Investigations resources](#).

The School's system for handling complaints that involve students (whether as complainant, victim, witness or person being complained about) is culturally safe. We consult with relevant communities (the variety of communities that are relevant to the School, such as Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, and other communities that make up our Staff and student cohort) about how to enable, support and respond to complaints in a culturally sensitive way.

## **Responsibilities for Child Protection Complaints Management**

The Principal is responsible for ensuring the efficient and effective organisation, management and administration of the School's complaints handling processes.

All Staff are responsible for

- responding appropriately to a student who raises or is affected by a child protection-related complaint
- understanding their internal and external reporting requirements relevant to child protection-related complaints and for complying with this Policy.

Child Safe Officers and the Principal are responsible for:

- providing assistance and advice to Staff about their obligations under this Policy
- ensuring that the School takes all child protection-related complaints seriously, and escalates, reports and responds to these appropriately
- ensuring that the School responds appropriately to a student who raises or is affected by a child protection-related complaint
- promptly and thoroughly managing the School's response to child protection-related complaints as set out below
- monitoring the School's compliance with this Policy.

Where a particular child protection-related complaint involves the Principal and they therefore cannot perform the above roles, the Assistant Principal undertakes these responsibilities.

## Making a Child Protection-Related Complaint

The School has developed complaints handling processes, to enable:

- simple and appropriate avenues for students, Staff, parents/carers and the wider community to make a complaint, including child protection-related complaints
- confidentiality and accessibility for all members of the School community.

These are:

I. **Anyone** can, at any time, make a child protection-related complaint to:

- the Principal
- a Child Safe Officer
- a trusted staff member

in person, in writing or over the phone.

Non-child protection-related complaints should be made to the Principal.

2. **Parents/carers, family members and other community members** who have child protection concerns or who wish to make a child protection-related complaint about the School, its students or staff members are asked to follow the procedures set out in our Child Safe Policy and to contact:
- the School's Senior Child Safety Officer, John Stewart, by phoning 59671953 or emailing [jstewart@lyss.vic.edu.au](mailto:jstewart@lyss.vic.edu.au), or the Principal; or
  - if the concern relates to the Principal, the Assistant Principal by phoning 5967 1953.
3. **Students** have multiple pathways to make a complaint, including child protection-related complaints, at the School. These include:
- disclosing child safety incidents or concerns, including abuse or other harm of themselves or of any other child or student aged 18 or over, to any staff member. This might be done:
    - verbally
    - in writing
    - through electronic means (such as email)
    - indirectly (such as in written assignments, in artworks or in any other way)
  - using the School contact page which is located on the LYSS website to disclose child safety incidents or concerns, including abuse or other harm of themselves or of any other child or young person, anonymously
  - by contacting DFFH.

## Responding to a Child Protection-Related Complaint

### Support for Complainants

Whenever a staff member receives a complaint containing information about child safety incidents or concerns, the staff member must offer the complainant and any student involved in the complaint (if they are not the complainant) age and culturally appropriate support and assistance under our [Support Following Child Safety Incident or Disclosure](#) policy. The School will also support students, families and relevant Staff involved in a child protection-related complaint as set out in that policy.

### Internal and External Reporting

All Staff **must** follow the School's Procedures for Responding to and Reporting Child Safety Incidents or Concerns if any information contained in a complaint that is made to them raises a concern that a

student may have been subject to, or may be at risk of, abuse or other harm at the School or a School event, or from a staff member. This includes in particular:

- Reporting a Child Safety Incident or Concern Internally
- Duty to Protect/Failure to Protect
- Mandatory Reporting to Child Protection
- Non-Mandatory Reporting to Child Protection
- Reporting to Police
- Reportable Conduct
- Reporting Teacher Misconduct to the Victorian Institute of Teachers

Our internal reporting and Reportable Conduct policies require all Staff to report any child protection-related complaint that is made to them to a Child Safe Officer or the Principal in addition to making any required external reports. If a complaint is about the Principal, the complaint must be referred to the Board Chair.

## How the School Manages Child Protection-Related Complaints

The School manages child protection-related complaints as follows:

### **Child protection-related complaints that involve, or raise the possibility of a risk of, child abuse or other harm to a child are managed under the Child Protection Program**

The following child protection-related complaints must be managed pursuant to any relevant policies and procedures in this Child Protection Program:

1. complaints involving, or raising the possibility of a risk of, child abuse or other harm occurring at the School or a School event, or by a staff member, Volunteer or Contractor
2. complaints alleging a breach of the Child Protection Codes of Conduct that involves, or raises the possibility of a risk of, child abuse or other harm by a staff member, Volunteer or Contractor.

These kinds of child protection-related complaints must be immediately referred to the Principal (or if the complaint involves the Principal, the Board Chair) to be managed pursuant to relevant policies and procedures in the Child Protection Program.

The Principal may, where appropriate, delegate management of these kinds of child protection-related complaints to a Child Safe Officer.

Relevant policies and procedures for managing these kinds of child protection-related complaints include, but are not limited to, [Reportable Conduct](#), [Reporting Teacher Misconduct to the Victorian Institute of Teaching](#), [Mandatory Reporting to Child Protection](#), [Reporting to Police](#) and [Duty to Protect/Failure to Protect](#).

## **Other child protection-related complaints that are managed under the Child Protection Program**

The following child protection-related complaints must also be managed pursuant to any relevant policies and procedures in this Child Protection Program:

1. complaints about the School's investigation of and/or response to a specific incident of or concern about child abuse and other harm to a child
2. complaints that the School, when responding to a specific incident of, or concern about, child abuse and other harm to a child, has not correctly followed the School's own policies (for example, a complaint that we did not follow our Reporting Teacher Misconduct to the Victorian Institute of Teaching or Reportable Conduct policies)
3. complaints that the School has not correctly followed legislative or regulatory requirements regarding child protection in relation to a specific incident of, or concern about, child abuse or other harm to a child (for example, a complaint that we shared information about a child safety incident or concern with an external agency when not permitted by law to do so).

These kinds of child protection-related complaints must be immediately referred to the Principal (or if the complaint involves the Principal, the Board Chair) to be managed pursuant to relevant policies and procedures in the Child Protection Program.

The Principal may, where appropriate, delegate management of these kinds of child protection-related complaints to a Child Safe Officer.

Relevant policies and procedures for managing these kinds of child protection-related complaints include, but are not limited to, [Disciplinary Actions \(Child Protection\)](#), [Child Protection Program Breach Management](#) and [Regular Reviews and Continuous Improvement](#).

## Child protection-related complaints that may be managed under other School policies and procedures

The following child protection-related complaints may be managed pursuant to other relevant School policies:

1. complaints alleging a breach of the Child Protection Codes of Conduct that **do not** involve, and **do not** raise the possibility of a risk of, child abuse or other harm to a child by a staff member, Volunteer or Contractor (for example, a complaint that a staff member has expressed personal views on sexuality in the presence of students)
2. complaints alleging procedural breaches of the Child Protection Program by Staff that **do not** involve, and **do not** raise the possibility of a risk of, child abuse or other harm to a child (for example, a complaint that a staff member has not renewed their WWC clearance)
3. general complaints about our Child Protection policies and procedures themselves (for example, a complaint that our policies and procedures do not accurately reflect the law or that they do not take into account the needs of a particular student or community cohort).

Although these kinds of child protection-related complaints may be managed pursuant to other relevant School policies, the Principal or other person managing the complaint should – where appropriate - consult with a Child Safe Officer as part of the investigation.

With respect to 3. above, given the high risk to the School of not having a compliant Child Protection Program, it is likely that the outcome of these kinds of complaints will need to be reported to the Board.

Relevant policies and procedures for managing these kinds of child protection-related complaints include, but are not limited to, our Grievance procedure.

## Guidance and Resources for Managing Child Protection-Related Complaints



The Grievance procedure provides guidance on complaints handling principles and a step-by-step guide to managing a complaint.

The National Office for Child Safety publishes a guide for complaints that involve children and young people: [Complaint Handling Guide: Upholding the rights of children and young people](#).

Our [Reportable Conduct](#) and [Reporting Teacher Misconduct to the Victorian Institute of Teaching](#) policies set out procedures that will be followed for complaints about inappropriate conduct by Staff.

## Reviews of Child Protection-Related Complaint Outcomes

### Internal Reviews

Complainants or other persons who are involved in the child protection-related complaint (for example, a staff, member whose behaviour is the subject of the complaint, a student who is the victim of the alleged behaviour or the parent/carer of a student involved in the complaint) and who are not satisfied with the management of a child protection-related complaint or its outcome may request an internal review of:

- the procedures undertaken
- findings made
- disciplinary actions proposed or taken
- other outcomes (including a decision not to make a finding or to take disciplinary or other action).

Requests for internal reviews should be made to the Principal.

## Record Keeping about Child Protection-Related Complaints

Because of the confidentiality and privacy issues that arise with respect to child protection-related complaints, records of complaints that contain information about child safety incidents or concerns are not held within our general complaints handling record keeping system.

Child protection-related complaints are instead recorded under our [Child Protection Record Keeping](#) policy.

## **General Reviews of Child Protection Complaints Management**

The School regularly reviews child protection-related feedback, comments and complaints to ensure that any child safety-related feedback, comments or complaints from the School community members and relevant stakeholders are captured, analysed and acted on where appropriate.

In particular, the School and the Board regularly analyse child protection-related complaints to identify causes and systemic failures to inform continuous improvement.

Our Child Protection Complaints Management Policy is also itself regularly reviewed as part of our reviews of the Child Protection Program.

For more information, refer to [Regular Reviews and Continuous Improvement](#).