

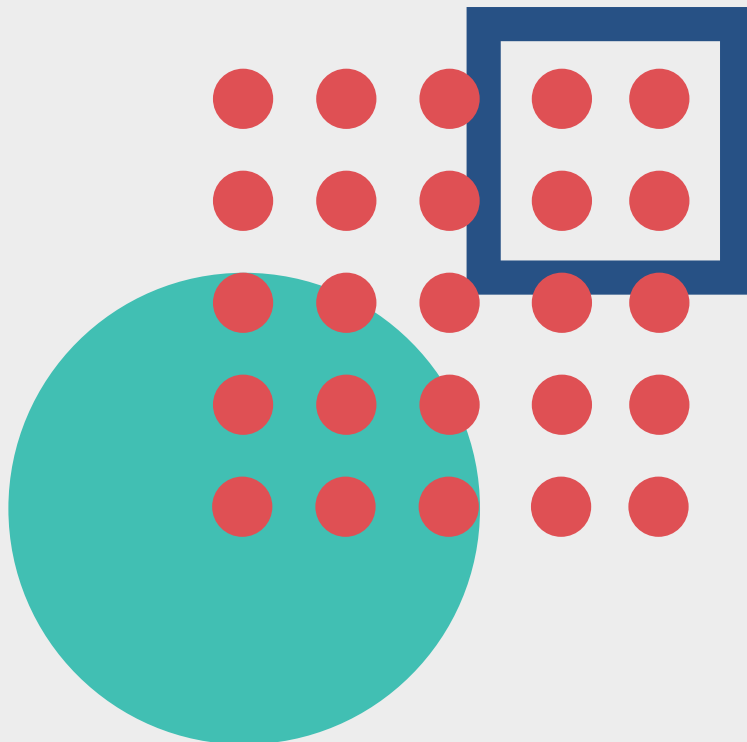


Australian Government  
National Office for Child Safety

# Complaint Handling Guide

Upholding the rights of children and young people

**A Reference Guide**



# Complaint Handling Guide

Upholding the rights of children and young people

## A Reference Guide

Every organisation working with children and young people has the same obligation to respond effectively to complaints that affect children and young people.

The *Complaint Handling Guide: upholding the rights of children and young people* (the Complaint Handling Guide) provides comprehensive practical advice to organisations about how to develop, implement and maintain a complaint-handling system that prioritises child safety and promotes the rights of children and young people to have a voice in decisions that affect them.

This reference guide may assist smaller organisations understand and navigate the detailed advice provided in the Guide.

This document includes:

- ▶ the foreword
- ▶ a flow chart for managing complaints
- ▶ the nine guidelines, and
- ▶ a listing of the appendices.

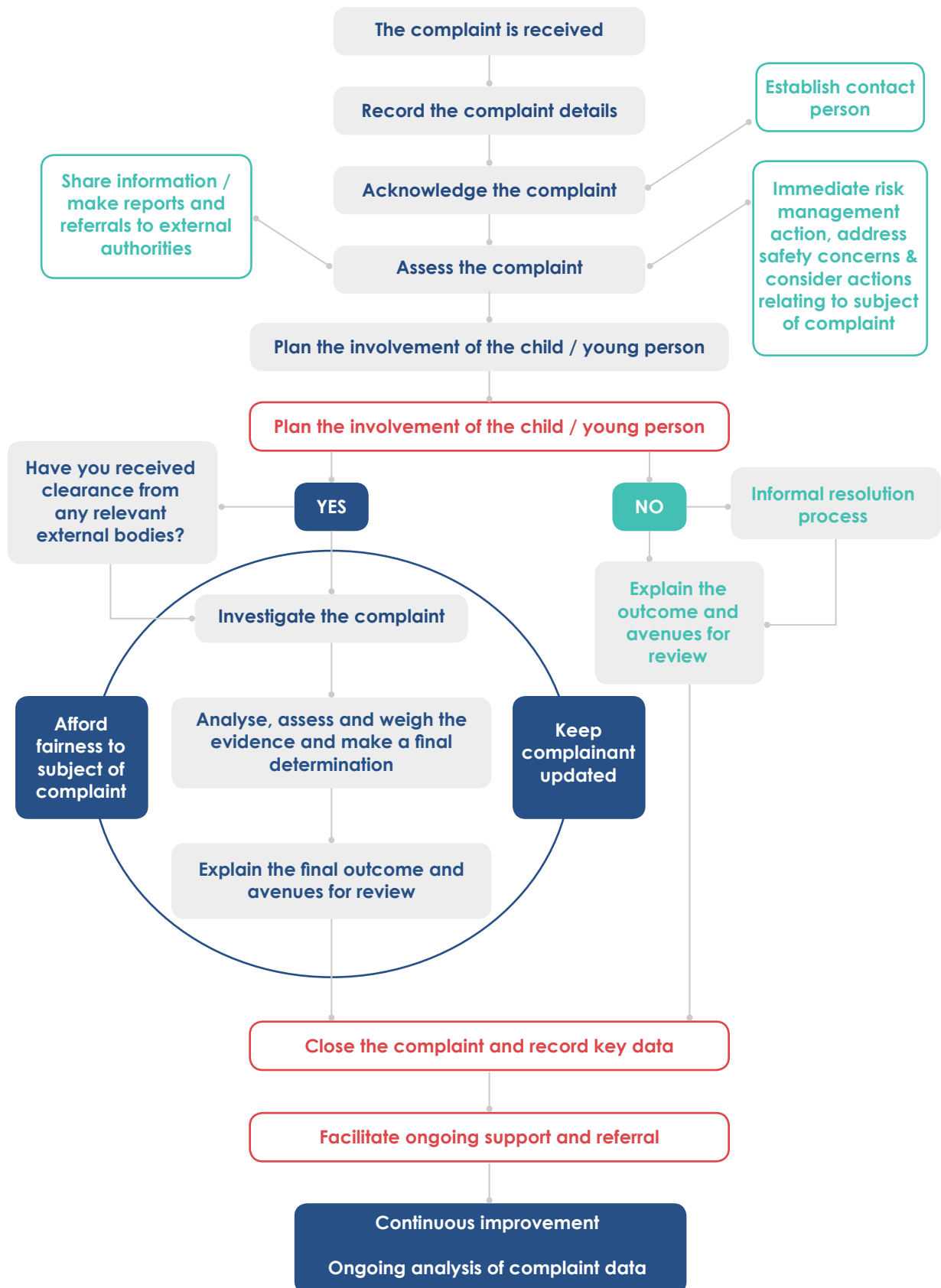
More detailed advice is available in the Complaint Handling Guide.

This reference guide is not intended as a replacement of the Complaint Handling Guide.



# Complaint Handling:

Upholding the rights of children and young people (an overview)



# Foreword

In February 2019, the Council of Australian Governments endorsed the National Principles for Child Safe Organisations (the National Principles).

The National Principles give effect to the ten child safe standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse. They provide a nationally consistent approach to cultivating organisational cultures and practices that foster child safety and wellbeing. All governments are responsible for giving effect to the National Principles in their jurisdictions.

National Principle 6 states that organisations should have processes to respond to complaints and concerns that are child-focused and uphold the rights of children and young people. The Royal Commission highlighted the importance of institutions using a child rights framework to guide their work with children and young people.

This Guide provides practical advice to organisations about how to develop, implement and maintain a complaint-handling system that prioritises child safety and promotes the rights of children and young people to have a voice in decisions that affect them.

The more that organisations seek to involve children and young people in decision making, the greater the likelihood they will speak up when something is wrong and participate meaningfully in a complaints process.

This Guide is designed for a wide audience—from small service providers working with children and young people (such as sport clubs) to large government agencies which come into contact with children and young people. It gives advice to organisations on handling a broad spectrum of complaints relating to child safety, from simple customer service issues which impact on children and young people to more complex complaints of abuse by staff, volunteers or other children and young people receiving services.

Every organisation working with children and young people—no matter their size—has the same obligations to respond effectively to complaints that affect children, whether initiated by a child or young person directly, or by an adult on their behalf.

I would like to thank the NSW Ombudsman's Office for developing this Guide for the National Office for Child Safety, informed by the advice of children's commissioners, advocates, guardians and ombudsman offices around the country.

I trust that this Guide will be a helpful resource for your organisation.

**KATHRYN MANDLA**

Head, National Office for Child Safety



# 1 Guideline 1

## Embedding children's rights, safety and wellbeing into the complaints process

- ▶ Organisational culture prioritises children and young people's rights, safety and wellbeing.
- ▶ Organisations make a clear commitment that no one will be penalised or suffer adverse consequences for making a complaint.
- ▶ Children and young people have the right to know their rights. Staff know these rights, teach children and young people about them and empower them to speak up.
- ▶ Children and young people know who to talk to if they are worried or feeling unsafe.
- ▶ A culturally safe environment is provided for Aboriginal and Torres Strait Islander children and young people and their families.
- ▶ Diversity and cultural difference is respected by meeting the needs of children and young people from CALD backgrounds, those with disability and LGBTQI children and young people.
- ▶ Staff and volunteers have a good knowledge of the different ways children and young people express concerns or distress and disclose harm.
- ▶ Complaint-handling processes are linked to an organisation's Code of Conduct, and staff and volunteers feel supported to draw attention to breaches.
- ▶ Input is sought from children and young people on the design, implementation and ongoing improvement of the complaint-handling system.
- ▶ Barriers for all children and young people to complain are removed and reasonable adjustments are made to meet their needs.
- ▶ Information about the complaints process, including how to make a complaint and what to expect, is readily available in accessible, age-appropriate formats.
- ▶ Complaint-handling system is understood by children and young people, families, staff and volunteers.
- ▶ Complaints processes and responses are trauma informed.
- ▶ Various ways for children and young people to make complaints are made available based on their feedback about how they prefer to communicate.
- ▶ It is assumed all children and young people are capable of being involved in the complaints process.
- ▶ Children and young people are asked about the type of supports they need to participate in the complaints process. A plan for involving them is developed.
- ▶ Honesty and openness about the things that children and young people have a control over or a say in, and those where they do not.
- ▶ Timely feedback is provided to children and young people, families, staff and volunteers who raise concerns or complaints.



# 2

## Guideline 2

# Reporting responsibilities

- ▶ Complaint-handling policy clearly outlines roles and responsibilities of staff (including senior management, supervisors, staff and volunteers) in meeting their obligations to protect the safety of children and young people in the organisation. Staff are aware and receive training on their responsibilities.
- ▶ Staff are aware of processes for escalating concerns when they do not think they have been handled appropriately within the organisation.
- ▶ Information arising from complaints is shared in accordance with the law to promote the safety and wellbeing of children and young people.
- ▶ Legislative obligations to report to child protection authorities and police, and to notify that reportable allegations or incidents are met.
- ▶ Organisations cooperate with external authorities, regulators, reportable conduct scheme operators and Working With Children Check screening bodies when necessary.
- ▶ After a report is made, risk is reassessed and all necessary steps taken to protect child safety and wellbeing.
- ▶ Children and young people are kept informed of the actions you take to ensure their safety, including any reports made to external bodies.
- ▶ The contact details for relevant authorities, such as police, child protection services, children's and young people's guardians and commissioners, are in a prominent place so they're easy to find.

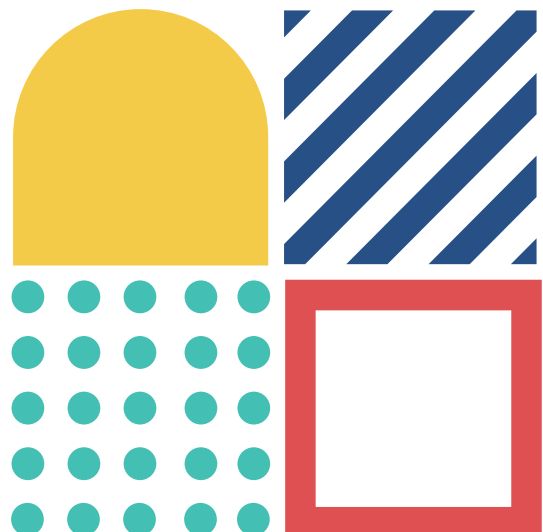


# 3

## Guideline 3

# Sharing information & communicating with stakeholders

- ▶ An organisation's complaint-handling policy:
  - » documents the importance of sharing information to promote the safety, welfare and wellbeing of children and young people, and keeping relevant parties appropriately informed throughout the complaints process
  - » specifies the legislative responsibilities for information sharing and related privacy laws
  - » identifies the role in the organisation with the relevant authority to make decisions and provide advice on information sharing
  - » requires that all decisions to share information are clearly recorded, including the legal basis relied on.
- ▶ Staff and volunteers know what information they can share, with whom and when, and how it should be communicated to protect the safety and wellbeing of children and young people in accordance with privacy and confidentiality obligations.
- ▶ The organisation knows the type of information it can share with children and young people, their parents and carers, and other parties who may not be directly involved in a complaint but who have a legitimate reason for receiving certain information, and the relevant factors that should be considered.
- ▶ Children and young people are told about what information must be reported, how the organisation will protect their privacy and confidentiality, and what will happen next.





# 4

## Guideline 4

# Confidentiality & privacy

- ▶ Children and young people have the same right to privacy, anonymity and confidentiality as adults (subject to reporting obligations).
- ▶ Organisations maintain up-to-date knowledge of, and comply with, their legislative obligations to maintain confidentiality and protect personal information and privacy.
- ▶ Children and young people may waive their right to privacy and confidentiality if they decide to involve somebody else in the complaints process, e.g. to access support.
- ▶ Have an ongoing conversation with children and young people, their parents/carers, about what information must be shared or disclosed (e.g. to the police) and what information must be kept confidential.
- ▶ Treat a child's or young person's personal information arising from a complaint and any records made about their complaint in accordance with the law.
- ▶ Risk management strategies tell staff what to do if information leaks or rumours circulate in relation to a complaint—e.g. on social media—to protect the safety and wellbeing of the child or young person, the complainant or subject of the complaint. See e-Safety Commissioner advice: <https://www.esafety.gov.au/>.



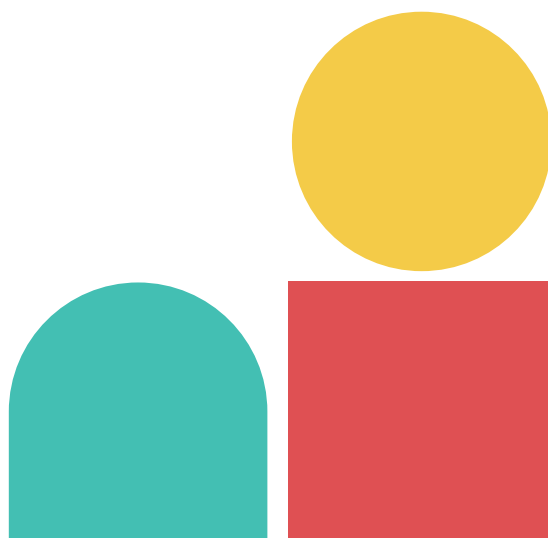


# 5

## Guideline 5

### Managing risks – complaints and incidents

- ▶ Organisations have a clear understanding of the potential risks to children and young people, identifies and assesses risks with specific services and activities they deliver, and develops a plan to prevent risks from occurring.
- ▶ A risk management plan or strategy is tailored to suit the organisation's operating context and accounts for possible risks in both physical and online environments.
- ▶ Risk management plan includes staff responsibilities and priorities in identifying, mitigating and responding to risks that may arise in relation to complaints.
- ▶ Organisations listen to what children and young people have to say about what makes them feel safe and unsafe in the organisation, what they like and do not like, and how things could be better. This should inform the development of a risk management plan.
- ▶ Staff and volunteers identify risks posed to children and young people and understand they need to act immediately to address them.
- ▶ Organisations monitor and reassesses risks to children and young people (including their ongoing support needs) and all other identified risks throughout the investigation and complaint-resolution process.
- ▶ Organisations are aware of the type of risk management action that may need to be taken when a complaint involves a staff member, volunteer or another child or young person at the organisation, e.g. a staff member may need closer supervision, or to be removed from having any direct contact with children and young people, or to be stood down from their role.
- ▶ Parties to a complaint—including the affected child or young person—know what action has been taken in relation to the subject of the complaint to manage risks during the investigation of the complaint.



# 6

## Guideline 6

# Conducting investigations involving children and young people

- ▶ Complaints affecting children and young people are properly investigated and their rights are safeguarded throughout the investigation process.
- ▶ A specific plan is developed for involving a child or young person in the investigation, and adjusted as necessary throughout the investigation. Plan makes clear how child safety and wellbeing will be prioritised.
- ▶ Where possible, one person should be identified to be responsible for liaising with the child or young person throughout the entire process. This person may or may not be the investigator but it should be someone appropriate and trusted by the child or young person.
- ▶ Regardless of whether or not an external investigator is appointed, the organisation still needs to be involved in key aspects of the investigation process, such as making final determinations, risk management, communicating with stakeholders and supporting the child or young person.
- ▶ Always consider obtaining a version of events from the affected child or young person. Also consider whether there is the potential for an interview to have any adverse impact. The child's or young person's parents, carer or guardian should be consulted unless there are good reasons not to do so.
- ▶ Conduct a pre-interview assessment to gather information about the child's or young person's support needs.
- ▶ Prepare a plan for interviewing the child or young person and identify their support needs, including any support with communication.
- ▶ Build and maintain rapport with children and young people during the interview; encourage them to provide an explanation of what happened in their words.
- ▶ Investigations into complaints involving children and young people need to be planned, fair, proportionate and thorough, with findings supported by the available evidence.
- ▶ Decide what actions should be taken following the investigation.

# 7

## Guideline 7

### Being fair and objective

- ▶ A fair process for all parties to a complaint also means a safe process for the affected child or young person.
- ▶ Listen to what children and young people say without judgement and take their views seriously.
- ▶ Never dismiss or give less value to children's or young people's views simply because they are not adults.
- ▶ Do not prioritise an adult's opinion over that of a child or young person where they may differ.
- ▶ Staff (particularly those involved in handling complaints) are aware of the common misconceptions about the reliability of children and young people as complainants.
- ▶ Identify and manage conflicts of interest to ensure a fair process and outcome for the affected child or young person, complainant and the subject of the complaint.
- ▶ Staff are aware of the potential for bias—e.g. where a child or young person makes a complaint about a valued staff member or volunteer—and know how to avoid it.
- ▶ The complaint investigation process is fair to the affected child or young person, other complainants and the subject of the complaint.
- ▶ Investigations are conducted with integrity and the process withstands external scrutiny.

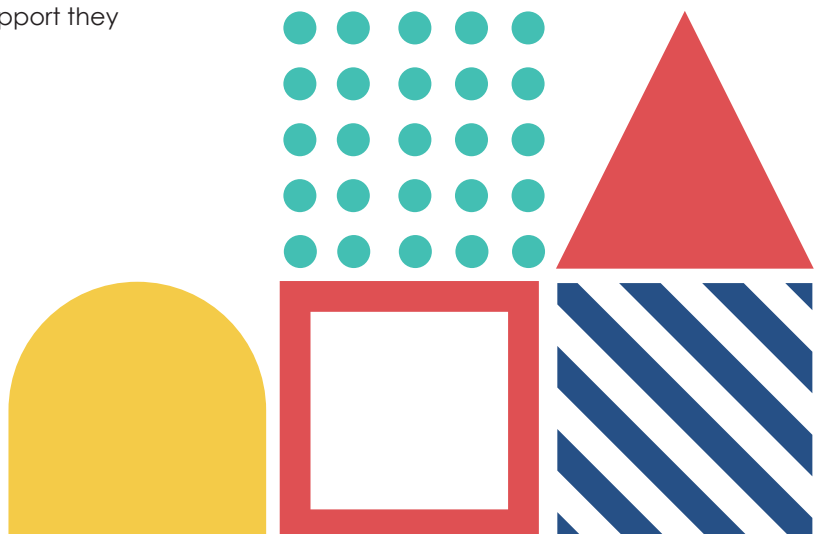


# 8

## Guideline 8

# Explaining outcomes and review options

- ▶ Organisations know what type of outcomes are available for different complaints, such as providing an explanation, improving policies and systems, child protection, management and disciplinary or criminal action.
- ▶ Apologies are made whenever possible when mistakes are made.
- ▶ Children and young people and complainants know what the potential outcomes are for certain types of complaints and are told the final outcome and the reasons for it.
- ▶ Children and young people and complainants know what action was taken to deal with the complaint.
- ▶ Finding out about the outcome of a complaint may be traumatic for the child or young person involved and may make them feel unsafe, irrespective of the outcome. Consider the most appropriate way to communicate information to the relevant child or young person, and the support they might require.
- ▶ Ensure that children and young people in care or detention understand why the outcome resulting from a complaint has led to a change that needs to be made to their everyday life or where they live, e.g. having to change care placements due to safety risks.
- ▶ Explain to children and young people how they can seek a review of the outcome if they are unhappy with the complaints process or the result. Let them know the contact details for external complaint-handling review bodies if they continue to have concerns.
- ▶ Ensure subjects of the complaint receive reasons for decisions that affect them, and advice about avenues for review of decisions.



# 9

## Guideline 9

# Record keeping & complaints data

- ▶ Full and accurate records about complaints involving children and young people is a fundamental rights issue.
- ▶ Good complaint record keeping helps with continual service improvement and provides greater accountability and transparency around decision making.
- ▶ Effective record-keeping practices are used to receive, record, manage and investigate complaints, and key requirements and related processes are clearly outlined in the complaint-handling policy.
- ▶ Organisations comply with any legislative or other record-keeping requirements in the jurisdiction.
- ▶ Records relevant to child safety and wellbeing are only disposed of in accordance with law or policy.
- ▶ Children and young people and their families are told about what records are kept by the organisation, for how long, and how they can access them now or in the future.
- ▶ Individuals' rights to access, amend or annotate records about themselves are recognised to the fullest extent.
- ▶ Information about all complaints, including breaches of relevant policies/codes of conduct is recorded and analysed to check that:
  - » processes are being followed
  - » timeframes are being met
  - » complaint trends/patters and risks relating to certain individuals are identified
  - » systemic problems are detected and mitigated by the organisation.



# Where can I access the complete Guide?

The complete Complaint Handling Guide: Upholding the rights of children and young people is available at the National Office for Child Safety webpage <https://pmc.gov.au/child-safety>.

