

CHILD SAFE COMPLAINTS MANAGEMENT PROCEDURE

1. INTRODUCTION

This document contains the procedure to be followed for reporting known, suspected or alleged child abuse, misconduct or inappropriate behaviour immediately. If a child is in immediate danger, emergency services should be called on 000. The Child Safe Complaints Management Procedure should be read in conjunction with the [Child Safe Policy](#) and [Child Safe Reporting Process Flowchart](#).

2. WHO CAN MAKE A COMPLAINT OR CONCERN AND HOW TO REPORT IT

Anyone can raise a concern or make a complaint including children, families, workers or community members by the following mechanisms:

- completing Council's online [complaint form](#) either on the website or through the MyTRC App;
- phone call to Council on 02 6767 5555; or
- phone call to the appropriate reporting body (see contact numbers in Section 5).

Everyone has the right to make a genuine complaint and won't be punished for doing so. Reporting abuse is mandatory and encouraged, it is never to be obstructed or prevented.

3. WHAT CONCERNS SHOULD BE REPORTED

All complaints or concerns should be reported. This includes criminal conduct, risk of significant harm (ROSH), disclosures of abuse, unacceptable behaviour around children and young people and suspicion of abuse or harm to a child or young person and reportable conduct. Different types of abuse may include:

Grooming: this is a process where a person manipulates a child or group of children and sometimes those looking after them, including parents, carers, teachers and leaders. They do this to establish a position of 'trust' so they can then later abuse the child

Physical abuse: includes physical punishment, such as pushing, shoving, punching, slapping and kicking, resulting in injury, burns, choking or bruising, as well as threatening to physically harm a child or causing danger to life.

Psychological abuse: includes bullying, threatening and abusive language, intimidation, shaming and name calling, ignoring and isolating a child, and exposure to domestic and family violence.

Sexual misconduct: some forms of unacceptable behaviour in an organisation are known as misconduct and may not be as severe as abuse – although they could indicate that abuse is occurring. For example, showing a child something on a phone, inappropriate conversations or an adult sitting with a child on their lap.

Sexual offences: includes the sexual touching of a child, grooming, and production, distribution or possession of child abuse material (often known as pornography).

Neglect: includes lack of supervision, not providing adequate nourishment, clothing, shelter or medical care, and lack of education.

4. RISK MANAGEMENT DURING THE COMPLAINTS PROCESS

It is expected that all actions and interactions are to be in the best interest of the child and consistent with the United Nations Convention on the Rights of the Child, noting that the safety and wellbeing of the child is paramount. Other factors in risk management include procedural fairness and appropriate support for the employee named in the allegation; support for other relevant parties and a proper investigation of the allegation. The Manager, Risk & Safety will conduct a risk assessment after receiving a complaint to ensure the safety of all people involved and maintain the integrity of the investigation.

Council's risk management process after being notified of a complaint or concern shall include:

- initial assessment on receipt of the reportable allegation, based on all relevant information at the time;
- appropriate revision and adjustment of risk assessment during investigation;
- consideration of potential risk to the investigation, or any individual's health and safety, before informing an employee about the reportable allegation against them;
- final risk assessment, provided to Office of the Children's Guardian in the final report at end of investigation including in relation to child/ children involved; worker; organisational culture and processes, action/s taken and reasons for action or no action; and
- records maintained of decisions and actions at each stage.

5. NOTIFYING THE AUTHORITIES

Council is required to report matters to NSW Police, Department of Communities and Justice (DCJ) and the Office of the Children's Guardian (OCG) within strict timeframes depending on the nature of the complaint as outlined below.

NSW Police

Contact the police on 131 444 for any situation that could be considered a criminal offence. This includes sexual offences such as sexual assault, sexual touching, sexual acts, grooming, procuring, child abuse material and child prostitution, physical assault and failing in parental responsibilities to care for a child, as well as abandoning or exposing a child. People employed in child-related work may be subject to a criminal offence if they fail to reduce or remove risk of a child becoming a victim of child abuse.

Department of Communities and Justice

Any person who has reasonable grounds to believe that a child or young person is at risk of significant harm may report to DCJ by phoning the Child Protection Helpline on 132 111 (this is a 24-hour service).

Mandatory reporters must report if they have reasonable grounds to suspect a child is at risk of significant harm by going to the [ChildStory Reporter Community](#) or by phoning the Child Protection Helpline. See Section 4 of the Child Safe Policy for the definition of a Mandatory Reporter.

Office of the Children's Guardian

Council is classified as a relevant entity under the Reportable Conduct Scheme which requires it to report to the OCG online at [Reportable Conduct Notification](#) or via phone call to 02 8219 3800 within seven days any of the following occurrences:

Definitions of Reportable Allegations	Examples
Sexual offence	<ul style="list-style-type: none"> • Sexual touching of a child • A child grooming offence • Production, dissemination or possession of child abuse material
Sexual misconduct (conduct with, towards or in the presence of a child that is sexual in nature but is not a sexual offence)	<ul style="list-style-type: none"> • Descriptions of sexual acts without a legitimate reason to provide the descriptions • Sexual comments, conversations or communications • Comments to a child that express a desire to act in a sexual manner towards the child, or another child
Ill-treatment of a child (treatment that is unreasonable, unacceptable, improper, inhumane or cruel)	<ul style="list-style-type: none"> • Making excessive or degrading demands of a child • A pattern of hostile or degrading comments or behaviour towards a child • Using unacceptable forms of behaviour management towards a child
Neglect of a child	<ul style="list-style-type: none"> • Lack of supervision • Not providing adequate nourishment • Not providing adequate clothing or shelter • Lack of adequate and proper supervision • Lack of adequate and proper medical aid
Assault	<ul style="list-style-type: none"> • Some forms of physical punishment • Hitting, striking, kicking, punching or dragging a child • Threatening to physically harm a child
An offence under s43B (failure to protect) or s316A (failure to report) of the Crimes Act 1900	<ul style="list-style-type: none"> • Failure to reduce or remove risk of child becoming victim of child abuse • Concealing a child abuse offence
Behaviour that causes significant emotional or psychological harm to a child	<ul style="list-style-type: none"> • Actions by adults that result in emotional or psychological harm to child, including: • Behaviour patterns that are out of character • Regressive behaviour • Anxiety • Self-harm

The General Manager as Head of Relevant Entity is required to oversee investigations, including the requirement to notify the OCG of reportable allegations and reportable convictions against employees. Council is also required to investigate these matters and these investigations are subject to oversight and monitoring by the Office of the Children’s Guardian. Council must submit an interim report within 30 days of the reportable allegation being made if the investigation is not completed by that time. Once the General Manager is satisfied the investigation has been completed, an entity report including the rationale for the findings must be provided to the OCG.

Investigating allegations

It is expected that all complaints will be dealt with promptly and any allegation of abuse will be treated in a fair, transparent and timely manner, in accordance with legislative reporting requirements. Procedural fairness will be afforded to all those involved in an investigation including notifying a worker of a disciplinary hearing and what will occur at the hearing. The principles of privacy and confidentiality will be upheld as per Council's obligations under the Privacy and Personal Information Protection Act 1998.

Investigations will be undertaken in accordance with the [Local Government Industry Guidelines on Workplace Investigations](#).

Once clearance is given by authorities for Council to investigate the matter, a full child-focussed investigation is to be conducted in a timely manner. The investigator should be aware about support requirements children and others involved in the investigation may have such as:

- offering a support person, interpreter or communication assistant to attend meetings;
- considering whether the person comes from a culturally and linguistically diverse (CALD) background and if they require additional support; and
- considering if the person has a disability and whether they require any additional support.

6. COMMUNICATION AND SUPPORT

Council will provide support to its stakeholders (including workers, families, children and the community) in raising concerns in the following ways:

- providing access to our child safe policies and procedures and how they apply;
- displaying resources in relevant locations on what to report, how to report it and who to report to;
- engaging with children and families in creating age-appropriate resources to display at relevant locations on reporting incidents and allegations including consulting with the Youth Council and Out of School Hours child care;
- providing our workers with training opportunities so they understand their obligations and processes in relation to reporting concerns; and
- supporting the children and families during a complaints process including recommending appropriate counselling and other support services as appropriate.

7. OUTCOME OF PROCEDURE

Following completion of the investigation process, an outcome will be determined and the following undertaken:

- relevant parties involved in the complaint will be provided appropriate feedback to the investigation outcome in accordance with privacy and confidentiality legislation;
- a critical incident review conducted to improve risk management plans and child safe policies and procedures to prevent the incident recording; and
- secure and confidential storage of all documentation pertaining to the matter within Council's electronic systems.