



St Michael's
Lutheran Primary School

CHILD SAFE COMPLAINTS MANAGEMENT POLICY AND PROCEDURES

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Responsibility	Principal	
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Purpose

The Children and Young People (Safety) Act 2017 (SA) requires the School to have appropriate policies and procedures to establish and maintain child safe environments. The National Principles for Child Safe Organisations (National Principles) set out the minimum requirements that the School must meet to do this.

National Principle 6 requires the School to:

- have an accessible, child-focused complaint handling policy which clearly outlines roles and responsibilities, approaches to dealing with different types of complaints and obligations to act and report
- have effective complaint handling processes that are understood by students, families, staff, and volunteers, and are culturally safe
- take complaints seriously, respond promptly and thoroughly, and meet reporting, privacy and employment law obligations.

In addition, the Education and Early Childhood Services (Registration and Standards) Act 2011 (SA) and the Education and Early Childhood Services (Registration and Standards) Regulation 2011 (SA) say that, to be registered, the School must comply with the Standards for Registration and Review of Registration of Schools in South Australia (SA Registration Standards), published by the Education and Early Childhood Services Registration Board (Education Standards Board). The Education Standards Board also publishes an Evidence Guide for Review of Registration (Evidence Guide) to assist schools to demonstrate compliance.

With respect to child safety and child protection, the SA Registration Standards and the Evidence Guide say that the School must have in place, and implement, policies and procedures for managing complaints and grievances from students, parents/carers and the community.

The Complaints Handling Policy sets out how the School meets these requirements with respect to complaints made about the School in general. However, child safe-related complaints often have additional or different management requirements. The Responding and Reporting Obligations (Child Safe) Policy and Procedures sets out how the School and its Staff, Volunteers and Contractors must respond to all child safety incidents or concerns, including child safe-related complaints.

This Policy and its Procedures complement the Complaints Handling Policy and help the School and its Staff, Volunteers and Contractors to comply with it and with the Responding and Reporting

Obligations (Child Safe) Policy and Procedures.

They outline:

- the specific procedures used at the School to enable and encourage members of the School community to make child safe-related complaints
- the School's processes for managing different types of child safe-related complaints
- how the School ensures that child safe-related complaints are handled in a timely, fair and transparent manner.

Scope

If you are one of the people set out in the subsections of this Policy and its Procedures, the relevant subsection applies to you.

For the purposes of this Policy and its Procedures, we refer to Staff, Volunteers and Contractors as "Staff" or "staff members".

However, the terms "Staff" and "staff member" do not include students who are volunteering with, coaching or tutoring younger students at the School. If you are a student, you must instead comply with the Student Code of Conduct and other relevant School policies.

This Policy and its Procedures apply in all School environments, including physical and online environments, and on-site and off-site School grounds (e.g. camps and excursions, and interstate and overseas travel).

Roles and Responsibilities

The following people have responsibilities under this Policy and its Procedures (additional roles and responsibilities are set out in the subsections below):

Staff Members

If you are a staff member, you are responsible for:

- responding appropriately to a student who raises or is affected by a child safe-related complaint
- understanding and complying with your internal and external reporting requirements relevant to child safe-related complaints
- complying with this Policy and its Procedures whenever you receive a child safe-related complaint.

Child Safety Contact Officers

If you are a Child Safety Contact Officer, you are responsible for:

- providing assistance and advice to Staff about their obligations under this Policy and its Procedures
- ensuring that all child safe-related complaints are taken seriously, escalated, reported and responded to
- ensuring that the School responds appropriately to a student who raises or is affected by a child safe-related complaint
- where authorised by the Principal or Chair of the Board, promptly and thoroughly managing the School's response to a child safe-related complaint as set out in the Procedures below
- where authorised by the Principal, monitoring the School's compliance with this Policy and its Procedures.

The Principal

If you are the Principal, you are responsible for undertaking Child Safety Contact Officers' responsibilities above, as well as for ensuring the efficient and effective organisation, management and administration of the School's child safe complaints handling processes.

You may authorise other people at the School to undertake certain complaints management responsibilities, however, you remain ultimately responsible and accountable for implementing this Policy and its Procedures.

References to the Principal in this Policy and its Procedures therefore include these other people when they are undertaking responsibilities under this Policy and its Procedures.

The Chair of the Board

If you are the Chair of the Board, you are responsible for responsible for undertaking the Principal's responsibilities when they cannot perform them (for example, because they are absent or when a particular child safe-related complaint involves the Principal).

You may authorise other people at LESNW to undertake one or more of these responsibilities.

St Michael's Lutheran School Board

St Michael's Lutheran School Board is responsible for:

- approving and regularly reviewing this Policy and its Procedures, as set out in the Regular Reviews and Continuous Improvement (Child Safe) Policy and Procedures
- analysing the School's child safe-related complaints reports and, where appropriate, directing and monitoring improvements to the School's approach to child safety incidents or concerns.

Policy Statement

1. The School's systems for handling child safe-related complaints that involve students and former students (whether as complainant, victim, witness or person being complained about) are:
 - child-focused and follow the National Office for Child Safety's Complaint Handling Guide: Upholding the rights of children and young people (Complaint Handling Guide)
 - culturally safe
 - confidential
 - accessible to all members of the School community
 - regularly reviewed, to inform the continuous improvement of the School's Child Safe Program and practices.
2. If you are the Principal, you must ensure that the School:
 - consults with relevant communities about how to enable, support and respond to child safe-related complaints in a culturally sensitive way
 - has simple age and culturally appropriate avenues for students, Staff, parents/carers and the wider community to make a child safe-related complaint, as set out in Making a Child Safe-Related Complaint in the Procedures below
 - has developed, in consultation with students, a child-friendly version of this Policy and its Procedures, and provides this to all students
 - supports students, families, and relevant staff members involved in a child safe-related complaint in age and culturally appropriate ways, as set out in the Responding and Reporting Obligations (Child Safe) Policy and Procedures

- keeps appropriate records of all child safe-related complaints and the School's response, as set out in Managing Child Safe-Related Complaints - the School's Obligations in the Procedures below
 - regularly reviews and analyses child safe-related complaints, as set out in the Procedures below
 - reports all child safety incidents and concerns that occur at the School or involve its staff members, including those raised in child safe-related complaints, to St Michael's Lutheran School Board as soon as practicable after the School becomes aware of the incident or concern
 - complies with the following sections of the Procedures below:
 - Managing Child Safe-Related Complaints – the School's Obligations
 - Internal Reviews of Child Safe-Related Complaint Outcomes
 - General Reviews of Child Safe Complaints Management .
3. If you are a staff member, you must respond to child safe-related complaints as set out in Responding to Child Safe-Related Complaints – Staff Members' Obligations in the Procedures below.
4. If you are the Principal, the Chair of the Board, or have been delegated responsibility for managing, investigating or responding to child safe-related complaints, you must manage child safe-related complaints as set out in Managing Child Safe-Related Complaints – the School's Obligations in the Procedures below.

Procedures

1. Making a Child Safe-Related Complaint

a) Anyone can, at any time, make a child safe-related complaint:

- to the Principal
- a Child Safety Contact Officer
- a trusted staff member

in person, in writing or over the phone.

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

b) Parents/carers, family members and other community members who have child safe concerns about the School or who wish to make a child safe-related complaint about the School, its students or its staff members are asked to follow the procedures set out in the **Child Safe Policy** and to contact:

- the Principal, who is the School's Senior Child Safety Contact Officer, by phoning (08) 8388 7228 or emailing ttaylor@stmichaels.sa.edu.au; or
- if the concern relates to the Principal, the Chair of the Board by emailing sfairley@stmichaels.sa.edu.au.

c) Students have multiple pathways to make a complaint, including child safe-related complaints, at the School. These include:

- disclosing child safety incidents or concerns, including harm to themselves or to any other child, young person or student aged 18 or over, to any staff member. This might be done:
 - verbally
 - in writing
 - through electronic means (such as email); or
 - indirectly (such as in written assignments, in artworks or in any other way)
- disclosing child safety incidents or concerns, including harm to themselves or to any other child, young person or student aged 18 or over, anonymously using the student mail boxes which is located near the entrance of each Learning Community
- contacting Kids Helpline.

2. Responding to a Child Safe-Related Complaint – Staff Obligations

a) Support for Complainants

If you receive a complaint containing information about a child safety incident or concern, you **must** offer the complainant and any student involved in the complaint (if they are not the complainant) age and culturally appropriate support and assistance, following the Response and Reporting Obligations (Child Safe) Policy and Procedures.

If the complaint relates to historical sexual abuse, a sexual offence or sexual misconduct that occurred before 1 July 2018, you must inform the complainant about the National Redress Scheme for people who have experienced institutional child sexual abuse. The process for applications involving the School can be found [here](#).

b) Internal and External Reporting

If you receive a complaint that a student may have been subject to, or may be at risk of, harm:

- at the School or a School event; or
- from a staff member

you must follow the Response and Reporting Obligations (Child Safe) Policy and Procedures.

In particular, you **must**:

- comply with all responding and reporting obligations that apply to you. Depending on the circumstances, these obligations may include:
- reporting to the Department for Child Protection (Department for Child Protection's) via the Child Abuse Report Line (CARL)
- reporting to the Police
- taking steps to protect students from future risks of harm, where those steps are within your power or responsibilities to take (to meet your duty to protect obligations)
- reporting teacher misconduct to the Teachers Registration Board (TRB)
- providing information to other external agencies
- after first making any required external reports to CARL or the Police, report the child safe-related complaint to:
 - a Child Safety Contact Officer or the Principal; or
 - the Chair of the Board, if the complaint involves the Principal.

3. Managing Child Safe-Related Complaints – The School's Obligations

- a) Child safe-related complaints that involve, or raise the possibility of a risk of, harm to a child, young person or student aged 18 or over must be managed following the Response and Reporting Obligations (Child Safe) Policy and Procedures.

The following child safe-related complaints fall into this category:

- complaints involving, or raising the possibility of a risk of, harm to a child, young person or student aged 18 or over occurring at the School or a School event
- complaints involving, or raising the possibility of a risk of, harm to a child, young person or student aged 18 or over or by a staff member
- complaints alleging a breach of the Child Safe Codes of Conduct by a staff member and that involve, or raise the possibility of a risk of, harm to a child, young person or student aged 18 or over.

Relevant response and reporting obligations that apply to these kinds of child safe-related complaints include, but are not limited to:

- Duty to Protect/the Failure to Protect Offence
- Mandatory Reporting to Department for Child Protection's
- Voluntary Reporting to Department for Child Protection's
- Mandatory Reporting to Police
- Non-Mandatory Reporting to Police
- Child Safety Incidents or Concerns Involving the School
- Reporting Teacher Misconduct to the TRB
- Recognising and Responding to Sexual Behaviour in Children and Young People

The Principal (or, if the complaint involves the Principal, the Chair of the Board) is responsible for managing these kinds of child safe-related complaints.

They may, where appropriate, delegate management of the complaint to another person at the School (such as a Child Safety Contact Officer) or LESNW.

- b) Certain other child safe-related complaints must be managed using relevant policies and procedures in the Child Safe Program.

The following child safe-related complaints fall into this category:

- complaints about the School's, or a staff member's, investigation of and/or response to a specific incident of or concern about harm to a child, young person or student aged 18 or over
- complaints that, when responding to a specific incident of, or concern about, harm to a child, young person or student aged 18 or over, the School, or a staff member, did not correctly follow this Policy and its Procedures (for example, a complaint that a staff member did not report the complaint internally when required to by School policy)
- complaints that the School has not correctly followed legislative or regulatory requirements regarding child safety in relation to a specific incident of, or concern about, harm to a child, young person or student aged 18 or over (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).

Relevant policies and procedures for managing these kinds of child safe-related complaints include, but are not limited to:

- Child Safe Program Breach Management Policy and Procedures
- Regular Reviews and Continuous Improvement (Child Safe) Policy and Procedures.

The Principal (or, if the complaint involves the Principal, the Chair of the Board) is responsible for managing these kinds of child safe-related complaints.

They may, where appropriate, delegate management of the complaint to another person at the School (such as a Child Safety Contact Officer) or LESNW.

c) **Certain Child safe-related complaints may be managed under other School policies and procedures.**

The following child safe-related complaints fall into this category:

- complaints alleging a breach of the Child Safe Codes of Conduct that **do not** involve, and **do not** raise the possibility of a risk of, harm to a child, young person or student aged 18 or over by a staff member (for example, a complaint that a staff member has expressed personal views on sexuality in the presence of students)
- complaints alleging procedural breaches of the Child Safe Program by Staff that **do not** involve, and **do not** raise the possibility of a risk of, to a child, young person or student aged 18 or over (for example, a complaint that a staff member has not renewed their WWCC)
- general complaints about the child safe 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).

Relevant policies and procedures for managing these kinds of child safe-related complaints include, but are not limited to, the Complaints Handling Policy and/or Human Resources policies and procedures.

The Principal usually manages these kinds of child safe-related complaints. However, they, or whoever else may be managing the complaint, must – where appropriate – consult with a Child Safety Contact Officer as part of their investigation.

With respect to the final dot point above, given the high risk to the School of not having a compliant Child Safe Program, it is likely that the School will need to report the outcome of these kinds of complaints to St Michael's Lutheran School Board, using the School's usual governance reporting processes.

d) Record Keeping About Child Safe-Related Complaints

The School does not hold records of complaints that contain information about child safety incidents or concerns within its general Complaints Handling record keeping system, because of the confidentiality and privacy issues that arise with respect to child safety incidents and concerns.

If you are responsible for managing a child safe-related complaint, you must record it, and the School's response:

- following the Response and Reporting Obligations (Child Safe) Policy and Procedures if it involves a child safety incident or concern
- following the Child Safe Program Breach Management Policy and Procedures if it does not involve a child safety incident or concern; and
- in the Child Protection Complaints register.

e) Guidance and Resources for Managing Child Safe-Related Complaints

The Complaints Handling Policy provides guidance on complaints handling principles and a step-by-step guide to managing complaints in general.

The National Office for Child Safety's Complaint Handling Guide provides guidance on handling complaints that involve children and young people.

The Child Safety Incidents or Concerns Involving the School and Reporting Teacher Misconduct to the TRB subsections of the Response and Reporting Obligations (Child Safe) Policy and Procedures set out procedures that the School will follow for complaints about inappropriate conduct by Staff.

Internal Reviews of Child Safe-Related Complaint Outcomes

If a complainant or other person involved in a child safe-related complaint (such as 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) is not satisfied with its management or its outcome, they may request an internal review.

This review could be of the:

- procedures undertaken
- findings made
- disciplinary actions proposed or taken; and/or

- other outcomes (including a decision not to make a finding or to take disciplinary or other action).

People who want an internal review must make their request to Principal, Terri Taylor. the Principal, Terri Taylor undertakes these internal reviews.

General Reviews of Child Safe Complaints Management

Regular reviews of child safe-related complaints ensure that the School captures, analyses and, where appropriate, acts on child safety-related feedback, comments or complaints from the School community members and relevant stakeholders.

The Regular Reviews and Continuous Improvement (Child Safe) Policy and Procedures sets out The St Michael's Lutheran School Board and the School's procedures for conducting these reviews, as well as for reviewing this Policy and Procedures (as part of the regular reviews of the Child Safe Program).

During these reviews, the School analyses child safe-related complaints, to identify causes and systemic failures and to inform continuous improvement.

Implementation

The School implements this Policy and its Procedures through:

- making them available to all Staff, via the School's School Server
- including information about them in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors
- making them available to parents/carers, students and the wider School community in summary in the Child Safe Policy and Complaints Handling Policy, which are available on our public website
- including information about them in a child-friendly version, and providing this to all students
- providing a hard copy by request.

Breach

If you breach this Policy and its Procedures, the School can investigate your conduct. You could face disciplinary action, such as (depending on the severity of the breach):

- attending remedial education
- attending counselling
- increased supervision
- restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in Child Safe Program Definitions and Definitions and Key Indicators of Harm.

Of particular relevance to this Policy and its Procedures are the following additional key definitions:

TERM	Definition
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.
Safe-Related Complaint	A child safe-related complaint includes any disclosure, allegation, suspicion, concern or internal report of: • 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 • a breach of the Child Safe Codes of Conduct • Child safety incidents or concerns involving School Staff • Other staff misconduct (such as a procedural breach of the Child Safe Program) • Any complaint about the School’s response to or management of a child safety incident or concern, including complaints alleging non-compliance with the Responding and Reporting Obligations (Child Safe) Policy and Procedures

Child Source of Obligation

This Policy and its Procedures help the School and its Staff, Volunteers and Contractors to meet obligations in:

- Children and Young People (Safety) Act 2017 (SA) section 114
- National Principles for Child Safe Organisations, Principle 6
- Education and Early Childhood Services (Registration and Standards) Act 2011 (SA)
- Education and Early Childhood Services (Registration and Standards) Regulation 2011 (SA), regulation 36A
- Standards for Registration and Review of Registration of Schools in South Australia

Related Policies

- Child Safe Policy
- Codes of Conduct (Child Safe) Policies and Procedures
- Responding and Reporting Obligations (Child Safe) Policy and Procedures
- Sharing Information about Students' Safety, Welfare or Wellbeing Policies and Procedures
- Working with Children Checks Policy and Procedures
- WWCC Procedures for Staff
- Risk Management (Child Safe) Policy and Procedures
- Compliance, Review and Improvement (Child Safe) Policies and Procedures
- Complaints Handling Policy

References

- National Office of Child Safety, Complaint Handling Guide: Upholding the rights of children and young people
- Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report Volume 7 – Improving Institutional Responding and Reporting