

## Child Safe Complaints Management

**For the purposes of this Policy, we refer to Salisbury Lutheran Kindergarten Staff, Volunteers or Contractors as “Staff” or “staff members”.**

It is the Director’s responsibility to ensure the efficient and effective organisation, management and administration of the Kindergarten’s complaints handling processes.

### 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 Kindergarten.

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

#### Child Safety-Related Complaint

For the purposes of this policy, a child safety-related complaint includes any disclosure, allegation, suspicion, concern, or internal report of:

- a breach of the Kindergarten’s Child Safe Codes of Conduct
- a child safety incident or concern alleged to have occurred, be occurring or be at risk of occurring at Salisbury Lutheran Kindergarten or a Kindergarten event
- reportable conduct by a staff member, Volunteer or Contractor
- other staff misconduct (such as a procedural breach of the Child Safe Program)
- any complaint about the Kindergarten’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.

#### Child-Focused Complaints Handling

A child-focused complaints handling process is important for helping children and others at the Kindergarten make complaints, whether about child safety or otherwise. This policy sets out how the Kindergarten, as a child safe organisation, has and implements a child-focused child safe complaints handling system.

This Child Safe Complaints Management policy is communicated to and understood by children, Staff and parents/carers, and ensures that child safe-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 Early Learning Centre or its Staff Members**. In our **public-facing Complaints Handling Policy**, we include details about how to make a child protection-related complaint.

A child-friendly version of this policy is also provided to the children.

## Making a child safe-related complaint

The Kindergarten has developed complaints handling processes, to enable:

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

These are:

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

- the Director
- a Child Safety Officer
- a trusted staff member

in person, in writing or over the phone.

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

2. **Parents/carers, family members and other community members** who have child safe concerns about the Kindergarten are asked to follow the procedures set out in our **Child Safe Policy** and to contact:

- the Kindergarten's Senior Child Safety Officers, which are the Directors of the Kindergarten (contact details in table below), or
- if the concern relates to the Director, the Chair of Council.

Name	Position	Contact No.	Email Address
Felicity Torpstrom	Director	82588070	<a href="mailto:director@salisburyk.sa.edu.au">director@salisburyk.sa.edu.au</a>
Jasmyn Nicholls	Director	82588070	<a href="mailto:director@salisburyk.sa.edu.au">director@salisburyk.sa.edu.au</a>
Louise Baddams	Chair of Council		<a href="mailto:chair@salisburyk.sa.edu.au">chair@salisburyk.sa.edu.au</a>

## Responding to a child safe-related complaint

### Support for Complainants

Whenever a complaint containing information about child safety incidents or concerns is received, the complainant is offered support and assistance under our [Support Following Child Safety Incident or Disclosure](#) policy.

Where a complaint involves a sexual offence or sexual misconduct that occurred before 1 July 2018, complainants must be informed about the [National Redress Scheme](#) for people who have experienced institutional child sexual abuse. The process for applications involving LESNW can be found [here](#).

### **Internal and External Reporting**

All Staff, Volunteers and Contractors must follow the Kindergarten'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, harm at the Kindergarten or a Kindergarten event or from a staff member. This includes in particular:

- **Duty to Protect/Failure to Protect**
- **Mandatory Reporting to DCP**
- **Voluntary Reporting to DCP**
- **Reporting to Police**
- **Reporting a Child Safety Incident or Concern Internally**
- **Child Safety Incidents or Concerns At or Involving the Early Learning Centre or its Staff, Volunteers and Contractors**
- **Reporting Teacher Misconduct to the Teachers Registration Board of South Australia**

Our internal reporting and managing child safety incidents or concerns at/involving the Kindergarten policies require all Staff to report any child safe-related complaint that is made to them to a Child Safety Officer or the Director, **after first** to making any required external reports to CARL. If a child safety-related complaint is about the Director, the complaint must be referred to the Chair of Council, **after first** to making any required external reports to CARL.

### **How the Kindergarten Manages Child Safety-Related Complaints**

Child safety-related complaints are managed by the Kindergarten as follows:

**Child safety-related complaints that involve, or raise the possibility of a risk of harm to a child are managed under the Child Safe Program**

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

1. complaints involving, or raising the possibility of a risk of, **harm** to a child or young person occurring at the Kindergarten or a Kindergarten event, or by a staff member, Volunteer or Contractor
2. complaints alleging a breach of the Child Safe Codes of Conduct that involves, or raises the possibility of a risk of, **harm** to a child or young person by a staff member, Volunteer or Contractor.

After reporting to CARL and, if necessary, to the Police in the first instance, these kinds of child safe-related complaints must subsequently be immediately referred to the Director (or if the complaint involves the Director, the Chair of Council) to be managed pursuant to relevant policies and procedures in the Child Safe Program.

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

Relevant policies and procedures for managing these kinds of child protection-related complaints include, but are not limited to, **Mandatory Reporting to DCP (through CARL), Child Safety Incidents At or Involving the Early Learning Centre or its Staff, Volunteers and Contractors, Reporting Teacher Misconduct to the Teachers Registration Board of South Australia, and Reporting to Police.**

#### **Other child safe-related complaints that are managed under the Child Safe Program**

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

1. complaints about the Kindergarten investigation of and/or response to a specific incident of or concern about harm or risk of harm to a child
2. complaints that the Kindergarten, when responding to a specific incident of, or concern about, harm or risk of harm to a child, has not correctly followed the Kindergarten's own policies (for example, a complaint that we did not follow our Reporting Teacher Misconduct to the Teachers Registration Board of South Australia)
3. complaints that the Kindergarten has not correctly followed legislative or regulatory requirements regarding child safety in relation to a specific incident of, or concern about, harm or risk of harm to a child (for example, a complaint that we shared information about a child safe incident or concern with an external agency when not permitted by law to do so).

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

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

Relevant policies and procedures for managing these kinds of child safe-related complaints include, but are not limited to, **Disciplinary Actions (Child Safe)**, **Child Safe Program Breach Management** and **Regular Reviews and Continuous Improvement**.

### **Child safety-related complaints that may be managed under other Kindergarten policies and procedures**

The following child safe-related complaints may be managed pursuant to other relevant Kindergarten policies:

1. complaints alleging a breach of the Child Safe Codes of Conduct that **does not** involve, and **does not** raise the possibility of a risk of, 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 children)
2. 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, harm to a child (for example, a complaint that a staff member has not renewed their WWCC)
3. general complaints about our 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 child or community cohort).

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

With respect to (3) above, given the high risk to the Kindergarten of not having a compliant Child Safe Program, it is likely that the outcome of these kinds of complaints will need to be reported to the Kindergarten's governing body.

Relevant policies and procedures for managing these kinds of child safe-related complaints include, but are not limited to, our **Human Resources** policies and procedures.

### **Guidance and Resources for Managing Child Safety-Related Complaints**

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 **Child Safety Incidents or Concerns At or Involving the Early Learning Centre or its Staff**,

**Volunteers and Contractors and Reporting Teacher Misconduct to the Teachers Registration Board of South Australia** policies set out procedures that will be followed for complaints about inappropriate conduct by Staff, Volunteers and Contractors.

## **Reviews of Child Safety-Related Complaint Outcomes**

Complainants or other persons who are involved in the child safe-related complaint (for example, a staff member whose behaviour is the subject of the complaint, a child who is the victim of the alleged behaviour or their parent/carer) and who are not satisfied with the management of a 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 Director. Internal reviews are undertaken by the Director.

## **Record Keeping about Child Safety-Related Complaints**

Because of the confidentiality and privacy issues that arise with respect to child safety-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 safety-related complaints are instead recorded under our **Child Safe Record Keeping** policy.

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

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

In particular, child safety-related complaints are regularly analysed to identify causes and systemic failures to inform continuous improvement. Our Child Safe Complaints Management policy is also itself regularly reviewed as part of our reviews of the Child Safe Program.