

Child Safety Complaints Handling Policy

1 Rationale

This Child Safety Complaints Handling Policy (**Policy**) sets out how the First Peoples' Assembly of Victoria (**Assembly**) handles Complaints concerning child safety.

The Assembly is committed to the safety and wellbeing of children and young people. To achieve this, the Assembly aims to create a culture where all people feel safe to make a Complaint. All Complaints will be taken seriously. They will be responded to promptly and thoroughly.

The Assembly is bound by the *Child Wellbeing Safety Act 2005* (Vic).

This Policy should be read together with related policies and procedures, including but not limited to:

- Child Safety and Wellbeing Policy
- Child Safety Code of Conduct
- Child Safety Procedures

These policies and procedures will be collectively referred to as the Assembly's **child safety policies and procedures**.

2 Scope

This Policy applies to everybody at the Assembly, including Directors, Members, employees, volunteers and other people engaged by the Assembly.

This Policy applies to all Assembly activities involving children.

3 Definitions

Child/children includes young people and means a person who is under the age of 18 years.

Child abuse means:

- a sexual offence committed against a child
- an offence committed against a child under section 49M(1) of the *Crimes Act 1958* (Vic), such as grooming
- physical violence against a child
- causing serious emotional or psychological harm to a child
- serious neglect of a child.

Child Safety Officer is the Head of Operations and Business Services who, together with the Assembly Council, oversees the Assembly's child safety policies and procedures.

Complaint refers to an allegation of wrongdoing related to child safety and includes any concerns of wrongdoing.

Complainant means a person making a complaint.

Harm is damage to the health, safety or wellbeing of a child or young person, including as a result of child abuse by adults or the conduct of other children. It includes physical, emotional, sexual and psychological harm. Harm can arise from a single act or event and can also be cumulative, that is, arising as a result of a series of acts or events over a period of time.

4 Process

The following process will be followed in relation to child safety Complaints.

4.1 Who can report?

A Complaint can be made by a:

- child
- parent, guardian or family member
- community member or
- person employed or engaged by the Assembly. Employed or engaged by the Assembly includes Assembly Directors, Members, staff, volunteers and other people engaged by the Assembly.

4.2 What to report?

A person can report the following things:

- Complaints of child abuse or harm
- Complaints about child safety or wellbeing or
- Complaints about a breach of the Assembly's child safety policies and procedures.

4.3 How to report?

A person can make a report in the following ways:

- A report can be made in-person, over email, letter or telephone call
- The report should be made to:
 - the Child Safety Officer at keshiaw@firstpeoplesvic.org.
 - If the report concerns the Child Safety Officer, the report should be made to the CEO at AndyGargett@firstpeoplesvic.org.
- If a child or family member makes a report to another person employed or engaged by the Assembly, that person must pass the report onto the Child Safety Officer, if the Child Safety Officer is involved, the CEO.

4.4 4. Action

4.4.1 Listen

The person receiving the Complaint will:

- listen and offer support to the complainant, allow them to express their concern in a safe and comfortable environment and in a way that respects their right to privacy
- ask relevant questions to understand the alleged wrongdoing, however, not interrogate the complainant or ask leading questions
- reassure the complainant that they have done the right thing by voicing their concern, that it will be taken seriously and that it is not their fault
- explain the next steps in a way that can be understood by the complainant, including explaining that you may need to tell someone else.

4.4.2 Respond

- If a child is in immediate danger, the person that receives the Complaint must call Victoria Police on 000
- In any case, the Complaint must be reported to the Child Safety Officer or, if the Child Safety Officer is involved, the CEO.
- The Child Safety Officer (or CEO) will initiate internal processes to ensure the safety of all children, including the alleged victim.

- The Child Safety Officer (or CEO) will clarify the nature of the Complaint and commence disciplinary processes and investigations if required, and will consider if any evidence needs to be immediately secured for future investigation.
- If the Complaint concerns the CEO, the Co-Chairs of the Council should be notified.
- In order to respond and manage risk, the CEO (or the Co-Chairs of Council if the subject of the Complaint is the CEO) may, depending on the Complaint:
 - stand down the subject of the Complaint during the investigation
 - alter their duties, including not permitting them to engage with children
 - remove access to sensitive files.
- Any action or investigation must be done in a way that respects children’s rights and the cultural safety of everyone involved.
- Any action or investigation will comply with employment law and other legal obligations.

4.4.3 Report

- The CEO (or Co-Chairs of the Council) will decide, in accordance with legal requirements and duty of care, whether the matter should/must be reported and make the report as soon as possible.
- In addition, all people covered by this policy must understand their personal reporting obligations. The person who received the Complaint may be required to report it to authorities themselves.
- The following table outlines reporting requirements, including personal reporting requirements.

Police	<p>Where the Complaint involves criminal activity or there is a suspicion of criminal activity it must be reported to Victoria Police. The following activities are or may be criminal activities: physical or sexual abuse, grooming of children, family violence (whether or not the child has been abused).</p> <p>If an adult reasonably believes a sexual offence has been committed by an adult against a child under the age of 16, they must report it to Victoria Police. Failure to disclose the information may be a criminal offence. This is a personal reporting requirement.</p> <p>If a child is in immediate danger call 000, otherwise the local police station should be contacted.</p>
Child Protection	A report should be made to Child Protection if a child is at risk of harm and their family is unable or unwilling to protect them.
Parent/guardian	The child’s parents or guardians must be informed about the Complaint, unless the Complaint is related to wrongdoing within the family.
Child	Where appropriate, the child should be informed about the Complaint. They should be given a voice in resolving the Complaint (where appropriate).

4.4.4 Record

- The CEO (or Co-Chairs of the Assembly) must record the Complaint. This must be done in a secure way, in accordance with the Assembly's privacy and confidentiality policies.
- The record must include details of the complainant, details of the child, nature of the Complaint, immediate risk considerations and next steps.
- All steps in handling the Complaint must be recorded.

4.4.5 Outcome

- The CEO (or Co-Chairs of the Council) will decide the outcome of the Complaint, in accordance with legal requirements (where relevant). They may seek specialist advice in resolving the Complaint.
- In deciding the outcome, children's rights, cultural safety and legal obligations must be considered.
- Once the outcome is decided, the child, parent and person employed or engaged by the Assembly should be informed of the outcome, as relevant and appropriate – a debrief and counselling should be offered, where appropriate.
- The outcome must be recorded.
- The Complaint and outcome must be reported to the Council, in a way that respects the privacy and confidentiality of the Complaint.
- The Assembly's child safety policies and procedures should be reviewed and updated where necessary.

5 Record keeping

The Assembly will keep complete and accurate records of all incidents, responses and decision-making relevant to child safety for 7 years.

This must be done in a way that is compliant with the Assembly's privacy and confidentiality obligations.

6 Review

The Assembly will review all child safety policies and procedures at least once every two years. We will also review the policies and procedures in response to a child safety incident.

About this policy

Approved by Council on 21 October 2022

Scheduled review date 21 October 2024

