

## Child Safe Standard 7

### COMPLAINTS PROCESSES

#### PROCEDURES FOR RESPONDING TO ALLEGATIONS OF MISCONDUCT

##### Overview:

This standard focuses on ensuring that schools have complaints processes that are child-focused, culturally safe and accessible to everyone.

Schools must have policies, procedures and practices to

- have a complaints handling process focused on students and their safety needs
- take complaints and concerns seriously
- respond promptly and thoroughly
- identify and respond to all forms of child abuse
- report child abuse to relevant authorities, whether or not there is a legal obligation to report it.

Making a complaint can be challenging. Complaints are more likely to be raised when there are clear, well-communicated policies and procedures for concerns or allegations.

Complaints handling processes need to focus on students and their safety needs. The process should be able to handle all kinds of complaints and concerns. A complaint might reveal a bigger issue or prevent a situation from escalating.

Empowering students to raise low-level concerns improves the likelihood that they will feel comfortable making a disclosure or reporting abuse.

Staff, volunteers and families can report concerns more easily if the school has procedures that are child-friendly and accessible to students and the school community.

##### Compliance:

To comply to this standard, Glen Huntly Primary School will ensure that it has:

- a complaints handling policy which:
  - is publicly available and accessible
  - is child-focused
  - is culturally safe and easily understood by the school community
  - has information about the process for making a complaint about the school or any person within the school
  - requires that complaints are taken seriously and responded to promptly and thoroughly.
- procedures for responding to complaints or concerns relating to child abuse that is:
  - publicly available and accessible
  - child-focused
  - culturally safe and easily understood by the school community
  - ensures complaints are taken seriously and responded to promptly and thoroughly
  - covers all forms of child abuse
  - sensitive to the characteristics of the school community
  - able to address reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and cooperate with law enforcement
  - able to provide details of recordkeeping, reporting, privacy and employment law obligations to be met when responding to complaints and concerns

#### Relevant standards:

- [Ministerial Order 1359 – Implementing the Child Safe Standards – managing the risk of child abuse in schools and school boarding premises\(PDF, 363KB\)](#)
- [PROTECT Child Safe Standard 7](#) – Processes for complaints and concerns are child-focused

#### Implementation: To implement this standard, Glen Huntly primary School will:

- Encourage students to raise concerns with a trusted adult if anything makes them feel uncomfortable or unsafe.
- Facilitate student discussions about what would help them speak up when they have concerns.
- Ask students about their experiences making complaints and act on feedback from students in our policies and the complaints process.
- Make sure it is easy for students, families, staff and volunteers to access and understand the complaints process. Host the school's Complaints Policy on a public-facing website, make physical copies available from the school and include information about how to make a complaint in the school welcome pack.
- Include information to students and their families about:
  - how to make a complaint
  - what to expect the school to do when responding to a complaint
  - how the school will support complainants.
- Support students to develop the skills to make complaints and raise concerns by implementing the whole school approach to Respectful Relationships and using teaching and learning materials like the [Resilience Rights and Respectful Relationships materials](#).
- Let students know that they can make a complaint about any kind of harm, perpetrated at school, outside school, by an adult or by other children, including bullying or cyberbullying and all forms of abuse.
- Advertise assistance and support services for students, families, staff and volunteers who wish to raise concerns, including the availability of translating and interpreting services.

- Receive complaints thoughtfully, taking care to validate students' experiences – what may seem small to an adult might not be to a child.
- Ensure complaint handling systems and processes are confidential, and that only authorised staff can access complaint records.
- Commit to making improvements following a complaint to address the source of the problem and follow through on the commitment.
- Provide feedback mechanisms that allow for anonymity, such as secure suggestions boxes.
- Regularly review and action the suggestions received.

### **Be transparent and open about the steps in the complaints process**

- Name multiple people or positions that students and families can approach to raise concerns.
- Let students know that they can bring a support person of their choice to any interviews or meetings related to the complaint.
- Explain what happens next and check that complainants understand the proposed action.
- Ensure that students understand who will be told about their complaints.
- Report back to complainants to close the loop, where appropriate.
- Offer counselling or support services to complainants as appropriate.
- Refer to the [National Office for Child Safety Complaint Handling Guide](#) for processes.

### **Be transparent and open about procedures for responding to child abuse**

- Set out actions when the complaint is about a staff member, volunteer, parent or another adult in line with the school's Complaints Policy, the [PROTECT Four Critical Actions \(PDF, 215KB\)](#) and [Reportable Conduct](#) obligations.
- Set out approaches for responding to harm caused to children by other children, including children displaying potentially harmful [sexual behaviours and sexual offending](#).
- Display the [PROTECT Four Critical Actions \(PDF, 215KB\)](#) poster in the staff room.
- Specify the steps that need to be taken to make sure the process is fair for all people involved in a complaint.
- Name the types of behaviour that must be reported to police, child protection authorities and other government agencies or regulatory bodies in line with [PROTECT Identifying and Responding to All Forms of Abuse \(PDF, 7.5MB\)](#).

### **Support staff and volunteers to participate in building a child-focused environment**

- Outline the responsibilities school leaders have to act on complaints and concerns related to child safety and wellbeing, including the responsibilities of the [child safety champions](#). Nominated staff should have:
  - a detailed understanding of the complaints process
  - investigative or interviewing skills, or authorisation to engage people with these skills
  - high levels of rapport and engagement with students
  - ability to respond to students with diverse needs
  - willingness to work with police and child protection authorities
  - information on support services for people affected by complaints.
- Train staff and volunteers to recognise the different ways students express concerns or distress, such as changing their behaviours or demeanour.
- Encourage staff to maintain an approachable, professional standard to help students feel confident and supported to raise issues at any time.

- Ensure staff and volunteers understand the complaints policy, the Four Critical Actions, failure to report and failure to protect offences, grooming, child abuse and family violence, mandatory reporting and their roles in the process.
- Empower all staff and volunteers to act on concerns about behaviour and report their concerns, complaints or breaches of the Child Safety Code of Conduct to school leadership or the regional office.
- Make sure that the school meets all recordkeeping, information sharing, privacy and employment law obligations.
- Encourage staff and volunteers to contribute to the development and review of complaints policies and processes.

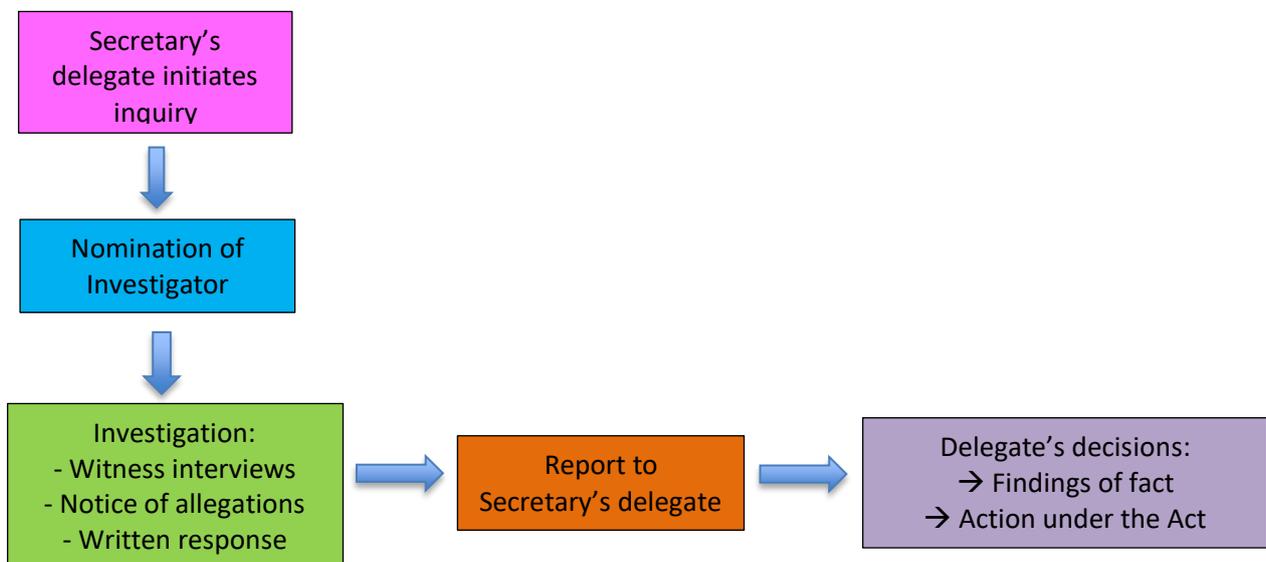
Allegations dealt with under Part 11 – CONDUCT AND DUTIES of Ministerial Order 1038 and Part 8 Schedule 4 of Ministerial Order 1039, may include conduct outside, as well as inside, the workplace. For example, where the employee has failed to maintain the general standards of conduct required in the public sector or where the behaviour contravenes the requirements as specified in: <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/Ministerial-Order-1038.pdf> and <https://www.education.vic.gov.au/hrweb/employcond/Pages/tso.aspx> refer to Ministerial Order 1039, which sets out the conduct and duties required of employees in the teaching service. Ministerial Orders 1038 and 1039 require employees to not behave in any way which would impair their influence over students or standing in the community generally, or outside the hours of duty act in any manner unbecoming their position.

The Principal/Manager must ensure that a complaint is dealt with in a way that is both procedurally and substantively fair.

It is important that all steps in the complaints’ process are correctly documented.

The Department’s Conduct & Ethics Branch will provide advice and assistance to principals/managers on the appropriate course of action to take. The Branch can be contacted on 9637 2595 or by email at [conduct.ethics@edumail.vic.gov.au](mailto:conduct.ethics@edumail.vic.gov.au).

**The misconduct procedure is as follows: Inquiry under Division 10, Part 2.4 (Misconduct)**



## Resources and References:

Guidelines for Managing Complaints, Misconduct and Unsatisfactory Performance in the Teaching Service.  
Website – <http://www.education.vic.gov.au/hrweb/workm/Pages/conduct.aspx>

When there is a complaint, the above publication will be used and steps followed as mandated by the Department of Education and Training.

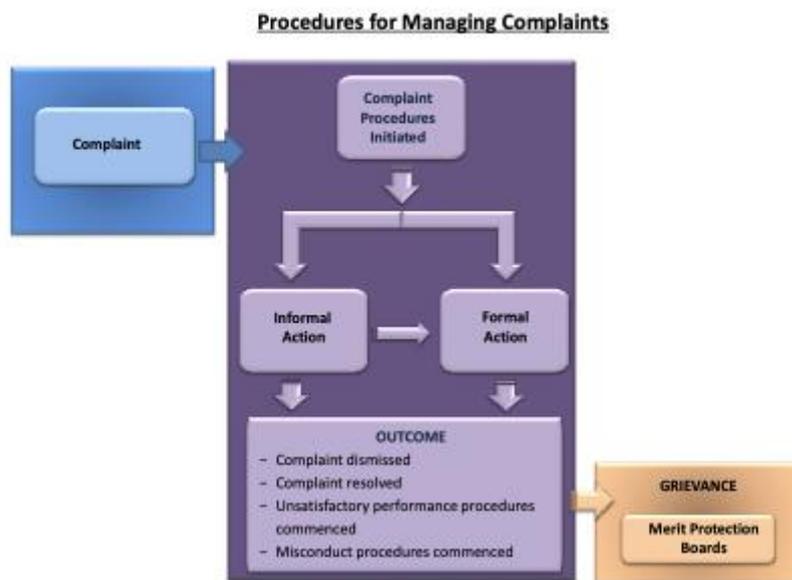
Complaints against an employee may arise from:

- unprofessional conduct and/or unsatisfactory performance
- allegations of aggressive, demeaning or uncooperative behaviour
- a specific incident
- allegations of unlawful discrimination such as, discrimination in the context of a protected attribute such as race, religious belief, disability, sexual orientation, gender, family responsibilities, or racial or religious vilification
- allegations of unlawful harassment, including sexual harassment
- allegations of bullying, as defined by the Victorian WorkCover Authority
- decisions made, or not made, by the Principal/Manager that a complainant believes are unfair, unreasonable or inappropriate.

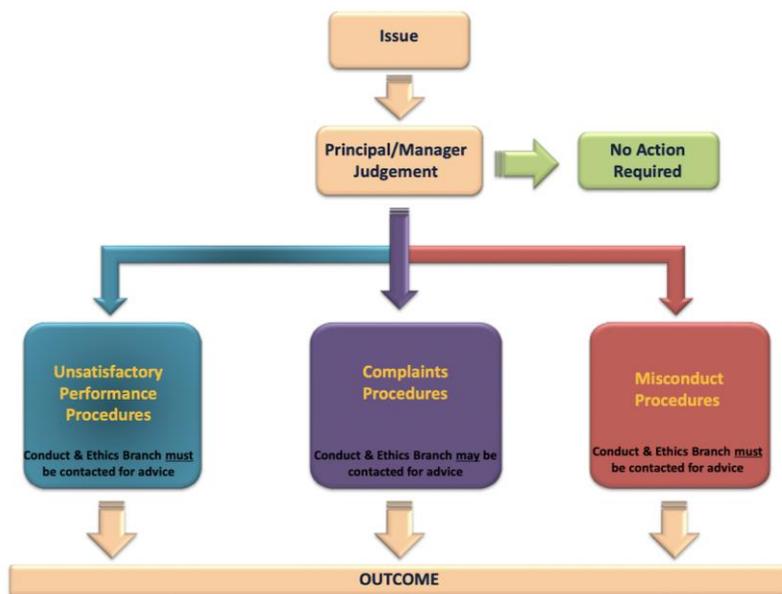
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The Principal/Manager can provide advice regarding the process for making a complaint.



In relation to a particular issue or incident, the Principal/Manager will need to make an assessment as to the appropriate course of action to take as illustrated below:



Examples of misconduct and other grounds for action under Part 11 – CONDUCT AND DUTIES of Ministerial Order 1038 and Part 8 Schedule 4 of Ministerial Order 1039 include but are not limited to:

- inappropriate relationships with students
- harassment, including sexual harassment, bullying or victimisation of other staff members, students or the public
- racial or religious vilification
- striking a student, other employee or member of the public, or otherwise inflicting harm on, or endangering the life of, another person
- wilfully damaging property
- unlawful discrimination or sexual harassment
- sexual or other criminal offences
- improper use of information, or school or DET resources, for private purposes or personal gain
- refusal to obey a lawful instruction
- alcohol or drug misuse affecting the employee’s performance of their duties
- serious or gross negligence, including duty of care
- inappropriate use of the internet or the DET’s information technology resources including for example, accessing pornography
- medical certificate fraud
- conduct involving dishonesty, wilfulness or recklessness, loss or damage

Glen Huntly Primary School will cross reference implementation of this standard with:

- [Child Safety and Wellbeing Policy template \(DOCX, 448KB\)](#)
- [Child Safety Action List \(DOCX, 384KB\)](#)

Glen Huntly Primary School will follow complaints processes as currently established by the Department of Education and Training as referenced at:

- [Child Safety Responding and Reporting Obligations \(including Mandatory Reporting\) Policy and Procedures template \(login required\)](#)
- [Complaints Policy template \(login required\)](#)

### Further Resources:

- [Government Schools Parent Complaints Policy](#)
- [Information Sharing and Family Violence Reforms Contextualised Guidance and Toolkit \(PDF, 749KB\)](#)
- [Privacy and Information Sharing Policy](#)
- [PROTECT: Four Critical Actions \(PDF, 215KB\)](#)
- [PROTECT: Identifying and Responding to Student Sexual Offending \(PDF, 7.5MB\)](#)
- [PROTECT: Identifying and responding to all forms of abuse in Victorian schools \(PDF, 2.9MB\)](#)
- [Reporting and Managing School Incidents \(including emergencies\): Policy | education.vic.gov.au](#)
- [Responding to Student Sexual Offending: Principal Checklist \(PDF, 135KB\)](#)
- [Student Wellbeing and Engagement Policy](#)
- [Student Sexual Offending and Problem Sexual Behaviour](#)

### Training resources

DET:

- [Complaints Quick Reference Guide \(DOCX, 82KB\)](#)
- [Conflict Resolution in Schools \(login required\)](#)
- [Information Sharing Leaders briefings and Professionals Workshops](#)

External resources:

- [Australian Human Rights Commission e-learning series](#)
- [Commission for Children and Young People: Empowerment and participation - A guide for organisations working with children and young people \(DOCX, 824KB\)](#)
- [National Office for Child Safety: Complaint Handling Guide: Upholding the rights of children and young people \(DOCX, 1.8MB\)](#)
- [National Office for Child Safety: Fact Sheet - Complaint Handling Guide \(DOCX, 1.8MB\)](#)
- [National Office for Child Safety: Reference Guide - Complaint Handling Guide \(PDF, 1.8MB\)](#)
- [National Office for Child Safety: Speak up and make a complaint about student resources and translated resources](#)

**Support:**

For further help to meet Child Safe Standard 7 and Ministerial Order 1359, contact [child.safe.schools@education.vic.gov.au](mailto:child.safe.schools@education.vic.gov.au).

**Review:**

This statement/policy was last reviewed by School Council in November, 2022 and will be reviewed in October 2024, or when updates are provided by the DET.