



Child Safe Complaints Handling Procedure

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Authorisation

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1 Purpose

At Kids in Motion, we aim to ensure everyone feels supported in voicing child safety concerns or complaints. We take all child safety concerns and complaints seriously and respond promptly and thoroughly.

The *Child Safe Complaints Handling Procedure* ('this Procedure') outlines the process for responding to, reporting, investigating, and recording child safety complaints.

2 Scope

This Procedure extends to all aspects of Kids in Motion's child-related activities and programs (including those in the physical and online environments). It applies to everyone involved in the activities of Kids in Motion, whether they are in a paid or unpaid/voluntary capacity, including:

- Kids in Motion staff, including the Director and other contractors
- Coaches and assistant coaches and other personnel participating in classes, holiday programs and birthday parties
- Support personnel, including allied health professionals and carers

(collectively referred to in this Procedure as 'personnel').

3 Terms and Definitions

For the purposes of this Procedure:

Table 1: Terms and Definitions

Term	Meaning
CALD	Culturally and Linguistically Diverse.
Child	Refers to a person under the age of 18 years, unless under the law applicable to the child, majority is attained earlier.
Child abuse	Refers to the acts or omissions (neglect) that result in, or have the likelihood to result in, harm to a child. The forms of child abuse are: <ul style="list-style-type: none">• Sexual abuse• Emotional abuse• Neglect• Physical abuse• Exposure to family violence.
Child grooming	Child grooming is a form of sexual abuse. It refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, to lower the child's inhibitions in preparation for sexual activity.

Child Safety Officer (CSO)	Refers to the individual appointed by Kids in Motion responsible for matters relating to child safety, including the management of child safety complaints.
Complainant	Refers to the person who is making a complaint.
Emotional abuse/ Psychological abuse	Refers to inappropriate verbal or symbolic acts by an adult towards a child and/or a pattern of failure over time to provide a child with adequate non-physical nurturing and emotional availability.
Exposure to Family Violence	<p>Refers to any form of abusive behaviour by a person towards another family member. The abuse can be physical, sexual, emotional, psychological, economical, threatening or coercive type behaviour.</p> <p>It is also a form of abuse when a child is exposed to, hears or witnesses any of the effects of the abusive behaviours.</p>
Neglect	<p>Refers to the failure to provide a child with conditions that are culturally accepted as being essential for their physical and emotional development and wellbeing, such as:</p> <ul style="list-style-type: none"> • Food • Clothing • Shelter • Hygiene • Medical attention, or • Adequate supervision. <p>Neglectful behaviours are an act of omission, or by wilful choice.</p>
Physical abuse	Refers to the use of deliberate physical force against a child that intentionally or unintentionally results, or has the likelihood of resulting, in harm.
Respondent	Refers to the person who is the subject of a complaint.
Sexual Abuse	<p>Refers to when a person exposes a child to, or involves a child in, sexual activity that:</p> <ul style="list-style-type: none"> • The child does not fully comprehend • The child is unable to give informed consent to • The child is not developmentally prepared for, and • Is contrary to acceptable community standards.
Spectator	Refers to an adult (who is not personnel) who visits the facility, such as a responsible adult who accompanies a child to a Kids in Motion class or program.
Staff	Refers to any person who is employed by Kids in Motion, (paid and unpaid).

4 Child Safe Complaints Procedure

When responding to child safety complaints, the steps outlined in this Procedure should be followed. Personnel should also refer to the:

- **Appendix A** – Child Safe Complaints Flowchart
- **Appendix B** – Child Safe Legal Obligations in Victoria
- **Appendix C** – Child Safety Incident Report Form.

5 Child Safe Complaints Process

5.1 Stages of the Complaints Process

Kids in Motion’s complaints process involves the following five key stages:

1. Receive
2. Respond
3. Report
4. Investigate
5. Debrief.

5.2 Receiving Complaints

A child safety complaint may include:

- A **suspicion** that child abuse may be occurring, or that a child may be at risk of abuse
- A **concern** that has been raised about a child’s safety or wellbeing
- An **allegation** that has been made against a person concerning their behaviour towards a child
- A **disclosure** of abuse made by a child, or an adult on behalf of a child
- A **breach** of Kids in Motion’s *Child Safety and Wellbeing Policy*, the *Child Safe Code of Conduct*, or this Procedure.

Immediately after receiving a complaint, personnel should contact the **CSO (Penelope Tagg)** for support and guidance on how to respond. If the CSO is not available, contact another member of the Child Safety Committee, or the Director.

Kids in Motion will not penalise anyone who makes a complaint in the best interest of the child.

5.3 Responding to Child-Initiated Complaints

At Kids in Motion, we want children to be comfortable voicing concerns or complaints regardless of their age, ability, or other personal characteristics. We acknowledge that some children may require more support than others when raising a concern or complaint, such as those from CALD backgrounds or those with special needs.

When responding to a child who is making a complaint, you should **LISTEN, REASSURE and RESPECT** the child, as outlined in Table 2 overleaf.

Table 2: Responding to Child-Initiated Complaints

Action	Description
Listen	<p>When a child is making a disclosure, you should:</p> <ul style="list-style-type: none"> • Allow the child to use their own words when expressing their concerns • Consider whether the child’s parent/carer should be present • Ensure the environment is safe, comfortable, and respectful of the child’s right to privacy • Remain calm and patient • Be supportive, reassuring and comforting if the child is upset • Ask open ended questions, not suggestive or leading questions • Do not interrogate the child, you should avoid asking too many questions that may overwhelm them • If the alleged incident happened on-site, ask the child if the person is still in the building and if they can describe the person • If the abuse happened at home, ask the child to provide more detailed information.
Reassure	<p>Reassure the child that:</p> <ul style="list-style-type: none"> • They have done the right thing by voicing their concern • What has happened is not their fault, and validate their feelings • Their concern is taken seriously • They are believed.
Respect	<p>Respect the child and ensure that you:</p> <ul style="list-style-type: none"> • Allow the child to take their time to disclose further information • Explain what the next steps will be (<i>using age-appropriate language</i>) • Avoid making promises that cannot be kept, e.g. that you will not tell anyone what they have just told you • Ask the child what kind of support they would like from you or from Kids in Motion • Explain that you may need to tell someone else to keep them safe.

5.4 Responding to Adult-Initiated Complaints

When responding to an adult making a complaint on behalf of a child who is present, you should adopt the **LISTEN**, **REASSURE**, and **RESPECT** process outlined in Table 2 above.

If the affected child is **not present** at the time an adult-initiated complaint is made, the following factors should be identified:

- Whether the child is aware that the complaint has been raised on their behalf
- The nature of any communication between the complainant and the affected child
- How involved the affected child would like to be in the complaints process
- When to contact the child or their parent/guardian
- How much information to provide the child about the next steps
- The extent of the parent/guardian’s involvement in the complaints process.

5.5 Reporting Child Safety Complaints

When reporting a child safety concern or complaint, personnel should address the requirements outlined in the **Child Safe Complaints Flowchart** and supporting procedure provided in **Appendix A**.

5.6 Investigate

The CSO will communicate with the relevant external authorities (*i.e. the police or child protection authorities, if the matter was reported*) prior to initiating an internal investigation. This is to ensure Kids in Motion's internal investigation does not compromise any criminal or child protection investigations.

The CSO is responsible for initiating Kids in Motion's internal investigation process (*in consultation with the Child Safety Committee and the Director*). The following factors are addressed and adhered to throughout an investigation:

- Immediate risks to a child's safety are identified and addressed. Risk mitigation strategies are implemented while an allegation or complaint is being assessed and/or investigated (refer to *Section 5.7*).
- Kids in Motion co-operates with police and child protection authorities, as required
- Principles of procedural fairness are applied
- The respondent is provided opportunity to respond to allegations within a reasonable timeframe
- Ongoing support is provided to any affected child, including having access to a support person at all times
- All information and evidence collected is managed securely, with access only by persons approved by the CSO and Director
- Affected parties are kept informed throughout each stage of the complaints process
- The investigation process, findings and outcome are documented clearly in an investigation report.

5.7 Risk Evaluation and Safety Measures

The CSO and the Child Safety Committee will evaluate the level of risk the respondent poses to children at Kids in Motion (*refer to the Child Safe Risk Management Procedure for guidance*). After assessing the risk level, Kids in Motion will implement measures to ensure the safety of children. Actions may include, but are not limited to:

- Removal and/or ban of the alleged perpetrator from the premises
- Restrictions against an individual, e.g. removal of a staff member from child-related work
- Disciplinary action (*as outlined in Section 5.8*)
- Continuous monitoring and support for the affected child
- Delivery of further training to staff and/or other personnel.

5.8 Disciplinary Action

Once reporting obligations have been met, Kids in Motion may take disciplinary action against the respondent.

- If the respondent is a staff member or other personnel, Kids in Motion may:
 - Increase supervision of the individual
 - Remove, suspend or ban the individual from the premises
 - Suspend or terminate the individual's employment with Kids in Motion

Further guidance on disciplinary measures applicable to staff and other personnel is provided in the Child Safety and Wellbeing Policy at Section 18: Disciplinary Sanctions.

- If the respondent is a parent, another child, spectator, or other person associated with Kids in Motion, the individual may be immediately removed from the premises or a temporary or permanent ban from the premises will be imposed.
- If the respondent is not a staff member, but is for example, a contractor or sub-contractor, Kids in Motion will take appropriate disciplinary action in accordance with the particular circumstances.

5.9 Debrief

The CSO will debrief affected parties on the outcome and reasons for the decision at the conclusion of the complaints process. In all circumstances, the CSO will document communications with the affected parties and ensure accurate records are kept.

The complainant:

- Follow up with the affected child and/or their family and inform them of the final outcome and resolution
- If appropriate, connect the child and/or their family with support services.

The respondent:

- Inform them of the final outcome and resolution
- Provide internal / external review options, if the respondent is not satisfied with the outcome or handling of the complaint
- Provide referrals to external agencies for additional and ongoing support such as counselling services (if required)

Personnel:

- If appropriate, debrief affected personnel and offer counselling services
- Debrief relevant personnel with appropriate information, in accordance with privacy and confidentiality requirements.

External Parties:

- Kids in Motion may also be required to communicate with the police or child protection authorities regarding the investigation and outcome of the complaint.

5.10 Support and Protection for Affected Parties

The CSO is responsible for:

- Keeping parents/carers informed of the progress and actions taken throughout a complaint process. The affected child will also be informed (where appropriate).
- Providing ongoing support to a child, or any other person who makes a complaint. Support may include assistance with the reporting process and/or connecting the child to external support services (such as counselling).

6 Complaints Review and Analysis

Kids in Motion conducts a comprehensive review process following a child safety complaint to identify any systemic issues, organisational risks and whether any improvements are required to existing policies and procedures.

The review is conducted by the Director and the Leadership Team in consultation with the Child Safety Committee. Kids in Motion keeps accurate records of the complaints review, findings and any improvements made to Kids in Motion's systems or practices.

7 Additional Considerations

7.1 Confidentiality and Information Sharing

Kids in Motion keeps information relating to complaints confidential, to the extent permitted by law. All personal information obtained throughout the complaints process is recorded, stored, and managed in accordance with relevant privacy laws. Refer to Kids in Motion's *Child Safety and Wellbeing Policy* for further guidance on confidentiality and privacy.

7.2 Record Keeping

Kids in Motion keeps complete and accurate records of all serious child abuse matters for a period of **40 years**. All other documents are retained for a minimum of **7 years**. Please refer to the *Child Safety and Wellbeing Policy* for further guidance on Kids in Motion's record keeping practices.

7.3 Referral and Support

Table 3: Referral and support services

Kids Helpline	Free 24/7, support and advice for children and young people aged 5 to 25.	1800 55 1800
Lifeline	Provides all Australians access to crisis support and suicide prevention services.	13 11 14
1800 RESPECT	Support if you, or someone you know, is experiencing sexual assault or domestic and family violence (all ages).	1800 737 732
Parentline Victoria	Free telephone counselling and support for parents and carers with children aged 0 – 18 who live in Victoria.	13 22 89
Yarning Safe N Strong	Free and confidential counselling and support service for Aboriginal and Torres Strait Islander Peoples.	1800 959 563

8 Review

This Procedure is reviewed by the CSO (with support from the Child Safety Committee and the Director), on an annual basis, or earlier as required in accordance with legislative and/or regulatory updates.

9 Related Policies and Procedures

Related policies and procedures listed below are internal Kids in Motion documents directly related to, or referenced in, this Procedure:

- *Child Safety and Wellbeing Policy*
- *Child Safe Code of Conduct*
- *Child Safe Recruitment and Selection Procedure*
- *Child Safe Risk Management Procedure*

10 Relevant Legislation

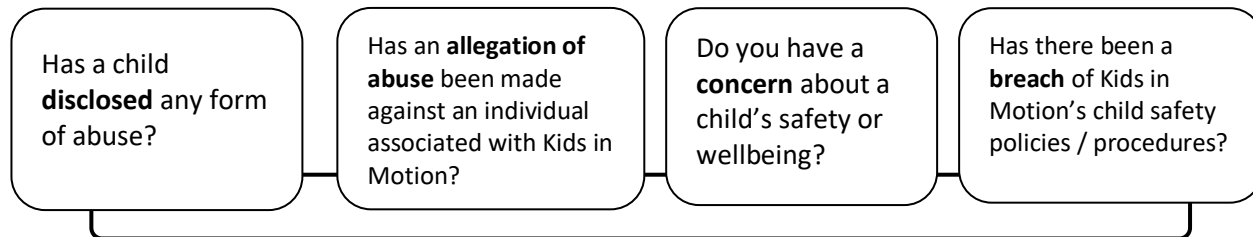
- *Child Wellbeing and Safety Act 2005 (Vic)*
- *Child Wellbeing and Safety Regulations 2017 (Vic)*
- *Children, Youth and Families Act 2005 (Vic)*
- *Crimes Act 1958 (Vic)*
- *Privacy Act 1988 (Cth)*
- *Worker Screening Act 2020 (Vic)*
- *Wrongs Act 1958 (Vic)*

11 Version History

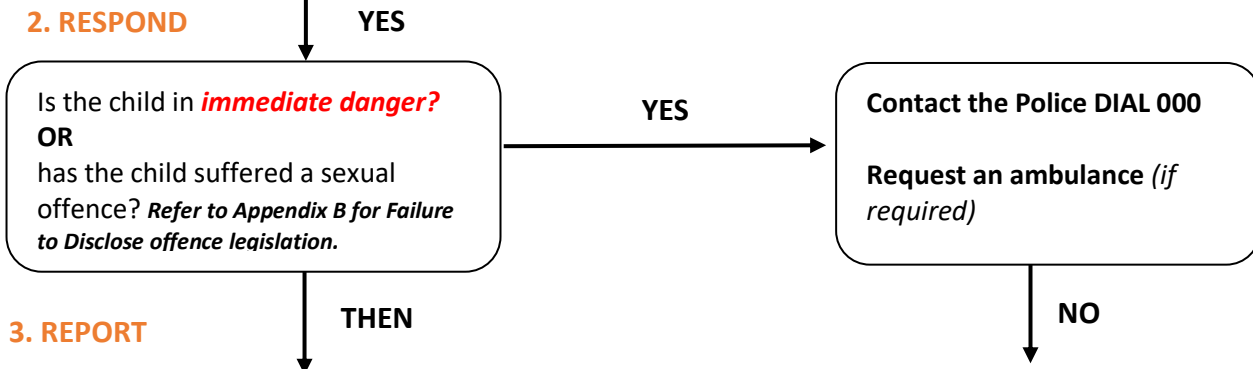
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Appendix A – Child Safe Complaints Flowchart

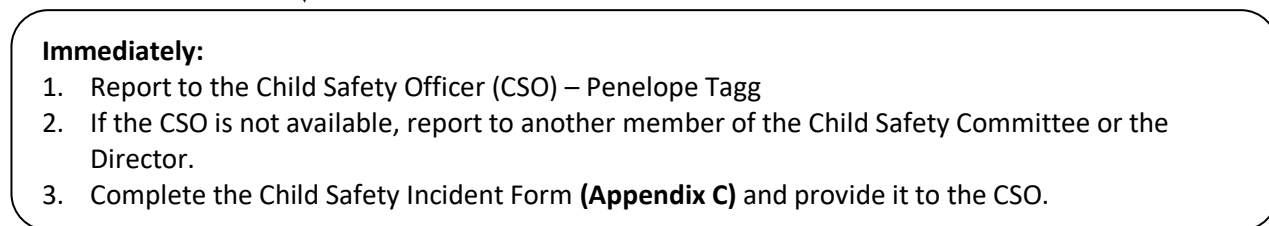
1. IDENTIFY AND RECEIVE



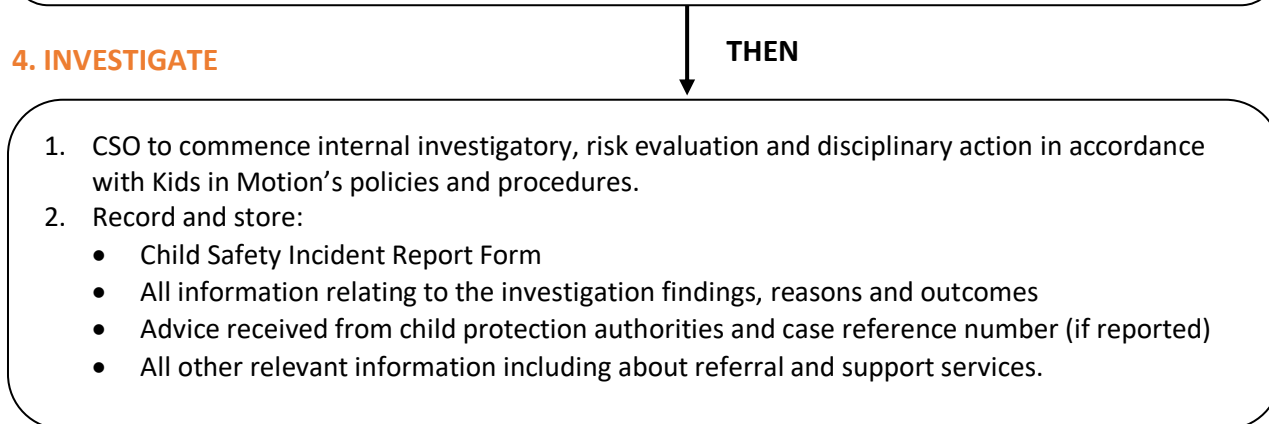
2. RESPOND



3. REPORT



4. INVESTIGATE



5. DEBRIEF

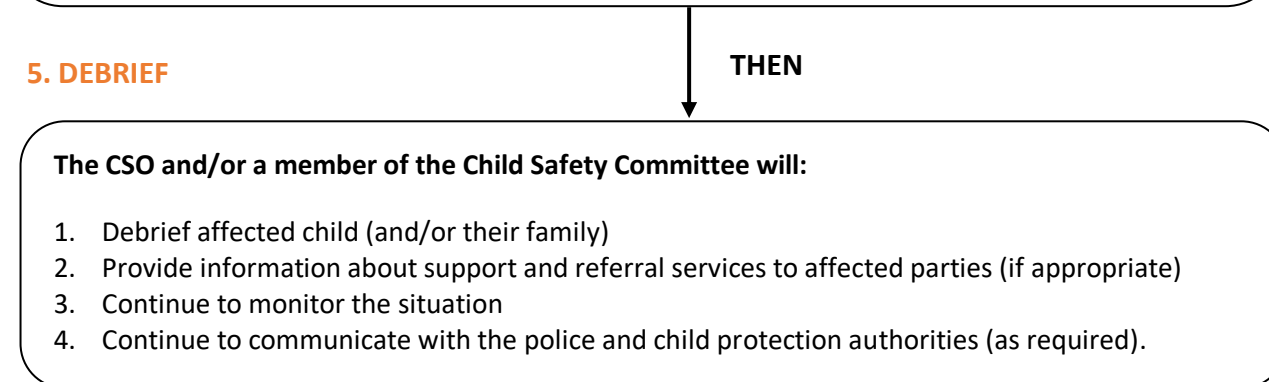


Table 4: Reporting Requirements

Reporting Requirements		
1	Contact the Police	<p>Contact the Police on 000 immediately if:</p> <ul style="list-style-type: none"> • A child is in imminent danger or at immediate risk of abuse or harm • A child (under 16 years) has experienced a sexual offence (<i>obligations to report under the Failure to Disclose Offence, see Appendix B</i>). Personnel should contact the CSO if they are unsure of their legal reporting obligations • The complaint involves an allegation or disclosure of any criminal conduct that requires police involvement. <p>For non-emergency related matters, contact the Police on 131 444.</p>
2	Notify the Child Safety Officer (CSO)	<p>Regardless of whether the police were contacted, personnel should immediately notify the CSO. If there is a conflict of interest, report to another member of the Child Safety Committee or the Director.</p>
3	Record the Complaint	<p>Record the complaint using the <i>Child Safety Incident Report Form (Appendix C)</i>. When completing the form:</p> <ul style="list-style-type: none"> • Gather the child’s details and as much relevant information required to record the complaint objectively (including any witness accounts) • Ensure all available information is recorded as soon after the incident as possible and on the same day as the complaint was received • Consider whether information should be obtained directly from the child, or whether the parent/carer should be involved. This may depend on the following factors: <ul style="list-style-type: none"> ○ The age and maturity of the child ○ The physical and emotional development of the child ○ Cultural barriers ○ Cognitive impairment or communication difficulties ○ The child’s level of understanding of what has happened and the potential consequences ○ Whether the complaint involves the parent/guardian. <p>All child safety complaints must be recorded regardless of whether the complaint meets the statutory reporting threshold.</p>
4	Child Protection Authorities	<p>Any person who has a reasonable belief that a child has suffered or is likely to suffer significant harm as a result of abuse may make a report to the Department of Families, Fairness and Housing (DFFH) - <i>refer to Appendix B</i>.</p> <p>If you are unsure whether you have reasonable grounds to make a report, speak to the CSO.</p> <p>If it is an emergency, where there are urgent concerns for the child’s health or life, call the police on 000.</p>

Appendix B – Child Safe Legal Obligations in Victoria

1. Voluntary Reporting

A person may make a report to the **Department of Families, Fairness and Housing (DFFH) - Child Protection Department**, if:

- They have formed a reasonable belief that a child has suffered or is likely to suffer significant harm as a result of abuse or neglect, and
- The child's parent has not protected or is unlikely to protect the child from that type of harm.

Contact Child Protection

To make a report, you should contact child protection at the office that covers the local government area (LGA) where the child normally resides. To make a report during business hours (8.45am to 5pm), Monday to Friday, contact:

- North Division: 1300 598 521
- South Division: 1300 555 526
- East Division: 1300 360 452
- West Division: 1300 360 462

If you are not sure which number to call, check the [Child protection contacts page](#) for details on the LGAs covered by each intake service.

For Immediate Help

To report concerns that are life threatening, contact Victoria Police on 000. To report concerns about the immediate safety of a child after hours, call the **After Hours Child Protection Emergency Service** on **13 12 78**.

2. The Orange Door

If you have a significant concern for the wellbeing of a child, but do not believe they are at risk of significant harm, a referral to The Orange Door may be appropriate. A referral would be appropriate where families:

- Are experiencing significant parenting problems that may be affecting the child's development
- Are experiencing family conflict, including family breakdown
- Are under pressure due to a family member's physical or mental illness, substance abuse, disability or bereavement
- Are young, isolated or unsupported
- Are experiencing significant social or economic disadvantage that may adversely impact on a child's care or development.

Contact numbers to make a referral in each local government area are listed on the [Family violence support and extra help for children and families \(orangedoor.vic.gov.au\)](#)

3. Failure to Disclose Sexual Offence Committed Against a Child – *Crimes Act 1958 (Vic) s 327*

An adult commits an offence if:

- The adult has information that leads them to form a reasonable belief;
- That a **sexual offence has been committed against a child** (under 16 years) in Victoria, and
- The adult fails to disclose the information to police as soon as it is practicable to do so, unless the person has a reasonable excuse for not doing so.

A reasonable excuse may include fear for safety or where the information has already been reported. If you **fail to report** the information, you may be charged with a criminal offence. The maximum penalty is three years imprisonment.

4. Failure by a person in authority to protect a child from sexual offence – *Crimes Act 1958 (Vic) s 490*

An adult in child-related work in an organisation, will commit an offence if:

- They know another adult associated with the organisation poses a **substantial risk** of abusing a child (**under 16 years**), and
- They have the power or responsibility to reduce or remove the risk, and
- They negligently fail to do so.

An **adult associated with the organisation** may include, but is not limited to, an officer, employee, manager, owner, volunteer, or contractor.

A person negligently fails to reduce or remove a risk if that failure involves a great falling short of the standard of care that a reasonable person would exercise in the circumstances. The maximum penalty is five years imprisonment.

5. Organisational Liability for Child Abuse – *Wrongs Act 1958 (Vic) s 88*

The duty to prevent applies to organisations that exercise care, supervision, or authority over children. Under the legislation, Kids in Motion owes a duty to:

- Take the care that, in all the circumstances of the case, is reasonable to prevent the abuse of a child (**under 18 years**)

Note: child abuse includes physical abuse or sexual abuse.

- By an individual associated with the organisation
- While the child is under the care, supervision, or authority of the organisation.

An **individual is associated with an organisation** if they are an officer, office holder, employee, volunteer, or contractor of the organisation.

Reasonable precautions vary depending on factors including but not relevant to:

- The nature of the relevant organisation
- The resources that are reasonably available to the relevant organisation
- The relationship between the relevant organisation and the child
- Whether the relevant organisation has delegated the care, supervision, or authority over the child to another organisation
- The role in the organisation of the perpetrator of the abuse.

Appendix C – Child Safety Incident Report Form

This form should be completed for all child safety complaints. Before completing this form, please ensure that all requirements outlined in the *Child Safe Complaints Handling Procedure* and supporting Appendices have been followed, and advice has been sought from external authorities where appropriate.

This record and any notes must be kept confidential and stored securely in accordance with record keeping guidelines outlined in the *Child Safety and Wellbeing Policy*. The Child Safety Officer (CSO) should provide records to the relevant external authorities if required.

Kids in Motion Child Safety Incident Report Form	
Complainant's Details	Name: Phone: Email Address:
Classification of Complainant <i>e.g. Coach, spectator, child, parent</i>	
Date Complaint received:	
Child's Details	Name: Age: Address:
Does the child identify as a child from Aboriginal and Torres Strait Islander background?	<input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Unknown
Does the child have a disability?	<input type="checkbox"/> No <input type="checkbox"/> Yes, please provide relevant details:.....
Does the child come from a Culturally and Linguistically Diverse background?	<input type="checkbox"/> No <input type="checkbox"/> Yes, please specify.....

<p>Does the child require communication support?</p> <p><i>Communication support may include an interpreter, a support person, family member etc.</i></p>	<p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes, please specify..... </p> <p>If yes, please provide any information relating to the child's preferred communication methods, support needs and involvement in the complaints process:</p>
<p>Category of the Incident</p>	<p><input type="checkbox"/> Emotional or psychological abuse</p> <p><input type="checkbox"/> Neglect</p> <p><input type="checkbox"/> Sexual Abuse</p> <p><input type="checkbox"/> Grooming</p> <p><input type="checkbox"/> Physical abuse</p> <p><input type="checkbox"/> Exposure to Family violence</p> <p><input type="checkbox"/> Breach of the <i>Child Safety and Wellbeing Policy</i></p> <p><input type="checkbox"/> Breach of the <i>Child Safe Code of Conduct</i></p> <p><input type="checkbox"/> Other inappropriate behaviour. Please detail:</p>
<p>Name of person complained about (Respondent)</p>	
<p>Classification of Respondent</p> <p><i>e.g. Coach, spectator, child, parent</i></p>	
<p>Date of incident</p>	
<p>Time of incident</p>	
<p>Location of incident</p>	
<p>Witnesses</p> <p><i>(if more than 3 witnesses, attach additional details to this form)</i></p>	<p>Name (1):</p> <p>Contact details:</p> <p>Name (2):</p> <p>Contact details:</p>

	<p>Name (3):</p> <p>Contact details:</p>
<p>Details of complaint / reason for suspecting abuse</p> <p><i>Use as much detail here as necessary including:</i></p> <ul style="list-style-type: none"> <i>what was said, (where possible, noting the exact words used by the person making the allegation);</i> <i>what you observed (e.g. injury, harm, disclosure) and any other details relevant to the incident.</i> 	
<p>Interim immediate action (if any) taken to ensure child's safety and/or to support needs of person complained about</p> <ul style="list-style-type: none"> <i>Interim action may include transfer of alleged perpetrator to non-child-related duties, suspension, removal</i> 	
<p>Provide details of any harm or injuries to the child, and if the child or others received medical attention.</p>	
<p>Police contacted</p> <p><i>Complete if relevant</i></p>	<p>Who: <i>name of Police Officer reported to</i></p> <p>When: <i>date and time you contacted the police</i></p> <p>Advice provided:</p> <p>Case reference number (if known):</p>

<p>Department of Families, Fairness, and Housing</p> <p><i>Complete if relevant</i></p>	<p>Who: <i>name of contact person</i></p> <p>When: <i>date and time you made contact</i></p> <p>Advice provided:</p> <p>Case reference number (if known):</p>
<p>Child Safety Officer, member of the Child Safety Committee, or Director</p>	<p>Who: <i>name of person reported to</i></p> <p>When: <i>when did you contact them</i></p>
<p>Completed by</p>	<p>Name:</p> <p>Position:</p> <p>Signature: Date:</p>
<p>Signed by</p>	<p>Complainant name (if it is not a child):</p>