

# Safeguarding Children and Young People

## Allegation and Complaints Handling Procedure

January 2024

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## SCOPE

This Procedure does not apply to Council employees and representatives engaged in Council's Children's Services functions. Council employees and representatives engaged in Council's Children's Services functions should refer to the Children's Services Child Protection Policy.

This Procedure applies to all other Council employees and representatives, including:

- Mayor and Councillors;
- Full-time, part-time, and casual employees;
- Permanent and temporary employees performing work for Council, including work experience students, apprentices, interns, and trainees;
- Temporary and casual individuals engaged through an agency;
- Staff on secondment from another role or another council;
- Volunteers; and
- Contractors or consultants directly engaged/renumerated by Council.

The application of this Procedure is irrespective of the person's involvement in child related work or the environment where they contact children or young people (physical, face to face, verbal, written or online), and there are no exclusions to its application.

## OVERVIEW

These procedures outline how allegations and complaints made under the Reportable Conduct Scheme are to be received, recorded, managed, investigated and reported to the Independent Regulator.

The Reportable Conduct Scheme and the appointment of an Independent Regulator is established in Tasmania under the *Child and Youth Safe Organisations Act 2023 (Tas)* and comes into effect from 1 January 2024.

A report must be made if Council receives a complaint regarding a 'reportable allegation' or 'reportable conviction'.

**Reportable Allegation** – Information that leads a person to form a reasonable suspicion that a Central Coast Council 'worker' (as defined in the Safeguarding Children and Young People Policy) has committed reportable conduct, whether or not the alleged reportable conduct occurred within the course of the worker's duties, and regardless of when the alleged reportable conduct occurred.

**Reportable Conviction** – A conviction for an offence that involves reportable conduct, regardless of when the conduct or conviction occurred.

The Act requires that the CEO of Council (or an officer within the organisation on behalf of the CEO) must, if they become aware of a reportable allegation or conviction against a 'worker' of Council, notify the Independent Regulator. Each

failure to report can carry a fine of up to \$23,400. Liability for the fine remains with the CEO. The Independent Regulator must be notified within three business days of a reportable allegation or reportable conviction against a 'worker' of Council.

## *EXPLANATION OF REPORTABLE CONDUCT*

The table below provides some examples of reportable conduct. This is not an exhaustive list.

A 'relevant offence':	<ul style="list-style-type: none"> <li>• A sexual offence.</li> <li>• Failing to report sexual abuse of a child.</li> <li>• Ill-treatment of a child.</li> <li>• Attempt, incitement, accessory.</li> </ul>
Sexual misconduct:	<ul style="list-style-type: none"> <li>• Inappropriate behaviour.</li> <li>• Physical contact.</li> <li>• Voyeurism.</li> <li>• Speech or other communication.</li> </ul>
Physical violence:	<ul style="list-style-type: none"> <li>• Intentional or reckless.</li> <li>• Actual physical force.</li> <li>• Belief of physical force.</li> </ul>
Grooming:	<ul style="list-style-type: none"> <li>• Intended to establish trust.</li> <li>• Purpose of normalising sexuality harmful behaviour or to allow an unlawful act to occur.</li> <li>• Pattern of behaviour.</li> <li>• Diversity of settings and methods.</li> </ul>
Emotional/psychological harm:	<ul style="list-style-type: none"> <li>• Must be significant.</li> <li>• Harm to a child's wellbeing or development, or both.</li> </ul>
Neglect:	<ul style="list-style-type: none"> <li>• Must be significant.</li> <li>• Deliberate or reckless failure to meet basic needs.</li> </ul>

## *PROCEDURE*

### **1 RECEIVING THE COMPLAINT**

Complaints may be received in person, by phone, email, letter or social media. Details of the complaint should be recorded in Council's administrative records system as per all official correspondence with Council and forwarded in the first instance to the CEO, along with all other relevant

information provided by the complainant. Complaints may be received from a parent, carer, a child, staff member, volunteer or any other members of the community.

**\* Staff should call 000 if it is apparent a child is in immediate danger.**

## **2 RECORDING THE COMPLAINT**

The CEO or their delegate, should record the key complaint details, such as details about the complainant, any additional communication or support required; details about the subject of the complaint (including any former names or aliases of the accused worker, if known, date of birth), the complaint issues, if Tasmania Police have been notified (if a reportable allegation), how the complaint will be resolved or investigated and risks to be managed (see Attachment A: Complaint Report Form).

The Complaint Report Form must be provided to the Independent Regulator within three business days of receiving the complaint.

In the first instance and where relevant, Council staff should offer referral to support services for the person reporting the complaint and the accused 'worker'.

## **3 ACKNOWLEDGE THE COMPLAINT**

Complaints should be acknowledged at the time of receipt or as soon as possible afterwards.

Acknowledge the complaint with the complainant within 24 hours of the complaint being received.

Nominate a contact person at Central Coast Council for the complainant.

Provide information about the complaint-handling process, the likely next steps and expected timeframe.

## **4 ASSESS THE COMPLAINT AND ADDRESS IMMEDIATE RISKS**

The initial assessment of a complaint should involve the following questions being asked:

- Does the complaint raise any immediate risks to the safety or wellbeing of a child or young person or other person?
- What other issues does the complaint raise?
- What steps need to be taken to address and manage risks throughout the complaints process?

- Does the child or young person affected by the complaint (or other children involved or impacted) require any additional supports during the complaints process?
- What evidence needs to be immediately secured/protected/kept confidential?
- How serious, complicated or otherwise urgent are the issues raised in the complaint (from both the perspective of the complainant, involved child or young person and the organisation)?
- Are the issue/s raised within your organisation's control?
- Are the outcomes sought by the complainant viable?
- If more than one issue is raised, will they need to be separately addressed?
- What other authorities or agencies (e.g. police, health services) need to know about the issues raised by the complaint or be involved in the response?
- What type of information should the complainant be provided following your assessment?
- Is further information needed from the complainant in order to properly assess and resolve the complaint?

If the complaint is not about something your organisation can respond to, you should ensure that the complainant is told this and (wherever possible) referred to a person or organisation that can help as quickly as possible.

Checklist for when Council must report to the Independent Regulator:

- The complaint is being made against someone over the age of 18 years.
- They are engaged by the Council as 'worker' (within the meaning of the Act).
- The conduct or behaviour complained of is 'reportable conduct'.
- The conduct or behaviour complaint leads you to form a reasonable suspicion that the person has committed 'reportable conduct' OR the person has been convicted for that 'reportable conduct'.

## 5 CONDUCTING AN INVESTIGATION

After an initial Complaint Report is sent to the Independent Regulator, as soon as practicable, a Council Officer on behalf of the CEO must:

- Investigate the reportable allegation/reportable conviction, or engage an independent investigator to do so on Council's behalf (see Attachment B for indicative investigation support).
- Inform the Independent Regulator of the identity of the body or person who will conduct the investigation.

Select the appropriate investigative approach by looking at any statutory requirements, consulting relevant external bodies (e.g. police and child protection agencies) and considering the nature of the issue or allegations raised and the likely outcome of the investigation.

Develop an investigation plan, ensuring that, where appropriate, relevant authorities are consulted and involved in its design and implementation to ensure an organisation's actions do not compromise a police or child protection investigation.

No later than 30 days after the initial complaint is reported to the Independent Regulator via the Complaint Report Form, Council must provide the following information to the Office of the Independent Regulator:

- A copy of the findings and the reasons for those findings.
- Details of any disciplinary (or other) action Council has taken or proposes to take, and the reasons for that action.
- If no action is proposed to be taken, the reasons why no action is to be taken.

If for some reason Council is unable to investigate or engage an external investigator to investigate, it must notify the Independent Regulator as soon as practicable and give reasons for the non-compliance.

The obligation to investigate continues to apply even if the worker ceases to be employed or otherwise engaged by Council during the period in which the investigation is being conducted.

## **6 PROVIDE REGULAR UPDATES THROUGHOUT THE COMPLAINTS PROCESS**

Let the complainant and—depending on the complainant's needs, also their family, guardian and/or support person—know what is happening with their complaint, when they can expect to hear from you and who to contact for more information or if they have questions about the process.

The frequency of updates and the nature and quantity of information provided to the complainant should be determined in accordance with their specific needs and wishes, and privacy and confidentiality obligations.

## **7 PROVIDE THE FINAL OUTCOMES**

Report final findings to the complainant, the subject of complaint and other stakeholders, considering privacy, confidentiality and procedural fairness obligations.

Explain to the complainant and the subject of complaint—using the most appropriate communication channel and putting in place any necessary supports—the key steps taken to investigate the complaint, the outcome (including the reasons for your decision), and available avenues for review and/or appeal if they are dissatisfied with the outcome and/or the complaints process.

## **8 CLOSE THE COMPLAINT AND RECORD THE OUTCOME**

Close the complaint and keep comprehensive records about:

- How the complaint was managed;
- The outcome; and
- Any recommendations and/or outstanding actions and how they have been addressed.

It is also a good idea to make a record of any systemic issues identified. Invite people to provide feedback at the conclusion of the complaints process.

## **9 FACILITATING ONGOING SUPPORT FOR THOSE INVOLVED IN THE COMPLAINT**

As part of the process for finalising complaints, Council should consider whether the person who made the complaint or a child or young person involved in the complaint (or their parents/carers) is likely to need or want ongoing support. This might include support that can be provided by Council, as well as referrals that can be facilitated to other organisations where required (for example, referrals for counselling).

## ***CONTINUOUS IMPROVEMENT***

In addition to making adjustments to any systems or weaknesses identified by a specific complaint or general feedback, Council should have a system for collecting, maintaining and reviewing complaints data to identify any broader trends with the aim of improving service delivery/performance. Look for opportunities to communicate with people who have made complaints, and with stakeholders broadly, about any changes or improvements brought about through the handling of complaints, or review of complaint data. This helps people to see the tangible benefits from making complaints, and may help people to feel more comfortable about raising other concerns in the future.



## Attachment A: Outline of Complaint Report Form to be sent to the Independent Regulator

### Complaint Report Form

*Child and Youth Safe Organisations Act 2023 (Tas)*

The following information is to be provided to the Independent Regulator within 3 business days of receiving the complaint.

**Date Complaint Made:**

**Complainant's Details:**

Title: First Name: Surname:

Date of Birth:

Postal Address:

Contact Phone Number:

Email:

**Details of Accused Worker:**

Title: First Name: Surname:

Any known aliases:

Date of Birth:

Postal Address:

Contact Phone Number:

Email:

**Details of the Complaint or Convicted Offence Reported to Council:**

**Contact Details of Council Officer Handling the Complaint:**

Position/Title: First Name: Surname:

Postal Address:

Contact Phone Number:

Email:

**List actions taken by Council to date:**

*(Provide written details)*

Receipt of the complaint has been formally acknowledged with complainant ☐

Initial information about the complaint handling process has been provided to the complainant ☐

Complainant has been given contact details for the Council Officer handling the complaint ☐

CEO's Signature:

Date:

## **Attachment B: Indicative Allegations Investigation Support**

- Straightforward investigation (~1-2 witnesses, single allegation, cooperative witnesses etc):
  - Approx. \$2,500 - \$3,500 plus disbursements recovered at cost (normally interview transcription)
  - This assumes a senior associate engaged for approx. 1 day interviewing witnesses and approx. 1 day preparing a report.
- Complex investigation (~ 5 or more witnesses, multiple / serious allegations, etc)
  - Approx. \$10,000 - \$15,000 plus disbursements recovered at cost (normally interview transcription)
  - This assumes a senior associate engaged for approx. 2-3 days interviewing witnesses, and 2-3 days preparing a report.