



# Complaint Handling Guide: Upholding the rights of children and young people

**Every organisation working with children and young people has the same obligation to respond effectively to complaints that affect children and young people.**

The National Principles for Child Safe Organisations (National Principles) provide a nationally consistent approach to cultivating organisational cultures and practices that foster child safety and wellbeing. The National Principles also give effect to the child safe standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse.

National Principle 6 states that organisations should have processes to respond to complaints and concerns that are child-focused and uphold the rights of children and young people.

The *Complaint Handling Guide: Upholding the rights of children and young people* provides comprehensive practical advice to organisations about how to develop, implement and maintain a complaint-handling system that prioritises child safety and promotes the rights of children and young people to have a voice in decisions that affect them.

## The Nine Guidelines

The Guide is divided into nine guidelines addressing key aspects of an effective complaint-handling process and system.

### 1 Embedding children's rights, safety and wellbeing into the complaints process

Creating a child-rights focused complaints culture is the first step in handling complaints involving children and young people. All children and young people, staff, volunteers, parents and carers should feel supported in making a complaint to an organisation.

### 2 Reporting responsibilities

It is important that an organisation is aware of its obligations to report and take action to protect the safety of children and young people in their organisation. The roles and responsibilities of staff and volunteers in meeting these obligations should be clearly articulated in the organisation's complaint-handling policy.

### 3 Sharing information and communicating with stakeholders

Sharing information is important to promote the safety and wellbeing of children and young people. An organisation should be aware of relevant legislative responsibilities for information sharing. Staff and volunteers should also be aware of what information they can share, with whom, and when and how it should be communicated.

### 4 Confidentiality and privacy

Children and young people have the same right to privacy, anonymity and confidentiality as adults (subject to reporting obligations). An organisation should maintain current knowledge of, and comply with, their legislative obligations to maintain confidentiality and protect personal information and privacy.

### 5 Managing risks – complaints and incidents

It is important to have a clear understanding of potential risks to children and young people in an organisation and develop a plan to prevent risks from occurring. An organisation should monitor and reassess risks throughout investigation and complaints processes.

### 6 Conducting investigations involving children and young people

Complaints affecting children and young people should be properly investigated, taken seriously, and their rights are safeguarded throughout the investigation process. These investigations are planned, fair, proportionate and thorough, with findings supported by the available evidence.



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### Being fair and objective

Complaints processes should be fair to all parties involved, including affected children or young people and the subject of the complaint. An adult's opinion is not prioritised over a child's in the event that they differ; children and young people are listened to without judgement and their views are taken seriously.

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### Explaining outcomes and review options

It is important for an organisation to be aware of what type of outcomes are available for different complaints and explain them to complainants, including children and young people. Final outcomes of a complaint, their reasons and options for review should also be clearly explained to the complainant and subject of the complaint.

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### Record keeping and complaints data

Organisations should keep full and accurate records about complaints involving children and young people, in line with any legislative or other record-keeping requirements in the jurisdiction. These records should be analysed to improve service and identify trends and risks in the organisation.

## Appendices

The nine guidelines are accompanied by a range of appendices that both support the guidelines and serve as standalone tools to assist organisations in complaint-handling. These appendices are available for download within the Guide or as individual documents.

**Appendix A:** Checklist for an effective complaint-handling system

**Appendix B:** Complaint-handling process: An overview

**Appendix C:** Answers to common questions from children and young people about the complaints process

**Appendix D:** Factors to consider when developing a plan for involving children and young people in a complaints process

**Appendix E:** Tips for responding to trauma during the complaints process

**Appendix F:** Practical tips for creating a safe organisation for children and young people from diverse backgrounds

**Appendix G:** Child safety reporting process within an organisation

**Appendix H:** Defining concerning behaviour, misconduct and criminal conduct in a Code of Conduct

**Appendix I:** Conducting an initial risk assessment – key actions and factors to consider when responding to a complaint or incident

**Appendix J:** Planning an investigation – factors to consider

**Appendix K:** Tips for interviewing children and young people

**Appendix L:** Checklist for responding to serious complaints involving the conduct of staff members and volunteers (including reportable allegations)

**Appendix M:** Complaint Record Form

**Appendix N:** Tips for recording key complaints data

## How was the Guide developed?

The Office of the NSW Ombudsman led development of the Guide through a consultation process with the Australian Human Rights Commission, e-Safety Commissioner and children's commissioners, advocates, guardians and ombudsman's offices in each state and territory.

## Where can I access the Guide?

A reference guide and full version of the Guide are available at the **National Office for Child Safety** webpage <https://childsafety.gov.au>.

If you would like to share your feedback on the Guide please email the National Office for Child Safety at [nationalofficeforchildsafety@ag.gov.au](mailto:nationalofficeforchildsafety@ag.gov.au).

