

Introduction

Balcombe Grammar School seeks to foster a culture within the school community, which inspires and reinforces high standards of conduct and accountability.

External stakeholders, staff, students or other members of the school community are entitled to make a complaint, whether informally or formally, if they perceive they have:

- experienced behaviour by staff, students or other school community members; or
- encountered a school process that is unsatisfactory or not in accordance with the school policies, values and expectations or not in accordance with Government regulation.

It is the responsibility of the School Principal, and ultimately the Board of CSV, to ensure that proper and transparent grievance processes are established to ensure that any complaints received are managed and resolved fairly, efficiently, promptly in line with school values, and in accordance with relevant legislation.

This policy and its procedures must be accessible to all external stakeholders, staff, students and other members of the school community and shall be made generally available to view on the schools' parent portal (BGSHub) and website and provided by hardcopy if requested.

The CSV Board has approved Balcombe Grammar School's Child Safeguarding Complaints Management Policy and Procedures, as set out in the Policy Administration section, below.

To be a child safe environment, the School must have and implement child-focused processes for managing complaints and concerns. To meet this Standard, Ministerial Order 1359 requires the CSV Board to (among other things):

- develop a complaints handling policy that meets a number of specific elements and that clearly outlines:
 - the process for making a complaint about the School or the behaviour of any person within the School
 - the roles and responsibilities of leadership, school staff and volunteers in relation to complaints handling
 - the process for dealing with different types of complaints, breaches of relevant policies or the Child Safety Code of Conduct, and obligations to act and report
- have policies and procedures in place that address reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and cooperating with law enforcement
- ensure record keeping, reporting, privacy and employment law obligations are met when responding to complaints and concerns
- have a clear procedure or set of procedures for responding to complaints or concerns relating to child abuse
- ensure that complaints are taken seriously and responded to promptly.

Purpose

Balcombe Grammar School Staff hold a unique position of influence, authority, trust and power in relation to students at the School. As such, it is their duty, at all times, to maintain professional boundaries with students.

A child-focused complaints handling system is important for helping students and others at the School make complaints, whether about child safety or otherwise.

This Policy and its Procedures set out how the School, as a child safe organisation:

- has and implements a child-focused complaints handling system
- manages child safety-related complaints.

Principles

Balcombe Grammar School is committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

The CSV Board and Balcombe Grammar School have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Ministerial Order 1359, the School's **Statement of Commitment to Child Safety** and the School's **Child Safeguarding Standards Framework** set out the principles that guide the CSV Board and Balcombe Grammar School in the development and regular review of the Aboriginal and Torres Strait Islander Students Policy and Procedures (Child Safeguarding).

Rights

All external stakeholders, staff, students or other members of the school community are entitled to make a complaint, either informally or formally, in order to ensure a safe, respectful and caring environment is maintained within the schools.

Response time

All complaints will be responded to in a timely manner. They will be acknowledged within two working days and a grievance process will commence within seven working days of their receipt.

Confidentiality

The process of investigation will remain confidential and only involve the person or persons directly involved or witnesses of any incident/s in question.

Records

The outcomes of the grievance process will be provided as a written statement to all parties involved and will be kept and stored in an appropriate and secure manner.

Fairness

Investigations will be made on the basis of presumed innocence and will require defined evidence to substantiate any complaints.

Support

During the investigation process, the complainant and the respondent have the right to be represented or supported by another person of their choice.

Good faith

Complaints made in good faith will be treated respectfully and the company and school will endeavour to support all parties involved. Victimisation will not be tolerated. Complaints found to be vexatious will be dismissed or viewed as misconduct.

Scope

This Policy and its Procedures apply to all Staff, Volunteers and Contractors (together referred to as "Staff" or "staff members" for the purposes of this Policy and its Procedures).

They apply in all School environments (together referred to as School environments, including physical, virtual and online environments, and on-site and off-site School grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas).

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in the Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures.

Of particular relevance to this Policy and its Procedures are the following additional key definitions:

Child Abuse and Other Harm

We refer to all definitions and concepts that are set out in the multiple Victorian child protection laws and that are relevant to "child abuse" and "harm" to a child or young person as "child abuse and other harm."

Child abuse and other harm includes:

- sexual offences and sexual abuse
- grooming behaviours, grooming offences and encouragement offences
- physical violence and physical abuse
- serious/significant emotional or psychological harm (including by exposure to family violence)
- serious/significant neglect
- being subjected to a sexual orientation or gender identity change or suppression practice.

For more information, refer to the Definitions section of Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures.

Complaint

A "complaint" is an expression of dissatisfaction with an action taken, decision made, or service provided, or with the failure to provide a service, take action or make a decision at the School.

A complaint might come from a number of sources, such as a student, former student, parent/carer, other family member, staff member, Volunteer, Contractor or member of the wider community.

Child Safeguarding-Related Complaint

A "child safety-related complaint" is any disclosure, allegation, suspicion, concern or internal report of:

- a breach of the School's Child Safeguarding Codes of Conduct
- a child safety incident or concern alleged to have occurred, be occurring or be at risk of occurring at the School or a School event
- child safety incidents or concerns involving School Staff, Volunteers or Contractors
- other staff misconduct related to the Child Safeguarding Program (such as a procedural breach of the Child Safeguarding Program).

Victimisation

Treating someone unfairly because that person, or someone with whom they associate, has made, or intends to make, a complaint under this policy. It is unlawful to victimise or penalise a person for making a complaint in good faith.

Vexatious Complaint

Inaccurate, misleading, malicious or false accusations that are not substantiated or do not constitute reasonable grounds for complaint.

Grievance

A complaint or concern where the individual wishes to obtain an action or response from the school or the company.

Mediation

A process which assists the complainant(s) and respondent(s) to reach a solution that is satisfactory to all parties.

Restorative Practice

An approach to restoring and repairing relationships where harm has been done by one party towards another.

A child safety-related complaint also includes any complaint about the School's response to or management of a child safety incident or concern, including complaints alleging non-compliance with our **Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures**.

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in Child Safeguarding Responsibilities, the following people have particular responsibilities under this Policy and its Procedures.

The School's Child Safe Committee is responsible for:

- promoting a child safe risk management culture within the School
- ensuring that the School communicates its commitment to child safety and to child safeguarding legal and regulatory compliance and ensuring that operations are consistent with the commitment to child safety
- receiving and reviewing child safeguarding risk reports
- supporting, advising and assisting the Principal and the Executive Team in relation to effective child safeguarding risk management*

Policy

1. The School implements child safe complaints handling processes, as set out in **Making a child safety-Related Complaint** below, to enable:
 - simple and appropriate avenues for students, Staff, Volunteers, Contractors, parents/carers and the wider community to make a complaint, including child safety-related complaints
 - confidentiality and accessibility for all members of the School community.
2. The School, and its staff members, **must** respond to child safety-related complaints as set out below in:
 - **Responding to Child Safeguarding-Related Complaints – Staff Members' Obligations**
 - **Managing Child Safeguarding-Related Complaints – the School's Obligations**
 - **Internal Reviews of Child Safeguarding-Related Complaint Outcomes**
3. Records of complaints that contain information about child safety incidents or concerns must not be held within our general Complaints Handling record keeping system, because of the confidentiality and privacy issues that arise with respect to child safety incidents and concerns. These complaints are instead recorded as a child safety incident or concern, under our Child Safeguarding Record Keeping Policy and Procedures.
4. Analysis of child safety-related complaints and reviews of the Child Safeguarding Complaints Management Policy and Procedures inform the continuous improvement of the School's Child Safeguarding Program and practices, as set out in **General Reviews of Child Safeguarding Complaints Management** below.

Procedures

1. Making a Child Safeguarding-Related Complaint

a) Anyone can, at any time, make a child safety-related complaint to:

- the Principal
- a Child Safeguarding Officer
- a trusted staff member
- in person, in writing or over the phone.

Non-child safety-related complaints should be made to the Complaints Officer.

b) Parents/carers, family members and other community members who have child safety concerns about the School, its students or staff members are asked to follow the procedures set out in our Child Safeguarding (Safety and Protection) Policy and Procedures and to contact:

- the School's Senior Safety Champion, Natalie Kurelja, Head of Faither and Wellbeing
- the Principal
- if the concern relates to the Principal, the Board Chair

- c) Students have multiple pathways to make a complaint, including child safety-related complaints, at the School. These include:
- disclosing child safety incidents or concerns, including abuse or other harm of themselves or of any other child or student aged 18 or over, to any staff member, Volunteer or Contractor. This might be done:
 - verbally
 - in writing
 - through electronic means (such as email)
 - indirectly (such as in written assignments, in artworks or in any other way)
 - using the School's anonymous, which is located on BGSHub to disclose child safety incidents or concerns, including abuse or other harm of themselves or of any other child or young person, anonymously

2. Responding to a Child Safeguarding-Related Complaint – Staff Members' Obligations

a) Support for Complainants

Whenever a complaint containing information about child safety incidents or concerns is received, the complainant must be offered support and assistance under our **Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures**.

Where the complaint relates to a historical sexual offence or sexual misconduct, complainants must be informed about the [National Redress Scheme](#) for people who have experienced institutional child sexual abuse.

b) Internal and External Reporting of Complaint Information

All staff members must follow the School's **Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures** if any information contained in a complaint that is made to them raises a concern that a student may have been subject to, or may be at risk of, abuse or other harm at the School or a School event, or from a staff member. This includes in particular:

- **Reporting a Child Safety Incident or Concern Internally**
- **Mandatory Reporting to DFFH Child Protection**
- **Non-Mandatory Reporting to Child Protection**
- **Reporting to Police**
- **Reportable Conduct**
- **Reporting Teacher Misconduct to the Victorian Institute of Teaching**

Our internal reporting and Reportable Conduct procedures require all staff members to report any child safety-related complaint that is made to them to a Child Safeguarding Officer or the Principal.

If the child safety-related complaint is about the Principal, the complaint must be referred to the School's Chair of the Board.

3. Managing Child Safeguarding-Related Complaints – The School's Obligations

Child safety-related complaints are managed by the School as follows:



a) child safety-related complaints that involve, or raise the possibility of a risk of, child abuse or other harm to a child are managed under the Child Safeguarding Program

The following child safety-related complaints must be managed pursuant to any relevant policies and procedures in this Child Safeguarding Program:

1. complaints involving, or raising the possibility of a risk of, child abuse or other harm occurring at the School or a School event, or by a staff member
2. complaints alleging a breach of the Child Safeguarding Codes of Conduct that involve, or raise the possibility of a risk of, child abuse or other harm by a staff member.

These kinds of child safety-related complaints must be immediately referred to the Principal (or if the complaint involves the Principal, the Chair of the Board) to be managed pursuant to relevant policies and procedures in our Child Safeguarding Program.

The Principal may, where appropriate, delegate management of these kinds of child safety-related complaints to a Child Safeguarding Officer.

Relevant policies and procedures for managing these kinds of child safety-related complaints include, but are not limited to, **Reportable Conduct Policies and Procedures, Reporting Teacher Misconduct to the Victorian Institute of Teaching Policy and Procedures, Mandatory Reporting to DFFH Child Protection Policy and Procedures, Reporting to Police Policies and Procedures** and **Duty to Protect/Failure to Protect Policy and Procedures**.

b) Other child safety-related complaints that are managed under the Child Safeguarding Program

The following child safety-related complaints must be managed pursuant to any relevant policies and procedures in this Child Safeguarding Program:

1. complaints about the School's investigation of and/or response to a specific incident of or concern about child abuse and other harm to a child
2. complaints that the School, when responding to a specific incident of or concern about child abuse and other harm to a child, has not correctly followed the School's own policies (for example, a complaint that we did not follow our Reporting Teacher Misconduct to the Victorian Institute of Teaching or Reportable Conduct Policy and Procedures)
3. complaints that the School has not followed specific legislative or regulatory requirements regarding child safety in relation to a specific incident of or concern about child abuse or other harm to a child (for example, a complaint that we shared information about a child safety incident or concern with an external agency when not permitted by law to do so).

These kinds of child safety-related complaints must be immediately referred to the Principal (or if the complaint involves the Principal, the School's Chair of the Board) to be managed pursuant to relevant policies and procedures in the Child Safeguarding Program.

The Principal may, where appropriate, delegate management of these kinds of child safety-related complaints to a Child Safeguarding Officer.

Relevant policies and procedures for managing these kinds of child safety-related complaints include, but are not limited to, **Compliance and Breach (Child Safeguarding) Policy and Procedures**.

c) child safety-related complaints that may be managed under other School policies and procedures

The following child safety-related complaints may be managed pursuant to other relevant School policies and procedures:

1. complaints alleging a breach of the Child Safeguarding Codes of Conduct that **do not** involve, and **do not** raise the possibility of a risk of, child abuse or other harm to a child by a staff member (for example, a complaint that a staff member has expressed personal views on sexuality in the presence of students)
2. complaints alleging procedural breaches of the Child Safeguarding Program by Staff that **do not** involve, and **do not** raise the possibility of a risk of, child abuse or other harm to a child (for example, a complaint that a staff member has not renewed their WWC clearance)
3. general complaints about our Child Safeguarding policies and procedures themselves (for example, a complaint that our policies and procedures do not accurately reflect the law or that they do not take into account the needs of a particular student or community cohort).

Although these kinds of child safety-related complaints may be managed pursuant to other relevant School policies, the Complaints Officer or other person managing the complaint should – where appropriate - consult with a Child Safeguarding Officer} as part of the investigation.

With respect to 3. above, given the high risk to the School of not having a compliant Child Safeguarding Program, it is likely that the outcome of these kinds of complaints will need to be reported to the CSV Board.

Relevant policies and procedures for managing these kinds of child safety-related complaints include, but are not limited to, our **Complaints Handling Program** and/or our **Human Resources** policies and procedures.

d) Guidance and Resources for Managing Child Safeguarding-Related Complaints

The **Complaints Handling Program** provides guidance on complaints handling principles and a step-by-step guide to managing a complaint.

The National Office for Child Safety publishes a guide for complaints that involve children and young people: [Complaint Handling Guide: Upholding the rights of children and young people](#).

4. Process where complaint concerns the Principal, another member of the ET or a Member of the CSV Board:

- Any formal complaint concerning the Principal, another member of the ET or a Board Member of CSV should be lodged, in writing, to the following address:

Private and Confidential

The Chairperson

CSV Ltd PO

Box 302

Cranbourne Vic 3977

Email: chairman@CSVLimited.vic.edu.au

- If the complaint is about the Chair it should be forwarded to the Deputy Chair at the same address and for the purposes of this Policy, if a complaint is against the Chair all further references in this Policy to the Chair shall apply instead to the Deputy Chair.
- Any such complaint will result in an investigation carried out under the direction of the Chair, or will be convened by a delegate of the Chair. Any investigation will be conducted in a fair and impartial manner.
- If a formal complaint has been lodged against a person, that person will be informed of the nature and content of the complaint and will have the right to respond. At the conclusion of any investigation, the person will have access to all unrestricted information regarding the complaint and the findings of the investigation.
- A mediation or restorative process may be instigated to assist in the resolution of a formal complaint if considered appropriate. This may be conducted by an external or internal facilitator, to be determined by the Chair in consultation with the complainant.
- During the course of any grievance process, final sanctions will not be determined until the review has been completed. However, the Chair may suspend the person concerned should the matter under review be of sufficient severity and/or involve safety concerns. Any such suspension must be referred to the CSV Board as soon as practicable for ratification or reversal.
- If a complaint is validated, appropriate action will be taken with reference to the relevant company and school policies.
- Where the grievance relates to a staff performance matter, principles of Due Process may apply.
- If the matter still remains unresolved, then the individuals concerned or the Chair may refer the matter to the relevant body, such as Anti-Discrimination Commission, Fair Work Commission or Victorian Institute of Teaching for advice, representation or conciliation.

As a general rule CSV and its Schools will not accept anonymous complaints and will do so only at the discretion of the School Principal or the Board (as the case may be) having regard to the nature and seriousness of the complaint and whether there is sufficient information for an investigation to be conducted. Possible exceptions to the general rule include matters which involve significant personal welfare issues or a serious abuse of power where the identity of the person making the claim is not always essential for the proper investigation of such a complaint. Any complaint relating to child abuse, whether anonymous or attributed, will be investigated.

For the avoidance of doubt, this Policy and process is not intended to apply in relation to any decision or policy of the CSV Board and should an external stakeholder, staff member, student or other member of the school community wish to query or express concern about such matters they may do so, in writing, to the Board which correspondence will be considered by the Board in the proper course of its business.

5. Internal Reviews of Child Safeguarding-Related Complaint Outcomes

Complainants or other persons who are involved in the matter (for example, a staff member whose behaviour is the subject of the complaint, a student who is the victim of the alleged behaviour or their parent/carer) and who are not satisfied with the management of a child safety-related complaint or its outcome may request an internal review of:

- procedures undertaken
- findings made
- disciplinary actions proposed or taken
- other outcomes (including a decision not to make a finding or to take disciplinary or other action).

Requests for internal reviews should be made to the Principal.

Internal reviews are undertaken by The Principal or his delegate.

6. General Reviews of Child Safeguarding Complaints Management

The School regularly reviews child safety-related complaints to ensure that any child safety-related feedback, comments or complaints from the School community members and relevant stakeholders are captured, analysed and acted on where appropriate.

In particular, child safety-related complaints are regularly analysed to identify causes and systemic failures to inform continuous improvement.

Our Child Safeguarding Complaints Management Policy and Procedures is also itself regularly reviewed as part of our reviews of the Child Safeguarding Program.

Implementation

This Policy and its Procedure are made available to all Staff, Volunteers, and Contractors, via the School's intranet. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to Child Safeguarding Training and Supervision Policy and Procedures.

They are made available to parents/carers, students and the wider School community in summary in the **School's Complaints and Grievances Policy** and our public-facing **Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures**, which are available on our public website as well as BGSHub.

They are also available in hard copy by request.

A child-friendly version of the Policy content is also available to students.

Breach of Child Safeguarding Complaints Management Policies and Procedures

Balcombe Grammar School enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling

- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to **Compliance and Breach (Child Safeguarding) Policy and Procedures**.

Policy History

This policy was created in 2022 and will be reviewed in 2023. The policy will be formally reviewed in three (3) years or when required, to ensure that it is achieving its purpose in an effective manner.

Policy Review

A review of the Child Safeguarding Complaints Management Policy and Procedures is conducted every two years or earlier if required, such as due to changes in legislation.

The CSV Board is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

Source of Obligation and Related Legislative Instruments

- [Victorian Child Safe Standards](#), Standard 5
- [Ministerial Order 1359](#), Clause 11

Resources and References

National Office of Child Safety, [Complaint Handling Guide: Upholding the rights of children and young people](#).

Policy Administration

Status	Subject to final Board Approval
Person Responsible	The Principal
Approver(s)	The CSV Board is responsible for ensuring that the policy and its procedures are reviewed and updated as needed, and for approving this policy
Approval Date	TBC
Version Number	1.0
Version History	Created 2022
Review Frequency	A review of this policy and its procedures is conducted at least every 3 years or earlier if required, such as due to changes in legislation

Child Safeguarding Complaints Management

POLICY AND PROCEDURES



BALCOMBE
GRAMMAR SCHOOL

Next Review Date	January 2023
Risk Rating	High
Location	CompliSpace