



Complaint Handling Policy

Policy title: Child Safe Complaints Handling Policy

Responsible Officer/Department: Management

Date of last review: December 2023

Date of next review: December 2024

Introduction

Circus Arts is committed to ensuring that children and young people feel safe and respected. To achieve this, Circus Arts Australia fosters an open culture that supports safe disclosure of risks of harm to children and young people.

Circus Arts Australia takes all child safety complaints seriously and responds promptly and appropriately and strives to be as transparent as possible throughout the complaints process whilst respecting the privacy of all parties. Circus Arts will treat all personal information obtained throughout the complaints process in accordance with relevant law.

Glossary of Terms and Definitions

Applicable Person	Refers to anyone involved in Circus Arts in Australia including (but not limited to) the following people: <ul style="list-style-type: none">• Employees, contractors and volunteers• Participants• Any other person including spectators, parents/guardians
Child	A child is a person below the age of 18.
Participant	A person who participates in circus programs delivered by Circus Arts Australia
Handling Organisation	Refers to the organisation who is handling the allegation and/or complaint
Member Protection Information Officer (MPIO)	Refers to a person trained to be the first point of contact for an individual reporting a complaint under, or a breach of, this Policy. He or she provides impartial and confidential support to the person making the complaint.
Respondent	Refers to the person who is the subject of a complaint.
Staff	Refers to all paid and unpaid employees, trainees and contractors of Circus Arts
WWC Check	Working with Children Check.

Emotional Abuse

Emotional abuse is often referred to as 'psychological abuse'. It refers to an adult's inappropriate verbal or symbolic acts towards a child or young person and/or a pattern of failure over time to provide a child or young person with adequate non-physical nurturing and emotional availability.

Exposure to Family Violence

Family violence 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. It is also a form of abuse when a child or young person is exposed to, hears or witnesses any of the effects of the abusive behaviours.

Physical Abuse

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.

Neglect

Neglect 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. Neglectful behaviours are an act of omission, or by willful choice. Forms of neglect can include:

- Physical
- Emotional
- Educational
- Medical
- Environmental

Sexual Abuse

Sexual abuse refers to any act that exposes a child or young person to, or involves a child or young person in, sexual processes that:

1. The child or young person does not fully comprehend
2. The child or young person is unable to give informed consent to
3. The child or young person is not developmentally prepared for
4. Are contrary to acceptable community standards.

Complaints Handling Flowchart

Step 1 Identify

- Has your child or young person disclosed any form of abuse?
- Do you have a concern about a child or young person's safety or well-being?
- Has the allegation of abuse been made?
- Has there been a breach of Circus Arts policies and procedures, including the code of conduct?

Step 2 Respond

- Is the child or young person in immediate danger?
- OR
- Has the child or young person suffered physical harm or sexual abuse?
- IF YES**
- Contact Police - Dial 000
- Contact Ambulance (if required)

Step 3 Report

- Immediately:**
- Contact Circus Art's Member Protection Information Officer (MPIO)
- Complete Circus Arts Confidential Record of Child Abuse Allegation Form
- If the complaint relates to, or occurs at, the state level, report to GNSW
- If the complaint relates to, or occurs at the national level, report to GA
- If the police were contacted make a report to NSW Child Protection and Family Support

Step 4 Investigate

- Investigation, monitoring, and actions taken by:**
- The MPIO
- Circus Arts Leadership Team
- The Police (if reported)
- Child Protection Authority (if reported)
- GNSW, GA and SIA (if engaged)

Step 5 Debrief

- The MPIO**
- Debriefs the affected parties
- Provides ongoing support and offers counselling services to affected parties
- Communicates with the police, NSW child protection authorities, GA and GNSW
- Continues to monitor the situation.

Child Safe Complaints Process

Note: It is important to note that Circus Arts Australia supports all affected parties, including staff, members, respondents, children and their families throughout the entire complaints process.

STEP 1: Identify

Identify whether:

1. A child or young person **has been, is being, or is at risk** of being abused or neglected by an adult or another child.
2. A **disclosure** of abuse has been made by a child or young person, or
3. A **concern** has been raised about a child or young person's safety or well-being, or
4. An **allegation** has been made against a person (staff, parent or guardian, a child or young person, other person) concerning behaviour towards a child or young person, or
5. There has been a **breach** of Circus Arts child safe policies, including the *Code of Conduct*.

For further guidance, refer to:

- The *Child Safe Code of Conduct*
- The *Child Safe Policy*

STEP 2: Respond

1. Listen

- Allow the child or young person to use their own words when expressing their concerns. *Consider whether the child or young person's parent/guardian should be present.*
- Ensure the environment is safe, comfortable and respectful of the child or young person's right to privacy.
- Remain calm, patient and be supportive.
- Do not ask suggestive or leading questions
- Do not interrogate the child or young person. You should avoid asking too many questions that may overwhelm them.
- If the abuse happened on-site, ask the child or young person if the person is still in the building and if they can describe the person. If the abuse happened at home, ask the child or young person to provide more detailed information.

2. Reassure

- Reassure the child or young person that:
 - They have done the right thing by voicing their concern
 - What has happened is not his/her fault and validate his/her feelings
 - You are taking their concern seriously
 - You believe them.

3. Respect

- Respect that it may take the child or young person time to disclose further information
- Explain what the next steps will be (ensure you use age-appropriate language).
- Avoid making promises that cannot be kept, for example, that you will not tell anyone what they have just told you.
- Ask the child or young person what kind of support they would like from you or from Circus Arts.
- Explain that you may need to tell someone else to keep them safe.

4. Respond

- Where a child or young person is in immediate danger contact the Police **DIAL 000**.
- If the child or young person has experienced physical harm or injury, **DIAL 000** and request an Ambulance.
- Immediately report to the MPIO and / or your supervisor.
- Do not leave the child or young person alone.
- Consider whether you are required to inform the child's parent/guardian (*if it is safe to do so*).

Example 1: If a child safety complaint has been made against a staff member concerning their behaviour with a child, then you should inform the affected child's parent/ guardian.

Example 2: If a child safety complaint has been made concerning a parent/guardian's behaviour with their child at home, then you should not contact the parent/guardian until it is safe to do so.

If a Respondent is 15 years or younger, they must have a parent/guardian present during any part of the complaint process and that parent/guardian must be notified of any complaints concerning their child. If the Respondent is 16-18 years, they may choose whether to have a support person present during any part of the complaint process (please note this depends on whether it is safe to involve the parent/guardian, see examples above).

Important Note:

Responding to Adult-Initiated Complaints

When responding to a parent/guardian who is initiating a child safety complaint on behalf of a child, Circus Arts should adopt the **LISTEN, REASSURE, RESPECT** and **RESPOND** process as previously explained.

If the affected child is not present at the time an adult-initiated complaint is made, Circus Arts should identify the following factors during the complaints process:

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

How much information to provide the child about the future steps in the complaints process

The extent of the parent/guardian's involvement in the complaints process.

STEP 3: Report : Make a report

Police

A report **MUST** be made to police if:

- A child's safety, health or welfare is at risk
- The child is in immediate danger.
- The complaint involves an allegation or disclosure of any criminal conduct.

You should contact Circus Art's MPIO for guidance prior to contacting the Police.

Member Protection Information Officer (MPIO)

- Regardless of whether the police were contacted, immediately notify the MPIO and seek further guidance.
- The MPIO will gather all relevant information who will determine whether the complaint requires escalation.

Child Protection Services

If you have reasonable grounds to suspect a child or young person (under 18 years of age) has been or is at risk of child abuse, immediately report to **Child Protection NSW**

Sports Integrity Australia (SIA)

SIA is responsible for managing the independent assessment and referral of complaints relating to child protection. To report a child protection issue directly to SIA, complete the **SIA Reporting Form**.

Parent/Guardian

- After the necessary reporting steps have been taken, you should contact the child or young person's parent/guardian if they are not on-site and it is safe to do so.
- Inform the child of the actions you have taken and what the next steps will be
- Consider whether you are required to inform the child about any reports made to the Police and external authorities (*if it is appropriate to do so*)
- Continue to provide support to the child and their family.

APPENDIX - CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION FORM

Before completing this form, please ensure that all requirements as outlined in this policy have been followed and advice has been sought from the police and/or the relevant child protection agency where appropriate.

This record and any notes must be kept in a confidential place and provided to the relevant authorities should they require them.

Complaints & Allegations Record Form



Use this template to record complaints or allegations in your Club. Make sure that you keep this record in a safe and secure location, so that should it be required by DCJ and/or NSW Police as part of a formal investigation the details of the complaint can be provided.

This form should be used to record a suspicion, allegation or disclosure of child abuse, or a complaint of unacceptable behaviour.

Your name and position	
Name of the child or young person involved	
Name of person making complaint	
Name of person who the complaint was made against	
Date that the allegation/complaint was made and recorded	

1. Nature of the complaint: include time, date, location, what happened and who was involved (this can include observations of the child's behaviour).

2. Details of any injuries and if the child received medical attention.

3. Accurately record what the child said when describing what happened – use their exact words – or record why you suspect abuse due to an indirect disclosure, such as a drawing or observed behaviour.

(In the case of an allegation of abuse, formal investigations and interviews will be carried out by DCJ and/or NSW Police. You must record what the child has said but unless it is your role to investigate, you should not interview the child.)

4. Details of anyone who saw what happened.

5. Does this complaint indicate the possibility of child abuse, such as physical abuse, psychological or emotional abuse, sexual abuse, or neglect?

Yes No

6. Who did you make a report to?

NSW Police

DCJ via ChildStory

DCJ via 132 111

OCG Reportable Conduct Directorate

Internal reporting obligations (name the relevant department or person)

Other (name them)

7. People spoken to in relation to the matter (describe who was spoken to and why they were spoken to about the matter – include police officers, DCJ staff, OCG staff and anyone else you spoke to).

Date(s):

Signed by person reporting complaint: _____

Signed by Complainant (if not a child): _____

Complaints and Allegations Follow Up

Outcome

Police and/or government agency investigation (if any)

Date:

Finding:

Internal investigation (if any)

Date:

Finding:

Action/Discipline taken (if any)

Name:

Description:

Completed by

Name:

Position:

Signature:

Date:

Signed by

Complainant (if not a child) name: