



Child Safe Program (New Policy Format)

Child Safety Complaints Management Policy and Procedures

Introduction

Gumma Place is committed to creating and maintaining a child safe environment where the safety, wellbeing and dignity of every student is paramount.

As a Special Assistance School serving young people who may have experienced trauma, disengagement or vulnerability, Gumma Place recognises that child safeguarding is not a standalone policy but a whole-of-school responsibility embedded in governance, leadership, culture and daily practice.

Gumma Place:

- Upholds the **NSW Child Safe Standards**
- Complies with all applicable child protection legislation in NSW
- Meets the requirements of the **NSW Education Standards Authority (NESA)** for registration
- Promotes a culture of zero tolerance for child abuse, neglect, exploitation or harm

Purpose

A child-focused complaints handling process is important for helping young persons and others at the Gumma Place make complaints, whether about child safety and protection or otherwise. In particular, NSW Child Safe Standard 6 requires that the Gumma Place:

- has a child-focused complaint handling system that is understood by children, staff, volunteers and families

- has an effective complaint handling policy and procedure which clearly outlines roles and responsibilities, approaches to dealing with different types of complaints and obligations to act and report
- takes complaints seriously, responds promptly and thoroughly, and ensures that reporting, privacy and employment law obligations are met.

This section of the Reporting Obligations and Complaints Management (Child Safety) Policy and Procedures supports the creation of a culture in which young persons and their families have their complaints heard, considered and responded to, and of transparency in our complaints management processes.

Of particular importance to this section of the Reporting Obligations and Complaints Management (Child Safety) Policy and Procedures is the phrase “child safety-related complaint”. A child safety-related complaint includes any disclosure, allegation, or internal report of:

- a breach of the Child Safety Codes of Conduct
- a child safety incident or concern alleged to have occurred, be occurring or be at risk of occurring at the Gumma Place or a Gumma Place event
- a child safety incident or concern involving Gumma Place Staff
- other staff misconduct (such as a procedural breach of the Child Safety Program)
- a complaint about the Gumma Place’s response to or management of a child safety incident or concern, including complaints alleging non-compliance with the Reporting Obligations and Complaints Management (Child Safety) Policy and Procedures.

Scope

If you are one of the people set out in the subsections of this Policy and its Procedures, the relevant subsection applies to you.

This Policy and its Procedures apply in all Gumma Place environments, including physical and online environments, and on-site and off-site Gumma Place grounds (e.g. camps and excursions, and interstate and overseas travel).

Roles and Responsibilities

The following people have particular responsibilities under this Policy and its Procedures (additional roles and responsibilities are set out in the subsections below):

Staff Members

If you are a staff member, you are responsible for:

- responding appropriately to a young person who raises or is affected by a child safety-related complaint
- understanding and complying with the internal and external reporting obligations that apply to you when responding to a Child Safety-related complaint
- complying with this Policy and its Procedures whenever you receive a child safety-related complaint.

Child Protection Officers

If you are a Child Protection Officer, you are responsible for:

- providing assistance and advice to Staff about their obligations under this Policy and its Procedures
- ensuring that all child safety-related complaints are taken seriously, escalated, reported and responded to
- ensuring that the Gumma Place responds appropriately to a young person who raises or is affected by a child safety-related complaint
- where authorised by the Principal or ShoreTrack CEO, promptly and thoroughly managing the Gumma Place's response to a child safety-related complaint as set out in the **Procedures** below
- where authorised by the Principal, monitoring the Gumma Place's compliance with this Policy and its Procedures.

The Principal

If you are the Principal, you are responsible for undertaking Child Protection Officers' responsibilities above, as well as for ensuring the efficient and effective organisation, management and administration of the Gumma Place's child safety complaints handling processes.

You may authorise other people at the Gumma Place to undertake certain complaints management responsibilities, however you remain ultimately responsible and accountable for implementing this Policy and its Procedures.

References to the Principal in this Policy and its Procedures therefore include these other people when they are undertaking responsibilities under this Policy and its Procedures.

The ShoreTrack CEO

If you are the ShoreTrack CEO, you are responsible for responsible for undertaking the Principal's responsibilities when they cannot perform them (for example, because they are absent or when a particular child safety-safety-related complaint involves the Principal).

You may authorise other people at the Gumma Place to undertake one or more of these responsibilities.

Policy Statement

1. The Gumma Place's systems for handling complaints that involve young persons and former young persons (whether as complainant, victim, witness or person being complained about) are:

- child-focused and follow the National Office for Child Safety's Complaint Handling Guide: Upholding the rights of children and young people (Complaint Handling Guide)
- culturally safe
- confidential
- accessible to all members of the Gumma Place community
- regularly reviewed, to inform the continuous improvement of the Gumma Place's Child Safety Program and practices.

2. If you are the Principal, you **must** ensure that the Gumma Place:

- consults with relevant communities about how to enable, support and respond to complaints in a culturally sensitive way
- has simple age and culturally appropriate avenues for young persons, Staff, parents/carers and the wider community to make a complaint, including child safety-related complaints, as set out in Making a Child Safety-Related Complaint in the **Procedures** below
- develops, in consultation with young persons, a child-friendly version of this Policy and its Procedures, and provides this to all young persons
- supports young persons, families, and relevant staff members involved in a child safety-related complaint in age and culturally appropriate ways, as set out in the **Child Safety Incidents or Concerns Response and Reporting Obligations** section of this Policy and its Procedures
- keeps appropriate records of all child safety-related complaints and the Gumma Place's response, as set out in Managing Child Safety-Related Complaints - the Gumma Place's Obligations in the **Procedures** below

- regularly reviews and analyses child safety-related complaints, as set out in the **Procedures** below
- reports all child safety incidents and concerns that occur at the Gumma Place or involve its staff members, including those raised in child safety-related complaints, to School Governing Authority as soon as practicable after the Gumma Place becomes aware of the incident or concern
- complies with the following sections of the **Procedures** below:
 - Managing Child Safety-Related Complaints – the Gumma Place’s Obligations
 - Internal Reviews of Child Safety-Related Complaint Outcomes
 - General Reviews of Child Safety Complaints Management.

3. If you are a staff member, you **must** respond to child safety-related complaints as set out in Responding to Child Safety-Related Complaints – Staff Members’ Obligations in the **Procedures** below.

4. If you are the Principal, the ShoreTrack CEO, or have been delegated responsibility for managing, investigating or responding to child safety-related complaints, you **must** respond to a child safety-related complaint as set out in Managing Child Safety-Related Complaints – the Gumma Place’s Obligations in the **Procedures** below.

Procedures

1. Making a Child Safety-Related Complaint

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

- to the Principal
- a Child Protection Officer
- a trusted staff member

in person, in writing or over the phone.

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

1.2 Parents/carers, family members and other community members who have child safety concerns about the Gumma Place or who wish to make a child safety-related complaint about the Gumma Place, its young persons or its staff members are asked to follow the procedures set out in the Child Safe Policy and to contact:

- the Principal, who is the Gumma Place’s Child Protection Officer, by phoning 0407011256 or emailing principal@gummaplace.edu.nsw.au; or
- if the concern relates to the Principal, the ShoreTrack CEO by ceo@shoretrack.org.au.

1.3 Young Persons have multiple pathways to make a complaint, including child safety-related complaints, at the Gumma Place. These include:

- disclosing child safety incidents or concerns, including the abuse or other harm of themselves or of any other child, young person or young person aged 18 or over, to any staff member. This might be done:
 - verbally
 - in writing
 - through electronic means (such as email); or
 - indirectly (such as in written assignments, in artworks or in any other way)
- disclosing child safety incidents or concerns, including the abuse or other harm of themselves or of any other child, young person or young person aged 18 or over, anonymously using the Anonymous Feedback Box which is located in the amenities area.
- by contacting Office of the Childrens Guardian <https://ocg.nsw.gov.au/>.

2. Responding to a Child Safety-Related Complaint – Staff Obligations

2.1 Support for Complainants

If you receive a complaint containing information about a child safety incident or concern, you **must** offer the complainant and any young person involved in the complaint (if they are not the complainant) age and culturally appropriate support and assistance, following the **Child Safety Incidents or Concerns Response and Reporting Obligations** section of this Policy and its Procedures.

2.2 Internal and External Reporting

If you receive a complaint that a young person may have been subject to, or may be at risk of, abuse or other harm:

- at the Gumma Place or a Gumma Place event; or
- from a staff member

you **must** follow the **Child Safety Incidents or Concerns Response and Reporting Obligations** section of this Policy and its Procedures.

In particular, you **must**:

- comply with all responding and reporting obligations that apply to you. Depending on the circumstances, these obligations may include:
 - reporting to the Department of Communities and Justice (DCJ)
 - reporting to the Police
 - taking steps to protect young persons from future risks of abuse or other harm, where those steps are within your power or responsibilities to take (to meet your duty to protect obligations)
 - reporting Reportable Conduct to the Office of the Children’s Guardian (OCG)
 - reporting teacher misconduct to NESAs
 - providing information to other external agencies
- report the child safety-related complaint to:
 - a Child Protection Officer or the Principal; or
 - the ShoreTrack CEO, if the complaint involves the Principal

in addition to making any external reports.

3. Managing Child Safety-Related Complaints – The Gumma Place’s Obligations

3.1 Child safety-related complaints that involve, or raise the possibility of a risk of, abuse or other harm to a child, young person or young person aged 18 or over **must** be managed following the **Child Safety Incidents and Concerns Response and Reporting Obligations** section of this Policy and its Procedures

The following child safety-related complaints fall into this category:

- complaints involving, or raising the possibility of a risk of, abuse or other harm to a child, young person or young person aged 18 or over occurring at the Gumma Place or a Gumma Place event
- complaints involving, or raising the possibility of a risk of, abuse or other harm to a child, young person or young person aged 18 or over or by a staff member
- complaints alleging a breach of the Child Safety Codes of Conduct by a staff member and that involve, or raise the possibility of a risk of, abuse or other harm to a child, young person or young person aged 18 or over.

Relevant response and reporting obligations that apply to these kinds of child safety-related complaints include, but are not limited to:

- **Duty to Protect/the Failure to Protect Offence**
- **Mandatory Reporting to DCJ**
- **Non-Mandatory Reporting to DCJ**
- **Mandatory Reporting to Police**
- Non-Mandatory Reporting to Police
- **Reportable Conduct**
- **Reporting Teacher Misconduct to NESAs**
- **Recognising and Responding to Sexual Behaviour in Children and Young People.**

The Principal (or, if the complaint involves the Principal, the ShoreTrack CEO) is responsible for managing these kinds of child safety-related complaints.

They may, where appropriate, delegate management of the complaint to another person at the Gumma Place (such as a Child Protection Officer).

3.2 Certain other child safety-related complaints **must** be managed using relevant policies and procedures in the Child Safety Program

The following child safety-related complaints fall into this category:

- complaints about the Gumma Place's, or a staff member's, investigation of and/or response to a specific incident of or concern about abuse and other harm to a child, young person or young person aged 18 or over
- complaints that, when responding to a specific incident of, or concern about, abuse and other harm to a child, young person or young person aged 18 or over, the Gumma Place, or a staff member, did not correctly follow this Policy and its Procedures (for example, a complaint that a staff member did not report a child safety incident or concern internally when required to by Gumma Place policy)
- complaints that the Gumma Place has not correctly followed legislative or regulatory requirements regarding child safety in relation to a specific incident of, or concern about, abuse or other harm to a child, young person or young person aged 18 or over (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).

Relevant policies and procedures for managing these kinds of child safety-related complaints include, but are not limited to:

- Regular Reviews and Continuous Improvement (Child Safety) Policy and Procedures.

The Principal (or, if the complaint involves the Principal, the ShoreTrack CEO) is responsible for managing these kinds of child safety-related complaints.

They may, where appropriate, delegate management of the complaint to another person at the Gumma Place (such as a Child Protection Officer).

3.3 Certain Child safety-related complaints **may** be managed under other Gumma Place policies and procedures

The following child safety-related complaints fall into this category:

- complaints alleging a breach of the Child Safety Codes of Conduct that **do not** involve, and **do not** raise the possibility of a risk of, abuse or other harm to a child, young person or young person aged 18 or over by a staff member (for example, a complaint that a staff member has expressed personal views on sexuality in the presence of young persons)
- complaints alleging procedural breaches of the Child Safety Program by Staff that **do not** involve, and **do not** raise the possibility of a risk of, abuse or other harm to a child, young person or young person aged 18 or over (for example, a complaint that a staff member has not renewed their WWCC Clearance)
- general complaints about the child safety 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 young person or community cohort).

Relevant policies and procedures for managing these kinds of child safety-related complaints include, but are not limited to, the Gumma Place's general Complaints Handling and/or Human Resources policies and procedures.

The Complaints and Privacy Officer usually manages these kinds of child safety-related complaints. However, they, or whoever else may be managing the complaint, must – where appropriate – consult with a Child Protection Officer as part of their investigation.

With respect to the final dot point above, given the high risk to the Gumma Place of not having a compliant Child Safety Program, it is likely that the Gumma Place will need to report the outcome of

these kinds of complaints to School Governing Authority, using the Gumma Place's usual governance reporting processes.

3.4 Record Keeping About Child Safety-Related Complaints

The Gumma Place does not hold records of complaints that contain information about child safety incidents or concerns within its general Complaints Handling record keeping system, because of the confidentiality and privacy issues that arise with respect to child safety incidents and concerns.

If you are responsible for managing a child safety-related complaint, you must record it, and the Gumma Place's response:

- as a child safety incident or concern, following the **Child Safety Incidents or Concerns Response and Reporting Obligations** section of this Policy and its Procedures ; and
- in the Child Safety Complaints Register.

3.5 Guidance and Resources for Managing Child Safety-Related Complaints

The

- Complaints Handling Policy

provides guidance on complaints handling principles and a step-by-step guide to managing complaints in general.

The National Office for Child Safety's [Complaint Handling Guide](#) provides guidance on handling complaints that involve children and young people.

The [Reportable Conduct Policies and Procedures](#) and **Reporting Teacher Misconduct to NESAP Policy and Procedures** set out procedures that the Gumma Place will follow for complaints about inappropriate conduct by Staff.

4. Internal Reviews of Child Safety-related Complaint Outcomes

If a complainant or other person involved in a child safety-related complaint (such as a staff member whose behaviour is the subject of the complaint, a young person who is the victim of the alleged behaviour or the parent/carer of a young person involved in the complaint) is not satisfied with its management or its outcome, they may request an internal review.

This review could be of the:

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

People who want an internal review must make their request to Principal.

CEO undertakes these internal reviews.

5. General Reviews of Child Safety Complaints Management

Regular reviews of child safety-related complaints ensure that the Gumma Place captures, analyses and, where appropriate, acts on child safety-related feedback, comments or complaints from the Gumma Place community members and relevant stakeholders.

The Regular Reviews and Continuous Improvement (Child Safety) Policy and Procedures sets out The ShoreTrack Board and the Gumma Place's procedures for conducting these reviews, as well as for reviewing this Policy and Procedures (as part of the regular reviews of the Child Safety Program).

During these reviews, the Gumma Place analyses child safety-related complaints, to identify causes and systemic failures and to inform continuous improvement.

Implementation

The Gumma Place implements this Policy and its Procedures through:

- making them available to all Staff, via the Gumma Place's Gumma Place SharePoint and Gumma Place website - <https://gummaplace.nsw.edu.au/>
- including information about them in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors
- making them available to parents/carers, young persons and the wider Gumma Place community in summary in the Child Safe Policy, Procedures for Handling Allegations of Staff Misconduct and Reportable Conduct (Summary) and Procedures for Managing Child Safety Incidents or Concerns Involving the Gumma Place or its Staff Members (Summary), which are available on our public website
- providing all young persons with a child-friendly version of this Policy and its Procedures and the Child Safe Policy

- providing a hard copy by request.

Breach

If you breach this Policy and its Procedures (or any section or subsection of them), the Gumma Place can investigate your conduct. You could face disciplinary action, such as (depending on the severity of the breach):

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

You could also face civil or criminal penalties.

Definitions

Of particular relevance to this section of the Reporting Obligations and Complaints Management (Child Safety) Policy and its Procedures are the following key definitions:

Term	Definition
Complaint	<p>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 Gumma Place.</p> <p>A complaint can be made by anyone including a young person, former young person, parent/carer, other family member, staff member or member of the wider community.</p>
Child Safety-Related Complaint	<p>A child safety-related complaint includes any disclosure, allegation or internal report of:</p> <ul style="list-style-type: none"> • a breach of the Child Safety Codes of Conduct

- a child safety incident or concern alleged to have occurred, be occurring or be at risk of occurring at the Gumma Place or a Gumma Place event
- a child safety incident or concern involving Gumma Place Staff
- other staff misconduct (such as a procedural breach of the Child Safety Program)
- a complaint about the Gumma Place's response to or management of a child safety incident or concern, including complaints alleging non-compliance with the Reporting Obligations and Complaints Management (Child Safety) Policy and Procedures.

Source of Obligation

This Policy and its Procedures help the Gumma Place and its Staff, Volunteers and Contractors to meet obligations in:

- Children's Guardian Act 2019 (NSW), section 8D
- NSW Child Safe Standard 6
- Education Act 1990 (NSW)
- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Crimes Act 1900

Related Policies

- [Child Safe Policy](#)
- [Codes of Conduct \(Child Safety\) Policies and Procedures](#)
- [Reportable Conduct Policies and Procedures](#)
- [Working with Children Checks Policy and Procedures](#)
- [Risk Management \(Child Safety\) Policy and Procedures](#)
- [Compliance, Review and Improvement \(Child Safety\) Policies and Procedures](#)
- [Complaints Handling Policy](#)

Related Documents

- CP Incident Reporting Form Gumma Place
- Complaints Handling Policy and Procedures
- Child-friendly complaints handling policy
- Procedures for Handling Allegations of Staff Misconduct and Reportable Conduct (Summary)
- Procedures for Managing Child Safety Incidents or Concerns Involving the Gumma Place or its Staff Members (Summary)

References

- Office of the Children’s Guardian, [Guide to the Child Safe Standards](#)
- Office of the Children’s Guardian, [Reporting Obligations and Processes Handbook for Child Safe Organisations](#)
- National Office of Child Safety, [Complaint Handling Guide: Upholding the rights of children and young people](#)
- NSW Education Standards Authority, [Registration Manuals](#)

Policy Administration

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