



Commissioner for Children and Young People
Western Australia



Child Friendly Complaints Guidelines

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Recognising Aboriginal and Torres Strait Islander People

The Commissioner for Children and Young People WA acknowledges the unique culture and heritage of our Aboriginal peoples and the contributions Aboriginal peoples have made and continue to make to Western Australian society. For the purposes of this publication, the term 'Aboriginal' is intended to encompass the diverse cultures and identities of the First Peoples of Western Australia and also recognises those of Torres Strait Islander descent who call Western Australia home.

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Commissioner for Children and Young People
Level 1, Albert Facey House,
469 Wellington Street, Perth WA 6000

Telephone: (08) 6213 2297

Freecall: 1800 072 444

Email: info@ccyp.wa.gov.au

Web: ccyp.wa.gov.au

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This is the second edition of these guidelines produced by the Commissioner for Children and Young People. This edition replaces the 2013 edition of Are you listening? Guidelines for making complaints systems accessible and responsive to children and young people, shown here:



Introduction

Supporting children and young people to speak up, raise concerns and make complaints when they do not feel safe or respected has been a key focus of the Commissioner's office over the past decade.

It is vital that the voices and views of children and young people are heard and respected in the organisations they are involved with, whether they give feedback on activities, speak up about how they are treated or raise concerns about the behaviour of other children and young people or adults. When children and young people do complain their experiences must be listened to and responded to promptly to ensure they are safe and their wellbeing is prioritised.

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission)¹ outlined the challenges and difficulties children and young people continue to face in making complaints. The recommendations and expectations of the Royal Commission in relation to child focused complaints processes have been incorporated into this updated publication.

These guidelines are grounded in the direct experiences of children and young people who have participated in various consultations undertaken by the Commissioner and

have been designed to assist all types of organisations to strengthen processes to support children and young people to speak out about complaints or raise concerns.

It is strongly recommended that organisations consult directly with the children and young people they work with to raise their awareness of their right to make a complaint, to hear directly from children and young people about their experiences of raising concerns within the organisation and to hear from them what will assist them to speak up.

These guidelines can be used in conjunction with the Commissioner's other resources.



Type of Organisation	Commissioner's Resources
All organisations providing services to children and young people	<ul style="list-style-type: none"> • Statement of Commitment to WA's children and young people • Participation Guidelines – Ensuring children and young people's voices are heard • Engaging with Aboriginal Children and Young People Toolkit • Speak up and make a complaint – resources for children and young people² • Speak up and make a complaint – resource for adults to help children and young people to speak up³
Child Safe Organisations – those that engage in child-related work: education, sport, recreation, arts, health, transport, religious, child care, tuition, support services, child protection, accommodation and residential services, disability services, justice and detention.	National Principles for Child Safe Organisations WA: <ul style="list-style-type: none"> • Guidelines • Self Assessment and Review Tool • Feeling safe and respected in organisations • Information for parents, carers and family members • Checklist for staff and volunteers.

What is a 'complaint'?

The National Office for Child Safety takes a broad view of complaints, which can include:

“Expressions of dissatisfaction about an organisation related to its services or dealings with an individual; allegations about the conduct of its staff, volunteers, other individuals engaged by the organisation or another child or young person at an organisation; or the handling of a prior concern.”⁴

Children and young people describe making complaints as a way of resolving conflicts, stopping harassment and abuse, and ensuring they are treated fairly.

“I think complaining is when you don't really like something and if you complain about it, it might get better but if you never complain you never know.”

Child friendly complaints systems should be in place to encourage children and young people to speak up about any issues of concern to them. Complaints may include problems with equipment, facilities, activities or services, the behaviour of or between children, treatment by an adult, or disclosures or suspicions of harm.

The importance of child friendly complaints systems

All children and young people have the right to be safe, as well as to express their views, as enshrined in the United Nations Convention on the Rights of the Child.⁵

Evidence shows that children and young people experience particular barriers to accessing complaints systems, and they may not complain through formal complaints channels or speak up and report abuse.^{6 7 8}

These barriers can include children and young people fearing they won't be believed or taken seriously, feeling ashamed or embarrassed, being concerned about the consequences of speaking up, being unsure of how to speak up, or being worried about how their confidential information will be handled.^{9 10}

Complaints systems are a fundamental way for organisations to ensure that services are meeting the needs of the intended consumers. Receiving complaints allows organisations to identify and resolve issues or problems, make improvements, correct mistakes, and most importantly, protect people from abuse and mistreatment.

All WA government agencies are expected to have a complaints management system in place that conforms to or exceeds the Australian and New Zealand Standard, AS/NZS 10002:2014 *Guidelines for Complaint Management in Organizations*.¹¹

In 2020, the Commissioner surveyed 721 children and young people for the National Office for Child Safety about their experience of making complaints. Approximately 50 per cent of these children and young people stated that they had made a complaint, and of those who had:



What children and young people say helps them to make a complaint

Children and young people have identified a range of important factors which support them in making a complaint. The following quotes are from WA children and young people who participated in consultations.

Education about the right to speak up or complain and help to do so.

“We need way more information. If you do not feel like you are being heard, who else there is you can go to. Know who you could talk to; know the consequences like what might happen, that you won’t get in trouble or kicked out things like that.”

Listen, be respectful and take action when children speak up.

“I guess it’s more about respect, their attitude. That they would actually consider the fact ‘OK we will talk to these children’, not ‘OK go away, we’ll get to you two months later’... we want the actual respect where they say ‘Ok I’ll make an appointment for you, we will take you seriously’.”

“I felt like I was hitting a brick wall continuously. Because nobody wanted to listen, I would always write up letters, I would continuously tell my carers and my case workers... I asked to have a meeting with the management at the office... but they just didn’t want to see me and didn’t want to know. That was a real slap in the face, really rude!”

Give choices and options about how to make a complaint.

“To me it felt better typing out what I would like instead of saying it. I had more confidence. When you’re typing it down you have no worry about it, you just write down what you feel, instead of holding back things.”

“Maybe if they had a phone or laptop to text to get it out rather than actually having face to face. If you’re younger or scared, you could talk. Or if something bad is happening, maybe being able to video it happening.”

“Letters and emails can easily be ignored, but face-to-face is more confronting and scary.”

Involve trusted adults, support people or advocates to help in speaking up.

"I would first tell my mum 'cause I trust her the most and she would help me resolve the issue and I would choose her because she's my mum and I trust her."

"I would speak to family or close friends 'cause they could help me with good advice."

Empower children and young people to speak up.

"The thing that made it difficult was the fact that I didn't know how to go about it. I know that I could speak up but didn't know how to say it."

Follow up on complaints and keep children and young people informed

"Some may be disheartened when the complaint goes nowhere and they may not feel comfortable trying again."

"I haven't had any previous experiences with mistreatment but I think that having an external organisation/body to talk to would make it easier."

"I guess I'm afraid of people's reactions or the negative impacts speaking up could have on me or the people I'm close to."



Key elements of a child friendly complaints system

Child safe and friendly organisations establish guidelines for listening to children and young people about any concerns or complaints about behaviour towards a child, or disclosure or discovery of abuse. These elements complement the key action areas of the National Principles for Child Safe Organisations WA¹³ guidelines.

1. Organisational approaches prioritise child safety and a child friendly complaints process.

Governance and policy

Leaders must create and maintain an organisational culture where the prevention of child abuse is the responsibility of all staff and volunteers, and where children, parents, carers, staff and volunteers feel confident to safely discuss any child safety concerns¹⁴ and barriers children experience in making complaints are understood and overcome.

Child safe organisations ensure:

- The needs and experiences of children and young people are recognised and considered in agency policy and procedures.
- They have a clear and accessible child focused complaint handling policy outlining:
 - roles and responsibilities of staff
 - approaches to dealing with different types of complaints
 - processes for making, responding, investigating and resolving complaints, including anonymous and historical complaints
 - the provision of support, assistance and feedback to the complainant
 - information sharing obligations
 - how reporting, privacy and employment law obligations will be met
 - how complaints will be used to inform systemic improvements.
- They have a clear Code of Conduct outlining behaviours towards children that are unacceptable, requires staff to report concerns, breaches or suspected breaches of the code, and sets out the protections available to those who make complaints or reports in good faith.



- Concerns about the safety of a child or young person are dealt with as a matter of urgency.
- Complaints from children and young people are reviewed and considered to inform service improvements and enhance child safety. Complaints made about any individual are also tracked over time.
- Appropriate policies and procedures are in place for dealing with confidentiality and consent issues when responding to a complaint from a child or young person, including responding to duty of care concerns.
- Clear organisational policies and procedures are in place about reporting concerns that comply with any legal requirements.
- Children and young people and their families are informed about record-keeping processes, including what information is kept, for how long, and how they can access records.
- Complaints processes are reviewed and evaluated to ensure that they are meeting the needs of complainants. Feedback from children and young people, and others making complaints on their behalf, is sought to improve the system. The organisation should also be open to external independent review of the complaints system.
- Data is kept to enable reporting and monitoring of complaints involving children and young people, and the actions taken to respond.

“[Complaints can be] swallowed up by the system which is not always willing to hear the voice of the child.”



Equipping staff and volunteers to manage complaints

Staff and volunteers play an important role in supporting children and young people to feel safe in organisations. The Commissioner's *Checklist for staff and volunteers* aims to assist adults in these roles to understand and reflect on their responsibilities in promoting child safety in line with the 10 National Principles. With regard to National Principle Six (child friendly complaints systems), organisations must equip staff and volunteers to support children and young people to speak up, and respond when they identify concerns.

Child safe organisations ensure staff and volunteers:

- Understand their role in preventing child abuse, promoting the safety and wellbeing of children and young people and in responding to complaints, and that they receive appropriate induction and training to carry out these responsibilities.
- Feel confident to identify and respond to different kinds of concerns and complaints from children and young people and their families, including informal concerns and complaints, and disclosures of harm. Staff are also aware of other specialist staff or support people in the organisation who they can contact to assist with progressing complaints.
- Understand the different ways that children and young people may express their concerns or distress, for example, changing their behavior or way of engaging.
- Understand the barriers that children and young people face in making complaints, and seek ways to overcome these. This includes barriers that may be experienced by particular groups of children and young people, including, but not limited to, those with a disability, gender diversity, Aboriginal children and young people or those from a culturally and/or linguistically diverse background, those in residential or care settings, and those who have experienced trauma.
- Any staff who have specific child complaints handling roles are appropriately experienced and trained in working with children and young people and handling complaints.
- Understand their responsibilities and reporting requirements for different types of complaints, including complaints about the service, breaches of code of conduct by staff, harm by other children within the organisation, harm within the family, community or other organisations, and harm occurring online.
- Clearly explain to children and young people the boundaries of confidentiality, at appropriate times throughout the complaints process.
- Take action to escalate complaints and address child safety concerns.

"It is important that the adults who hear your complaint have proper training, believe you and actually help you."

2. Complaints systems are visible, accessible and understood by children, young people, families, staff and volunteers.

Agencies should inform children and young people of their right to raise concerns and make complaints and the different ways in which they can do this. Complaints systems must be easy to locate and provide readily understood information.

Child safe organisations ensure:

- Children and young people are aware that they can speak up, and supported and encouraged to provide feedback or make complaints about any aspect of their experience of an organisation.
- Information is available for children and young people and their families about how they can make a complaint, the ways they can do this, including being able to speak to someone face-to-face, by telephone, email, feedback boxes, or online, and what to expect from the complaints process.
- The child friendly complaints policy and Code of Conduct are available to, and understood by, children and young people, their families, staff and volunteers and that there are proactive approaches to seeking feedback from children and young people, and asking them about their experiences or any issues encountered.
- Information made available to children and young people and families is presented in a child friendly way, using age appropriate language and information, and is tailored to meet the different age groups, language and cultural backgrounds, and abilities of the children and young people who are using

their service. Organisations should consider the use of resources developed by the National Office for Child Safety, including the resource for children and resource on helping children and young people to speak up by being a supportive adult.

- Children and young people are involved in the design of complaints processes and options, website information, and written resources such as posters.
- Children and young people are empowered to speak up by building their confidence and communication skills, including offering education such as child sexual abuse prevention programs, to empower children and young people to speak up and to persist in talking to safe adults about any concerns.

“[Children and young people need] to know that they have the right to be listened to about something they believe needs to be.”

3. Complaints are taken seriously and responded to promptly and thoroughly.

People who are responsible for receiving complaints from children and young people must be respectful, willing to listen, skilled listeners and able to take action where necessary.

Child safe organisations ensure:

- People who make complaints are treated respectfully and sensitively, and receive a fair and reasonable process.
- Complaints from a child or young person is responded to as soon as possible, even just to acknowledge receipt of the complaint.
- Complaints are dealt with impartially and with objectivity, recognise the potential for bias or children's views being discounted, and manage any conflicts of interest.
- They communicate clearly and offer support to the parents and carers of the child who has made the complaint, as well as consider communication and support to other children, parents, carers and family impacted, as well as staff.
- The child or young person understands any information provided to them and are aware of what will happen once they've made the complaint.
- Children and young people, and their families or carers, are kept informed of any progress of the complaint, actions taken and any aspects of the organisation that have changed as a result of the complaints. This includes giving options of how and when they will be kept informed of the progress of the investigation into their complaint.
- Children, families, and staff are aware of alternative ways to complain if they have concerns about the process or a complaint not being progressed. This includes other internal processes, as well as the role of external bodies or avenues for independent review.
- They identify and manage any risk arising from a complaint, including any risk to children, the integrity of the investigation process, and the organisation.
- Investigations are carried out through the appropriate internal or external body in a planned, proportionate, child focused, thorough and timely manner.

"I felt [my complaint] was dealt with no compassion or empathy. I felt that she didn't listen and it was a waste of my time."



4. Involve trusted adults and other support people in supporting children and young people to make a complaint.

Overwhelmingly, children and young people say that they would seek the help of a trusted adult or an advocate to speak up, support them and help them navigate a complaints system. It is important for agencies to raise awareness amongst adults and peers of the complaints systems available, to build their capacity to support children and young people to make the complaint.

Child safe organisations ensure:

- Trusted adults (e.g. parents, carers, teachers etc) are recognised as vital to supporting children and young people to make a complaint or speak out.
- Children and young people are offered additional support or assistance to make their complaint, for example, an advocate or support person, the use of a translator or interpreter, a different method to make a complaint to suit their communication needs, or other supports such as counselling or advocacy services.
- Adults and other support people are encouraged to make a complaint on behalf of a child or young person. Children and young people are provided with the opportunity to also participate in the process if they would like to.
- Staff members are available to support children and young people who do not have a support person or natural advocate to assist them to make their complaint and follow it through. This person is not a part of the investigation or resolution process within the agency.



"I would talk to a teacher or a grownup because they can help deal with it."

Resources

The following resources are recommended for organisations interested in making their complaints processes more accessible and responsive to children and young people:

The National Office for Child Safety: *Complaint Handling Guide: Upholding the rights of children and young people, 2019*

Practical advice for 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 National Office for Child Safety: *Speak up and make a complaint resources for children and young people, adults and organisations, 2020*

The National Office engaged the Commissioner for Children and Young People WA to develop these resources for helping children and young people to speak up, as well as resources to help adults understand how to support children and young people to make complaints and a resource providing high level guidance to organisations.

Commissioner for Children and Young People WA: *Participation Guidelines: Ensuring children and young people's voices are heard, 2021*

Guidelines and practical advice on the 'what', 'why', 'when', 'who' and 'how' of participating and consulting with children and young people.

Ombudsman of Western Australia: *Guidelines on Complaint Handling, 2020*

The Ombudsman is an officer of the Parliament, independent of the government of the day, whose office investigates complaints from individuals about Western Australian Government agencies, statutory authorities, local governments and public universities.

The Australian Standard: *Guidelines for complaint management in organizations (AS ISO 10002—2014)*

The Australian Standard outlines the correct process for dealing with complaints and sets out guiding principles for effective complaints handling.

CREATE Foundation: *Best Practices Guide: Child-centred Complaints Handling, 2020*

CREATE Foundation is the peak body representing children and young people with an out-of-home care experience in Australia. This guide has been developed based on direct feedback from young people, carers and sector professionals.

SNAICC & National Office for Child Safety: *Keeping Our Kids Safe: Cultural Safety and the National Principles for Child Safe Organisations, 2021*

These guidelines apply a cultural lens to the National Principles to help organisations think about how to make themselves safer for Aboriginal and Torres Strait Islander children, they explain in more detail about cultural safety in the National Principles, including Principle 6.

UNICEF: *Child-friendly Complaints Mechanisms, 2019*

Guidance on what makes a complaint mechanism child friendly, the principles and elements, as well as common challenges in managing complaints from children and young people and how to best overcome them.

Endnotes

- 1 Royal Commission into Institutional Responses to Child Sexual Abuse 2017 *Final Report*, <https://www.childabuseroyalcommission.gov.au/final-report>.
- 2 Commissioner for Children and Young People WA for the National Office for Child Safety *Speak up and make a complaint* resources, <https://chidsafety.pmc.gov.au/resources/speak-up-make-complaint>.
- 3 *ibid.*
- 4 Commonwealth of Australia, Department of the Prime Minister and Cabinet 2019, *Complaint Handling Guide: Upholding the rights of children and young people*, pg. 4, <https://chidsafety.pmc.gov.au/sites/default/files/2020-09/nocs-complaint-handling-guide.pdf>.
- 5 United Nations 1989, *Convention on the Rights of the Child*, United Nations Human Rights Office of the High Commissioner, Geneva, Switzerland.
- 6 National Office for Child Safety 2019, *Complaint Handling Guide: Upholding the rights of children and young people*, Commonwealth of Australia.
- 7 UNICEF 2019, *National human rights institutions (NHRIs) Series: Tools to support child-friendly practices. Child-friendly Complaint Mechanisms*, https://www.unicef.org/eca/sites/unicef.org.eca/files/2019-02/NHRI_ComplaintMechanisms.pdf.
- 8 Royal Commission into Institutional Responses to Child Sexual Abuse 2017, *Final Report: Volume 7, Improving institutional responding and reporting*, Commonwealth of Australia.
- 9 Royal Commission into Institutional Responses to Child Sexual Abuse 2017, *Final Report Volume 4, Identifying and disclosing child sexual abuse*, pg. 10, Commonwealth of Australia.
- 10 Commissioner for Children and Young People WA 2016, *Speaking Out About Raising Concerns in Care: The views of Western Australian children and young people with experience of out-of-home care*, Commissioner for Children and Young People WA, Perth.
- 11 Ombudsman Western Australia 2020, *Complaints Management Guidelines*, Ombudsman Western Australia, Perth.
- 12 Commissioner for Children and Young People 2020, *Development of child-friendly complaints resources: Final consultation report for the National Office for Child Safety*, [unpublished].
- 13 Commissioner for Children and Young People WA 2016, *Child Safe Organisations WA: Guidelines* Commissioner for Children and Young People, Perth.
- 14 Commissioner for Children and Young People WA 2016, *Child Safe Organisations WA: Guidelines* pg. 11 Commissioner for Children and Young People, Perth.



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Level 1, Albert Facey House, 469 Wellington Street, Perth WA 6000
Telephone: (08) 6213 2297
Country freecall: 1800 072 444
Email: info@ccyp.wa.gov.au
Web: ccyp.wa.gov.au

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