



# Complaint Handling Policy

Policy title: Child Safe Complaints Handling Policy

Responsible Officer/Department: Management

Date of last review: July 2024

Date of next review: July 2025

## Introduction

Circus Art is committed to ensuring that children and young people feel safe and respected. To achieve this, Circus Art Tasmania (CAT) fosters an open culture that supports safe disclosure of risks of harm to children and young people.

CAT 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. We 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 CAT including (but not limited to) the following people:

- 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.

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## 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 wilful choice. Forms of neglect can include:

- Physical
- Emotional
- Educational
- Medical
- Environmental

## **Sexual Abuse and Sexual misconduct**

Child sexual abuse is when an adult or child involves a child in any kind of sexual activity.

We use the Royal Commission's definition of child sexual abuse, which is 'any act that exposes a child to, or involves a child in, sexual processes that are beyond their understanding, are contrary to accepted communications or are outside what is permitted by law.'

When performed in a sexual manner or with a sexual intention, sexual misconduct includes:

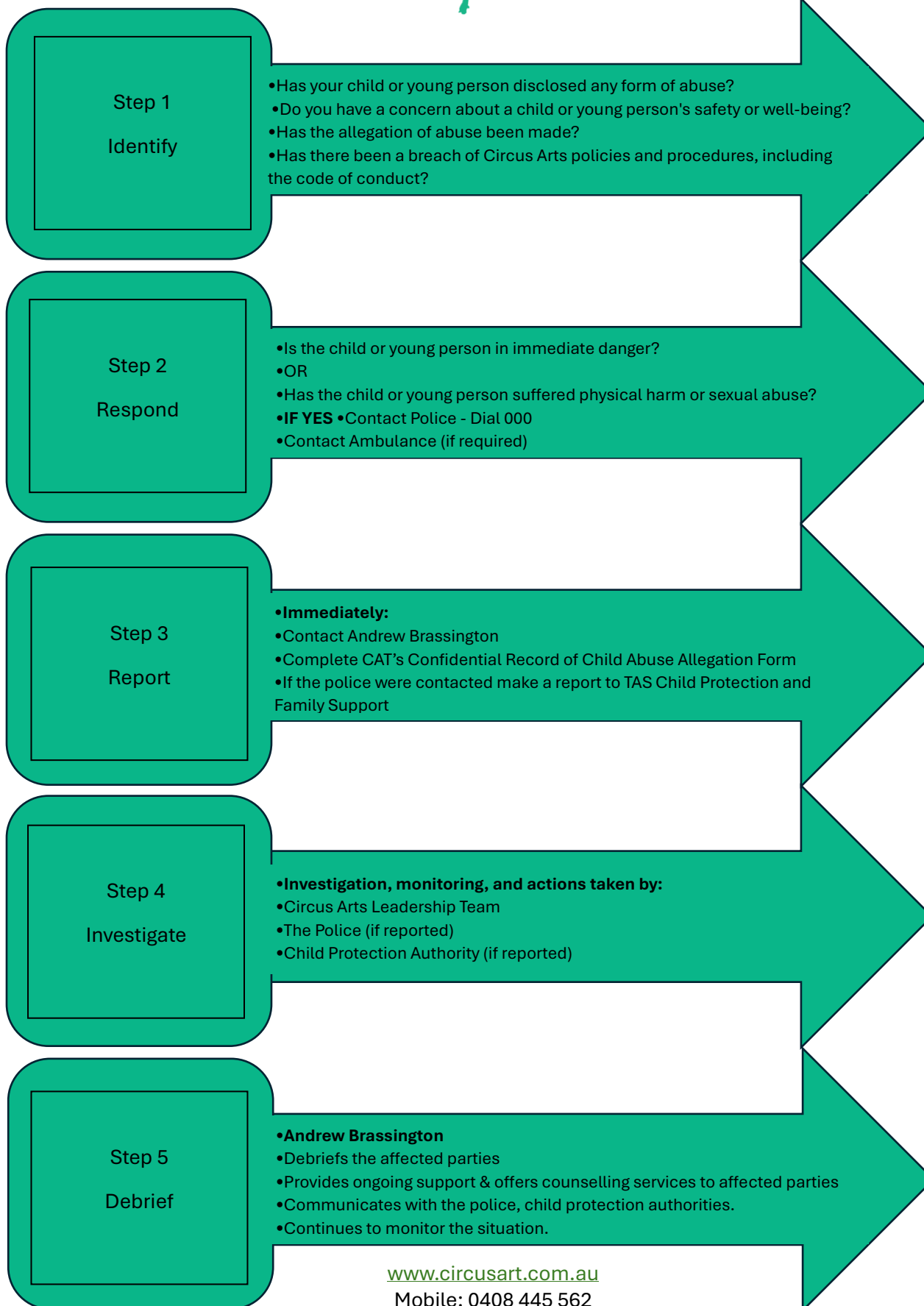
- inappropriate behaviour
- physical contact
- voyeurism (which means watching someone or others)
- speech or other communication, including electronic communication.

Sexual misconduct is conduct that doesn't meet the acceptable standard of behaviour by a worker or volunteer and is committed in a sexual manner or with sexual intention.

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## **Child Safe Complaints Process**

Note: It is important to note that Circus Art Tasmania 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.

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#### 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 Andrew Brassington.
- 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*).

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.

#### **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 Art 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 Art 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.

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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 Andrew for guidance prior to contacting the Police.

Andrew Brassington

- Regardless of whether the police were contacted, immediately notify Andrew and seek further guidance.
- Andrew will gather all relevant information and 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 TAS**

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

Ensure this record is stored in a safe and secure location, so that should it be required by TAS 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 National Child Safety and / or TAS 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. How did you make your report

- TAS Police  Internal reporting obligations (name of person)
- National Child Safety via 132 111  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, Child Safety staff and anyone else you spoke to.

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: