BCMA COMPLAINTS HANDLING POLICY AND PROCEDURES

Child Safety, Wellbeing and General Complaints

Organisation: Ballarat Centre of Music and the Arts (BCMA)
Policy applies to: Management, employees, teachers, contractors, volunteers, students, families, carers and community members.
Related documents: BCMA Child Safety and Wellbeing Policy and Procedures; BCMA Code of Conduct; BCMA Risk Management Procedures; BCMA Incident Reporting Procedures.

1. Purpose and commitment

The Ballarat Centre of Music and the Arts (BCMA) is committed to providing a safe, inclusive, respectful and welcoming environment for all children, young people and adults involved in our organisation.

BCMA recognises the right of every person to raise concerns, provide feedback or make a complaint without fear of intimidation, discrimination, victimisation or disadvantage.

We are committed to ensuring that all complaints are taken seriously, treated respectfully, assessed fairly and addressed promptly.

The safety and wellbeing of children is our highest priority. Any complaint, allegation or concern involving the safety, welfare or wellbeing of a child will be treated as a priority and managed in accordance with applicable legislation, the Victorian Child Safe Standards and BCMA's Child Safety and Wellbeing Policy and Procedures.

BCMA encourages open communication and recognises that complaints provide an important opportunity to identify risks, improve our practices and strengthen our organisation.

2. Scope

This policy applies to complaints, concerns and allegations involving:

- Child safety and wellbeing.
- Safety and wellbeing of staff, contractors, volunteers and all involved in our organisation.
- Physical, sexual, emotional or psychological abuse.
- Neglect, grooming or exploitation.
- Bullying, harassment, discrimination or racism.
- Inappropriate behaviour or breaches of professional boundaries.
- Breaches of the BCMA Code of Conduct.
- Staff, teacher, contractor or volunteer conduct.
- Teaching practices, supervision and student welfare.
- Communication, administration and organisational practices.
- Facilities, activities, rehearsals, performances and events.

- Any other matter affecting the safety, wellbeing or experience of members of the BCMA community.

Complaints may be made by children, young people, parents, carers, staff, contractors, volunteers, students or other members of the community.

A person does not need to be directly affected by an incident to raise a child safety concern.

Anonymous complaints will also be accepted and assessed, although the ability to investigate or provide feedback may be limited.

3. Guiding principles

BCMA will manage complaints in accordance with the following principles:

- **Child-centred:** The safety, wellbeing and best interests of children are paramount.
- **Accessible:** Children and adults are encouraged to raise concerns through accessible and appropriate channels.
- **Respectful:** Everyone involved will be treated with dignity and respect.
- **Timely:** Complaints will be acknowledged and addressed as promptly as reasonably possible.
- **Fair and impartial:** Complaints will be assessed objectively, with procedural fairness provided to all relevant parties.
- **Confidential:** Information will only be shared with people who need to know, or where disclosure is required or authorised by law.
- **Transparent:** Complainants will be informed about the process and, where appropriate, the outcome.
- **Accountable:** All complaints and actions will be documented and reviewed.
- **Free from victimisation:** No person will be disadvantaged or penalised for making a genuine complaint or raising a concern in good faith.

4. How to make a complaint

BCMA encourages anyone with a concern to raise it as early as possible.

Complaints can be made verbally, in writing, by telephone, social media links or by email.

A person does not need to use formal language or complete a written form to make a complaint.

4.1 Complaints made by children and young people

Children and young people are encouraged to speak to someone they trust.

They may:

- Speak directly to their own teacher or another appropriate BCMA teacher.
- Speak to a designated Child Safety Representative:

    - Paula Heenan
    - Emma Sbardella
  - Speak to any staff member at the BCMA front office.
  - Ask a parent, carer or trusted adult to help them raise a concern.

Children can raise concerns about anything that makes them feel unsafe, uncomfortable, excluded, upset or worried.

They do not need to prove that something has happened or have all the details before speaking up.

All staff and volunteers must listen to children, take their concerns seriously and report child safety matters promptly.

Children will not be required to confront the person about whom they are making a complaint.

4.2 Complaints made by staff, contractors, volunteers, families and community members

Complaints can be directed to BCMA Management using the following contact details:

Telephone: 03 5331 3086
Mobile: 0422 247 660 (Paula)
Email: paula@bcma.com.au

Complainants may telephone Management to discuss their concern or request an appointment.

Written complaints may be submitted by email.

Where appropriate, an appointment will be arranged to provide a private and suitable environment in which the matter can be discussed.

Except in urgent circumstances, we encourage people to arrange an appointment before attending Management to discuss a complaint. This allows appropriate time, privacy and attention to be given to the matter.

Important: No person should delay reporting an urgent child safety concern while waiting for an appointment or a response from Management.

4.3 Complaints involving Management or a Child Safety Representative

Where a complaint involves Paula Heenan, Emma Sbardella or another member of Management, the complaint must not be investigated solely by the person who is the subject of the complaint.

An independent external person or appropriate authority will be contacted to receive, assess or investigate the complaint.

Depending on the nature of the matter, this may include:

  - Victoria Police.
  - Child Protection.
  - The Social Services Regulator, where applicable.

- An independent child safety specialist or investigator.
- An appropriate legal or professional advisory service.

Where a criminal offence or immediate risk to a child is suspected, the appropriate external authority must be contacted without delay.

5. Urgent child safety concerns

Any complaint or concern involving suspected child abuse, neglect, grooming, exploitation or immediate risk to a child's safety must be treated as urgent.

BCMA will take immediate steps to protect the child and prevent further harm.

Where appropriate, this may include:

- Ensuring the child is safe and appropriately supported.
- Removing the child from an immediate risk situation.
- Restricting a person's access to children or BCMA premises.
- Contacting the child's parent or carer, where appropriate and safe to do so.
- Reporting the matter to Victoria Police or Child Protection.
- Preserving relevant documents, messages, recordings and other evidence.
- Making any required notifications to the relevant regulator.

Emergency: Call 000 if a child or any person is in immediate danger.

Victoria Police Assistance Line: 131 444.

Victorian Child Protection: 13 12 78.

Child Protection After Hours: 13 12 78.

Internal complaint procedures must never delay or replace an individual's legal reporting obligations.

6. Complaint handling process

Once a complaint is received, BCMA will follow the procedures outlined below.

Step 1 – Receipt and acknowledgement

BCMA Management will acknowledge receipt of a complaint in writing, wherever contact details are available, within 36 hours of receiving the complaint.

The acknowledgement will generally:

- Confirm that the complaint has been received.
- Explain the next steps in the complaint handling process.
- Identify the person responsible for managing the complaint, where appropriate.
- Provide an indication of anticipated timeframes.

- Explain how the complainant can provide further information.
- Confirm that the matter will be handled respectfully and as confidentially as possible.

Where a complaint relates to urgent child safety concerns, immediate action will be taken rather than waiting for the acknowledgement period.

Step 2 – Initial assessment and risk management

Management, or an appropriately appointed independent person, will assess the complaint to determine:

- The nature and seriousness of the complaint.
- Whether a child or another person may be at risk.
- Whether immediate protective action is required.
- Whether the matter needs to be referred to an external authority.
- Whether the complaint falls within BCMA's responsibility.
- Who should be involved in the investigation.
- Whether additional support or safeguards are required.

Where appropriate, interim protective measures may be implemented while the matter is being assessed.

These measures are precautionary and do not automatically indicate that an allegation has been substantiated.

Step 3 – Informing relevant parties

Where appropriate, relevant parties will be informed of the complaint within 48 hours of receipt.

This may include the person or persons directly involved and, where appropriate, parents or carers.

The decision about who is informed and what information is shared will be made on a case-by-case basis, taking into consideration:

- The safety and wellbeing of children.
- The privacy and confidentiality of all parties.
- The seriousness and nature of the allegation.
- The risk of compromising an investigation.
- Any advice or directions provided by external authorities.
- Applicable legal requirements.

In some circumstances, parents or carers may be informed that a complaint has been received and is being managed without being provided with confidential details about other people involved.

Where an allegation relates to a child or staff member, communication will be handled sensitively and appropriately.

Step 4 – Investigation

BCMA Management will be responsible for coordinating investigations unless it would be inappropriate or there is a conflict of interest.

Where Management is involved in the complaint, an independent external investigator or appropriate authority will be appointed.

Investigations may include, where relevant and lawful:

- Discussions with the complainant.
- Discussions with the person who is the subject of the complaint.
- Discussions with relevant witnesses.
- Reviewing written correspondence and emails.
- Reviewing relevant text messages or digital communications, where lawfully available.
- Reviewing relevant photographs, videos or recordings.
- Examining incident reports, attendance records and other relevant documentation.
- Reviewing relevant policies, procedures and previous concerns.
- Obtaining independent professional advice.

Children will be approached in an age-appropriate, sensitive and supportive manner.

Children will not be subjected to unnecessary questioning or required to repeat their account unnecessarily.

Where criminal conduct or suspected child abuse is involved, BCMA will not conduct an investigation that could interfere with a police or Child Protection investigation.

Step 5 – Documentation and records

All complaints will be recorded in the BCMA Incident and Complaints Register.

Records will include, where applicable:

- Date and time the complaint was received.
- Name and contact details of the complainant, if provided.
- Nature of the complaint.
- People involved.
- Relevant dates, times and locations.
- Actions taken to protect children or other affected persons.

- External referrals or notifications.
- Investigation steps.
- Relevant findings and decisions.
- Communication with relevant parties.
- Outcome and any follow-up actions.

Records will be maintained securely, with access restricted to authorised individuals.

Information will be retained and disposed of in accordance with applicable legal requirements and BCMA recordkeeping procedures.

Step 6 – Resolution and outcome

Where appropriate and safe, BCMA will seek to resolve complaints through constructive discussion, clarification, agreed behavioural expectations, mediation or other suitable processes.

However, mediation or informal resolution will not be used where it would compromise child safety, place a child under pressure, or be inappropriate because of the nature or seriousness of the allegation.

Following the investigation, BCMA will determine an appropriate outcome based on the available information and the nature of the complaint.

Possible outcomes include:

- The complaint is substantiated.
- The complaint is partially substantiated.
- The complaint is not substantiated.
- There is insufficient information to determine the outcome.
- The complaint is referred to an external authority.
- Improvements to BCMA policies, procedures or practices are required.

Where a breach of the BCMA Code of Conduct or other policy is identified, appropriate action will be taken.

Step 7 – Communicating the outcome

A written summary of the outcome will be provided to the complainant and other relevant parties, where appropriate and legally permissible.

The communication may include:

- A summary of the matter.
- Whether the complaint was investigated.
- The outcome of the investigation.
- Any relevant actions or changes to be implemented.

- Information about further review or external complaint options, where appropriate.

Personal, confidential or employment-related information about another person will not necessarily be disclosed.

Where a complaint cannot be resolved within a reasonable timeframe, the complainant will be provided with an update explaining the delay and the expected next steps.

7. Interim protective measures and disciplinary action

BCMA recognises that immediate action may sometimes be required to protect children or other members of the community while a complaint is being investigated.

Depending on the circumstances, Management may implement appropriate protective measures, including:

- Temporarily standing down or suspending a staff member, contractor or volunteer from relevant duties, subject to applicable employment and contractual requirements.
- Altering a person's duties so that they have no direct contact with children.
- Requiring supervision of any interactions with children.
- Restricting access to particular BCMA facilities or activities.
- Removing access to BCMA computer systems, communication platforms or confidential information.
- Restricting participation in certain activities or events.
- Implementing additional supervision or risk management arrangements.

These measures will be proportionate to the identified risks and consistent with relevant legal and employment obligations.

Any disciplinary action following an investigation will be determined in accordance with the findings, applicable policies, procedural fairness and relevant legislation.

8. Confidentiality and privacy

BCMA is committed to respecting the privacy of everyone involved in a complaint.

Information will only be shared with individuals who need to know for the purposes of:

- Protecting children and other affected people.
- Assessing and investigating the complaint.
- Obtaining appropriate advice.
- Meeting legal or regulatory obligations.
- Implementing necessary protective measures.
- Resolving the complaint.

BCMA will not disclose confidential information unnecessarily or make details of complaints publicly available.

However, confidentiality cannot be guaranteed where disclosure is required by law, necessary to protect a child or required by an appropriate authority.

All complaint records will be handled securely and in accordance with applicable privacy requirements.

9. Protection from victimisation and retaliation

BCMA will not tolerate intimidation, harassment, discrimination, retaliation or victimisation against any person who:

- Makes a genuine complaint.
- Raises a child safety concern.
- Reports suspected abuse or inappropriate behaviour.
- Participates in an investigation.
- Provides information or evidence.
- Supports a person who has raised a concern.

Any person found to have engaged in victimisation or retaliation may be subject to appropriate disciplinary action.

Children and families must be able to raise concerns without fear that their participation at BCMA will be affected unfairly.

10. External reporting and legal obligations

BCMA recognises that some complaints must be referred to external authorities and that internal complaint handling does not replace statutory reporting obligations.

Depending on the circumstances, these may include:

- Mandatory reports to Child Protection by prescribed professionals under the Children, Youth and Families Act 2005 (Vic).
- Reports to Victoria Police where criminal conduct is suspected.
- Disclosures to Victoria Police under the failure to disclose provisions of the Crimes Act 1958 (Vic).
- Protective action and reporting relating to the failure to protect provisions of the Crimes Act 1958 (Vic).
- Notifications to the Social Services Regulator under the Reportable Conduct Scheme, if applicable to BCMA.
- Other notifications required by relevant legislation or regulatory requirements.

All staff, contractors and volunteers must immediately report child safety concerns internally and must also personally fulfil any legal reporting obligations applicable to them.

No internal process, direction from Management or confidentiality arrangement can override a person's statutory reporting obligations.

11. Review and continuous improvement

BCMA is committed to continually improving its complaint handling practices.

Management will regularly review:

- Complaints received and how they were resolved.
- Any recurring issues or patterns of concern.
- Whether existing policies and procedures are effective.
- Whether additional training or supervision is required.
- Whether changes to facilities, activities or practices are necessary.
- Feedback from children, families, staff and the wider community.

This policy will be reviewed regularly and whenever there are significant changes to relevant legislation, regulatory requirements or BCMA operations.

Children and families will be encouraged to provide feedback about how safe and supported they feel when raising concerns.

12. Commitment to a safe and respectful community

BCMA believes that everyone has the right to feel safe, respected, accepted and welcome.

We recognise that a strong complaints process is an essential part of maintaining a child-safe organisation.

We encourage everyone in our community to speak up, ask questions and raise concerns whenever something does not feel right.

Every complaint matters. Every concern deserves to be heard. Every child deserves to be safe.

At BCMA, the safety and wellbeing of children will always come first.

ACKNOWLEDGEMENT

I acknowledge that I have read and understood the BCMA Complaints Handling Policy and Procedures.

I understand that I have a responsibility to raise concerns, report inappropriate behaviour and contribute to maintaining a safe, respectful and inclusive environment at BCMA.

I understand that all complaints will be treated seriously and that child safety concerns must be reported promptly.

Name: _____

Position / Relationship to BCMA: _____

Signature: _____

Date: _____

For BCMA Management

Received by: _____

Date received: _____