



# Child Safe Complaints and Incidents Procedure

## - iLA

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### 1. Scope

This procedure applies to all staff who work with children as part of their role at Independent Living Assessment (iLA), as well as staff who will assist in the management of complaints or incidents relating to children.

### 2. Procedure Statement

To ensure that iLA actively listens to children and responds to any complaints raised by children. This procedure will guide applicable staff on how to receive, investigate and resolve complaints raised by children or incidents which have occurred.

### 3. Process

#### 3.1. Complaints Management Process

To be effective, the Child Safe Complaints Process is fair, accessible, responsive and efficient. Complaints relating to children can be complex and vary in severity. Not all of the steps below will need to be followed, for an issue to be resolved.

It is noted that in some instances, a complaint raised may result in an incident, and an incident result in a complaint. iLA has Incident Management Procedures in place. However, for child related incidents, the Child Safe Procedure and this Child Safe Complaints and Incidents Procedure can also provide guidance.

1. Receiving the Complaint		
Step	Action	Responsibility
1	iLA will provide multiple avenues for children to complain. This includes face to face with an iLA staff member, online or over the telephone.	Staff / Manager
2	When a complaint is received the appropriate iLA staff member will record details of the complaint.	Staff / Manager
3	The iLA staff member will be mindful of the child's emotional wellbeing, communication and support needs when collecting and recording information.	Staff / Manager
4	The iLA staff member will acknowledge the complaint at the time it is brought to their attention, or as soon as possible after this. They must listen and validate the child's concerns.	Staff / Manager
5	The iLA staff member will provide the child with information about their rights and the complaints process. They will	Staff / Manager

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	ensure the child is comfortable with the process and next steps suggested.	
6	The iLA Staff member will ensure that the child and their parent or carer are clear as to who the contact at iLA will be, for their complaint.	Staff / Manager
7	The iLA Staff member will document the complaint in iLA's Feedback, Hazard, Incident Management System.	Staff / Manager

### 2. Assess and Address Risks

Step	Action	Responsibility
1	<p>iLA will ask questions to assess the immediate and ongoing risks posed to the child, other children within the organisation and the broader community. These include:</p> <ul style="list-style-type: none"> <li>- Does the complaint pose any risk to the child or other people in iLA?</li> <li>- Does the complaint raise other issues?</li> <li>- What steps need to be taken to immediately manage and mitigate the risks posed by the complaint?</li> <li>- What risks could arise during the complaint process?</li> <li>- What additional supports does the child or other children at iLA require during the complaints process?</li> <li>- What evidence needs to be stored, protected or kept confidential?</li> <li>- What authorities or agencies need to know about the issues raised, and be involved in the investigative/handling process?</li> <li>- Is further information needed from the complainant in order to properly assess and resolve the complaint?</li> </ul>	Staff / Manager
2	If the complaint is the result of an incident involving allegations of abuse or suspected abuse against any child or young person, in connection with iLA, then the steps in the Child Safe Procedure should be followed. This includes reporting the abuse to external bodies. If the child is in any immediate danger then the police should be contacted immediately.	Staff / Manager / COO / CEO
3	Develop a plan to involve the complainant and their parents or carers – to keep them informed of the timeline and communicating progress.	Staff / Manager
4	Attempt to resolve the complaint, if possible, promptly.	Staff / Manager

### 3. Investigation

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Step	Action	Responsibility
1	If an investigation is to take place, where the complaint can't be resolved promptly, consider any external bodies when deciding on investigative approach.	Staff / Manager
2	Develop an investigation plan. Consider the child's needs, and do not compromise any police or child protection investigation.	Staff / Manager
3	Consult external authorities if the complaint cannot be managed internally	Staff / Manager
4	Obtain and protect important evidence	Staff / Manager
5	Analyse and assess the evidence gathered and make an assessment	Staff / Manager

4. Outcome		
Step	Action	Responsibility
1	Consider the privacy, confidentiality and procedural fairness when providing the outcome of the complaint to the complainant and other stakeholders.	Staff / Manager
2	Explain the outcome of the complaint to the child in their preferred method of communication and provide them with any necessary supports. This should be in a manner that they understand, ensuring that they have support and their wellbeing is prioritised.	Staff / Manager
3	Ensure the complainant is aware of the avenues for reviewing and / or appealing if they are not happy with the outcome.	Staff / Manager
4	Keep records, including the outcome, how the complaint was managed, and recommendations or outstanding actions.	Staff / Manager
5	Ask for feedback, how they felt their complaint was handled.	Staff / Manager
6	Provide ongoing support to the complainant, if needed.	Staff / Manager

### 3.2. Staff Training and Response to Trauma

Staff who work with children or manage children's complaints and incidents, will be trained in responding to trauma- affected children. Factors to consider include:

- reduced eye contact
- Inability to relax
- Self-harming behaviours
- Withdrawal and increased self-focus
- Cling/ separation anxiety
- Aggressive behaviour

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- Sexualised behaviour
- Restless, impulsive, hyperactive
- Loss of self-esteem and self-confidence
- Mood and personality changes
- General fearfulness
- Inattention, difficulty problem solving

When responding to trauma during the complaint handling process, staff will:

- Reassure the child they did the right thing by raising the complaint
- Ask the child how they can feel more comfortable
- Let the child know they can take a break, when they like
- Be cognisant of triggers or stressors
- Offer referrals to receive medical treatment, counselling or other therapeutic services
- Ensure the child has a trusted adult, independent support person or advocate
- Consider if it is necessary to inform the child about protective behaviours and age-appropriate information about sexual health and safety
- Be mindful not to overwhelm the child by providing too much information, too regularly

iLA understands that parents or carers of a child who is an alleged victim of abuse or mistreatment have a legitimate interest in being informed about the process of their child's investigation.

iLA will disclose to the parents or carers of the child, the progress, findings and actions taken during investigations, except where disclosure could:

- Jeopardise the child's safety
- Prejudice a criminal, child protection, reportable conduct or formal investigative process
- Prejudice a coronial inquest or inquiry
- Prejudice proceedings in the Children's Court
- Breach any legal professional privilege
- Expose the identity of a confidential source

iLA will consult with police and child protection authorities before disclosing information on child abuse or mistreatment to the wider communities.

iLA will consult with the parent or carer before delivering information to a child.

### 3.3. Confidentiality and Privacy

iLA will only permit the disclosure of information about a child or young person in accordance with the Australian Privacy Principles, as outlined in the *Privacy Policy*.

iLA will respect the right of children to lodge a complaint anonymously, and their personal information will not be divulged unless it is required to resolve or investigate the complaint or where statutory obligations apply.

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iLA will take reasonable measures to protect personal information from loss, unauthorised access, use, disclosure or any other misuse during the complaint-handling process.

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iLA will seek to balance fairness and confidentiality requirements where possible, safeguard the interests of all parties.

### 4. Definitions

Term	Definition
<b>Child</b>	A person under the age of 18 (unless otherwise specified in relevant legislation).
<b>Child Abuse</b>	“All forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power <sup>1</sup> ”
<b>Child Protection</b>	Any measure taken to safeguard children from abuse or harm.
<b>Grooming</b>	Any act with the aim of befriending, building rapport, and gaining the trust of a child for the purpose of subjecting them to abuse. Signs of grooming include giving gifts or special attention, or inappropriate touching such as tickling or wrestling with a child.
<b>Incident</b>	An incident is a known occurrence of child abuse, or the reasonable suspicion of child abuse occurring.
<b>Online Grooming</b>	Establishing a relationship with a child or young person online with the aim of meeting him/her in person for sexual activity. This can include online chat or sexting, and the abuser may lie about their age or identity.
<b>Harm</b>	Any significant detrimental effect on a child's physical, psychological or emotional wellbeing.
<b>Reasonable Grounds for Belief</b>	“A belief based on reasonable grounds (see below) that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed. Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.  A reasonable belief is formed if a reasonable person believes that: <ul style="list-style-type: none"><li>• the child is in need of protection,</li></ul> ”

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<sup>1</sup> World Health Organization (2016), *Child abuse and neglect by parents and other caregivers*.

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	<ul style="list-style-type: none"> <li>• the child has suffered or is likely to suffer “significant harm as a result of physical injury,” or</li> <li>• the parents are unable or unwilling to protect the child.</li> </ul> <p>A ‘reasonable belief’ or a ‘belief on reasonable grounds’ is not the same as having proof, but is more than mere rumour or speculation.</p> <p>A ‘reasonable belief’ is formed if a reasonable person in the same position would have formed the belief on the same grounds<sup>2</sup>.”</p>
<b>Sexual Abuse</b>	Occurs when an adult or another child or young person uses power and authority to involve a child in sexual activity, and can be physical, verbal or emotional.
<b>Staff</b>	All employees, board members, volunteers and contractors.

### 5. Governance

<b>Parent Policy</b>	ILA-QR-POL-040 Child Safe Complaints and Incidents Policy - ILA
<b>Associated procedures / documents</b>	IDG-SD-GUI-006 Reportable Incident Guideline ILA-QR-PRO-033 Incident Management Procedure – ILA ILA-QR-WI-025 CRM Feedback, Hazard, Incident or Improvement Work Instruction_iLA ILA-QR-INFO-058 Suspected Child Abuse Reporting Obligations
<b>Related legislation</b>	Family Law Act 1975 (Cth) Children and Community Services Act 2004 (WA)
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For advice and support please contact the Quality Lead at [Quality@ilaustralia.org.au](mailto:Quality@ilaustralia.org.au)

<sup>2</sup> Our Community (2018) *Child Protection Policy*

<https://www.communitydirectors.com.au/files/policybank/ChildProtectionPolicy2018-02.doc>

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