

Procedure for Handling Serious Complaints

A New Way Services INC

Version 1.1 - 2026

1. Purpose

This procedure explains how A New Way Services INC (ANW) will receive, assess, investigate and respond to serious complaints or information concerning the conduct of ANW staff or volunteers.

It is intended to provide a fair, consistent and safety-focused process while ensuring ANW meets its legal obligations.

This procedure may be used where information suggests:

- a serious breach of the ANW Code of Conduct;
- abuse, exploitation, grooming, harassment or serious misconduct;
- conduct that may place a child, young person or vulnerable person at risk;
- criminal conduct;
- reportable conduct involving a child;
- serious misuse of a person's position or authority; or
- other conduct that ANW considers sufficiently serious to require formal investigation.

2. Related Policies and Procedures

This procedure should be read alongside:

- Safe Community Policy;
- Code of Conduct;
- Child Safe Reporting Procedure;
- Applicable employment and volunteer policies.

Where a matter involves a child protection concern, the Child Safe Reporting Procedure must also be followed.

3. Scope

This procedure applies to complaints or information concerning:

- employees;
- volunteers;
- Board members, where appropriate;
- contractors or other people formally representing ANW; and
- former staff or volunteers where the complaint relates to conduct occurring while they represented ANW.

This procedure is intended for serious conduct matters.

Minor interpersonal disagreements, ordinary feedback, minor breaches of expectations or general grievances may instead be managed through supervision, informal resolution or another appropriate process.

ANW may determine which procedure is most appropriate after considering the nature and seriousness of the matter.

4. Guiding Principles

When handling serious complaints, ANW will seek to:

- prioritise the safety and wellbeing of people who may be at risk;
- take complaints seriously;
- respond without unreasonable delay;
- act fairly and without bias;
- provide procedural fairness to the person who is the subject of the complaint;
- avoid conflicts of interest;
- maintain appropriate confidentiality;
- make required reports to external authorities;
- avoid interfering with Police or regulatory investigations;
- appropriately document decisions and actions; and
- provide reasonable support to people involved.

Making a complaint does not automatically mean that misconduct has occurred. Likewise, ANW does not need to wait until misconduct has been conclusively established before taking reasonable steps to protect people from potential harm.

5. Receiving a Complaint or Information

Anyone may raise a complaint or provide information concerning the conduct of an ANW staff member or volunteer.

A complaint may be made to:

- the Director;
- the Chairperson of the Board;
- another Board member;
- a relevant program leader; or
- another person authorised by ANW to receive complaints.

Complaints may be made verbally or in writing.

Where a complaint is made verbally, the person receiving it should make a written record as soon as practicable.

The record should include, where known:

- the complainant's name and contact details;
- the name of the person whose conduct is being raised;
- what is alleged to have occurred;
- when and where the conduct occurred;
- who else may have witnessed or have information about the matter;
- whether anyone may currently be at risk;
- whether another organisation or authority has been notified; and
- the date the complaint or information was received.

A complainant should not be required to prove their allegation before ANW receives or considers it.

6. Complaints About Senior Leaders

A complaint must not be managed by a person who is the subject of the complaint or who has a significant conflict of interest.

If a complaint concerns the Director, it should be referred directly to the Chairperson or another authorised Board member.

If a complaint concerns the Chairperson, it should be referred to another Board member.

If a complaint concerns multiple members of the Board or creates a significant governance conflict, ANW should seek independent external advice and appoint an appropriate independent person to manage the matter.

7. Immediate Safety Assessment

As soon as a serious complaint is received, ANW must consider whether any person may be at immediate or ongoing risk.

ANW should consider:

- the nature and seriousness of the allegation;
- the people who may be affected;
- whether children or vulnerable people may be at risk;
- whether the alleged conduct could continue;
- whether the respondent currently has access to the complainant or other people who may be at risk;
- whether Police, emergency services or another authority should be contacted; and
- what immediate precautions are reasonably necessary.

Safety measures may be implemented before an investigation has determined whether the complaint is substantiated.

These measures are precautionary and do not constitute a finding of wrongdoing.

8. Interim Risk Management

Depending on the circumstances, ANW may temporarily:

- alter a person's duties;
- increase supervision;
- prevent unsupervised contact with children or vulnerable people;
- remove the person from a particular program;
- restrict access to ANW premises, systems or records;
- direct the person not to contact the complainant or witnesses;
- suspend a volunteer from duties;
- suspend an employee in accordance with applicable employment requirements; or
- take another reasonable safety measure.

Where a plausible allegation involves child sexual abuse, grooming, serious physical abuse or other serious conduct involving a child, ANW should ordinarily remove the respondent from child-related duties while the matter is assessed.

Any interim action should be proportionate to the identified risk and reviewed as circumstances change.

9. External Reporting

Internal handling of a complaint does not replace ANW's legal reporting obligations.

Where required, ANW will report matters to appropriate authorities, which may include:

- NSW Police;
- the NSW Department of Communities and Justice;

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- the NSW Office of the Children's Guardian;
 - another regulator or government agency; or
 - another organisation with responsibility for the person or program concerned.

Where there is an immediate threat to life or safety, Police or emergency services should be contacted.

Where a complaint involves a child protection concern, ANW's Child Safe Reporting Procedure must also be followed.

If Police or another authority is investigating the matter, ANW should consult with that authority where appropriate before commencing an internal investigation that could interfere with their investigation.

10. Reportable Conduct

Where ANW is subject to the NSW Reportable Conduct Scheme and receives a reportable allegation involving a relevant worker, ANW will comply with its obligations under the Children's Guardian Act 2019 (NSW).

The person holding ANW's statutory Head of Relevant Entity responsibilities, or their lawful delegate where permitted, is responsible for ensuring required notifications and reports are made to the NSW Office of the Children's Guardian.

ANW's internal investigation must not replace or undermine its obligations under the Reportable Conduct Scheme.

11. Appointing a Complaint Manager or Investigator

The person responsible for overseeing the complaint may appoint a suitably appropriate person to investigate it.

The investigator may be:

- an appropriate ANW officer who is independent of the matter; or
- an external investigator.

The investigator must not have an actual or reasonably perceived conflict of interest.

ANW should strongly consider appointing an external investigator where:

- allegations involve serious abuse of a child;
- allegations involve sexual misconduct or grooming;
- senior staff or Board members are involved;
- there are significant conflicts of interest;
- the matter is particularly complex or serious; or
- independence is important to maintaining confidence in the process.

12. Support for People Involved

ANW should provide reasonable support to both the complainant and respondent throughout the process.

This may include:

- providing a contact person for questions about the process;
- allowing an appropriate support person to attend meetings;
- explaining what will happen next;
- providing reasonable updates;

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- identifying appropriate counselling or support services; and
 - considering reasonable adjustments where disability, trauma, language or other circumstances affect participation.

Support for a respondent does not reduce ANW's responsibility to protect others from risk. Support for a complainant does not mean ANW has predetermined the outcome of the complaint.

13. Conducting the Investigation

The investigator should:

- act independently and in good faith;
- investigate without unreasonable delay;
- identify the allegations that require investigation;
- collect relevant information and evidence;
- interview relevant people where appropriate;
- make accurate records of interviews and evidence;
- provide the respondent with procedural fairness;
- protect confidential information as far as reasonably possible; and
- maintain an appropriate investigation record.

The investigator is responsible for gathering information, not proving a predetermined outcome.

14. Speaking With the Complainant and Witnesses

Where appropriate, the investigator may speak with:

- the complainant;
- witnesses;
- relevant staff or volunteers;
- program participants;
- relevant partner organisations; and
- other people who may hold relevant information.

The investigator should avoid unnecessary repetition of sensitive disclosures, particularly where children or people who have experienced trauma are involved.

Where Police, child protection authorities or another regulator is investigating the matter, ANW must take care not to contaminate evidence or interfere with that investigation.

15. Putting the Allegations to the Respondent

Unless doing so would create a serious safety risk, interfere with an external investigation or breach a legal requirement, the respondent should be informed of the substance of the allegations against them.

The respondent should receive enough information to reasonably understand and respond to the allegations.

The respondent should ordinarily be informed of:

- the conduct alleged;
- the relevant provision of the Code of Conduct or policy that may have been breached;
- the seriousness of the allegations;
- possible consequences if the allegations are substantiated; and

- the opportunity to respond.

The respondent should be given a reasonable period to respond, taking into account the nature and complexity of the matter.

If significant new adverse information arises during the investigation, the respondent should ordinarily be given an opportunity to respond to that information before findings are finalised.

16. Standard of Proof

An internal ANW investigation is not a criminal trial.

Unless another legal standard applies, factual findings will generally be made on the balance of probabilities, meaning whether it is more probable than not that the conduct occurred.

The seriousness of the allegation and consequences of a finding should be taken into account when assessing whether the available evidence is sufficient to support a finding. A finding by ANW does not determine whether a person has committed a criminal offence.

17. Investigation Report

At the conclusion of a formal investigation, the investigator should prepare a written report. The report should include, where relevant:

- the allegations investigated;
- relevant Code of Conduct or policy requirements;
- the evidence considered;
- the respondent's response;
- relevant factual findings;
- whether each allegation is substantiated, not substantiated or unable to be determined;
- the reasons for the findings;
- any identified safety or organisational concerns; and
- possible actions ANW may consider.

Where the investigation relates to reportable conduct, the report must contain any additional information required by applicable legislation or the NSW Office of the Children's Guardian.

18. Determining the Complaint

The person or body authorised to make the final decision should consider:

- the investigation report;
- the evidence;
- the respondent's response;
- any relevant legal or regulatory requirements;
- ANW policies;
- the seriousness of the conduct;
- any ongoing safety risks; and
- any other relevant circumstances.

The decision-maker is not required to accept every recommendation made by an investigator.

Where the decision-maker reaches a materially different conclusion from the investigator's findings, the reasons should be documented.

19. Possible Outcomes

Where a complaint is substantiated, ANW may take action including:

- counselling or guidance;
- additional supervision;
- mandatory training;
- a formal warning;
- changes to duties or responsibilities;
- conditions on continued involvement;
- removal from particular programs;
- suspension;
- termination of volunteer involvement;
- disciplinary action;
- termination of employment in accordance with applicable employment law;
- exclusion from ANW premises or activities;
- referral to Police or another authority; or
- another reasonable and proportionate response.

ANW may also identify organisational improvements even where misconduct by an individual is not substantiated.

These may include changes to:

- policies;
- supervision;
- staffing;
- physical environments;
- training;
- risk controls;
- reporting processes; or
- program design.

20. Communicating the Outcome

The respondent should ordinarily be informed in writing of:

- the determination;
- any findings concerning their conduct;
- any action or consequences affecting them; and
- sufficient reasons for the decision.

The complainant should be informed that the complaint has been finalised and, where appropriate, whether the complaint was substantiated.

Privacy, confidentiality and employment considerations may mean ANW cannot provide the complainant with full details of disciplinary action taken against another person.

Where external reporting obligations apply, ANW will provide required outcomes or reports to the appropriate authority.

21. Confidentiality

Complaints must be handled sensitively.

Information should only be shared with people who reasonably need it to:

- protect someone's safety;
- manage or investigate the complaint;
- provide procedural fairness;
- obtain professional or legal advice;

- meet governance responsibilities; or
- comply with legal reporting obligations.

ANW cannot promise absolute confidentiality.

People involved in a complaint may be asked not to unnecessarily discuss the matter while an investigation is underway.

This does not prevent a person from speaking with:

- Police or regulators;
- a lawyer;
- a union or professional representative;
- a counsellor;
- a support person; or
- another person where they have a lawful or legitimate reason to do so.

22. Victimisation and Retaliation

A person must not be victimised, threatened, disadvantaged or subjected to retaliation because they:

- made a complaint in good faith;
- disclosed abuse or misconduct;
- provided information during an investigation;
- supported another person making a complaint; or
- fulfilled a legal reporting obligation.

Retaliation may itself constitute serious misconduct.

23. False or Malicious Complaints

A complaint that is not substantiated is not automatically false, malicious or vexatious.

No action should be taken against a person simply because there was insufficient evidence to substantiate their complaint.

Knowingly making deliberately false allegations for the purpose of harming another person may itself be dealt with under the Code of Conduct.

24. Record Keeping

ANW will maintain appropriate records of serious complaints, including:

- the original complaint or disclosure;
- contemporaneous notes;
- risk assessments;
- external reports;
- correspondence;
- investigation materials;
- evidence relied upon;
- findings;
- decisions;
- outcomes; and
- significant reasons for decisions.

Records must be stored securely with access restricted to authorised people.

Child protection and reportable conduct records must be retained in accordance with applicable legal and organisational record-keeping requirements.

25. Review of the Process

Where appropriate, after a serious complaint has been finalised ANW should consider whether the matter identified broader risks or opportunities for improvement.

This may include reviewing:

- policies and procedures;
- staff or volunteer training;
- supervision;
- recruitment practices;
- program structures;
- reporting systems;
- physical or online environments; and
- risk assessments.

The purpose of this review is to reduce the risk of similar problems occurring again.

26. Responsibilities

ANW Board

The Board has ultimate oversight of ANW's response to serious complaints and is responsible for ensuring appropriate governance, independence and accountability.

Chairperson

The Chairperson ordinarily oversees complaints concerning the Director, Board members or other matters requiring Board-level oversight.

Director

The Director ordinarily oversees serious complaints concerning ANW staff and volunteers unless the Director is involved in the complaint or has a conflict of interest.

Program Leaders

Program leaders must promptly escalate serious complaints or information received through their programs.

All staff and volunteers

All staff and volunteers must report serious safety concerns and cooperate with lawful and reasonable complaint-handling processes.

27. Contact Pathway

A serious complaint may be raised with:

Director, A New Way Services INC

Email: lewis@anewway.org.au

Chairperson, A New Way Services INC

Email: chair@anewway.org.au

Where the complaint concerns the Director, it should be sent directly to the Chairperson. Where there is immediate danger, contact emergency services on 000.

Child safety matters must also be managed under ANW's Child Safe Reporting Procedure.

28. Review

This procedure will be reviewed at least every two years, or earlier where:

- legislation changes;
- ANW's structure materially changes;
- a serious incident identifies a gap in the procedure;
- regulatory guidance changes; or
- the Board otherwise determines that a review is required.

Significant amendments must be approved by the ANW Board.