DEALING WITH COMPLAINTS POLICY

Feedback from families, children, educators, staff and the wider community is fundamental in creating an evolving Education and Care Service working towards the highest standard of care and education.
It is foreseeable that feedback will include divergent views, which may result in complaints. This policy details our Service's procedures for receiving and managing informal and formal complaints. Our policy and complaints processes support and encourage children, families, parents, visitors, students and members of the community to lodge a grievance or complaint with management in the understanding that it will be managed conscientiously and confidentially.

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 6: COLLABORATIVE PARTNERSHIPS		
6.1	Supportive relationships with families	Respectful relationships with families are developed and maintained and families are supported in their parenting role.
6.1.2	Parent views are respected	The expertise, culture, values and beliefs of families are respected and families share in decision-making about their child's learning and wellbeing.
6.2	Collaborative partnerships	Collaborative partnerships enhance children's inclusion, learning and wellbeing.
QUALITY AREA 7: GOVERNANCE AND LEADERSHIPS		
7.1.2	Management Systems	Systems are in place to manage risk and enable the effective management and operation of a quality service that is child safe.
7.2.1	Continuous Improvement	There is an effective self-assessment and quality improvement process in place.

EDUCATION AND CARE SERVICES NATIONAL LAW AND NATIONAL REGULATIONS	
S. 2A	S. 2A Paramount consideration—safety, rights and best interests of children (commencing 2026)
S. 166A	Offences relating to inappropriate conduct [commencing 2026 Nationally]
Sec. 172	Offence to fail to display prescribed information
Sec.174 (2)(b)	Offence to fail to notify certain information to Regulatory Authority
12	Meaning of serious incident
84	Awareness of child protection law

149	Volunteers and students
168(2)(o)	Education and care service must have policies and procedures… for dealing with complaints
170	Policies and procedures must be followed
171	Policies and procedures to be kept available
172	Notification of change to policies or procedures
173(2)(b)	Requires an approved provider to make the name and telephone number of the person to whom complaints may be addressed clearly visible at the service
173	Prescribed information to be displayed- education and care service
176	Time to notify certain information to Regulatory Authority
183	Storage of records and other documents

RELATED LEGISLATION

Child Care Subsidy Secretary's Rules 2017	Family Law Act 1975
A New Tax System (Family Assistance) Act 1999	Child Care Subsidy Minister's Rules 2017
Family Assistance Law – Incorporating all related legislation as identified within the Child Care Provider Handbook	

RELATED POLICIES

CCS Accounts Policy CCS Governance Policy Child Protection Policy Child Safety and Wellbeing Policy Code of Conduct Policy Dealing with Complaints Policy (Staff) Enrolment Policy Family Communication Policy Governance Policy	Interactions with Children, Family and Staff Policy Payment of Fees Policy Privacy and Confidentiality Policy Protected Disclosures (whistleblower) Policy Record Keeping and Retention Policy Respect for Children Policy Responsible Person Policy Safe Use of Digital Technologies and Online Environment Policy Student, Volunteer and Visitor Policy

PURPOSE

The *Education and Care Services National Regulations* requires approved providers to ensure their services have policies and procedures in place for dealing with complaints (Reg. 168) and take reasonable steps to ensure those policies and procedures are followed (Reg. 170). We believe that children's safety,

rights and best interests are the paramount consideration for all Service operations, decisions and functions.

We aim to investigate all complaints and grievances with a high standard of equity and fairness. We will ensure that all persons making a complaint are guided by the following policy values:

- procedural fairness and natural justice
- code of ethics and conduct
- child safe complaint culture
- culture free from discrimination and harassment
- transparent policies and procedures
- opportunities for further investigation
- adhering to our Service philosophy

PROCEDURAL FAIRNESS AND NATURAL JUSTICE

Our Service believes in procedural fairness and natural justice that govern the strategies and practices, which include:

- The right to be heard fairly
- The right to an unbiased decision made by an objective decision maker
- The right to have the decision based on relevant evidence.

SCOPE

This policy applies to children, families, staff, educators, management, approved provider, nominated supervisor, students, volunteers and visitors of the Service.

IMPLEMENTATION

Grievances and complaints can transpire in any education and care setting. Complaints help our service identify problems and provide opportunities to address these appropriately and effectively to sustain a child safe, healthy, harmonious and productive service environment.

Our *Dealing with Complaints Policy* ensures that all persons are presented with procedures that:

- value the opportunity to be heard
- promote conflict resolution
- encourage the development of harmonious partnerships
- ensure that conflicts and grievances are mediated fairly and
- are transparent and equitable

- appropriately handle children exhibiting harmful sexual behaviours
- promote children's rights, safety and wellbeing
- consider a child's age, cultural, developmental and additional needs

NATIONAL PRINCIPLES FOR CHILD SAFE ORGANISATIONS- CHILD FOCUSED COMPLAINTS PROCESS

Our Service is committed to the Victorian Child Safe Standards and adopts a child safe approach to complaints involving a child or young person.

As a child safe organisation, we will respond promptly and systematically to any concerns, disclosers, allegations or suspicions while fostering an environment where children feel confident that their safety and wellbeing are paramount. Our service ensures our complaint processes are easily understood by children, young people and families and are accessible, effective and culturally safe. Educators teach children about the complaints process so they know who to talk to if they want to make a complaint. We ensure complaints are taken seriously, addressed promptly and thoroughly, and complay with all legal obligations.

DEFINITIONS

Complaint: Expression of dissatisfaction made to or about an organisation related to its products, services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required. [AS/NZS 10002:2014 Complaint Management Standard]
Complaints can be made to the approved provider, staff/educators in the service, external bodies including the regulatory authority, police, child protection agency or e-Safety commissioner.
Complaints can be verbal or in writing (letter, email or digital form).

Complaints and Grievances Management Register: Records information about complaints and grievances received at the Service, along with the outcomes. These documents must be securely stored, accessible only to management and the Regulatory Authority. They can provide valuable information to the Approved Provider and Nominated Supervisor of the Service to ensure children and family's needs are being met.

Complaint handling: Effective processes of receiving, investigating and resolving complaints.

Grievance: A grievance is a formal statement of complaint that cannot be addressed immediately and involves matters of a more serious nature. A *workplace grievance* is a complaint raised towards an employer by an employee due to a violation of legalities (workplace policies, employment contract, national standards).

Inappropriate conduct to a child: any behaviour that a reasonable person would consider to be inappropriate in an education and care service, taking into account the child's age, development, safety, wellbeing and the context of the interaction.

Investigation: A formal and systematic inquiry to establish facts about the complaint by collecting, documenting, examining and evaluating evidence.

Mediator**:** A person who attempts to assist and support people involved in a conflict to come to an agreement.

Mediation: An attempt to bring about a peaceful settlement or compromise between disputants through the objective intervention of a neutral party.

Notifiable complaint: A complaint that alleges a breach of the *Education and Care Services National Law and Regulations*, National Quality Standard or alleges that the health, safety or wellbeing of a child at the Service may have been compromised. Any complaint of this nature must be reported by the approved provider or nominated supervisor to the regulatory authority within 24 hours of the complaint being made – (S. 174[2] [b], Reg. 176[2][b]).

If the Approved Provider/Nominated Supervisor are unsure whether the matter is a notifiable complaint, it is good practice to contact the Regulatory Authority for confirmation. Written reports must include:

- details of the event or incident
- the name of the person who initially made the complaint
- if appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant)
- contact details of a nominated member of the *Grievances Subcommittee* (or Nominated Supervisor)
- any other relevant information.

Written notification of complaints must be submitted using the appropriate forms, which can be found on the ACECQA website: www.acecqa.gov.au and logged using NQA ITS (National Quality Agenda IT System).

Serious Incident: An incident resulting in the death of a child, or an injury, trauma or illness for which the attention of a registered medical practitioner, emergency services or hospital is sought or should have been sought. This also includes an incident in which a child appears to be missing, cannot be accounted for, is removed from the Service in contravention of the Regulations or is mistakenly locked in/out of the Service premises (Reg. 12).

A serious incident should be documented in an *Incident, Injury, Trauma and Illness Record* as soon as possible and within 24 hours of the incident. The Regulatory Authority must be notified within 24 hours of a serious incident occurring at the Service (Reg. 176(2)(a)). These records are required to be retained for the periods specified in Reg 183.

The approved provider will notify the regulatory authority of any incident where there is a reasonable belief that physical and/or sexual abuse of a child has occurred or is occurring at the service, or any allegation that sexual or physical abuse of a child has occurred or is occurring at the Service.

PRIVACY AND CONFIDENTIALITY

Management and educators will adhere to our *Privacy and Confidentiality Policy* when dealing with grievances and complaints. However, if a grievance or complaint involves a staff member or child protection issues, a relevant government agency will need to be informed. (see: Reportable Conduct Scheme in our *Child Protection Policy*).

Our Service provides a safe and confidential process for reporting wrongdoing, misconduct, or any matter that may risk the safety, welfare, or wellbeing of children within the service through the *Protected Disclosure (Whistleblower) Policy*. This process supports a culture of integrity and accountability

CONFLICT OF INTEREST

It is important for the complainant to feel confident in:

- being heard fairly
- an unbiased decision-making process

Should a conflict of interest arise during a grievance or complaint that involves the Approved Provider or Nominated Supervisor, other Management will be nominated as an alternative mediator.

Our Service may also engage the resources of an Independent Conflict Resolution Service to assist with the mediation of a dispute. We will ensure that throughout the conflict resolution process the Services Code of Conduct is be adhered to.

THE APPROVED PROVIDER/ NOMINATED SUPERVISOR/RESPONSIBLE PERSON WILL:

- ensure that obligations under the *Education and Care Services National Law and Regulations* are met
- ensure educators, staff, students, visitors and volunteers have knowledge of and adhere to this policy and associated procedure and are advised on how and where the policy can be accessed
- ensure the name and telephone number of the person to whom complaints can be made is clearly visible at the entry of the service
- ensure the address and telephone of the regulatory authority where complaints can be made are clearly visible at the entry of the service
- ensure information about our *Dealing with Complaints Policy* and *Dealing with Complaints Procedure* and all appropriate forms are easily accessible to all families, children, staff, educators, visitors and volunteers
- ensure our complaint handling processes are child-focused providing an age appropriate guidance for children to know who to talk to if they are feeling unsafe, and empowered to make a complaint
- ensure child-focused complaint procedrures are in place so any inapprorpriate conduct concerns are promptly identified, addressed, and reported to the regulatory authority
- notify the regulatory authority within 24 hours if a complaint alleges the safety, health or wellbeing of a child is being compromised. Notification must include any incident where there is a reasonable belief that physical and/or sexual abuse of a child has occurred or is occurring at the service or any allegation that sexual or physical abuse of a child has occurred or is occurring at the Service.
- treat all grievances and complaints seriously and as a priority
- ensure grievances and complaints remain confidential
- ensure grievances and complaints reflect procedural fairness and natural justice
- ensure people feel safe or comfortable when making a complaint, including children
- ensure educators, staff, volunteers and students are well informed about the different ways children may express concerns, distress and disclose harm as well as the process for responding to disclosures from children- including a complaint that alleges a child is exhibiting sexual behaviours that may be harmful to the child or another child.
- conduct a review of policies and procedures, where required, following a complaint or grievance as part of our continuous improvement practices
- ensure the approved provider is notified of all complaints and grievances
- acknowledge the complaint or grievance in writing within 2 working days of receipt

- discuss the issue with the complainant within 24 hours of receiving the verbal or written complaint
- investigate and document the grievance or complaint fairly and impartially
- provide details of an outcome following an investigation if required. The investigation will consist of:
    - reviewing the circumstances and facts of the complaint (or breach) and inviting all affected parties to provide information where appropriate and pertinent
    - discussing the nature of the complaint (or breach) and giving the accused educator, staff member, volunteer or visitor an opportunity to respond
    - permitting the accused person to have a support person present during the consultation (for example: Union Representative, HR Representative, lawyer, colleague, friend or family member. A support person may provide support by taking notes during the meeting, clarifying questions and allegations made, help formulate responses, engage in discussions and are more than a passive observer, aid in understanding processes, request breaks and be an emotional support. A support person cannot represent the employer, speak on their behalf or advocate for the organisation
    - providing the employee with a clear written statement outlining the outcome of the investigation
- advise the complainant and all affected parties of the outcome within 7 working days of receiving the verbal or written complaint
    - management will provide a written response outlining the outcome and provide a copy to all parties involved
    - if a written agreement about the resolution of the complaint is prepared, all parties will ensure the outcomes accurately reflect the resolution
    - responses to children and young people will be age and developmentally appropriate
- should management decide not to proceed with the investigation after initial enquiries, a written notification outlining the reasoning will be provided to the complainant
- keep appropriate records of the investigation and outcome and store these records in accordance with our *Privacy and Confidentiality Policy* and *Record Keeping and Retention Policy*
- monitor ongoing behaviour and provide support as required
- ensure the parties are protected from victimisation and bullying
- request feedback on the grievance or complaint process using a feedback form
- track complaints to identify recurring issues within the Service which are addressed appropriately with the Services Quality Improvement Plan (QIP).

EDUCATORS WILL:

- report all complaints received to the nominated supervisor, and/or approved provider within required timeframes
- ensure the complaints handling process is child focused, culturally safe and accessible
- ensure children know who to talk to if they are feeling unsafe and know the process that will happen to support them
- listen to the complainant's view of what has happened
- clarify and confirm the grievance or complaint, documenting all the facts prior to the investigation
- encourage and support the complainant to seek a balanced understanding of the issue
- discuss possible resolutions available to the complainant. These would include external support options
- encourage and assist the complainant to determine a preferred way of solving the issue
- record the meeting, confirming the details with the complainant at the end of the meeting
- maintain confidentiality at all times
- refer complainant's (as necessary) to Service policies that may assist in resolving the grievance or complaint
- be informed about the different ways children can express concerns or distress and disclose harm as well as the process for responding to disclosures from children – including a complaint tht alleges a child is exhibiting sexual beahviours that may ne harmful to the child or another child.
- be aware of child protection law and their individual responsibilities as mandatory reporters/notifiers

COMPLAINANTS WILL:

- be informed of our duty of care to ensure that all persons are provided with a high level of equity and fairness in relation to the management of complaints. The complaints procedure ensures a fair opportunity for all stakeholders to be heard and promotes effective conflict resolution within our Service
- ensure children are able to express their concerns or allegations to either management, educators and/or family members who are encouraged by management to complete a child-friendly version of the *Complaints Form* on the child's behalf
- attempt to discuss their complaints with the relevant educator associated with a particular child and/or family as the first step to resolving the issue, unless it is a reportable offence and notification to the regulatory authority is to be made with 24 hours of complaint
- communicate any concerns they may have in writing addressed to the approved provider or nominated supervisor [see: *Complaints/Grievance Form*]

- raise any unresolved concerns with the approved provider or nominated supervisor
- maintain confidentiality at all times
- be provided with details of external agencies to contact should they feel our Service has not resolved their concerns (e.g., regulatory authority, e-Safety).

COMPLAINTS RELATING TO THE ADMINISTRATION OF CHILD CARE SUBSIDY

Families who wish to raise concerns regarding the management of Child Care Subsidy should speak with the nominated supervisor in the first instance. The nominated supervisor will follow the steps as outlined in this policy, including advising the approved provider of all grievances.

Families can raise concerns regarding management of the Child Care Subsidy to the Department of Education via their Online contact form. Additionally, information about any potential breach of Child Care Subsidy can be reported anonymously by submitting an online report directly to the Department of Education. For more information visit the Department of Education website: Reporting fraud via a tip-off

COMPLAINTS INVOLVING ALLEGATIONS OF A CHILD EXHIBITING SEXUAL BEHAVIOURS

'*Providers and educators play an important role in making informed professional judgements regarding sexualised behaviours involving children. Not all sexual behaviour involving children poses a risk to their safety*.' (ACECQA, 2024).

The approved provider will ensure:

- educators and staff respond to any complaint that alleges a child is exhibiting sexual behaviours that may be harmful to the child or another child
- educators and staff assess the need for urgent police and emergency services assistance and inform the approved provider/nominated supervisor
- the regulatory authority is notified within 24 hours of any complaint alleging that a serious incident has occurred whilst a child is educated and cared for or complaints alleging that the Law has been contravened (S. 174 (2)(b))
- educators and staff are aware of the process for responding to disclosures from children as per our *Child Protection Policy* (Reg.84)
- educators and staff are aware of their duty of care and mandatory reporting obligations to make a report to Department of Families, Fairness and Housing (DFFH) Child Protection.
- educators and staff have a sound understanding of developmentally appropriate sexual development in children and sexual behaviour that may be concerning and requires a response
- families are encouraged and supported to raise concerns in confidence

- educators and staff engage in professional learning to promote a consistent and appropriate approach to identifying and responding to sexual behaviours in children that may include:
    - age and developmental capacity of the child/children
    - reasons why a child may be behaving in sexually harmful ways
    - behavioural history of the child
    - how the behaviour impacts the behaviour of other children
    - risk the behaviour imposes on others
    - vulnerability of the child to be engaging in harmful sexual behaviour
- procedures for supporting all stakeholders during the complaint procedure are implemented including documenting discussions, ensuring confidentiality and providing information of the progress of the complaint and access to support agencies as required (See *Complaints Procedure)*
- educators and staff follow guidance from the Traffic Lights Framework [or similar program]to manage the concern or complaint
    - RED- signals sexual behaviours which indicate immediate intervention and action
    - ORANGE- signals sexual behaviour which may be concerning and educators to take notice and gather information to assess appropriate action
    - GREEN- signals sexual behaviours that are 'normal' and age appropriate

[Traffic Lights Framework-Age-appropriate Sexual Play and Behaviour in Children]

CONTINUOUS IMPROVEMENT/EVALUATION

Complaints provide our Service with opportunities for learning and improvement. We encourage regular and ongoing feedback from staff, children and families and the community. Our Service is committed to resolving complaints through prompt investigation, open communication, and transparent processes. Our *Dealing with Complaints Policy* will be updated and reviewed annually in consultation with families, children, staff, educators and management.

To ensure complaints and grievances are handled appropriately, the approved provider/ nominated supervisor will:

- evaluate each individual complaint and grievance as recorded in the *Complaints and Grievance Management Register* to assess that a satisfactory resolution that has been achieved
- review complaints and grievances as recorded in the *Complaints and Grievance Management Register* to ensure a pattern of similar grievances is not occurring
- review the effectiveness of the Service policy and procedures to ensure all complaints and grievances have been handled fairly and professionally

- consider feedback from staff, educators, families, children and community regarding the policy and procedure.

SOURCE

Australian Children's Education & Care Quality Authority. (2026). *Guide to the National Quality Framework*
Australian Children's Education & Care Quality Authority. (2023). *Using Complaints to support continuous improvement*.
Australian Children's Education & Care Quality Authority. (2025). NQF Child Safe Culture Guide.
Australian Government Department of Education. *Child Care Provider Handbook* (Amended 2025)
Australian Human Rights Commission: https://www.humanrights.gov.au
Children (Education and Care Services) National Law (NSW)
Education and Care Services National Law Act 2010.
Education and Care Services National Regulations. (Amended 2025)
Fair Work Australia: https://www.fairwork.gov.au/
Queensland Government- Guide for effective complaints management

REVIEW

POLICY REVIEWED BY	Krystle Hills	Centre Manager	11/03/2026
POLICY REVIEWED	March 2026	NEXT REVIEW DATE	March 2026
MODIFICATIONS	• updated policy to include amendments to Children (Education and Care Services) National Law (NSW) • included additional points to strengthen child safe practices • annual policy review • additional information added re: child safe complaints process • added information re: Victorian Child Safe Standards • some points rearranged to group responsibilities • repetitive points removed • updated sources as required		

POLICY REVIEWED	PREVIOUS MODIFICATIONS	NEXT REVIEW DATE
September 2024	• annual policy maintenance - no major changes to policy • additional information added- support person • hyperlinks checked and repaired as required • updated sources	September 2025
December 2023	• added information to ensure our complaint handling system is child focused and addresses complaints that alleges a child is exhibiting sexual behaviours • checked consistency of stakeholders throughout policy (~~family~~/complainant) • sources checked and links repaired as required	August 2024

	• updated related legislation • NQF changes effective 1 Oct 2023 • merged Dealing with Complaints Policy (General) with Dealing with Complaints Policy (Family) for ease of management of policies sources checked	