# Complaints Handling

QUALITY AREA 7: GOVERNANCE AND LEADERSHIP

**This policy is guided by the paramount consideration that children's rights and best interests are upheld above all other considerations in all decisions, actions and practices.**

## Policy Statement

Our education and care service affirms that all stakeholders, including children, families, and staff have a right to question and influence decisions made and services provided. We take complaints seriously and manage them in a confidential, timely, transparent and meaningful way. Our service maintains a complaint-handling system that is child-focused, ensuring that the safety, well-being, and rights of children are prioritised in all complaint processes and outcomes.

We achieve this by:

- Maintaining the confidentiality of all parties in line with policy and legislative requirements.
- Acknowledging that the common goal is to achieve an outcome acceptable to all parties.
- Acting in good faith and in a calm and courteous manner.
- Showing respect and understanding of each other's point of view and value differences, rather than judging and blaming.
- Ensuring children's rights and interests come first.
- Recognising that all parties have rights and responsibilities which must be balanced.
- Handling complaints objectively and ensuring that complainants do not suffer any reprisals from making a complaint.

## Background

The Education and Care Services National Regulations require approved providers to have policies and procedures for managing complaints that reflect a child-focused approach. This also includes the management of a complaint that alleges a child is exhibiting sexual behaviours that may be harmful to the child or another child.

# Strategies / How will it be done?

## Making a Complaint

- Written guidelines detailing complaint procedures are available in our services Parent handbook. This is also displayed in the foyer for easy reference and is explained at Orientation Evening each year.
- Families may make a complaint directly to the child's educator, the approved provider or the nominated supervisor / Director.
- Families may make a complaint to the Regulatory Authority if their complaint is not or cannot be resolved by the service, or families can make a complaint directly to the Regulatory Authority if it relates to a child's health, safety, or wellbeing, or if the service is contravening the law.
- The name and telephone number of the person at the service to whom complaints can be made must be clearly visible at the service (Regulation 168(2)(o) and Regulation 173(2)(b)).
- The Regulatory Authority contact details must also be displayed.
- Educators will discuss complaint procedures with children and encourage them to raise any issues they have
- The approved provider and nominated supervisor will ensure privacy and confidentiality procedures are maintained.

## Responsiveness

All complaints will be acknowledged and responded to as soon as practicable. Complaints will be dealt with promptly, and complainants (including children) will be kept informed about the progress of their complaint and anticipated timeframes. Allegations of suspected harm or risk of harm to a child or possible victims of crime will be actioned immediately by urgent referral or reporting to the relevant agency.

Refer to ACECQA for relevant timeframes:
www.acecqa.gov.au/resources/applications/notification-types-and-timeframes

# Managing a complaint of sexualised behaviour

Providers and educators play an important role in making informed professional judgements regarding sexualised behaviour involving children. Not all sexual behaviour involving children poses a risk to their safety. It may be age-appropriate and expected sexualised behaviour

The service recognises that children exhibiting sexual behaviours require guidance and support.
Children will not be labelled or stigmatised, and responses will focus on education, safety, and wellbeing for all children involved. Informed judgements regarding sexualised behaviour help to ensure the health, safety and well-being of children by:

- supporting healthy sexual development (age-appropriate sexualised behaviour)
- protecting them from harm or abuse (developmentally inappropriate where the child is exhibiting harmful sexual behaviours).

Harmful sexual behaviours are those that are developmentally inappropriate, coercive, persistent, or involve a power imbalance, and may cause harm to the child or others. For clarity, the service uses the term “harmful sexual behaviours” to describe behaviours that are developmentally inappropriate, coercive, persistent, or involve a power imbalance and may cause harm to the child or others.

Note that in some cases, sexualised behaviour involving children may fall within reporting requirements under other laws

For more information about children exhibiting sexualised behaviours, visit https://www.true.org.au/blog/traffic-lights and https://www.health.nsw.gov.au/parvan/hsb/Pages/support.aspx

## Managing a Complaint

Where possible, complaints will be dealt with immediately by the child’s educator and or the Director, as they are usually the people with the closest relationship with the family. If the complaint concerns an issue they consider outside their control, or the family does not wish to share it with the educator or Director, the complainant will be directed to the appropriate person (Approved Provider) to resolve the complaint.

Where an educator or Director believe they will have to share in confidence with another person in order to resolve an issue, or if the nature of a complaint requires that a third party be informed in order to meet legislative requirements, they will inform the family of the need prior to any further discussions on the matter.

The service will ensure that complaints are managed using a clear internal process that includes immediate assessment, escalation where required, documentation, investigation, and resolution in line with legislative obligations.

- The complaint will be documented in the Complaints and Grievances Management Register, and any legal requirements in relation to the complaint, will be considered, such as the need to notify regulatory authorities.

- If possible, the problem will be resolved immediately. If this is not possible, the complainant will be advised that the issue will be given high priority and dealt with as soon as possible and a suitable time and place will be organised to discuss the issue.
- If the complaint is complex or requires detailed consideration, the complainant may be invited to outline their concerns in writing. The service will provide appropriate support to assist them in this process, ensuring accessibility and fairness for all parties.
- Where mediation is required, all parties will have the right to agree to the appointment of the mediator.

## Notifiable Complaint

Complaints alleging that the rights, interests, safety, health or wellbeing of a child was or is being compromised, or that the law has been breached, must be reported by the Approved Provider to the Regulatory Authority within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)). This includes complaints involving allegations of harm or risk of harm, including allegations of sexual abuse or harmful sexual behaviours, that meet the definition of a notifiable incident or serious incident under the Education and Care Services National Law and Regulations.

Refer to the service's child protection procedures.

**Approved providers are required to notify the Regulatory Authority of a complaint that alleges:**

- A serious incident has occurred or is occurring while a child is being educated and cared for by a service.
- The National Law and/or National Regulations have been contravened.

**A serious incident can include:**

- Any incident where you reasonably believe that physical and/or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for by the service.
- Any allegation that sexual or physical abuse of a child has occurred or is occurring while the child is being educated and cared for by the service.
- The death of a child while that child is being educated and cared for at the service or following an incident while that child was being cared for by the service.
- A serious injury or trauma while the child is being educated and cared for, which:
    - Required urgent medical attention from a registered medical practitioner; or
    - The child attended or should have attended a hospital.
- Any incident involving serious illness at the service, where the child attended, or should have attended a hospital (e.g. severe asthma attack, seizure or anaphylaxis).
- Any circumstance where a child appears to be missing or cannot be accounted for.

- Any circumstance where a child appears to have been taken or removed from the service premises by someone not authorised to do this.
- Any circumstance where a child is mistakenly locked in or locked out of the service premises or any part of the premises.
- Any emergency for which emergency services attended. NOTE: It does not mean an incident where emergency services attended as a precaution.

**A serious injury, illness or trauma includes but is not limited to:**

- Amputation
- Anaphylactic reaction requiring hospitalisation
- Asthma requiring hospitalisation
- Broken bone/Fractures
- Bronchiolitis
- Burns
- Diarrhoea requiring hospitalisation
- Epileptic seizures
- Head injuries
- Measles
- Meningococcal infection
- Sexual assault
- Witnessing violence or a frightening event

## Direct Complaints

Families can make a complaint directly to the Regulatory Authority where the complaint alleges that:

- The rights, interests, safety, health or wellbeing of a child or children was or is being compromised while that child or children is or are being educated and cared for by the approved education and care service.
- The relevant legislation has been contravened.

Contact details are available in the Parent Handbook and displayed in the foyer of the service.

## Child-Focused Complaint-Handling

Our service maintains a complaint-handling system that upholds the rights, interest, safety, and wellbeing of children and young people. This system is founded on the National Principles for Child Safe Organisations and child safety reforms, and ensures that all children have safe, supported and accessible ways to express concerns, complaints, or disclosures.

### 1. Embedding Children's Rights

- Children are supported to understand their rights, including their right to be and feel safe, to express their views, and to be treated with fairness and respect.
- The service actively promotes a culture where children are encouraged to raise concerns without fear of reprisal or blame.
- Educators and staff model respectful listening, value children's perspectives, and involve them—where appropriate and put children's rights and interests first in decisions that affect their daily experiences within the service.

### 2. Access and Visibility

- Information about the complaints process is displayed in clear, age-appropriate, and culturally inclusive formats (for example, visual posters, pictorial symbols, or simplified statements).
- Child-friendly prompts such as "I feel…" posters or feedback boxes are available in accessible areas to help children identify and communicate concerns such as the Office of the Children's Guardians Child Safe Reporting Poster.
- Educators regularly remind children that they can speak to any trusted adult at the service if they are worried, uncomfortable, or unsure about something.

### 3. Multiple Avenues to Raise a Complaint

- Children may raise a concern in any form that feels comfortable—verbally, in writing, through drawing or play, or using communication tools (such as a feedback tablet or message box).
- All educators are responsible for responding appropriately when a child raises a concern, ensuring it is taken seriously, documented accurately, and referred to the Nominated Supervisor / Director immediately.
- The service maintains multiple, accessible reporting pathways to ensure that children's voices can be heard and responded to promptly.

### 4. Support, Equity and Inclusion

- Educators are trained to recognise the various ways in which children express dissatisfaction, distress, or discomfort, including through non-verbal cues and behavioural changes. We believe, all behaviour is communication and respond accordingly.

- Reasonable adjustments are made to remove barriers to participation, such as providing interpreters, visual and sensory tools and supports, movement breaks or calm environments for communication.
- Engagement with Aboriginal, Torres Strait Islander, and culturally or linguistically diverse children and families is undertaken in a culturally safe, inclusive and respectful manner that recognises individual identity and background.

### 5. Documentation and Feedback

- All complaints or concerns raised by children are documented in the *Complaints and Grievances Register* using the child's own words wherever possible.
- Children are informed, in developmentally appropriate terms, about the actions taken and any outcomes or decisions that relate to their concern.
- The Approved Provider and Nominated Supervisor / Director review complaint trends to identify systemic issues and incorporate findings into ongoing quality improvement and governance processes.

### 6. Responding to Allegations of Harmful Sexual Behaviours

- Any complaint that alleges harmful sexual behaviour by a child is managed with sensitivity, urgency, and adherence to trauma-informed practice.
- Document all observations, disclosures, and actions taken in an objective manner
- Immediate steps are taken to ensure the safety, supervision and well-being of all children involved.
- Mandatory notifications and referrals are made to the relevant child protection authority or police, consistent with legislative obligations.
- The service collaborates with families, external agencies, and the Regulatory Authority to ensure the matter is handled lawfully, respectfully, and with a focus on minimising further harm.
- Develop and implement a risk management and support plan for all children involved
- Engage external agencies or specialist support services where appropriate. The service recognises that children displaying harmful sexual behaviours require support and guidance. Children will not be labelled or stigmatised, and all responses will prioritise their wellbeing, development, and safety, alongside the safety of other children.

### 7. Building Confidence and Organisational Capacity

- All staff engage in regular professional learning on child-safe complaint handling, managing disclosures, and responding to trauma.
- The service regularly consults with children and families on the accessibility and effectiveness of the complaint-handling system and uses their feedback to strengthen practice.
- Leadership ensures that reflective practice, supervision, and training maintain staff confidence and consistency in responding to children's voices and concerns.

## Follow-Up and Review

Each complaint will be viewed as an opportunity for improvement. After the complaint or grievance has been dealt with:

- The service will analyse the complaint to determine if any policy or procedural changes need to be implemented.
- The approved provider will follow through to determine that complaints and grievances have been successfully resolved to everyone's satisfaction. Families will be contacted to determine if they were satisfied with the way the issue was resolved, and educators' will be consulted about the outcome from an operational viewpoint.

# Roles and Responsibilities

| Role | Authority/Responsibility For |
|---|---|
| **Approved provider** | • When a complaint or grievance has been assessed as 'notifiable', the approved provider must notify Regulatory Authority within 24 hours.<br>• In instances where the complainant reports directly to the Regulatory Authority, the approved provider will still have responsibility for investigating and dealing with the complaint or grievance as outlined in this policy, in addition to co-operating with any investigation by the Regulatory Authority.<br>• Identifying, preventing and addressing potential concerns before they become formal complaints/grievances.<br>• Ensuring that the name and telephone number of the person to whom complaints and grievances may be addressed are displayed prominently at the main entrance of the service.<br>• Ensuring that the address and telephone number of the Regulatory Authority are displayed prominently at the main entrance of the service.<br>• Advising parents/guardians and any other members of the service community of the complaints and grievances policy and procedures upon enrolment.<br>• Ensuring that this policy is available for inspection at the service at all times.<br>• Ensure that the service maintains a child-focused complaint-handling system consistent with the National Principles for Child Safe Organisations and child safety reforms.<br>• Providing a Complaints and Grievances Register. |

| Role | Authority/Responsibility For |
|---|---|
| **Nominated supervisor / Director** | • Responding to and resolving issues as they arise where practicable.<br>• Discussing minor complaints directly with the party involved as a first step towards resolution.<br>• Informing complainants of the service's complaints and grievances policy recording all complaints and grievances in the Complaints and Grievances Register.<br>• Notifying the approved provider if the complaint escalates or is unable to be resolved appropriately in a timely manner.<br>• Providing information to the approved provider e.g. Written reports relating to the grievance.<br>• Complying with the service's privacy and confidentiality policy and maintaining confidentiality at all times.<br>• Monitor implementation of the child-focused complaint system and ensure that children's voices are heard and recorded<br>• Escalate any complaint involving allegations of harmful sexual behaviour immediately to the Approved Provider and relevant authorities<br>• Working co-operatively with the approved provider, in any investigations related to a complaint made. |
| **Early childhood educators** | • Ensure that grievances and complaints are dealt with in accordance with this policy.<br>• Listen to and aim to resolve complaints and grievances in a positive way.<br>• Report any grievances and complaints to the nominated supervisor and maintain all relevant documentation.<br>• Support children to express concerns in ways that suit their developmental level (verbal, non-verbal, creative expression)<br>• Recognise signs that a child may be attempting to raise a concern and act in accordance with this policy<br>• As requested, support the nominated supervisor and approved provider in the above roles. |

| Role | Authority/Responsibility For |
|---|---|
| **Families** | • Raising a complaint directly with the person involved, in an attempt to resolve the matter without recourse to the complaints and grievances procedures.<br>• Communicating any concerns relating to the management or operation of the service as soon as is practicable.<br>• Raising any unresolved issues or serious concerns directly with the approved provider, via the nominated supervisor or staff, or directly to the Regulatory Authority.<br>• Maintaining complete confidentiality at all times.<br>• Co-operating with requests to provide relevant information when requested in relation to complaints and grievances. |

## Monitoring, Evaluation and Review

This policy will be monitored to ensure compliance with legislative requirements and unless deemed necessary through the identification of practice gaps, the service will review this policy every two years.

Families and staff are essential stakeholders in the policy review process and will be given opportunity and encouragement to be actively involved.

In accordance with R. 172 of the *Education and care services National Regulations*, the service will ensure that families of children enrolled at the service are notified at least 14 days before making any change to a policy or procedure that may have significant impact on the provision of education and care to any child enrolled at the service; a family's ability to utilise the service; the fees charged or the way in which fees are collected.

## Related Guidelines, Standards, Frameworks

- National Quality Standard, Quality Area 7: Governance and Leadership – Standard 7.1

## Related Legislation

- Education and Care Services National Law Act 2010: Sections 3A, 172, 174, 174A
- Education and Care Services National Regulations: Regulations 12, 143B, 168 - 173, 176
- Privacy Act 1988 (Cth)
- Privacy Regulation 2013

## Sources


- ACECQA – www.acecqa.gov.au
- Australian and New Zealand Standard Guidelines for complaint management in organisations – AS/NZS 10002:2014 - https://store.standards.org.au/product/as-10002-2022
- Commonwealth Ombudsman: Better practice complaint handling guide - https://www.ombudsman.gov.au/__data/assets/pdf_file/0025/288241/Better-Practice-Complaint-Handling-Guide-2021.pdf
- National Office for Child Safety Complaint Handling Guide- https://www.childsafety.gov.au/system/files/2024-04/complaint-handling-guide.PDF
- ACECQA: Dealing with Complaints Policy Guidelines - www.acecqa.gov.au/media/31941
- NSW Ombudsman: Effective complaint handling guidelines - www.ombo.nsw.gov.au/guidance-for-agencies/effective-complaint-handling
- ACECQA: Reporting requirements about children: www.acecqa.gov.au/resources/applications/reporting#reporting%20requierments%20under%20other%20laws
- National Principles for Child Safe Organisations - https://childsafe.humanrights.gov.au/sites/default/files/2019-02/National_Principles_for_Child_Safe_Organisations2019.pdf?v=1755885244116
- NSW Office of the Children's Guardian Child Safe Standards - https://ocg.nsw.gov.au/resources/guide-child-safe-standards

| Last review date | Changes made | Next review date |
|---|---|---|
| **April 2026** | Ensure concise reference to alleged harmful sexual behaviours | April 2027 |
| | | |
| August 2025 | Clarification of roles and responsibilities to comply with Regulation 173(2)(b) and (e) relating to prescribed information to be displayed at the service. | August 2026 |
| **October 2025** | Inclusion of new sections to align with the September 2025 amendments to Regulation 168(2)(o) of the *Education and Care Services National Regulations*. Updates clarify requirements for a **child-focused complaint-handling system** and the **management of complaints alleging harmful sexual behaviours** by children. | October 2026 |
| **November 2025** | Inclusion of child safety reforms. | November 2026 |