



# ADMINISTRATIVE AND GOVERNANCE:

## DEALING WITH COMPLAINTS

### PURPOSE

This policy provides clear procedures for managing all complaints at Essential Early Learning, including general complaints, child-focused complaints, and complaints about harmful sexual behaviours. We are committed to handling all complaints fairly, respectfully, confidentially and in a timely manner, with the safety and wellbeing of children as the highest priority.

Our service will:

- Welcome and encourage feedback and complaints as opportunities for improvement
- Provide accessible, child-friendly complaint processes
- Handle all complaints seriously, fairly and objectively
- Prioritise children's safety in all complaint handling
- Respond promptly and appropriately to all complaints
- Maintain confidentiality and protect privacy
- Comply with all legal notification requirements
- Take immediate action when children's safety is at risk
- Learn from complaints to improve service quality

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### SCOPE

This policy applies to:

- All complaints made to or about the service
- The approved provider, nominated supervisor, educators and staff
- Families, children, visitors, students and volunteers
- Complaints made by children, families or other parties
- All types of complaints including serious complaints
- Complaints about harmful sexual behaviours

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### LEGISLATIVE REQUIREMENTS

This policy is based on the following legislation and standards:

#### **Education and Care Services National Law Act 2010**

- Section 174: Offence to fail to notify certain information to Regulatory Authority
- Section 174(2)(b): Notification of complaints alleging serious incident or contravention of law
- Section 297: Protection from reprisal

#### **Education and Care Services National Regulations 2011**

- Regulation 168: Education and care service must have policies and procedures
- Regulation 172: Notification of complaints
- Regulation 176: Time to notify certain circumstances

#### **National Quality Standard**

- Quality Area 4: Staffing Arrangements



- Quality Area 6: Collaborative Partnerships with Families and Communities
- Quality Area 7: Governance and Leadership

#### **NSW-Specific Legislation:**

- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Children's Guardian Act 2019 (NSW)
- Child Protection (Working with Children) Act 2012 (NSW)
- Privacy Act 1988 (Commonwealth)
- Work Health and Safety Act 2011 (NSW)
- Anti-Discrimination Act 1977 (NSW)

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### **KEY DEFINITIONS**

**Complaint:** An expression of dissatisfaction about any aspect of the service, whether justified or not.

**Serious Complaint:** A complaint alleging that a serious incident has occurred or is occurring, that the National Law has been contravened, or that involves allegations of child abuse.

**Child Abuse:** Physical abuse, sexual abuse, emotional or psychological abuse, and neglect.

**Harmful Sexual Behaviours:** Sexual behaviours between children or young people that are developmentally inappropriate, may be harmful towards self or others, or be abusive.

**Mandatory Reporting:** The legal requirement to report suspected child abuse or neglect to the Department of Communities and Justice (DCJ) Child Protection Helpline.

**Complainant:** The person making the complaint.

**Respondent:** The person or service about whom the complaint is made.

**Natural Justice:** Fair and reasonable procedures in handling complaints, including the right to be heard and the right to an unbiased decision-maker.

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### **POLICY STATEMENT**

#### **1. General Principles for Complaint Handling**

##### **Our Commitment:**

- All complaints are taken seriously
- Complainants are treated with respect and dignity
- Complaints are handled fairly, objectively and confidentially
- Children's safety and wellbeing is the highest priority
- Natural justice principles are followed
- Complaints are resolved at the lowest appropriate level
- Complainants are kept informed of progress
- Outcomes are communicated clearly
- Learning from complaints drives improvement

##### **Accessibility:**

- Complaint processes are easy to access and understand
- Multiple ways to make complaints are available (verbal, written, email, online)
- Child-friendly complaint processes are available



- Interpreter services are available if needed
- Support is provided to assist with making complaints
- Complaints can be made anonymously (though this may limit investigation)

#### **Confidentiality:**

- All complaints are handled confidentially
- Information is only shared with those who need to know
- Privacy is protected throughout the process
- Complainants can request additional privacy measures
- Records are stored securely in OWNA management system

#### **Protection from Reprisal:**

- No person will be disadvantaged for making a complaint in good faith
- Reprisals or retaliation against complainants are prohibited
- Staff, families or children who make complaints are protected from negative consequences
- Reprisals are treated as serious misconduct

## **2. How to Make a Complaint**

#### **Who Can Make a Complaint:**

- Parents and guardians
- Children
- Educators and staff
- Students and volunteers
- Visitors
- Members of the public
- Anonymous complainants

#### **Ways to Make a Complaint:**

- Verbally to any educator, nominated supervisor or approved provider
- In writing (letter, email, complaint form)
- Through the service website or OWNA family portal
- By telephone
- Through an advocate or support person
- Directly to the Regulatory Authority (NSW Department of Education)
- Directly to the Office of the Children's Guardian (for child protection concerns)

#### **Information to Include (if possible):**

- Name and contact details (unless anonymous)
- Details of the complaint (what, when, where, who)
- What outcome is sought
- Any supporting information or evidence
- Whether the complainant has contacted other agencies

## **3. Child-Focused Complaint Handling System**

#### **Children's Right to Complain:**

- Children have the right to make complaints and have them taken seriously
- Children's complaints are given the same attention and respect as adult complaints
- Children are supported to express concerns in age-appropriate ways



- Children's complaints are prioritised, particularly those relating to safety

#### **Creating a Child-Safe Environment for Complaints:**

- Children are taught that they have the right to speak up
- Children are encouraged to tell a trusted adult if something worries them
- Children are reassured that it's okay to complain and they will be listened to
- Children are taught that adults are there to help and keep them safe
- Positive language is used (e.g., 'telling' rather than 'tattling')
- Children are never punished for making complaints

#### **Child-Friendly Complaint Methods:**

- Talking to any educator or staff member they trust
- Talking to the nominated supervisor
- Drawing a picture or using art to express concerns
- Using feeling charts or emotion cards
- Role play or puppets to explain what happened
- Having a family member help them make a complaint
- 'Worry box' or 'suggestion box' for children to post notes or drawings

#### **How Educators Support Children to Complain:**

- Listen actively and give full attention
- Get down to the child's level
- Use simple, age-appropriate language
- Ask open-ended questions (not leading questions)
- Do not make promises that cannot be kept
- Take the child seriously, even if the complaint seems minor
- Thank the child for telling
- Explain what will happen next in simple terms
- Reassure the child they did the right thing
- Document the complaint accurately using the child's own words where possible

#### **Responding to Children's Complaints:**

- Children's complaints are acted upon immediately if they relate to safety
- Children are told what action will be taken in age-appropriate language
- Children are kept informed of progress (where appropriate)
- Children receive feedback about the outcome (where appropriate)
- Children are reassured they are safe and cared for
- Follow-up occurs to ensure the child feels the issue is resolved

#### **Types of Complaints Children May Make:**

- Feeling unsafe or scared
- Being hurt by another child or adult
- Not being listened to
- Not liking an activity or routine
- Missing parents or feeling homesick
- Conflicts with other children
- Concerns about food, sleep or toileting
- Any worry or concern, no matter how small



#### 4. Complaint Assessment and Triage

##### Initial Assessment:

When a complaint is received, it is immediately assessed to determine:

- Is it a complaint about child safety or potential abuse? (Priority - immediate action)
- Is it a serious complaint requiring notification to the Regulatory Authority? (Within 24 hours)
- Is it a general complaint that can be resolved informally?
- Who is the appropriate person to handle the complaint?
- What timeframe is appropriate for resolution?

##### Complaint Categories:

###### Category 1 - CRITICAL (Immediate Action Required):

- Allegations of child abuse (physical, sexual, emotional, neglect)
- Allegations of harmful sexual behaviours
- Immediate danger to children's safety
- Serious incidents
- Action: Immediate response, ensure children's safety, notify authorities

###### Category 2 - SERIOUS (Urgent - 24 Hour Notification Required):

- Complaints alleging a serious incident has occurred
- Complaints alleging the National Law has been contravened
- Complaints about service operations that may impact children's safety
- Action: Notify Regulatory Authority within 24 hours, investigate promptly

###### Category 3 - MODERATE (Timely Resolution):

- Complaints about service quality, programs or operations
- Complaints about educator behaviour (not involving abuse)
- Complaints about policies or procedures
- Complaints about fees or administration
- Action: Acknowledge within 2 business days, resolve within 2 weeks where possible

###### Category 4 - MINOR (Routine Resolution):

- Minor concerns or feedback
- Suggestions for improvement
- Questions about service operations
- Action: Address promptly, usually resolved informally

#### 5. Managing Complaints About Harmful Sexual Behaviours

##### Understanding Harmful Sexual Behaviours:

Harmful sexual behaviours between children can include:

- Sexual behaviours that are developmentally inappropriate
- Behaviours involving coercion, force or threats
- Behaviours causing distress to another child
- Behaviours involving significant age or developmental differences
- Persistent, compulsive or secretive sexual behaviours
- Behaviours imitating adult sexual activity

##### CRITICAL - Immediate Actions When Harmful Sexual Behaviour Is Reported or Observed:



- STOP the behaviour immediately and calmly separate the children involved
- Ensure the immediate safety and comfort of all children involved
- DO NOT interview the children about the incident (this is the role of trained specialists)
- DO NOT ask leading questions or seek details
- Reassure all children involved that they are safe
- Notify the nominated supervisor immediately
- Document observations using the children's exact words (if they have said anything)
- Do not discuss the incident with other staff, families or children beyond those who need to know

#### **Notification Requirements - Section 174(2)(b):**

When a complaint alleges harmful sexual behaviour, the approved provider MUST notify the Regulatory Authority within 24 hours if it alleges:

- A serious incident has occurred
- The National Law has been contravened
- Physical or sexual abuse of a child

#### **Mandatory Reporting to DCJ Child Protection Helpline:**

- If there are reasonable grounds to suspect sexual abuse, educators and staff MUST report to the Child Protection Helpline: 132 111 (24 hours)
- Mandatory reporters in NSW include educators, teachers, and approved providers
- Reports must be made as soon as practicable after forming the suspicion
- The person who has the suspicion makes the report (not delegated to someone else)

#### **Notification to Office of the Children's Guardian:**

- If the allegation involves conduct by an employee, the service must notify the Office of the Children's Guardian
- This is in addition to (not instead of) notification to the Regulatory Authority
- Reportable Conduct Scheme applies to allegations of: sexual offences, sexual misconduct, physical violence, behaviour causing significant emotional or psychological harm, serious neglect

#### **Supporting Children Involved:**

##### **Child Who Experienced the Behaviour:**

- Provide immediate comfort and reassurance
- Ensure they feel safe and believed
- Do not blame or shame
- Explain what will happen next in age-appropriate terms
- Maintain normal routines as much as possible
- Work with family to provide appropriate support
- Consider referral to counselling or support services
- Develop safety plan in consultation with family and specialists

##### **Child Who Displayed the Behaviour:**

- Respond calmly without shaming or labelling the child
- Ensure the child feels safe and supported
- Focus on the behaviour, not the child's character
- Work with family to provide appropriate support and education
- May require supervision plan to ensure safety of all children



- Consider referral to specialist services
- Develop behaviour support plan if appropriate

#### **Other Children Who May Have Witnessed:**

- Provide reassurance and comfort
- Answer questions honestly and age-appropriately
- Monitor for signs of distress
- Maintain routines and normalcy

#### **Investigation and Follow-Up:**

- Cooperate fully with any investigations by DCJ, Police or the Regulatory Authority
- Do not conduct own interviews with children (leave this to trained professionals)
- Provide relevant documentation and observations
- Follow directions from investigating authorities
- Maintain confidentiality throughout the process
- Support all families involved

#### **Review and Prevention:**

- Review supervision arrangements
- Review physical environment (e.g., ensure adequate visibility in all areas)
- Review educator-to-child ratios
- Provide additional training for staff on child protection and recognising concerning behaviours
- Review and enhance protective behaviours education for children
- Update risk assessments and safety procedures

## **6. Handling Serious Complaints**

#### **What Constitutes a Serious Complaint:**

- Complaints alleging a serious incident has occurred or is occurring
- Complaints alleging the National Law or Regulations have been contravened
- Complaints about child abuse (physical, sexual, emotional, neglect)
- Complaints about unsafe practices or environments
- Complaints about educator misconduct

#### **Immediate Actions for Serious Complaints:**

- Ensure children's immediate safety
- Notify the nominated supervisor and approved provider immediately
- Separate individuals involved if necessary
- Preserve any evidence
- Document all actions taken
- Do not discuss with others beyond those who need to know

#### **Notification to Regulatory Authority - Section 174(2)(b):**

The approved provider MUST notify the Regulatory Authority within 24 hours through the NQA IT System when a complaint alleges:

- That a serious incident has occurred or is occurring while a child was or is being educated and cared for
- That the National Law has been contravened

**Information to Include in Notification:**

- Nature of the complaint
- When and how the complaint was received
- Details of the alleged incident or contravention
- Actions taken to date
- Contact details of the complainant (if provided)

**Other Mandatory Notifications:**

- Child Protection Helpline (132 111) - if suspicion of abuse or neglect
- Police (000 or local station) - if criminal activity suspected
- Office of the Children's Guardian - if allegation involves employee conduct
- WorkCover - if work health and safety incident

**Investigation of Serious Complaints:**

- Conduct thorough, objective investigation
- Interview relevant parties separately
- Gather and preserve evidence
- Maintain detailed records of investigation
- Ensure procedural fairness (natural justice)
- Cooperate with external investigations
- Take interim measures to protect children if needed
- May involve suspension of staff pending investigation

## **7. Handling General Complaints**

**Receipt and Acknowledgement:**

- All complaints are acknowledged within 24 hours of receipt
- Complainant is advised of the process and expected timeframe
- Complainant is provided with contact details of person handling complaint
- Complaint is recorded in OWNA management system

**Initial Response:**

- Gather all relevant information
- Clarify the complaint with the complainant if needed
- Identify the desired outcome
- Assess whether complaint can be resolved informally
- Determine who is best placed to handle the complaint

**Informal Resolution (Where Appropriate):**

- Many complaints can be resolved through direct discussion
- Nominated supervisor or educator meets with complainant
- Issue is discussed openly and respectfully
- Solution is agreed upon
- Actions are implemented promptly
- Follow-up occurs to ensure resolution

**Formal Resolution (If Informal Resolution Not Appropriate or Unsuccessful):**

- Complaint is formally investigated
- Relevant parties are interviewed
- Evidence is gathered and assessed





- Findings are documented
- Decision is made based on evidence
- Outcome is communicated to complainant
- Actions are implemented
- Outcome is recorded in OWNA

**Timeframes:**

- Acknowledgement: Within 24 hours
- Initial response: Within 2 business days
- Resolution of moderate complaints: Within 2 weeks where possible
- Resolution of complex complaints: Within 4-6 weeks where possible
- Complainant kept informed if delays occur

**8. Investigation Procedures**

**Principles of Fair Investigation:**

- Objectivity and impartiality
- Thoroughness and attention to detail
- Procedural fairness (natural justice)
- Confidentiality
- Timeliness
- Proper documentation

**Natural Justice Requirements:**

- Respondent is informed of the complaint (unless doing so would compromise children's safety)
- Respondent has opportunity to respond to allegations
- All parties are treated fairly and respectfully
- Decision-maker is impartial
- Decision is based on evidence

**Investigation Steps:**

- Appoint appropriate investigator (may be nominated supervisor, approved provider, or external investigator)
- Plan the investigation (determine scope, identify witnesses, gather documents)
- Interview complainant to gather detailed information
- Interview respondent and give opportunity to respond
- Interview witnesses
- Gather and review relevant documents and records
- Analyse all evidence objectively
- Make findings based on balance of probabilities
- Determine appropriate actions or outcomes
- Document all steps thoroughly

**Interviewing Guidelines:**

- Conduct interviews in private, neutral locations
- Ensure interviewees feel safe and supported
- Ask open-ended questions
- Take detailed notes or record (with consent)
- Allow interviewees to review and confirm their statements

- Maintain confidentiality

**Outcomes of Investigations:**

- Complaint substantiated (evidence supports the complaint)
- Complaint not substantiated (insufficient evidence)
- Complaint unsubstantiated (evidence contradicts the complaint)
- Unable to determine (conflicting evidence, no clear finding)

**9. Outcomes and Actions**

**Possible Outcomes When Complaints Are Substantiated:**

- Apology to complainant
- Changes to policies, procedures or practices
- Additional training for educators or staff
- Counselling or support for individuals involved
- Performance management for staff
- Formal warning to staff
- Suspension of staff
- Termination of employment
- Reporting to relevant authorities (Police, OCG, Regulatory Authority)
- Improvements to service operations
- Changes to physical environment
- Enhanced supervision or safety measures

**Communicating Outcomes:**

- Complainant is advised of the outcome in writing
- Level of detail provided balances transparency with privacy
- Respondent is advised of findings and any actions
- Families are informed if changes affect them (without breaching confidentiality)
- All communications are documented

**When Complainant Is Not Satisfied:**

- Complainant is advised of their right to escalate the complaint
- Internal review by approved provider (if complaint was handled by nominated supervisor)
- Complaint to the Regulatory Authority (NSW Department of Education)
- Complaint to other relevant bodies: Office of the Children's Guardian, Health Care Complaints Commission, NSW Ombudsman
- Contact details for these bodies are provided

**10. Support for All Parties**

**Support for Complainants:**

- Treated with respect and dignity throughout the process
- Kept informed of progress
- Provided with contact person for queries
- Offered interpreter services if needed
- Referred to support services if appropriate
- Protected from reprisal or retaliation



### **Support for Respondents:**

- Treated fairly and with respect
- Given opportunity to respond to allegations
- Kept informed of investigation progress
- Offered support services if appropriate (e.g., EAP)
- Protected from unfair treatment
- Privacy and reputation protected as much as possible

### **Support for Children:**

- Immediate safety and comfort ensured
- Age-appropriate explanations provided
- Routines maintained as much as possible
- Monitoring for signs of distress
- Referral to counselling or support services if needed
- Family involvement in support plans

### **Support for Educators and Staff:**

- Debriefing after serious incidents or complaints
- Access to Employee Assistance Program
- Peer support
- Professional development
- Clear communication about expectations and processes

## **11. Record Keeping and Documentation**

### **What Must Be Recorded:**

- Details of the complaint (what, when, where, who, how)
- Date and time complaint was received
- How the complaint was made (verbal, written, email, etc.)
- Name and contact details of complainant (if provided)
- Date complaint was acknowledged
- Actions taken in response to complaint
- Investigation process and findings
- Outcome and actions implemented
- Communications with complainant and respondent
- Notifications made to authorities
- Date complaint was closed

### **Record Storage:**

- All complaints recorded in OWNA management system
- Stored securely and confidentially
- Access restricted to authorised personnel
- Complaints about child abuse retained until child turns 25 years
- Other complaints retained for minimum 3 years

### **Reporting and Analysis:**

- Regular review of complaints data to identify trends
- Analysis of complaint types, sources and outcomes
- Reporting to approved provider and management
- Use of complaints data to inform quality improvement



- Annual summary of complaints in Quality Improvement Plan

## 12. Learning from Complaints

### Continuous Improvement:

- Each complaint is viewed as an opportunity to improve
- Root cause analysis conducted for serious or recurring complaints
- Systemic issues identified and addressed
- Changes implemented to prevent recurrence
- Effectiveness of changes monitored

### Service Improvements May Include:

- Policy and procedure updates
- Additional staff training
- Changes to physical environment
- Enhanced communication with families
- Improved supervision arrangements
- New safety measures
- Changes to programs or practices

### Sharing Learnings:

- Staff debriefing and training on lessons learned (without breaching confidentiality)
- Updates to policies and procedures
- Information shared with families about improvements (general, not specific to complaints)
- Contributions to sector-wide learning through anonymised case studies

## RESPONSIBILITIES

### Approved Provider:

- Ensure effective complaints handling system is in place
- Ensure all required notifications are made to authorities
- Oversee serious complaint investigations
- Make final decisions on outcomes
- Ensure staff are trained in complaints handling
- Review complaints data and implement improvements
- Ensure child safety is prioritised in all complaint handling

### Nominated Supervisor:

- Receive and acknowledge complaints
- Assess and triage complaints appropriately
- Ensure children's immediate safety
- Notify approved provider of serious complaints immediately
- Conduct or oversee investigations
- Communicate with complainants and keep them informed
- Implement outcomes and actions
- Maintain confidentiality
- Record all complaints in OWNA
- Support staff, children and families through complaint processes



### **All Educators and Staff:**

- Be approachable and receptive to complaints
- Listen to and acknowledge complaints respectfully
- Report all complaints to nominated supervisor promptly
- Report all child safety concerns immediately
- Participate in investigations honestly and professionally
- Maintain confidentiality
- Support children to make complaints
- Implement changes arising from complaints
- Understand mandatory reporting obligations

### **Families:**

- Feel empowered to raise concerns or complaints
- Provide accurate and honest information
- Treat all parties respectfully
- Maintain confidentiality
- Work cooperatively towards resolution
- Support their child through any complaint processes

## **EXTERNAL COMPLAINT BODIES**

If complainants are not satisfied with the service's handling of their complaint, they can contact:

### **Regulatory Authority - NSW Department of Education**

- Phone: 1800 619 113
- Email: [ececd@det.nsw.edu.au](mailto:ececd@det.nsw.edu.au)
- Website: [www.education.nsw.gov.au](http://www.education.nsw.gov.au)

### **Office of the Children's Guardian**

- Phone: (02) 8219 3600
- Email: [reportable@ocg.nsw.gov.au](mailto:reportable@ocg.nsw.gov.au)
- Website: [www.ocg.nsw.gov.au](http://www.ocg.nsw.gov.au)

### **Child Protection Helpline (for child protection concerns)**

- Phone: 132 111 (24 hours)

### **NSW Ombudsman**

- Phone: (02) 9286 1000 or 1800 451 524
- Website: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

### **Health Care Complaints Commission**

- Phone: 1800 043 159
- Website: [www.hccc.nsw.gov.au](http://www.hccc.nsw.gov.au)

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## **RELATED POLICIES AND PROCEDURES**

- Providing a Child Safe Environment Policy
- Code of Conduct
- Privacy and Confidentiality Policy



- Governance and Management of the Service Policy
- Incident, Injury, Trauma and Illness Policy
- Staffing Policy
- Interactions with Children Policy
- Enrolment and Orientation Policy

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## REFERENCES AND RESOURCES

- ACECQA: Guide to the National Quality Framework
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011
- National Quality Standard
- NSW Office of the Children's Guardian: [www.ocg.nsw.gov.au](http://www.ocg.nsw.gov.au)
- NSW Department of Communities and Justice - Child Protection: [www.dcj.nsw.gov.au](http://www.dcj.nsw.gov.au)
- Australian Human Rights Commission: [www.humanrights.gov.au](http://www.humanrights.gov.au)
- Australian Children's Education and Care Quality Authority (ACECQA): [www.acecqa.gov.au](http://www.acecqa.gov.au)
- NSW Ombudsman: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

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## POLICY REVIEW

This policy will be reviewed every two years or more frequently if required due to:

- Legislative changes
- Changes in best practice
- Serious complaints or incidents
- Changes to complaint handling systems or OWNA
- Feedback from stakeholders or regulatory authorities
- Identified gaps or improvements needed

**Date policy was last reviewed:** 11/01/2026

**Date for next review:** 11/01/2028

**Reviewed by:** Director and Staff