DEALING WITH COMPLAINTS POLICY

Feedback from families, children, educators, staff and the wider community is fundamental to the continuous improvement of our Out of School Hours (OSHC) Service. It is expected that feedback will include divergent views, which may at times result in complaints and grievances. This policy details our OSHC Service's procedures for receiving and managing both informal and formal complaints. Our policy and complaints processes support and encourage children, families, visitors, students and members of the community to raise concerns with management, with the assurance that all matters will be managed in a timely, conscientious and confidential manner.

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 4: STAFFING ARRANGEMENTS		
4.1.1	Organisation of educators	The organisation of educators across the service supports children's learning and development.
4.1.2	Continuity of staff	Every effort is made for children to experience continuity of educators at the service.
4.2	Professionalism	Management, educators and staff are collaborative, respectful and ethical.
4.2.1	Professional collaboration	Management, educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills.
4.2.2	Professional standards	Professional standards guide practice, interactions and relationships.
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	Paramount consideration—safety, rights and best interests of children

S. 3A	Paramount consideration [NSW]
S.5AA	Meaning of "inappropriate conduct" in relation to child [NSW]
S.166A	Offence to subject child to inappropriate conduct [NSW] Offences relating to inappropriate conduct
S. 172	Offence to fail to display prescribed information
S. 174	Offence to fail to notify certain information to Regulatory Authority
12	Meaning of serious incident
84	Awareness of child protection law
168	Education and care service must have policies and procedures
170	Policies and procedures to be followed
171	Policies and procedures to be kept available
172	Notification of change to policies or procedures
173	Prescribed information to be displayed - education and care service other than a family day care service
175	Prescribed information to be notified to Regulatory Authority
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

Child Care Subsidy (CCS) Accounts Policy Child Care Subsidy (CCS) Governance Policy Child Protection Policy Child Safe Environment Policy Child Safety and Wellbeing Policy (VIC) Code of Conduct Policy 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

Incident, Injury, Trauma and Illness Policy	Safe Use of Digital Technologies and Online Environments Policy Student, Volunteer and Visitors Policy

PURPOSE

The Education and Care Services National Regulations require approved providers to ensure their services have policies and procedures in place dealing with complaints and take reasonable steps to ensure those policies and procedures are followed. We believe that children's safety, rights and best interests are the paramount consideration in 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 principles:

- procedural fairness and natural justice
- code of ethics and code of conduct
- a child safe complaint culture
- a culture free from discrimination and harassment
- transparent policies and procedures
- fair, thorough and appropriate investigation of all complaints
- opportunities for further investigation
- alignment with our Service philosophy.

PROCEDURAL FAIRNESS AND NATURAL JUSTICE

Our OSHC 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, approved provider, nominated supervisor, students, volunteers and visitors of the OSHC Service.

IMPLEMENTATION

Grievances and complaints can arise in any education and care setting. Complaints provide opportunities for our OSHC Service to identify concerns, respond appropriately, and support 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 respectful communication and conflict resolution
- encourage the development of respectful and collaborative relationships
- ensure that conflicts and grievances are mediated fairly, transparently and equitably
- promote the rights, safety, and wellbeing of all persons involved
- where a complaint involves a child's safety or wellbeing, the OSHC Service ensures to:
    - consider the child's age, cultural background, developmental stage, and individual needs
    - notify the regulatory authority if the complaint alleges that a serious incident has occurred or that the National Law or National Regulations may have been contravened
    - respond appropriately in line with relevant policies and procedures, including where concerns relate to behaviours of concern such as children exhibiting harmful sexual behaviours (in conjunction with the *Child Protection Policy*).

NATIONAL PRINCIPLES FOR CHILD SAFE ORGANISATIONS – CHILD-FOCUSED COMPLAINTS PROCESS

Our OSHC Service is committed to the National Principles for Child Safe Organisations and adopts a child safe approach to complaints involving a child or young person.

As a child safe organisation, we respond promptly and systematically to any concerns, disclosures, allegations or suspicions while fostering an environment where children feel confident that their safety and wellbeing are paramount. Our OSHC Service ensures our complaints processes are easily understood by children, young people and families and are accessible, effective and culturally safe.

Educators support children to understand the complaints process, so they know who to talk to if they want to raise a concern or make a complaint. We ensure complaints are taken seriously, addressed promptly and thoroughly, and managed in accordance with all legal and regulatory obligations.

DEFINITIONS

For additional definitions and key terms used within this policy, refer to *Key Terms – Policies and Procedures*.

Complaint: An 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 is legally required (AS/NZS 10002:2014 Complaint Management Standard). Complaints can be made to the approved provider, staff/educators in the Service, or external bodies, including the regulatory authority, police, child protection agency or eSafety commissioner. Complaints can be made verbally or in writing (including letter, email or digital form).

Complaints and grievances management register: Records information about complaints and grievances received at the OSHC Service, along with their outcomes. This record must be securely stored and accessible only to authorised personnel, such as Service management and the regulatory authority. The record can provide valuable information to the approved provider and nominated supervisor of the Service to support continuous improvement and ensure children's and families' needs are being met.

Complaint handling: The processes of receiving, investigating and resolving complaints effectively, fairly, and in accordance with procedural fairness and natural justice.

Grievance: A grievance is a formal statement of complaint that cannot be addressed immediately and involves matters of a more serious nature.

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 or grievance 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 reach a mutually acceptable resolution between disputants through the objective intervention of a neutral party.

Notifiable complaint: A complaint alleges that a breach of the Education and Care Services National Law and Regulations, the 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.

If the approved provider is unsure whether the matter is a notifiable complaint, it is good practice to contact the regulatory authority for confirmation. Written notifications 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 any medical or incident report (where relevant)
- contact details of the notifier, generally the approved provider
- any other relevant information.

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 raises a child protection issue, a relevant government agency, such as the regulatory authority and Victorian Early Childhood Regulatory Authority (VECRA) and Victoria Police and/or Child Protection, will need to be informed. (See: Reportable Conduct Scheme section in our *Child Protection Policy* or *Reportable Conduct Scheme Policy (VIC)* for more information).

Our OSHC 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. Anyone — including staff, families, volunteers, or children — can raise a concern without fear of detriment or retaliation, in line with our Complaints and Grievances Policy, Child Safety and Wellbeing Policy, and Reportable Conduct Scheme Policy. This process supports a culture of integrity, transparency, and accountability, and aligns with our obligations under the Victorian Child Safe Standards and the Reportable Conduct Scheme.

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 OSHC 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 Service's *Code of Conduct Policy* is adhered to.

THE APPROVED PROVIDER/NOMINATED SUPERVISOR/RESPONSIBLE PERSON WILL:

Governance and Compliance

- ensure that obligations under the Education and Care Services National Law and Regulations are met
- ensure all decisions and actions prioritise children's safety, rights and best interests
- ensure educators, staff, students, visitors and volunteers have knowledge of and adhere to this policy and associated procedures, and are advised on how and where the policy can be accessed
- provide an induction program for new staff and educators that includes an overview of policies and procedures, including this *Dealing with Complaints Policy* and other related policies and procedures.

Accessibility and Transparency

- ensure the name and telephone number of the person to whom complaints can be made is displayed and clearly visible at the entry of the OSHC Service
- ensure the address and telephone number of the regulatory authority where complaints can be made are displayed and clearly visible at the entry of the OSHC Service
- ensure information about our *Dealing with Complaints Policy* and *Complaints/Grievance Procedure* and all appropriate forms are easily accessible.

Complaint Management

- 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
- regularly review records, outcomes, trends, policy effectiveness, and stakeholder feedback
- conduct a review of policies and procedures, where required, following a complaint or grievance as part of our continuous improvement practices.

Acknowledgement, Response and Timeframes

- follow the guidance in the *Complaint/Grievance Investigation Guide and Form*
- acknowledge the complaint or grievance in writing within 2 working days of being formally received and recorded by the Service
- where appropriate, discuss the issue with the complainant within 24 hours of receiving the verbal or written complaint or grievance
- if the complaint or grievance needs to be investigated by the OSHC Service, investigate and document the grievance or complaint fairly and impartially. The investigation will consist of:
    - reviewing the circumstances and facts of the complaint or grievance and inviting all relevant parties to provide information where appropriate
    - discussing the nature of the complaint or grievance and giving the relevant person/s the opportunity to respond
    - permitting the relevant person/s 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, help formulate responses, engage in discussions and be more than a passive observer, aid in understanding processes, request breaks and provide emotional support. A support person cannot represent the employer, speak on their behalf or advocate for the organisation.
    - providing the relevant person/s 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 or grievance and provide a copy to all parties involved
- all parties will ensure the documented outcomes accurately reflect the resolution, and sign to indicate agreement
- all written responses will be provided in an accessible and easy-to-understand format
- 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.

Child-Focused Complaints Handling

- ensure immediate action is taken where there is an imminent risk to the safety or wellbeing of a child or another person
- ensure our complaint handling processes are child-focused, providing support and age-appropriate guidance for children to know who to talk to if they are feeling unsafe, and empowering them to express their concerns
- ensure child-focused complaint procedures are in place so any inappropriate conduct concerns are promptly identified, addressed, and reported to the regulatory authority
- 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 complaints that allege a child is exhibiting sexual behaviours that may be harmful to the child or another child (See *Child Protection Policy*)
- ensure the child's voice is heard and that all complaints or concerns raised by children are taken seriously, responded to promptly and documented as per complaint procedures.

Notifications and Record Keeping

- notify the regulatory authority within 24 hours if a complaint alleges that the safety, health or wellbeing of a child is being compromised or the National Law has been breached. Notification must include any incident or any allegation where there is a reasonable belief that physical and/or sexual abuse of a child has occurred or is occurring at the OSHC Service
- keep appropriate records of the investigation and outcomes and store these records in accordance with our *Privacy and Confidentiality Policy* and *Record Keeping and Retention Policy*
- monitor the situation and provide support as required
- ensure all parties are protected from victimisation and bullying
- seek feedback on the grievance or complaint process to support continuous improvement
- track complaints to identify recurring issues within the OSHC Service and address these within the Service's Quality Improvement Plan (QIP).

EDUCATORS WILL:

In relation to general complaints or grievances

- promptly report all complaints or grievances received to the nominated supervisor and/or approved provider within required timeframes
- listen to and respond to complaints or grievances in a respectful, calm and non-judgemental manner
- clarify and confirm the grievance or complaint, documenting all the facts objectively and accurately

- support complainants to be heard and provide information about relevant Service policies and procedures that may assist in resolving the matter
- 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, including a preferred outcome
- maintain confidentiality in line with the *Privacy and Confidentiality Policy*
- refer complainants to the nominated supervisor or approved provider where the matter cannot be resolved at the educator level or is outside their role or authority

In relation to child safety concerns and disclosures

- promptly report any concerns relating to the safety, health or wellbeing of a child to the nominated supervisor and/or approved provider
- support children to understand who they can talk to if they feel unsafe and what will happen when they raise a concern
- be informed about the different ways children can express concerns or distress and disclose harm
- be informed about the process for responding to disclosures from children, including a complain that alleges a child is exhibiting sexual behaviours that may be harmful to the child or another child
- be aware of child protection law and their individual responsibilities as mandatory/mandated reporters/notifiers.
- respond appropriately and immediately to disclosures from children in a calm, supportive and non-judgemental manner; see *Child Protection Policy* and related procedures for more details
- escalate immediately any concern where there is an imminent risk to the safety or wellbeing of a child.

COMPLAINANTS WILL:

- be treated with fairness and equity throughout the complaints process, which ensures all stakeholders are heard and supported in resolving concerns
- attempt to discuss their complaints with the relevant person as the first step to resolving the issue, unless the matter relates to a serious incident, notifiable complaint, or a concern that must be escalated in accordance with this policy and notified to the regulatory authority within the required timeframes
- 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 OSHC Service has not resolved their concerns (e.g., regulatory authority, eSafety).

Children as complainants or expressing concerns will:

- be supported to express their concerns or allegations to either management, educators and/or family members, who may be encouraged by management to complete a child-friendly version of the *Complaints/Grievance Form, i.e.,* the *Children's Complaint Grievance Suggestions and Feedback Form* on the child's behalf.

STAFF-RELATED CONFLICTS, COMPLAINTS AND GRIEVANCES

We acknowledge that conflict is a natural part of the work environment. When conflict is addressed and handled constructively, it can strengthen communication, workplace relationships and professional practice. However, unresolved conflicts can lead to tension, stress, decreased productivity, strained relationships, increased absenteeism, anxiety and other negative impacts.

Positive communication between staff is essential to the smooth operation of the OSHC Service and to maintaining a positive environment for children. Staff are expected to treat each other with respect, value different perspectives, share ideas, and contribute to a healthy workplace. All grievances, conflicts and complaints will be managed promptly, professionally and fairly. Staff are expected to approach conflicts with a willingness to listen, reflect on their practice, learn from different perspectives, and work collaboratively towards positive outcomes.

In addition to the procedures outlined above to support the management of concerns, staff who express concerns about another staff member will:

- understand and act in accordance with their professional and legal responsibilities when managing staff-related issues
- where appropriate, raise the grievance or complaint directly with the person concerned in a professional manner and at an appropriate time. Both parties should try to resolve the issue and develop mutually agreeable solutions.
- raise any unresolved concerns with the approved provider or nominated supervisor, e.g., if they feel they are unable to resolve the issue or feel uncomfortable raising the matter directly with the person concerned. The approved provider or nominated supervisor (or other manager) may ask for the issue to be put in writing.

- provide all relevant information, outlining the issue, identifying any other person involved, and any suggested solution
- communicate openly about the issue with the relevant parties, whilst maintaining confidentiality and professionalism
- not become involved in complaints or grievances that do not concern them
- follow the OSHC Service's complaints and grievance procedures to support the resolution of concerns, while recognising their right to raise matters with external complaints or regulatory bodies.

COMPLAINTS RELATING TO THE ADMINISTRATION OF CHILD CARE SUBSIDY

Families who wish to raise concerns regarding the management of Child Care Subsidy (CCS) 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 complaints and grievances.

Families may also raise concerns regarding the management of the CCS to the Department of Education via their Online contact form. Additionally, information about any potential breach of CCS 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 Child Care Subsidy fraud via a tip-off

COMPLAINTS INVOLVING ALLEGATIONS OF A CHILD EXHIBITING SEXUAL BEHAVIOURS THAT MAY BE HARMFUL TO ANOTHER CHILD

The approved provider will ensure:

- families and educators are encouraged and supported to raise concerns in confidence and are made aware of the OSHC Service's *Protected Disclosures (Whistleblowers) Policy*
- children are provided with appropriate support to communicate complaints, including staff being aware of disclosures via behaviours and/or physical signals
- 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 follow the OSHC Service's *Child Protection Policy*, including responding appropriately to disclosures and meeting mandatory reporting obligations where required
- immediate action is taken to ensure the safety and wellbeing of all children and to assess whether emergency services or police assistance is required

- the regulatory authority is notified within 24 hours of any complaints alleging the occurrence of a serious incident or contravention of the Education and Care Services National Law, including any complaint that alleges the physical or sexual abuse of a child while being educated or cared for by a service
- the procedures outlined within this policy to support the management of complaints and grievances are implemented when responding to a complaint involving child sexual abuse or concerning behaviours, including:
    - how children, families, educators and members of the community can submit a complaint (via email or in person)
    - how the approved provider responds to complaints
    - the investigation process in response to a complaint, including the complainant being informed of who will be involved in the investigation process and the potential requirement of an independent investigation, as required
    - support and assistance provided to the individual raising the complaint
    - review of policies, procedures and practices following a complaint.

CONTINUOUS IMPROVEMENT/REFLECTION

Our *Dealing with Complaints Policy* will be evaluated and reviewed on an annual basis or earlier if there are changes to legislation, ACECQA guidance or any incident related to our policy. Feedback will be requested from children, families, staff, educators and management. All families will be notified 14 days before any policy change that may have a significant impact on the provision of education and care to any child enrolled at the Service or the family's ability to utilise the Service.

RELATED RESOURCES

Children's Complaint Grievance Suggestions and Feedback Form Complaints/Grievance Procedure Complaints/Grievance Investigation Guide and Form	Complaints/Grievance Form Complaints/Grievance Management Form Complaints/Grievance Register

SOURCES

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. (2026) *Child Care Provider Handbook*

Australian Human Rights Commission: https://www.humanrights.gov.au
Commissioner for Children and Young People, Western Australia. *Monitoring of Child-Focused Complaints Systems Report.*
Education and Care Services National Law Act 2010
Education and Care Services National Regulations 2011
Fair Work Australia: https://www.fairwork.gov.au/
Queensland Government. *Guide for effective complaints management*
Royal Commission into Institutional Responses to Child Sexual Abuse. Final Report.

REVIEW

POLICY REVIEWED BY	Simone Riley	OSHC Admin	21/08/2026
POLICY REVIEWED	AUGUST 2026	NEXT REVIEW DATE	AUGUST 2027
VERSION NUMBER	V14.08.26		
MODIFICATIONS	• annual policy review • merged the *Dealing with Complaints Policy (Staff)* into this policy • added the paramount consideration principle • revised roles and responsibilities • introduced headings and improved structure for clarity and ease of use; reorganised content for a better flow • removed duplicative content • distinguished between general complaints/grievances and child-related concerns or complaints • reviewed and updated references and sources		
POLICY REVIEWED	PREVIOUS MODIFICATIONS		
JANUARY 2026	• updated policy to include amendments to Children (Education and Care Services) National Law (NSW) • included additional points to strengthen child safe practices		