

# Child Safe Complaint Policy



<b>Document Title</b>	NQS7.52 Child Safe Complaint Policy	<b>Version</b>	3a
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<b>Warning- Ensure you are using the latest version of this policy. You can find it at the location listed below</b>			
DCC-Network/All Organisation Information/DCC Policies/Quality Area 7 – Leadership & service management			

## 1. Policy Statement

River Region Early Education is committed to being a child safe organisation where children, families, community members, employees, and volunteers feel safe and supported to raise any concerns or complaints, including those related to a child’s safety and well-being. Our statement of commitment to child safety includes ensuring our complaint processes are child-focused and transparent, and that complaints are addressed promptly, thoroughly, and fairly.

We understand that feedback is essential to ensuring a high quality of service and we ensure people are supported to submit a complaint to us in any way. Successful complaint management mitigates risk, builds collaborative partnerships with families and service users, supports continuous improvement, and contributes to positive outcomes for children and their protection from harm and hazard.

## 2. Rationale

This policy provides guidance to people who wish to give feedback or make a complaint about a service delivered by our organisation or to identify any suspicion or allegation that a child may be at risk of harm, including through another child exhibiting harmful sexual behaviour. This policy provides guidance for employees and volunteers as to our implementation of Standard 6 of the Child Safe Standards – processes to respond to complaints of child abuse are child-focused - and supports employees to handle complaints fairly, efficiently, and effectively and to ensure the safety and well-being of children is a priority. This policy also meet requirements of Education and Care Services National Regulations for approved providers to have policies and procedures in relation to the provision of a complaint handling system at the service that is child focused and the management of a complaint that alleges a child is exhibiting harmful sexual behaviours. It also identifies the regulatory requirement to notify the Regulatory Authority within 24 hours of certain complaints.

## 3. Scope

This policy applies to all employees, trainees, students, and volunteers, including Board members.

## 4. Responsibilities

It is the responsibility of Board members to:

- manage any complaints related to the General Manager or Board.

It is the responsibility of the General Manager to:

- promote a child safe culture that values complaints and their effective resolution and empowers children to speak up and be believed,

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- manage level 3 complaints and report them to the Board within one month or within the timeframe required by the Regulatory Authority,
- report eligible level 3 complaints to the Regulatory Authority within 24 hours where they pertain to a contravention of the Act or Regulation, a condition of provider approval, or the safety, health, or well-being of a child attending the service being compromised, and
- regularly review complaint trends and issues and support identified improvements.

It is the responsibility of the Quality Coordinator to:

- maintain a system to manage, record and resolve complaints,
- make sure that people can easily make a complaint, including people with disabilities,
- manage level 2 complaints and escalate them to level 3 when required, and
- analyse and report on complaint trends and include in the continuous improvement cycle.

It is the responsibility of employees, trainees, students, and volunteers to:

- ensure any person receiving services is aware of their right to, and how to, make a complaint,
- foster a child safe culture that actively listens to and believes children and empowers them to speak up and to take part in discussions about their safety,
- be alert to complaints and help people make a complaint, if needed,
- make sure that all complaints are dealt with fairly and quickly and in a manner that ensures procedural fairness,
- treat all people with respect, including people who make complaints, and
- maintain confidentiality when receiving or handling complaints.

## 5. Definitions

**Complaint** – A statement of dissatisfaction about services provided by or through the organisation where it is clear, or can be reasonably assumed, that some sort of action is expected.

**Feedback** – Any form of statement about services provided by or through the organisation that gives information about the quality of service without an expectation that remedial action is needed.

**Procedural fairness** - Ensuring fairness of the procedure by which a decision is made, including: being free from bias by the decision-maker; being rational or based on evidence that is logically capable of supporting the facts; and providing people likely to be adversely affected by decisions an opportunity to present their case and have their response taken into consideration before the decision is made.

**The Act** - Children (Education and Care Services) National Law 2010.

**Regulation** – The Education and Care Services National Regulations 2011 and the Children (Education and Care Services) Supplementary Provisions Regulation 2012, NSW.

**Harmful sexual behaviour** - a general term to describe behaviour in children and young people aged under 18 years that fall across a spectrum of sexual behaviour problems, including those that are problematic to the child's own development, as well as those that are coercive, sexually aggressive and predatory towards others.

**Investigation** - A formal and systematic inquiry to establish facts about a complaint by collecting, documenting, examining, and evaluating evidence. An investigation is not an end in itself.

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Throughout an investigation, the investigator should keep an open mind about the possible outcomes of the investigation, such as education, compliance action, or a decision not to pursue the matter.

**Serious incident** – An incident that occurs on the premises of the service or during an activity of the service regardless of the location that includes:

- the death of a child,
- the serious illness of a child while being educated and cared for which the child attended or ought reasonably to have attended a hospital,
- serious injury or trauma to a child while being educated and cared for which the child attended or ought reasonably to have attended a hospital, or a reasonable person would consider that the child would require urgent attention from a registered medical practitioner
- any emergency for which emergency services attended,
- a child is missing or cannot be accounted for or appears to have been removed from the premises by a person not authorised by a parent, and
- a child is mistakenly locked in or out of the premises or any part of the premises.

## 6. Guidelines

### a) Our obligations

Under Regulation we are required to:

- display on our premises the name and telephone number of the person to whom complaints may be addressed and the contact details of the Regulatory Authority,
- maintain child-focused policies and procedures for dealing with complaints, including those that allege a child is exhibiting harmful sexual behaviours,
- investigate and resolve complaints, and
- notify the NSW Regulatory Authority when we receive complaints that:
  - allege a serious incident has occurred or is occurring at the service,
  - allege that physical or sexual abuse of a child or children has occurred or is occurring while the child is being educated and cared for by the service, or
  - the National Law has been contravened.

Our Regulatory Authority is Early Childhood Education Directorate, NSW Department of Education.

### b) Making a complaint

A person can make a complaint in any way, including by speaking to us in person, sending us a letter or email, phoning us or through another agency.

We support children to give us feedback and make complaints by fostering a child safe culture where children are believed and we actively seek the opinions of children, include their voices and interests in day-to-day experiences, and support them to contribute to decisions that affect them in line with their age and stage of development.

The key contact for complaints is the General Manager who can be contacted on 03 5881 2394 or [generalmanager@denichildrenscentre.com.au](mailto:generalmanager@denichildrenscentre.com.au)

- Complaints can be made anonymously.
- A person making a complaint can have an advocate, such as another person or an organisation, help them when making or interacting with us about a complaint.

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- We will acknowledge all complaints as soon as possible and, at most, within three business days.

We will treat every complaint with integrity and in a fair and unbiased manner and will ensure procedural fairness. We will:

- Keep the identity of people making complaints confidential in line with our *NQS7.60 Privacy and Confidentiality Policy*,
- Do what we can to make sure a person making a complaint is not adversely affected because they have made a complaint,
- Treat any new complaint on its merits, even if it has been made before, and
- Manage any conflicts of interest responsibly.

If the complaint is about the General Manager or a Board member, the complaint may be handled by an external agency to ensure objectivity and procedural fairness.

### **c) Complaints alleging harmful sexual behaviour in children**

Some children may exhibit harmful sexual behaviour while they are in our care. This behaviour can be self-directed and/or directed at other children and adults and can extend to sexually abusing other children.

Allegations of harmful sexual behaviour in children require an immediate response.

Concerns and complaints about this matter can be raised using the processes described above and we will manage them using the guidance in our *NQS2.6 Child Safety and Protection Policy* and procedures, which provide a detailed information related to allegations of harmful sexual behaviour by adults or children.

### **d) Managing complaints**

When a complaint is received, we will seek information about the nature of the complaint, the person(s) involved, what outcome(s) the complainant is seeking, and any other information required to support an effective investigation where this is needed.

Where a complaint is straightforward and simple to resolve (level 1), we will seek to manage and resolve it on the day it is received.

We will let the person making the complaint (and their advocate, if relevant) know what to expect from the complaints process including:

- the expected time frames for our actions,
- their likely involvement in the process, and
- the possible or likely outcome of the complaint.

As the complaint resolution progresses, we will keep the person making the complaint (and their advocate) informed.

After investigation, we will let the person making the complaint know:

- the outcome of the complaint and any action we took or intend to take,
- the reason(s) for our decision, and
- any options for review that may be available, such as an internal review, external review, or appeal.

We will ask the person making the complaint if they are satisfied with the resolution of the complaint.

#### e) Complaint type and resolution timeframes

There are three categories for complaint complexity and handling:

**Level 1** - Single issues that are straightforward and simple to resolve. Managed by the person receiving the complaint. Target resolution time – 7 days.

**Level 2** - More complex or multiple issues where investigation may be required. Managed by the Quality Coordinator. Target resolution time – 14 days.

**Level 3** - Complex, serious, or sensitive issues including complaints: referred by another agency; where intensive investigation is needed; that allege serious misconduct, unlawful behaviour or harmful sexual behaviour in adults or children; are required to be reported or referred to an authorised agency; or where the complainant is unsatisfied with the complaint resolution. Managed by the General Manager. Target resolution time – 28 days.

#### f) Other ways to make a complaint

If you are unhappy with the resolution of your complaint, we can provide a further internal review.

If you feel that an adequate response has not been received or feel that the complaint will have an adverse or negative impact on your relationship with the service, you can also lodge a complaint with the NSW Regulatory Authority.

- Early Childhood Directorate, NSW Department of Education – phone 1800 619 113, email [ececd@det.nsw.edu.au](mailto:ececd@det.nsw.edu.au) or online form at <https://education.nsw.gov.au/early-childhood-education/regulation-and-compliance/how-to-give-feedback-or-make-a-complaint>

Other agencies that manage complaints include:

- Commonwealth Department of Education, Skills and Employment (DESE) for complaints about the Child Care Subsidy (CCS) - phone 1300 667 276 or email [ccshelpdesk@dese.gov.au](mailto:ccshelpdesk@dese.gov.au),
- NSW Fair Trading for complaints about childcare fees - phone 13 32 20
- Australian Human Rights Commission – phone 1800 620 241 (National)

#### g) Recording and reviewing complaints

We keep a record of complaints and ensure that any information that identifies the person making the complaint is only able to be accessed by employees with authority to do so.

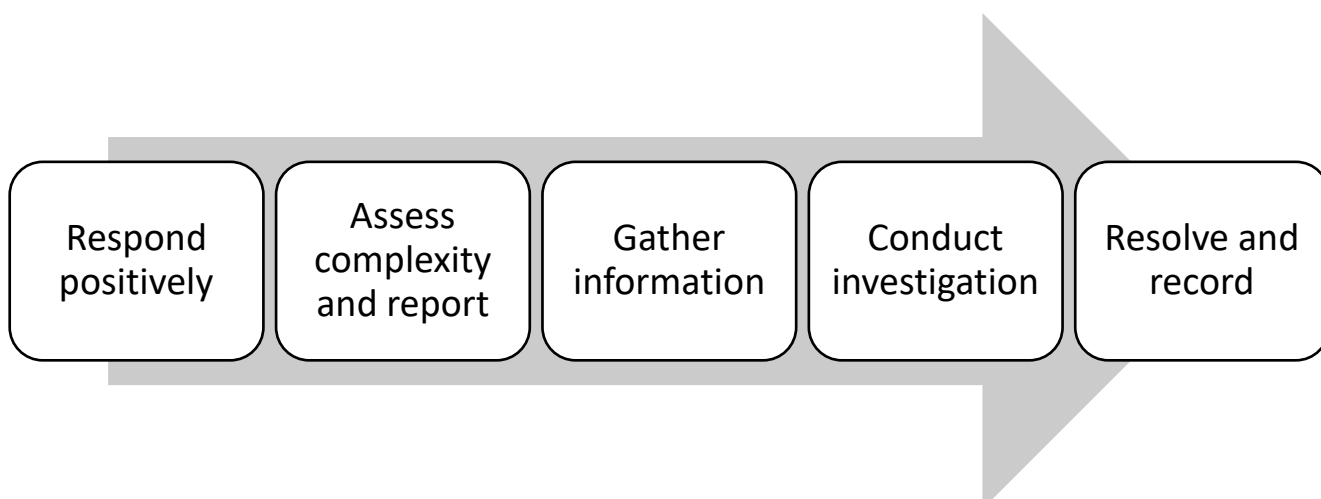
The confidential records we keep include:

- the nature of the complaint, expected and actual outcomes, complainant satisfaction and resolution times; and
- actions taken or recommended to address identified issues.

All complaints are de-identified and recorded in the *NQS7.52B Complaints Register*. De-identified data is used annually to analyse trends and identify and address systemic issues.

Complaint information is securely stored for seven years or longer if required by regulation, legislation, or contract.

## 7. Procedure



Fostering an organisational culture that values and learns from complaints is one of the most important ways we can meet people's needs and continuously improve our services.

### a) Respond positively to the complaint

Mistakes can and do happen. What matters is how a service responds when concerns are raised. A well-handled complaint signals to the person that their opinion is valued and their feedback has been taken seriously. Remember that a person can make their complaint anonymously, can have an advocate or other person support them and can also make their complaint to an external agency, such as the Regulatory Authority.

If you receive a complaint or recognise that someone is making a complaint, respond in a positive manner, using language and non-verbal communication to indicate that the feedback is welcomed.

You may want to:

- thank the person for their feedback;
- apologise for their unsatisfactory experience; and
- assure them that their complaint will be taken seriously and treated fairly.

If you receive a complaint by email or letter, respond as quickly as possible and no later than three business days after receipt.

If the complaint is a simple one that can be resolved within a day (Level 1), the person receiving the complaint can manage this process and document any actions in the child or family's file.

The identity of complainants should be kept confidential and only disclosed to employees as needed in order to ensure effective investigation and resolution. Complaint documentation should only be accessible by those handling complaints.

### b) Assess complaint complexity

**Level 1** - Single issues that are straightforward and simple to resolve. Managed by the person receiving the complaint. Target resolution time – 7 days.

**Level 2** - More complex or multiple issues where investigation may be required. Managed by the Quality Coordinator. Target resolution time – 14 days.

**Level 3** - Complex, serious, or sensitive issues including complaints: referred by another agency; where intensive investigation is needed; that allege serious misconduct, unlawful behaviour or

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harmful sexual behaviour by adults or children; are required to be reported or referred to an authorised agency; or where the complainant is unsatisfied with the complaint resolution. Managed by the General Manager. Target resolution time – 28 days.

If the complaint is also an incident or serious incident, refer to the *Incident Illness Injury and Trauma Policy and Procedure*.

If the complaint alleges harm by abuse or neglect of a child, including harmful sexual behaviours by other children, refer to *NQS2.6 Child Safety and Protection Policy* for further information about how the allegation will be managed, investigated, and reported.

### c) Report to the Regulatory Authority

Any Level 3 complaint is assessed by the General Manager or Quality Coordinator as to its eligibility for mandatory reporting to the Regulatory Authority. Due to the short timeframe required, reporting may be done before complaints are investigated and resolved.

To be eligible, the complaint must pertain to:

- an allegation that a serious incident has occurred or is occurring at the service,
- allegations that physical or sexual abuse of a child or children has occurred or is occurring while the child is being educated and cared for by the service, or
- that the National Law has been contravened.

A serious incident is one that occurs on the premises of the service or during an activity of the service regardless of the location and includes:

- the death of a child,
- the serious illness of a child while being educated and cared for which the child attended or ought reasonably to have attended a hospital,
- serious injury or trauma to a child while being educated and cared for which the child attended or ought reasonably to have attended a hospital, or a reasonable person would consider that the child would require urgent attention from a registered medical practitioner.
- any emergency for which emergency services attended,
- a child is missing or cannot be accounted for or appears to have been removed from the premises by a person not authorised by a parent, and
- a child is mistakenly locked in or out of the premises or any part of the premises.

The General Manager reports eligible complaints to the:

- Regulatory Authority through the NQA IT System within 24 hours of the incident or notification of the incident, and
- Board within 7 days.

### d) Gather information

Where a complaint is assessed at Level 2 or 3, the Quality Coordinator (Level 2) or General Manager (Level 3) uses the Complaint Handling Tool to gather and record enough information to allow them to understand the nature of the complaint and what outcomes the person expects. This may include:

- the complainant's name and contact details,
- details of the complaint allegation (what happened, when and where it happened, who was involved and details of any witnesses), and



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- any outcomes the complainant expects (an apology, acknowledgement, information or action).

### e) Conduct investigation

Where a complaint is assessed at Level 2 or 3, the Quality Coordinator (Level 2) or General Manager (Level 3) ensures an investigation is carried out, which includes:

- prioritising the safety and wellbeing of children,
- speaking to all parties involved and gathering any additional information needed,
- determining whether allegations are wholly or partially substantiated,
- ensuring the complainant is involved in the complaint management process and is kept informed of progress,
- identifying any actions needed to provide a positive outcome for the complainant and to address organisational or systemic issues,
- ensuring procedural fairness is maintained, and
- escalating the complaint to the next level where the complainant is unsatisfied with the resolution.

*Procedural fairness is ensuring fairness of the procedure by which a decision is made, including: being free from bias by the decision-maker; being rational or based on evidence that is logically capable of supporting the facts; and providing people likely to be adversely affected by decisions an opportunity to present their case and have their response taken into consideration before the decision is made.*

### f) Resolve and record

When the complaint is resolved, the person managing the complaint:

- contacts the complainant to check if they are satisfied with the resolution and if it has been effective,
- offers a further internal review of the complaint if they are unsatisfied with the resolution, and
- supports them to lodge a complaint with the NSW Regulatory Authority on their request or if they remain unsatisfied.
  - Early Childhood Directorate, NSW Department of Education – phone 1800 619 113, email [ececd@det.nsw.edu.au](mailto:ececd@det.nsw.edu.au) or online form at <https://education.nsw.gov.au/early-childhood-education/regulation-and-compliance/how-to-give-feedback-or-make-a-complaint>

The person managing the complaint:

- de-identifies complaint information and records it in the Complaint Register.
- ensures that complaint information is securely stored for seven years or longer if required by regulation, legislation or contract.

## 8. Review complaints

The General Manager ensures that complaint information is reviewed annually to analyse trends and identify and address any systemic issues.

Complaint analysis includes data and year comparative trends for:

- Number of complaints;



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- Complaint categories;
- Complainant satisfaction;
- Complaint substantiation;
- Acknowledgement time;

## 9. Relevant Legislation, Regulations and Standards

<b>Legislation - Children (Education and Care Services) National Law 2010</b>	
172	Offence to fail to display prescribed information
174	Offence to fail to notify certain information to Regulatory Authority
175	Offence relating to requirement to keep enrolment and other documents
<b>Education and Care Services National Regulations 2011</b>	
12	Meaning of serious incident
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 and procedures
173	Prescribed information to be displayed
175	Prescribed information to be notified to the Regulatory Authority
176	Time to notify certain information to Regulatory Authority
<b>National Quality Standards</b>	
6.1.1	Families are supported from enrolment to be involved in the service and contribute to service decisions
6.2.3	The service builds relationships and engages with the community
7.1.2	Systems are in place to manage risk and enable the effective management and operation of a quality service.
7.1.3	Roles and responsibilities are clearly defined, and understood, and support effective.
7.2.1	There is an effective self-assessment and quality improvement process in place.
<b>Child Safe Standards</b>	
6	Processes to respond to complaints or concerns are child-focused

## 10. Related Documents

<b>Doc #</b>	<b>Attachments</b>
NQS7.52A	Complaint Handling Tool
NQS7.52B	Complaint Register

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NQS7.5EH	Child Safe Complaint Procedures (Educator Handbook)
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<b>Doc #</b>	<b>Intersections with other policies and procedures</b>
NQS2.6	Child Safety and Protection Policy

## 11. Document Control

Doc #	Doc Title	Version	Approved	Next Review
NQS7.52	Feedback and Complaint Handling Policy	1	June 2019	June 2022
NQS7.52	Complaint Policy	2	June 2023	June 2026
NQS7.52	Child Safe Complaint Policy	3	November 2023	November 2026
NQS7.52	Child Safe Complaint Policy (Minor change due to name change and addition of Educator Handbook procedures)	3a	January 2024	November 2026