DEALING WITH COMPLAINTS POLICY (Staff)

Feedback from families, educators, staff and the wider community is fundamental in creating an evolving Out of School Hours Care Service working towards the highest standard of care and education.

It is foreseeable that feedback will include divergent views, which may result in complaints. This policy details our OSHC Service's procedures for receiving and managing informal and formal complaints from staff. Educators and staff can lodge a grievance or complaint with management with the understanding that it will be managed conscientiously and confidentially.

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 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 (commencing 2026)
S. 3A	Paramount consideration [NSW]
S.166A	Offence to subject child to inappropriate conduct [NSW] Offences relating to inappropriate conduct [commencing 2026 Nationally]
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

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

RELATED POLICIES

Child Protection Policy	Interactions with Children, Family and Staff Policy
Child Safe Environment Policy	Privacy and Confidentiality Policy
Code of Conduct Policy	Protected Disclosures (Whistleblower) Policy
Dealing with Complaints Policy	Record Keeping and Retention Policy
Enrolment Policy	Respect for Children Policy
Family Communication Policy	Responsible Person Policy
Governance Policy	Safe Use of Digital Technologies and Online Environment Policy
Incident, Injury, Trauma and Illness Policy	

PURPOSE

The *Education and Care Services National Regulations* require approved providers to ensure their services have policies and procedures in place for dealing with complaints (Reg. 168) and take reasonable steps to ensure those policies and procedures are followed (Reg. 170). We believe that children's safety, rights, and best interests are the paramount consideration for all Service operations, decisions and functions.

We aim to investigate all complaints and grievances with a high standard of equity and fairness. We believe in team collaboration to ensure a safe, healthy and harmonious work environment. We will ensure that all persons making a complaint are guided by the following policy values:

- procedural fairness and natural justice
- code of ethics and conduct
- culture free from discrimination and harassment
- transparent policies and procedures
- opportunities for further investigation
- adhering to our OSHC 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 staff, educators, approved provider and nominated supervisor of the OSHC Service.

IMPLEMENTATION

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

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

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

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

Complaint: Expression of dissatisfaction made to or about an organisation related to its products, services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required. [AS/NZS 10002:2014 Complaint Management Standard]

Complaints can be made to the approved provider, staff/educators in the service, external bodies including the regulatory authority, police, child protection agency or e-Safety commissioner.

Complaints can be verbal or in writing (letter, email or digital form).

Complaints and Grievances Management Register: Records information about complaints and grievances received at the centre, along with the outcomes. This register includes documents that must be kept in a secure file, accessible only to management and the regulatory authority. The register can

provide valuable information to the approved provider and nominated supervisor of the service to ensure children and family's needs are being met.

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

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

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

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

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

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

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

If the approved provider or nominated supervisor is unsure whether the matter is a notifiable complaint, it is good practice to contact Regulatory Authority for confirmation. Written reports must include:

- details of the event or incident
- the name of the person who initially made the complaint

- if appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant)
- contact details of a nominated member of the Grievances Subcommittee (or nominated supervisor)
- any other relevant information.

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

Serious Incident: An incident resulting in the death of a child, or an injury, trauma or illness for which the attention of a registered medical practitioner, emergency services or hospital is sought or should have been sought. This also includes an incident in which a child appears to be missing, cannot be accounted for, is removed from the centre in contravention of the Regulations or is mistakenly locked in/out of the centre premises (Reg. 12). The regulatory authority must be notified within 24 hours of a serious incident occurring at the centre (Reg. 176(2)(a)). A serious incident should be documented in an *Incident, Injury, Trauma and Illness Record* as soon as possible and within 24 hours of the incident. These records are required to be retained for the periods specified in Reg. 183.

PRIVACY AND CONFIDENTIALITY

Management and educators will adhere to our *Privacy and Confidentiality Policy* when dealing with grievances and complaints. However, if a grievance or complaint involves a staff member or child protection issue, a relevant government agency will need to be informed as soon as practicable or within 24 hours. As mandatory reporters, educators and staff are required to report all instances of (alleged or witnessed) of child abuse, including assault or sexual abuse (including grooming) to Police, approved provider and Child Protection agencies within 24 hours. [see: *Child Protection Policy*]

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 through the *Protected Disclosure (Whistleblower) Policy*. This process supports a culture of integrity and accountability (mandatory for Services in NSW- suggested best practice for all Services).

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 Services Code of Conduct is be adhered to.

CONFLICT AND POSITIVE COMMUNICATION

We acknowledge that conflict is a natural part of the work environment. It is important that all conflict is resolved as unresolved conflict can lead to tension; stress; low productivity; bitter relationships; excess time off; ill health; anxiety and many other destructive emotions. When conflict is addressed and handled constructively the outcomes are feelings of relaxation; openness; high productivity; vitality; good health, empowerment; a sense of achievement etc.

Positive communication between educators is vital to the smooth running of the Service and to ensure a positive environment for children. Educators are expected to treat other educators with respect, accept differences and share ideas. It is every staff member's responsibility to contribute to the development of an open, healthy and constructive work environment. All grievances and complaints, whether considered minor or not, are to be dealt with promptly, professionally and thoroughly.

The OSHC Service's employees are expected to look at conflict in a positive way, ready to learn something new, reflect on good quality practice, improve work relationships and ultimately provide better care and education for children.

Employees are also to be aware of their responsibility to be a good role model for children, and appropriately and professionally handle conflict with work colleagues, children, parents, and other associates.

Employees should regularly reflect on *Early Childhood Australia's Code of Ethics* for guidance of appropriate behaviour when dealing with conflict. The Code of Ethics states that all team members should "*make every effort to use constructive methods to resolve differences of opinion in the spirit of collegiality.*"

THE APPROVED PROVIDER/NOMINATED SUPERVISOR/RESPONSIBLE PERSON WILL:

- ensure that obligations under the *Education and Care Services National Law and National Regulations* are met and child's safety and wellbeing are prioritised at all times
- ensure educators and staff have knowledge of and adhere to this policy and associated procedure 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 procedure
- ensure all employees, volunteers and students are
    - required to participate in a comprehensive induction and orientation program, including an understanding of child protection law
    - aware of their mandatory reporting obligations to report suspected risk or risk of harm to authorities immediately
    - aware of the person to whom complaints can be made and the processes required
- ensure the name and contact number of the person to whom complaints can be made is clearly displayed and staff and educators are aware of the processes required to make a complaint
- treat all grievances and complaints seriously and as a priority
- notify the regulatory authority within 24 hours if a complaint alleges the safety, health or wellbeing of a child is being compromised. Notification must include any incident where there is a reasonable belief that physical and/or sexual abuse of a child has occurred or is occurring at the service or any allegation that sexual or physical abuse of a child has occurred or is occurring at the Service. Child Protection (Department of Families, Fairness and Housing - DFFH) comply with legislation for the Reportable Conduct Scheme and ensure the Office of the Children's Guardian is notified within 7 business days of becoming aware of any allegations and/or convictions of abuse or neglect of a child made against an employee or volunteer and ensure they are investigated, and appropriate action taken
- ensure child-focused complaint procedures are in place, so any inappropriate conduct concerns are promptly identified, addressed, and reported to the regulatory authority
- 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
- discuss the issue with the complainant within 24 hours of receiving the verbal or written complaint

- investigate and document the grievance or complaint fairly and impartially. The investigation will consist of:
  - reviewing the circumstances and facts of the complaint (or breach) and inviting all affected parties to provide information where appropriate and pertinent
  - discussing the nature of the complaint (or breach) and giving the accused educator, staff member, volunteer or visitor an opportunity to respond
  - permitting the accused person to have a support person present during the consultation (for example: Union Representative, HR Representative, lawyer, colleague, friend or family member
  - providing the employee with a clear written statement outlining the outcome of the investigation.
- advise the complainant and all affected parties of the outcome within 7 working days of receiving the verbal or written complaint.
  - management will provide a written response outlining the outcome and provide a copy to all parties involved
  - if a written agreement about the resolution of the complaint is prepared, all parties will ensure the outcomes accurately reflects the resolution and sign in agreeance
- should management decide not to proceed with the investigation after initial enquiries, a written notification outlining the reasoning will be provided to the complainant
- keep appropriate records of the investigation and outcome and store these records in accordance with our *Privacy and Confidentiality Policy* and *Record Keeping and Retention Policy*
- monitor ongoing behaviour and provide support as required
- ensure the parties are protected from victimisation and bullying
- request feedback on the grievance or complaint process using a feedback form
- track complaints to identify recurring issues within the Service which are addressed appropriately within the Service's Quality Improvement Plan (QIP).

EDUCATORS AND STAFF WILL:

- participate in a comprehensive induction and orientation program that includes an understanding of child protection law and their obligations
- report all instances (alleged or witnessed) of child abuse, including assault or sexual abuse (including grooming) to VIC Police within 24 hours
- report any grievance/complaint involving suspected or actual unlawful activity to the approved provider or nominated supervisor immediately and privately
- be aware of the possible ramifications of their actions when dealing with staff issues

- raise the grievance or complaint directly with the person they have grievance with, in a professional manner and at an appropriate time. Both parties should try to resolve the issue and develop solutions to ensure the problem does not happen again. Discussions should be based on the principles of privacy, confidentiality, respect and open-mindedness, will not involve other educators, staff, volunteers or visitors (e.g., parents) and will take place away from children
- if the person is unable to resolve the issue or feels uncomfortable raising the matter directly with the person concerned, the grievance or complaint must be raised with the approved provider/management or nominated supervisor. The approved provider or nominated supervisor (or other manager) may ask for the complaint/grievance to be put in writing
- provide all relevant information, outlining the issue, identifying any other person involved in the problem, and any suggested solution
- communicate openly about the issue with the relevant parties
- raise any grievance involving suspected or actual unlawful activity (including bullying) with the approved provider or nominated supervisor immediately and privately
- maintain confidentiality at all times
- maintain professionalism at all times.

When the persons involved cannot resolve the grievance between them in a constructive and professional way the following steps will be taken:

The aggrieved person is to contact their immediate supervisor (lead educator, nominated supervisor) who will act as mediator.

The mediator will have an interview with the persons involved and clarify the facts, work out whether advice is needed from other sources, discuss options available, and help to formulate a plan of action.

If an employee does not feel comfortable in approaching their supervisor, or the conflict is with their immediate supervisor, they can contact the next level of management to act as mediator.

If an amicable resolution does not occur at this meeting the mediator is to present a report to the next level of management outlining:

- the nature of the grievance or complaint
- the procedures followed to date
- the solution(s) sought
- the recommended plan of action or resolution.

If an agreement is reached the mediator is to present a report to the next level of management outlining:

- the nature of the grievance
- the procedures followed to date
- the solution(s) agreed upon
- the plan of action to reach this solution and review time if warranted.
- a copy of this report is to be provided to all persons involved in the grievance, and a copy is to be retained at the workplace.

GRIEVANCE/COMPLAINT PROCEDURES

Harmonious staff relations within the OSHC Service largely depend on staff feeling satisfied that their professionalism is being acknowledged by their involvement in appropriate decision-making processes. The quality of industrial relations is likely to be substantially better in a workplace if the decision-making processes adopted permit staff to have input into decisions that affect the nature and quality of their professional work.

Management and staff within the organisation will work together to develop and implement appropriate strategies to facilitate consultative and collaborative decision-making processes within the workplace. Where staff feel these processes have failed and are in conflict with decisions made by management, including the Board, the following procedure is to be followed:

- the aggrieved person(s) will discuss the grievance with their immediate supervisor
- the supervisor is to report the grievance to the nominated supervisor
- the mediator will seek advice as necessary from other sources, (e.g.: unions, Work Cover and funding bodies)
- the mediator will then advise management of the possible solutions.

Meetings are to be arranged with the aggrieved person(s) as necessary throughout the process. The outcome of the grievance must be reported to the aggrieved person within a week of the decision.

RESOLUTION OF GRIEVANCES

Grievances are considered resolved when all persons involved agree to a solution, when the cause of the grievance has been removed or resolved, and when arrangements have been made, if appropriate, to

repair any damage and distress suffered by the persons involved. Strategies agreed upon by both parties are to be put in place to help avoid further conflict.

UNRESOLVED CONFLICT

If resolution of the conflict is unsuccessful after all procedures in the *Dealing with Complaints Policy* have
been followed it may then be necessary to take disciplinary action.

CONFIDENTIALITY

Mediators are to use discretion and do their utmost to maintain confidentiality. Any breach of this confidentiality could result in a charge of misconduct. However, confidentiality cannot be guaranteed in the following situations: if it is considered that someone is in danger, if disciplinary action or criminal investigation might be necessary; or if employer liability might be involved.

No action will be taken against the person about whom a formal complaint is lodged until they are made aware of any allegations so that they may respond.

SUPPORT PERSON

A staff member is able to nominate a support person to attend any meetings with them. This person may
be a Union Representative, HR Representative, lawyer, colleague, friend or family member.

A support person may provide support by:

- taking notes during the meeting
- clarifying questions asked
- clarifying any allegations made
- help formulate responses
- engage in discussions and are more than a passive observer
- aid in understanding processes
- request breaks
- emotional support.

A support person cannot:

- represent the employer
- speak on their behalf
- advocate for the organisation

EDUCATORS AND STAFF WILL NOT:

- become involved in complaints or grievances that do not concern them.
- raise complaints with an external complaints body, such as a court or Tribunal, without exhausting the OSHC Services' grievance procedures.

CONTINUOUS IMPROVEMENT/EVALUATION

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

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

- evaluate each individual complaint and grievance as recorded in the *Complaints and Grievance Management Register* to assess that a satisfactory resolution that has been achieved
- review complaints and grievances as recorded in the *Complaints and Grievance Management Register* to ensure a pattern of similar grievances is not occurring
- review the effectiveness of the Service policy and procedures to ensure all complaints and grievances have been handled fairly and professionally
- consider feedback from staff, educators, families, children and community regarding the policy and procedure.

CHILDCARE CENTRE DESKTOP- RELATED RESOURCES

Complaints / Grievance Procedure Compliant / 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 Human Rights Commission: https://www.humanrights.gov.au
Children (Education and Care Services) National Law (NSW) (For NSW Services only)

Education and Care Services National Law Act 2010.
Education and Care Services National Regulations. (Amended 2025)
Fair Work Australia: https://www.fairwork.gov.au/
Queensland Government- Guide for effective complaints management
Western Australian Legislation Education and Care Services National Law (WA) Act 2012 [for WA services only]
Western Australian Legislation Education and Care Services National Regulations (WA) Act 2012 [for WA services only]

REVIEW

POLICY REVIEWED BY	[NAME]	[POSITION]	[DATE]
POLICY REVIEWED	JANUARY 2026 /AUGUST 2025	NEXT REVIEW DATE	AUGUST 2026
VERSION NUMBER	V9a.08.25		
MODIFICATIONS	JANUARY • related amendments to National Law added • additional points added to strengthen child safe practices AUGUST • annual policy maintenance • points added to strengthen complaints process to ensure child safety • updated sources as required		

POLICY REVIEWED	PREVIOUS MODIFICATIONS	NEXT REVIEW DATE
AUGUST 2024	• annual policy maintenance - no major changes to policy • additional information added to support person • hyperlinks checked and repaired as required • updated sources	AUGUST 2025
AUGUST 2023	• annual policy review • sources checked for currency and links repaired where required • Childcare Centre Desktop resources added	AUGUST 2024
AUGUST 2022	• additional information regarding allegations against a staff member, volunteer or contactor included- Reportable Conduct Scheme.	AUGUST 2023
AUGUST 2021	• Policy name changed to meet ACECQA guidelines- *Dealing with Complaints Policy (Staff)*	AUGUST 2022

	• additional related legislation added • related policies added • definition of 'complaint' amended to align with ACECQA's definition guidelines • notification requirement for physical or sexual abuse added • inclusion of terminology- complaint added where required • sources checked for currency and updated where required	
AUGUST 2020	• Minor editing changes • reference to Reportable Conduct Scheme added • related policies added • Links to Regulatory Authority added	AUGUST 2021
AUGUST 2019	New policy created for Out of School Hours Care	AUGUST 2020