C.2 Management of Complaints

C.2.1 Introduction and Overview

Policy Statement

LOOSH is committed to fostering a positive and supportive environment where children, families, educators and community members feel safe, respected and valued. An important part of maintaining this culture is ensuring that all concerns, complaints or feedback can be raised openly and with confidence that they will be addressed promptly, respectfully and in a professional manner. LOOSH values feedback as an important component of continuous improvement and will carefully consider all suggestions and concerns raised by families and the community. Where appropriate, this feedback will inform practices and improvements to support the delivery of the highest quality care for children.

Background

The Education and Care Services National Regulations require approved providers to ensure that education and care services have policies and procedures in place for the effective management of complaints. In accordance with these requirements, LOOSH is committed to implementing a transparent and fair complaints management process. The service aims to ensure that all concerns and complaints, regardless of their nature or level of seriousness, are managed in a timely, respectful and thorough manner. LOOSH also seeks to maintain a child-focused approach, ensuring that the safety, wellbeing and best interests of children remain central when responding to and resolving concerns.

Guiding Principles

- LOOSH encourages open and respectful communication and values feedback, concerns and complaints as opportunities to strengthen relationships and improve the quality of the service.
- All complaints will be taken seriously and addressed in a timely, fair and consistent manner.
- Individuals raising concerns will be treated with respect and will not experience disadvantage or discrimination for making a complaint.
- Where appropriate, children will be supported and encouraged to express their views and concerns, and these will be considered in ways that are developmentally appropriate.
- Confidentiality and privacy will be respected throughout the complaints process, with information shared only with those who need to be involved in addressing the concern.
- LOOSH is committed to transparency and will communicate clearly with families and relevant parties about how complaints are managed and resolved.
- Complaints and feedback will be used to inform reflection and continuous improvement within the service.

Scope

This policy applies to all children, families, educators, staff members, volunteers, students, management and visitors involved with the LOOSH community. It outlines the processes for raising, managing and resolving complaints or concerns relating to the operation of the service, including interactions between children, families and staff, service practices, and the quality of care provided. The policy ensures that all complaints are managed in a fair, transparent and

timely manner, in accordance with the requirements of the Education and Care Services National Regulations.

C.2.1 Management of complaints procedures

Complaints handling

The service will ensure that the name and contact details of the persons to whom complaints can be made are clearly displayed at the service. Complaints may be made verbally or in writing by children, families, educators, volunteers, or members of the community. All complaints will be treated seriously, respectfully, and with appropriate regard for confidentiality.

LOOSH aims to acknowledge complaints promptly and will make every effort to ensure that all complaints are investigated and addressed in a timely manner. All complaints and the service's responses will be documented in writing.

To ensure that complaints are properly investigated and addressed, LOOSH will undertake the following steps:

- The complaint will be reported promptly to the Nominated Supervisor or their delegate.
- The complaint will be acknowledged, and the details will be recorded in writing.
- Where required, the service will notify the relevant regulatory authority within the required timeframes.
- An investigation will be conducted. LOOSH will ensure that investigations are based on factual information, observations, and relevant documentation.
- Appropriate actions to address and resolve the complaint will be identified and implemented.
- The outcome or resolution of the complaint will be recorded and communicated to the complainant.

LOOSH acknowledges that some actions required to address complaints may involve long-term improvements. In these situations, the service will provide the complainant with an estimated timeframe for implementation and provide regular updates on progress.

All complaints will be viewed as an opportunity to improve service quality. Where appropriate, complaints may inform:

- staff training and professional development
- policy and procedure review and updates
- improvements to service practices.

Complaints handling where the complainant is a child

LOOSH recognises that children have the right to express their views and raise concerns about matters that affect them. The service is committed to providing a safe, supportive and inclusive environment where children feel comfortable to share their concerns and know they will be taken seriously.

Children are encouraged to speak with a trusted educator or the Nominated Supervisor if they have a concern or wish to make a complaint. Educators will ensure children are aware that they can raise concerns at any time and will support them to communicate their views in ways that suit their age, development and communication abilities.

Children may make a complaint by:

- speaking directly to an educator or the Nominated Supervisor
- asking an educator to help them explain their concern
- asking a parent or guardian to raise the concern on their behalf
- providing feedback through informal discussions and planned activities

Educators will listen respectfully to children's concerns, take them seriously, and respond in a supportive and developmentally appropriate manner. Where appropriate, educators will record the concern and follow the complaints handling procedure to ensure the matter is investigated and addressed.

Where appropriate the service may share information about the complaint with the child's family and the school, to ensure consistent support is available for the child across environments.

Children will be supported and kept informed, where appropriate, about how their concern is being addressed. Educators will ensure that children who raise concerns are treated with respect and are not disadvantaged or treated unfairly as a result of making a complaint.

Where a child's concern relates to their safety or wellbeing, the service will follow the appropriate child protection and mandatory reporting procedures to ensure the matter is addressed promptly and appropriately.

Escalation of complaints

In the instance where a child, family, educator, volunteer or member of the community is not satisfied with the management of the complaint by the service director, they will be referred to the LOOSH Parent Management Committee. The complainant can contact the President or Vice President of the Management Committee at leichhardtoosh@live.com.au.

Following the receipt of a complaint, a representative of the LOOSH Parent Management Committee will:

- Identify and clarify the family's concern
- Understand the family's perspective and needs
- Explore and discuss possible solutions
- Determine an appropriate course of action

The Parent Management Committee will then advise the service director and relevant educators to ensure that any agreed actions are implemented.

If a complaint or grievance relating to regulatory requirements has not been satisfactorily resolved, families may contact the state regulatory authority.

Complaints alleging a breach of the Education and Care Services National Law and Regulations

Any complaint alleging that LOOSH has breached the Education and Care Services National Law or the Education and Care Services National Regulations will be reported to the relevant regulatory authority within 24 hours of the incident occurring, or within 24 hours of the service becoming aware of the alleged breach.

The service will also follow the procedures outlined above to ensure the complaint or incident is thoroughly investigated and appropriately addressed.

All actions taken in response to the complaint or incident will be documented in writing to support any follow-up investigations conducted by the regulatory authority. Documentation may include, but is not limited to:

- educator statements or recollections
- communication with families or third parties
- incident reports
- attendance records
- critical reflections
- records of actions taken and outcomes implemented.

This documentation will be securely stored and treated confidentially in accordance with the service's record-keeping procedures.

Complaints alleging that a staff member at the service has engaged in reportable conduct

If an incident occurs in which a child is put at risk of harm by a staff member, volunteer, trainee, or visitor, this constitutes reportable conduct and must be reported to the Office of the Children's Guardian. The person making the report will follow the advice provided by the Office of the Children's Guardian and adhere to the service's Child Protection Policy and Procedures, including fulfilling their mandatory reporting obligations and making a report to the Child Protection Helpline where required.

When an allegation is made to a staff member or member of management, the details of the allegation must be recorded in writing. This documentation must include:

- the date and time of the incident
- the names of the persons involved
- the name of the person making the allegation
- the name of the person completing the report

All documentation will be treated as strictly confidential and securely stored.

If the Nominated Supervisor or Person in Charge is the subject of the allegation, the President of the Management Committee must be notified immediately.

To ensure the safety of children and procedural fairness for staff, the service will follow the Disciplinary Action Policy and Procedures. In accordance with this policy, the staff member involved may be suspended or removed from duties involving direct contact with children pending investigation.

Appropriate support will be provided to all parties involved, which may include referral to counselling services or other relevant support agencies.

All matters will be handled with strict confidentiality, with the safety and wellbeing of children remaining the service's highest priority.

Complaints where a child is alleged to have exhibited harmful sexualised behaviours

LOOSH recognises that children's behaviour is a form of communication. The service approaches any concerns, allegations, or observations of children exhibiting harmful sexualised behaviours with sensitivity, and with the inclusion, safety, and wellbeing of all children as the primary consideration.

If a child is alleged to have exhibited harmful sexualised behaviours and is still in attendance at the service, educators will take immediate steps to ensure the safety of all children. This may include separating the child from other children and contacting their parent or guardian to collect them from the service as soon as practicable. The service will seek to understand the incident from the child's perspective and will respond appropriately to any indicators of harm or underlying needs.

Where other children have been involved in, or have witnessed, the behaviour, they will be supported by trusted educators in a calm and reassuring manner. Their parents or guardians will be informed of the incident, and the service will work collaboratively with families to ensure that all responses are proactive, supportive, and prioritise the wellbeing and safety of all children.

Any concerns or complaints raised by children, educators, families, or community members regarding a child allegedly exhibiting harmful sexualised behaviours must be reported to the Nominated Supervisor and Approved Provider as soon as practicable, so that the matter can be investigated and addressed in a timely and appropriate manner.

The service will respond to these concerns in accordance with the Complaints Handling Procedures. LOOSH will work collaboratively with children and their families to identify and implement appropriate strategies and supports. All actions taken will be developmentally appropriate and responsive to the age, stage of development, and individual needs of the children involved.

While LOOSH is committed to inclusive practices, the service also has a duty of care to ensure the health, safety, and wellbeing of all children attending the service. If a child's behaviour presents an ongoing risk to the safety of others, the service may implement measures such as temporary suspension or exclusion, in accordance with the service's Behaviour Management Policy and Procedures.

All matters will be handled sensitively and confidentially, with careful consideration given to the privacy and dignity of all children and families involved.

C.2.3 Roles and Responsibilities

Approved provider
• Ensure that obligations under the Education and Care Services National Law and Regulations are met. • Ensure that the name and contact number of the person to whom complaints can be made is clearly displayed at the service. • Ensure that the Regulatory Authority is notified in writing within 24 hours of any complaints alleging that a serious incident has occurred at the service or that the Education and Care Services National Law has been breached. This includes any complaints about the physical or sexual abuse of a child while being educated or cared for by a service. • Ensure the inclusion of policies and procedures for managing complaints alleging that a child is exhibiting harmful sexual behaviours. • Ensure policies and procedures dealing with complaints include matters relating to the provision of a complaint handling system that is child focused. • Take reasonable steps to ensure that nominated supervisors, educators and staff follow the Management of complaints policy. • Ensure that copies of the policy and procedures are readily accessible and available. • Ensure educators, staff, volunteers and students are well informed about their individual child protection responsibilities, reporting and privacy obligations and processed for responding to disclosures. • Ensure that complaints result in reviews of relevant policies, procedures and practices.
Nominated supervisor
• Ensure that obligations under the Education and Care Services National Law and Regulations are met. • Ensure that the name and contact number of the person to whom complaints can be made is clearly displayed at the service. • Ensure that the Regulatory Authority is notified in writing within 24 hours of any complaints alleging that a serious incident has occurred at the service or that the Education and Care Services National Law have been breached. This includes any complaints about the physical or sexual abuse of a child while being educated or cared for by a service. • Ensure the inclusion of policies and procedures for managing complaints alleging that a child is exhibiting harmful sexual behaviours. • Ensure policies and procedures dealing with complaints include matters relating to the provision of a complaint handling system that is child focussed. • Take reasonable steps to ensure that educators follow the Management of complaints policy. • Ensure that copies of the policy and procedures are readily accessible and available. • Ensure educators, staff, volunteers and students are well informed about their individual child protection responsibilities, reporting and privacy obligations and processes for responding to disclosures.

• Implement procedures for dealing with complaints. • Discuss the complaint with the complainant. • Ensure the complaint is documented. • Work cooperatively with the approved provider, educators, staff and/or the complainant during the investigation and resolution of the complaint. • Ensure that complaints result in reviews of relevant policies, procedures and practices
Educator Responsibilities
• Understand and implement policies and procedures in practice. • Report all complaints received to the nominated supervisor and/or approved provider promptly so timeframes can be adhered to. • Support the nominated supervisor and approved provider in the investigation and/or resolution of complaints. • Understand and are aware of child protection law and their individual responsibilities. • Support children to know who to talk to if they are feeling unsafe and understand the complaint handling processes.
Parent/carer Responsibilities
• Be familiar with and follow the Management of complaints policy and procedures. • Raise any complaints or concerns in line with the policy and procedures • Cooperate with service representatives managing the complaint.

C.2.4 Legislation and Related Service Documentation

Legislative requirements:

- Education and Care Services National Law – sections 172 and 174.
- Education and Care Services National Regulations – R168, 170, 171, 172, 173, 175 and 176.
- Children and Young Persons (Care and Protection) Act 1998
- Child Protection (Offenders Registration) Act 2000 (NSW)
- Children's Guardian Act 2019 (NSW)
- Child Protection (Working with Children) Act 2012 (NSW)
- Child Protection (Working with Children) Regulations 2013

Related Service Documentation and Policies:

- Management of Incident, Injury and Trauma policy
- Providing a Child Safe Environment policy
- Safe use of digital technologies and online environments policy
- Expectations for communication policy
- Child Protection policy
- Behaviour management policy
- Disciplinary action policy

C.2.5 Key Terminology

Term	Meaning	Source
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.	Australian and New Zealand Guidelines for complaint management in organisations.
Complaints handling	Effective resolution of a problem before it becomes worse and providing a remedy.	Commonwealth Ombudsman – Better practice complaints handling guide
Community	The local or wider social, cultural or geographical context shared with the education and care service.	Guide to the NQF
Continuous improvement	Ongoing improvement in the provision of quality education and care services. The National Quality Framework aims to raise quality and drive continuous improvement through the National Quality Standard, national quality rating and assessment process, streamlined regulatory arrangements and the overseeing of these processes by ACECQA. Assessment and rating encourages continuous improvement by engaging the approved provider and the service in a process of self-assessment, as well as providing a detailed report of their performance against the National Quality Standard. Quality services regularly monitor and review their performance to guide planning and improve service quality. This creates a shared understanding of the principles that guide the service, and encourages continuous improvement in practice, policies and procedures. Quality services regularly update and maintain their Quality Improvement Plan as a dynamic document to guide progress towards improvement.	Guide to the NQF
Harmful sexualised behaviours	Problematic and harmful sexual behaviours include behaviours that are outside of the expected range of sexual behaviour for a child or young person's level of development, and may harm the child themselves, other children	NSW Health – Children and young people with problematic and harmful sexualised behaviour.

	subjected to this behaviour, or place either child/children at risk of harm. These behaviours include forced, compulsive or coercive penetrative and non-penetrative sexual acts, violation of privacy and exposure to sexual acts and materials. These behaviours are often with other individuals who the child or young person has power over by virtue of age, emotional maturity, gender, physical strength, or intellect and where the victim in this relationship has suffered a betrayal of trust.	
Inclusion	Involves taking into account all children's social, cultural and linguistic diversity (including learning styles, abilities, disabilities, gender, family circumstances and geographic location) in curriculum decision-making processes. The intent is to ensure that all children's experiences are recognised and valued. The intent is also to ensure that all children have equitable access to resources and participation, and opportunities to demonstrate their learning and to value difference.	Guide to the NQF
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. Throughout the investigation the investigator must keep an open mind about the possible outcomes of the investigation, such as education, compliance action, or a decision not to pursue the matter.	Guide to the NQF
National Law	The applied law system sets a national standard for children's education and care across Australia.	Guide to the NQF
National Regulations	The Regulations support the National Law by providing detail on a range of operational requirements for an education and care service.	Guide to the NQF
Nominated Supervisor	In relation to an education and care service means, a person who: • Is nominated by the approved provider of the service under Part 3 to be a	National Law

	Nominated Supervisor of that service; and • Unless the individual is the approved provider, has provided written consent to that nomination	
Regulatory Authority	A person declared by a law of a participating jurisdiction to be the regulatory authority for that jurisdiction or for a class of education and care services for that jurisdiction	National Law
Reportable conduct	Certain organisations or entities have legal obligations under Reportable Conduct Schemes. Under these Schemes, certain organisations or entities are required to notify and investigate certain allegations (reportable allegations) of abuse involving a child, when the allegation is against someone they employ, engage or contract in circumstances outlined by the legislation.	Child protection legislation
Serious incident	A serious incident (Regulation 12) is defined as any of the following: • the death of a child while that child is being educated and cared for at the service or following an incident while that child was being educated and cared for at the service • any incident involving a serious injury or trauma to a child while that child is being educated and cared for by the service: – which a reasonable person would consider required urgent medical – attention from a registered medical practitioner; or – for which the child attended or ought reasonably to have attended a hospital e.g. broken limb • any incident involving serious illness of a child while that child is being educated and cared for by the service for which the child attended, or ought reasonably to have attended, a hospital e.g. severe asthma attack, seizure or anaphylaxis reaction	Guide to the NQF

	• any emergency for which emergency services attended. NOTE: This means an incident, situation or event where there is an imminent or severe risk to the health, safety or wellbeing of a person at an education and care service. It does not mean an incident where emergency services attended as a precaution. • a child appears to be missing or cannot be accounted for at the service • a child appears to have been taken or removed from the service in a manner that contravenes the National Regulations. • a child is mistakenly locked in or locked out of the education and care service premises or any part of the premises (National Regulations).	

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