

Dealing with Complaints

1. Statement

NBCA is committed to fostering positive relationships among children, families, staff, students, volunteers and the wider community. We ensure that everyone has the right to a respectful and responsive environment where their concerns are addressed promptly, confidentially, and professionally. This policy outlines our child-focused procedure for dealing with complaints, intended to maintain the highest standards of care and education.

2. Definitions

“Approved Provider” means an entity operating a childcare service or services and to which all obligations and liabilities of the service are attached; at NBCA, the Approved Provider is the President of the Management Committee, or any other member of the Management Committee in the absence of the President.

“Nominated Supervisor” means the person(s) responsible for the day-to-day management of an approved service; at NBCA, the Nominated Supervisor is the service director.

“Regulatory Authority” means the Children's Education and Care Assurance (CECA), which administers the Education and Care National Law and the Education and Care Services National Regulations covering approved early childhood education and care services in the ACT.

“Responsible Person” means a person who has been placed in day-to-day charge of the service in accordance with the Education and Care Services National Regulations.

“The service” means the NBCA centre the child is enrolled/enrolling in.

3. Rights and responsibilities

- i. NBCA will:
 - a. Ensure that clear information on the complaints procedure is available.
 - b. Ensure compliance with relevant laws and regulations.
 - c. Treat all complaints seriously and as a priority.
 - d. Document and investigate complaints promptly and objectively.
 - e. Maintain confidentiality and procedural fairness in dealing with complaints.
 - f. Communicate with the complainant and/or relevant parties to ensure they are informed of the complaints procedure and outcomes.
 - g. Ensure staff are trained in dealing with complaints and that the necessary support is available for staff to follow the complaints procedure.
 - h. Provide training for staff on child protection laws and their responsibilities as mandatory reporters.



- i. Notify the Regulatory Authority within the prescribed timeframe if the safety, health or wellbeing of children was or is being compromised while being educated and cared for; or the National Law and/or National Regulations have been contravened.
 - j. Conduct reviews following complaints to improve service quality, incorporating feedback from children, families, staff, students, volunteers and/or the community into the review process.
 - k. Ensure children understand the complaints procedure and are empowered to express their concerns through age-appropriate communication and support.
 - l. Ensure to the extent of their control that no children, families, staff, students, volunteers or community members will be subject to abuse, harassment, discrimination or bullying because of lodging or being the subject of a complaint.
- ii. Children, families, staff, students, volunteers and community members will:
- a. Have the right to express their concerns and be taken seriously.
 - b. Have the right not to be subject to abuse, harassment, discrimination or bullying because of lodging or being the subject of a complaint.
 - c. Follow the complaints procedure.
 - d. Maintain confidentiality.

4. Complaints procedure

- i. Initial discussion
 - a. Discuss your concern directly with the person involved or with a relevant staff member.
 - b. If this does not resolve the matter, it should be escalated to the Nominated Supervisor.
 - c. In the absence of the Nominated Supervisor, the matter should be escalated to the Responsible Person.
 - d. If the matter involves the Nominated Supervisor, it should be escalated to the Approved Provider (see 4.iv).
- ii. Formal complaint and investigation – Nominated Supervisor
 - a. Lodge a formal complaint in writing to the Nominated Supervisor. Children will be supported by staff to submit a formal complaint, where necessary.
 - b. The Nominated Supervisor, or the Responsible Person where required, will:
 - Document the complaint and confirm receipt in writing.
 - Investigate the complaint objectively by gathering information from all involved parties and relevant sources.
 - Ensure confidentiality and procedural fairness are maintained during the investigation.



- Offer further support to all involved parties, including but not limited to mediation and counselling services, where appropriate.
- iii. Decision – Nominated Supervisor
- a. A decision will be made by the Nominated Supervisor, and all parties will be informed in writing of the outcome, including the reasons behind the decision.
 - b. If this does not resolve the matter, it should be escalated to the Approved Provider.
- iv. Formal complaint and investigation – Approved Provider
- a. Lodge a formal complaint in writing to the Approved Provider. Children will be supported by staff to submit a formal complaint, where necessary.
 - b. The Approved Provider will:
 - Document the complaint and confirm receipt in writing.
 - Investigate the complaint objectively by gathering information from the Nominated Supervisor, all involved parties and relevant sources.
 - Ensure confidentiality and procedural fairness are maintained during the investigation.
 - Offer further support to all involved parties, including but not limited to mediation and counselling services, where appropriate.
- v. Decision – Approved Provider
- a. A decision will be made by the Approved Provider, and all parties will be informed in writing of the outcome, including the reasons behind the decision.
 - b. If this does not resolve the matter, it should be escalated to the Regulatory Authority.
- vi. Formal complaint and investigation – Regulatory Authority
- a. The complainant can contact the Regulatory Authority via the complaints dedicated telephone line (02) 6207 7581 or email complaintsCECA@act.gov.au.
 - b. In circumstances where the information provided in a complaint alleges possible offences against the National Law, the Regulatory Authority may investigate the allegations.
 - c. The Regulatory Authority's scope excludes complaints that relate to issues such as fees, waiting lists or priority of access to services.

5. Complaints that allege child is exhibiting harmful sexual behaviours

- i. Staff are trained to recognise the difference between developmentally appropriate and harmful sexual behaviours in children, considering the diverse spectrum of children and families that attend the service.
- ii. Staff will give children clear, non-stigmatising and age-appropriate guidance on sexual behaviours that are unacceptable.



- iii. If staff reasonably believe that physical or sexual abuse of a child who is exhibiting harmful sexual behaviours has occurred or is occurring, mandatory reporting obligations will apply.
- iv. Where a complaint alleges a child is exhibiting harmful sexual behaviours, all involved parties will:
 - a. Follow the complaints procedure.
 - b. Where necessary and appropriate, the Nominated Supervisor or Approved Provider may:
 - Refer the child and their family to support services.
 - Require the child and their family seek assessment and/or therapeutic intervention to continue enrolment at the service.
 - Document and share information with relevant agencies and/or police.
 - Terminate the child's enrolment.



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| EFFECTIVE DATE | 12 August 2024 | NEXT REVIEW DATE | July 2025 |
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NATIONAL QUALITY STANDARD (NQS)

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| QUALITY AREA 2: CHILDREN'S HEALTH AND SAFETY | | |
| 2.2 | Safety | Each child is protected. |
| 2.2.3 | Child Protection | Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect. |
| 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. |
| 6.1.3 | Families are supported | Current information is available to families about the service and relevant community services and resources to support parenting and family wellbeing. |
| 6.2 | Collaborative partnerships | Collaborative partnerships enhance children's inclusion, learning and wellbeing. |
| QUALITY AREA 7: GOVERNANCE AND LEADERSHIP | | |
| 7.1.2 | Management Systems | Systems are in place to manage risk and enable the effective management and operation of a quality service |
| 7.2.1 | Continuous Improvement | There is an effective self-assessment and quality improvement process in place. |

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS



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| Sec. 172 | Offence to fail to display prescribed information |
| Sec.174 (2)(b) | Offence to fail to notify certain information to Regulatory Authority |
| 12 | Meaning of serious incident |
| 84 | Awareness of child protection law |
| 149 | Volunteers and students |
| 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 |
| 172 | Notification of change to policies or procedures |
| 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 |
| 173 | Prescribed information to be displayed- education and care service |
| 176 | Time to notify certain information to Regulatory Authority |
| 183 | Storage of records and other documents |

RELATED LEGISLATION

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| Child Care Subsidy Secretary's Rules 2017 |
| A New Tax System (Family Assistance) Act 1999 |
| Family Law Act 1975 |
| Family Assistance Law – Incorporating all related legislation as identified within the Child Care Provider Handbook |
| Child Care Subsidy Minister's Rules 2017 |

