Complaint Handling Policy

PURPOSE AND BACKGROUND

(1) To make sure that we manage complaints and concerns effectively, and that our complaints handling processes are clear and understood by children, families, communities and staff

(2) This policy is a requirement under the *Education and Care Services National Regulations*. The approved provider must ensure that policies and procedures are in place for dealing with complaints and take reasonable steps to ensure those policies and procedures are followed. Our complaint handling system must be child focused and address the management of a complaint that alleges a child is exhibiting harmful sexual behaviours (s 168(2)(o))

(3) We are required to have to have processes for complaints and concerns that are child-focused under under the Victorian Child Safe Standards.

(4) This policy also helps us to fulfil our obligation under the Reportable Conduct Scheme to have systems in place to prevent and respond to child abuse

SCOPE

(5) This policy applies to:

- 'Staff': the approved provider, nominated supervisor, paid workers, volunteers, work placement students, and third parties at our service (e.g., contractors, subcontractors, self-employed persons, employees of a labour hire company)
- Children who are in our care, their parents, families and care providers
- Visitors to our service, including allied health support workers
- Board/committee members

(6) It applies to all physical, digital and online environments of our service (including off-site and outside of operating hours

DEFINITIONS

(7) The following definitions apply to this policy and related procedures:

- 'Concern' - any potential issue that could impact negatively of the safety and well-being of children
- '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

- ‘Harm’ and ‘risk of harm’ are used in this policy as overarching terms that cover neglect and various forms of abuse. It includes physical, sexual and psychological abuse; neglect; ill-treatment; grooming; exposure to family violence; commercial child sexual exploitation; online child sexual abuse; and sexual abuse that is perpetrated by other children and young people
- ‘Harmful sexual behaviours’ - a general term to describe behaviour in children 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
- ‘Natural justice’ refers to the right to be made aware of, and respond to, information which will be used in the course of a decision that will negatively affect the person
- ‘Parents’ includes guardians and persons who have parental responsibilities for the child under a decision or order of court
- ‘Staff’, unless indicated otherwise, refers to approved provider, the nominated supervisor, paid employees, volunteers, students, and third parties (e.g., contractors, casual staff) who perform work on our behalf

POLICY STATEMENT

A child-focused complaint system

(8) A positive complaints culture is at the core of our child-focused complaint handing system

(9) We put children’s safety, needs and interests at the forefront. We are committed to:

- Helping children understand their rights and to speak up when something is not right. Educators support children to raise any concerns or complaints. Educators are trained to respond to children verbally and non-verbally communicating that something is wrong
- Keeping children safe. Anyone raising a concern or making a complaint, including those related to a child’s safety and well-being, will feel safe and supported by us. We will always act on harm or risk of to a child
- Letting everyone know that that complaints are welcome and will be taken seriously
- Responding to complaints sensitively, impartially, professionally, transparently, promptly and thoroughly

An effective, accessible and culturally safe complaint system

(10) Our process for managing complaints is easy to understand, accessible and culturally safe

(11) Our Complaint Handling Procedure (attached) can be used by children, families, community members, visitors and staff if they want to raise a concern or make a complaint. It explains

how to make the complaint, who to make it to, and how it will be dealt with. It gives staff clear steps to follow to manage any complaints they receive

(12) Our Complaint Handling Procedure is written in plain language. We provide appropriate versions for children and people from all backgrounds and abilities (e.g., pictures, diagrams, displays, audio, in different languages where needed)

(13) We have a child-friendly poster showing the complaint process displayed in each room and the foyer.

(14) We must clearly display the name and contact details of the person to whom complaints should be made in a prominent location clearly visible from the entrance (*National Regulations* s 173(2))

(15) Parents are told how they can make a complaint or raise a concern during their child's enrolment and orientation

(16) Our complaint handling system is explained to staff at induction and in their ongoing program of professional development

(17) We have clearly defined roles and responsibilities for staff, so they know what they need to do if someone has a concern or a complaint

(18) Our staff are trained to respond to concerns and complaints in a culturally sensitive way. That means that, when they are dealing with complaints, they are expected to:

- Treat everyone, regardless of culture, with respect
- Be open-minded and flexible in their attitudes to different cultural practices
- Understand that their own cultural values or practices are not the only way to solve a problem
- Encourage and support everyone at the service to express and enjoy their cultural rights

Reporting complaints and concerns

(19) We take complaints and concerns about child safety and wellbeing seriously

(20) For concerns about harm or risk of harm to a child (either by adults or by other children), or allegations that a child is exhibiting harmful sexual behaviour, staff follow our Child Protection Policy and Procedures

(21) Depending on the complaint, we may need to:

- Make a report to the child protection authorities and/or police
- Make a referral to family services or exchange of information with certain professionals/organisations
- Notify the regulatory authority
- Make a report under the reportable conduct scheme

(22) The approved provider must, by law, notify the regulatory authority in writing about the following complaints:

- Within 24 hours of any complaints alleging that a serious incident has occurred or is occurring while a child was or is at the service
- Within 24 hours of any complaints that the National Law has been breached
- Within 24 hours of any allegation that physical or sexual abuse of a child has occurred or is occurring while the child is at the service

Using complaints to support continuous improvement

(23) We see complaints and concerns as a valuable source of information. They can highlight issues for our service, and we use them as a trigger for us to critically reflect on our infrastructure and operations (systems, documents, communication, practices, activities, policies, procedures)

(24) We keep accurate and full records of complaints and actions taken in response

(25) We review our complaints and reporting procedures regularly, in consultation with children their families and the community

(26) We analyse the root cause of complaints with the view to fixing any flaws or shortcomings in our infrastructure, documents or operations

(27) We track complaints to identify recurring issues within the service

(28) Where appropriate, we request feedback on the complaint process using a questionnaire

PRINCIPLES

(29) We are committed to the safety and wellbeing of children, and to implementing the Child Safe Standards and the National Quality Framework across all levels of our service

(30) We are committed to implementing the approved learning framework

(31) We comply with all relevant legislation, regulations and standards at all times

(32) We have a child focused culture that enables and empowers children, families, community members, staff, and volunteers to raise any concerns or complaints

(33) Anyone raising a concern or complaint, including those related to a child's safety and well-being, will feel safe and supported by us

(34) We listen to children and take their concerns seriously. Our complaint system prioritises the safety of children and we have a culture of reporting

(35) Every reasonable precaution is taken to protect children from harm and hazards in our physical and online environments

(36) We always act on harm and risk of harm to a child

(37) Staff are given the training, resources and support to act on child safety and wellbeing concerns and complaints

(38) Our governance, operations policies, risk management plans, procedures, systems and practices are best-practice and up-to-date

POLICY COMMUNICATION, TRAINING AND MONITORING

(39) This policy and related documents can be found in the foyer at reception.

(40) The approved provider and nominated supervisor provide information, training and other resources and support regarding the Complaint Handling Policy and Procedure and related documents

(41) All staff (including volunteers and students) are formally inducted. They are given copies of/access to, review, understand and formally acknowledge this Complaint Handling Policy and Procedure and related documents

(42) The approved provider/nominated supervisor runs a professional development program for each staff member, which covers this policy and procedures

(43) Roles and responsibilities and clearly defined in this policy and in individual position descriptions. They are communicated during staff inductions and in ongoing training

(44) The approved provider and nominated supervisor monitor and audit staff practices and address non-compliance. Breaches to this policy are taken seriously and may result in disciplinary action against a staff member

(45) At enrolment, families are given access to/told how to access our Complaint Handling Policy and Procedure and related documents

(46) Families are notified in line with our obligations under the *National Regulations* when changes are made to our policies and procedures

LEGISLATION OVERVIEW

Education and Care Services National Law and Regulations

Law	Description
s 167	Offence relating to protection of children from harm and hazards
s 172	Offence to fail to display prescribed information
s 173	Offence to fail to notify certain information to Regulatory Authority
Regulations	
s 12	Meaning of serious incident
s 168(2)(h)	Education and care services must have policies and procedures in relation to providing a child safe environment
s 168(2)(o)	Education and care services must have policies and procedures in relation to dealing with complaints, including matters relating to (i) the provision of a complaint handling system that is child focused; and (ii) the management of a complaint that alleges a child is exhibiting harmful sexual behaviours
s 170	Policies and procedures to be followed

s 171	Policies and procedures to be kept available
s 172	Notification of change to policies and procedures
s 173 (2)(b)	Prescribed information to be displayed: the name and telephone number of the person to whom complaints may be addressed
s 175(d)(e)	Prescribed information to be notified to Regulatory Authority
s 176	Time to notify certain information to Regulatory Authority

Other applicable laws and regulations

Act/Regulation	Description
Charter of Human Rights and Responsibilities Act 2006 (Vic.) *Charter of Human Rights and Responsibilities (General) Regulations 2017* *Equal Opportunity Act 2010 (Vic.)* *Australian Human Rights Commission Act 1986 (Cth) (AHRC Act)*	Human rights laws
Children, Youth and Families Act 2005 (Vic.)	Principal relevant Act to child protection
Crimes Act 1958 (Vic.)	Includes provisions for child-related criminal offences
Child Wellbeing and Safety Act 2005 (Vic)	Reportable conduct scheme
Occupational Health and Safety Act 2004 (OHS Act)	Work place health and safety
Privacy Act 1988	Principle act protecting the handling of personal information

National Quality Standard

Standard	Concept	Description
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
4.2	Professionalism	Management, educators and staff are collaborative, respectful and ethical
4.2.2	Professional standards	Professional standards guide practice, interactions and relationships
5.1	Relationships between educators and children	Respectful and equitable relationships are maintained with each child
5.1.1	Positive educator to child interactions	Responsible and meaningful interactions build trusting relationships which engage and support each child to feel secure, confident and included
5.1.2	Dignity and rights of the child	The dignity and rights of every child is maintained
5.2	Relationships between children	Each child is supported to build and maintain sensitive and responsive relationships
5.2.2	Self-regulation	Each child is supported to regulate their own behaviour, respond appropriately to the behaviour of others and communicate effectively to resolve conflicts
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	Families are supported	Current information is available to families about the service and relevant community services and resources to support parenting and family wellbeing

Standard	Concept	Description
7.1	Governance	Governance supports the operation of a quality service that is child safe
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
7.1.3	Roles and responsibilities	Roles and responsibilities are clearly defined, and understood, and support effective decision-making and operation of the service
7.2	Leadership	Effective leadership builds and promotes a positive organisational culture and professional learning community
7.2.1	Continuous improvement	There is an effective self-assessment and quality improvement process in place
7.7.3	Development of professionals	Educators, co-ordinators and staff members' performance is regularly evaluated and individual plans are in place to support learning and development

Early Years Learning Framework (EYLF) V.20 / Victorian Early Years Learning and Development Framework

EYLF outcome	Key Component
3: CHILDREN HAVE A STRONG SENSE OF WELLBEING	• Children become strong in their social, emotional and mental wellbeing • Children become strong in their physical learning and wellbeing • Children are aware of and develop strategies to support their own mental and physical health and personal safety
5: CHILDREN ARE EFFECTIVE COMMUNICATORS	• Children interact verbally and non-verbally with others for a range of purposes

National Principles for Child Safe Organisations

Most relevant principles
Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously
Families and communities are informed and involved in promoting child safety and wellbeing
Processes to respond to complaints and concerns are child focused

RELATED DOCUMENTS

Key policies	Child Protection Policy | Child Safe Environment Policy |Child Safe Code of Conduct | Child Safe Risk Management Plan | Recruitment, Induction and Training Policy | Incident, Injury, Trauma and Illness Policy | ECEC Code of Ethics | Governance and Management Policy
Procedures	Roles and responsibilities – Complaint Handling (attached)| Complaint Handling Procedure (attached) | Child Protection Procedures (in Child Protection Policy)
Resources	Summary version of Complaint Handling Policy (attached) | Child-friendly version of Complaint Handling Policy (attached) | Incident, Injury, Trauma and Illness Record template (in Incident, Injury, Trauma and Illness Record Policy) | Recording disclosures of harm/risk of harm template (in Child Protection Policy) | Recording suspicions of harm/risk of harm template (in Child Protection Policy) | Child Safety and Wellbeing Breach – Incident Report Form (in Child Protection Policy) |List of indicators of harm (in Child Protection Policy) | Child protection reporting summary (in Child Protection Policy)

SOURCES

Education and Care Services National Law Regulations | National Quality Standard | Department of Education Victoria – Complaints Policy and Guidance for Early Childhood Services | Children, Youth and Families Act 2005 (Vic) – including mandatory reporting | Child Wellbeing and Safety Act 2005 (Vic) – Child Safe Standards and Reportable Conduct Scheme | Commission for Children and Young People Victoria – Child Safe Standards and Reportable Conduct Scheme guidance | Victorian Ombudsman – Complaint Handling Good Practice Guide | Victorian Child Safe Standards (Commission for Children and Young People) | ACECQA – NQF Child Safe Culture Guide | Australian Privacy Principles (OAIC) | Commonwealth Ombudsman – Better Practice Complaint Handling Guide (2023) | Office of the Victorian Information Commissioner – Privacy and Data Protection Act 2014 (Vic) complaint guidance

POLICY INFORMATION

Approval	Fowzia Issa
Review	Reviewed annually and when there are changes that may affect this policy, a related procedure or child safety, including after any responses to incidents, disclosures or suspicions of harm or risk of harm. The review will include checks to ensure the document reflects current legislation, continues to be effective, or whether any changes and additional training are required Reviewed: September 2025 Date for next review: September 2026

APPENDIX A

ROLES AND RESPONSIBILITIES – Complaint handling

Approved provider responsibilities (not limited to)
Ensure our service meets its obligations under the *Education and Care Services National Law* and *Regulations*
Ensure that our service's complaint handling system, policies and procedures are appropriate in practice, best practice, align with the Child Safe Standards and comply with all relevant legislation
Ensure that our service has child-focused policies and procedures in place for complaints handling (including those involving harm or risk of harm to a child) and managing complaints about children exhibiting harmful sexual behaviours
Ensure we display the name and telephone number of the person to whom complaints may be addressed in a position so that it is clearly visible to anyone from the main entrance
Ensure this Complaint Handling Policy and Procedure is in place and available for inspection
Communicate this Complaint Handling Policy and Procedure to staff, children, families and communities in a clear, age-appropriate, accessible and culturally safe way
Take reasonable steps to ensure our Complaint Handling Policy and Procedure is followed (e.g. through clear and accessible communication, and systemised inductions, training and monitoring of all staff – including volunteers, students)
Promote a culture of reporting. Act on any incidents, disclosures, or suspicions of harm or risk of harm to a child, and report to the relevant authorities in line with our procedures and legal obligations. Act on allegations of harmful sexual behaviour in children. Report allegations of reportable conduct
Ensure that investigations into complaints are managed in a thorough, fair, impartial, culturally sensitive, prompt and professional manner. Ensure that there is regular communication to the people involved in a complaint investigation during the investigation and they are provided with a timely outcome. Ensure that we document and keep records of complaints, investigations and outcomes in line with our legal obligations and our policies and procedures
Regularly review this Complaint Handling Policy and Procedure in consultation with children, families, communities and staff.
Notify families at least 14 days before changing this Complaint Handling Policy and Procedure if the changes will: affect the fees the charged or the way they are collected; or significantly impact the service's education and care of children; or significantly impact the family's ability to utilise the service

Nominated supervisor / persons in day-to-day charge responsibilities (not limited to)
Ensure our service meets its obligations under the *Education and Care Services National Law* and *Regulations*
Support the approved provider to ensure that our service's complaint handling system, policies and procedures are appropriate in practice, best practice, align with the Child Safe Standards and comply with all relevant legislation
Implement this Complaint Handling Policy and Procedure

Communicate this Complaint Handling Policy and Procedure to staff, children, families and communities in a clear, age-appropriate, accessible and culturally safe way
Take reasonable steps to ensure our Complaint Handling Policy and Procedure is followed (e.g. through clear and accessible communication, and systemised inductions, training and monitoring of all staff – including volunteers, students)
Promote a culture of reporting. Act on any incidents, disclosures, or suspicions of harm or risk of harm to a child, and report to the relevant authorities in line with our procedures and legal obligations. Act on allegations of harmful sexual behaviour in children. Report any allegations of reportable conduct you are aware of
If responsible for investigating complaints, manage them in a thorough, fair, impartial, culturally sensitive, prompt and professional manner. Regularly communicate to the people involved in a complaint investigation during the investigation and provide them with a timely outcome. Document and keep records of complaints, investigations and outcomes in line with our legal obligations and our policies and procedures
Contribute to policies and procedure reviews and risk assessments and plans in consultation with children, families, communities and staff. Support the approved provider to notify families changes according to legislation and our policies and procedures

Educators / ECTs/ other staff responsibilities (not limited to)
Follow this Complaint Handling Policy and Procedure
Refer all complaints that cannot be resolved directly with the people concerned to the nominated supervisor and/or approved provider as soon as practicable
Support, and co-operate with, the nominated supervisor and or/approved provider in their investigations
Do not get involved in complaints that do not concern you (not ethical or can make the complaints process more difficult)
Do not raise complaints with an external complaints body, such as a court or Tribunal, without using our procedures and appeal process first
Act on any incidents, disclosures, or suspicions of harm or risk of harm to a child, and report to the relevant authorities in line with our procedures and legal obligations. Act on allegations of harmful sexual behaviour in children
Report any issues with our complaint management policies and procedures to the appropriate person (e.g. approved provider, nominated supervisor, lead educator)
Complete necessary records when required. Provide them to the approved provider/nominated supervisor as soon as practicable
Keep all child protection matters confidential unless we are legally required to disclose
Contribute to policy and procedure reviews and risk assessments and plans

Families responsibilities (not limited to)
Follow our Complaint Handling Policy and Procedure
Raise any concerns or complaints and report any concerns about children's safety and wellbeing

Be aware of, and raise any complaints in line with, this Complaint Handling Policy and Procedure
Co-operate with staff in their investigations
Do not get involved in complaints that do not concern you (not ethical or can make the complaints process more difficult)
Do not raise complaints with an external complaints body, such as a court or Tribunal, without using our procedures and appeal process first

APPENDIX B

Complaint Handling Procedure

INTRODUCTION

- This procedure applies to our Complaint Handling Policy
- It is our child safe procedure for managing complaints and concerns from children, families, the community and staff. It describes the steps we will take to manage any complaint or concern we receive
- We are committed to ensuring complaints are dealt with in a timely, transparent, professional, confidential, thorough and impartial manner, and that affected parties are advised of the outcome and their rights of appeal. We are also committed to ensuring our process is child-focussed and accessible

PROCEDURE

When to use this procedure

- If you are a child, parent, family member, community member, staff member (including volunteers and students) or visitor who has a complaint or concern
- If you are a staff member who receives a complaint
- If you are a staff member who is managing and/or investigating a complaint
- If you are a staff member who is the subject of a complaint
- Complaints or concerns might be about:
    - Dissatisfaction with our service's dealings
    - Breaches of our Child Safe Code of Conduct and/or unacceptable behaviour
    - Conduct in not keeping with our policies and procedures
    - Incidents, disclosures and/or suspicions of harm or risk of harm to a child, including child exploitation or grooming (online and in-person) of a child
    - Allegations of a child exhibiting harmful sexual behaviour
    - Corruption, maladministration, waste of resources
    - Bullying, discrimination, harassment
    - Criminal conduct
    - Risks that are present in our service's environment (both online and physical) and activities
    - Inadequate working conditions for staff, students and volunteers

Making a complaint

1. **Who can make a complaint**

Anyone can raise a concern or lodge a complaint. We encourage children, families, community members and staff to raise any concerns or complaints they have. Anonymous complaints can be made but our ability to investigate them may be hampered as a result.

Complaints and concerns can be made in any way that feels comfortable - for example, over the telephone, by email or in person. We will facilitate different ways of making complaints for people who have diverse backgrounds or needs for support. This means you can ask anyone at our service for help to make a complaint.

2. **Who to make the complaint to**

- Minor complaints that can be easily solved can be raised directly with the person concerned. Both parties can try to resolve the issue and develop solutions to ensure the problem does not happen again. Discussions should remain private, confidential, respectful and open-minded. They should not involve other staff or visitors (e.g., parents) and should take place away from children
- Complaints that can't be resolved directly with the person concerned (for whatever reason) can be raised directly (or indirectly through another member of staff) with a more senior staff member, the nominated supervisor or the approved provider
- Complaints can be directed to the early childhood education and care regulatory authority at any time
- Complaints that relate to the harm or risk of harm to a child, or criminal or unlawful activity, should be reported to Child Protection or the police, and the nominated supervisor
- Whistleblowers can contact the confidential whistleblower hotline, STOPline on 1300 304 550

3. **Contacts**

Fowzia Issa

03 87980100

Email: Meltonmontessori.elc@gmail.com

Regulatory Authority:

VECRA

Grampians Region

109 Armstrong Street North Ballarat

03 4334 0589

Reportable Conduct Scheme on 1300 78 29 78 (approved provider and staff)

Child Protection Intake Service:

- North Division intake: 1300 664 977
- South Division intake: 1300 655 795
- East Division intake: 1300 360 391
- West Division intake - metropolitan: 1300 664 977
- West Division intake - rural and regional: 1800 075 599

Police on 131 444 or 000 if there is an immediate risk to safety

Receiving a complaint

1. **Receiving a complaint about harm or the risk of harm to a child**

   If the complaint or concern is about harm or the risk of harm to a child, including any complaints that allege a child is exhibiting harmful sexual behaviours, we will follow our Child Protection Policy and Procedures, which sets out our obligations and systems for:

   - Recording and managing incidents, suspicions or disclosures of harm or risk of harm
   - Managing harmful sexual behaviour in children
   - Making a report - we have obligations under the law to report certain child safety and well-being matters to the authorities (e.g., to the police and Child Protection, the education and care services regulatory authority, reportable conduct scheme)

2. **Receiving a complaint involving an allegation of reportable conduct**

   If we receive an allegation of reportable conduct, we will follow our Child Protection Policy and Procedures, which includes information on:

   - Notifying the agency responsible for administering the Reportable Conduct Scheme
   - Conducting investigations
   - Providing reports and taking action in response to any findings

3. **Receiving other complaints**

   We record the following information:

   - The contact details of the person making the complaint
   - Details about the complaint (e.g., the nature, dates/times, people involved, notes on verbal discussions, written correspondence)
   - Notes on how people want the problem to be resolved and any support that might be needed for the people involved

   Complaints will be passed on to the nominated supervisor or approved provider as soon as practicable.

4. **Acknowledging the complaint**

The nominated supervisor or approved provider will acknowledge the complaint within 24 hours of receiving it and provide the person who made the complaint with a contact point, idea of likely timeframes and the next steps that will be taken. This may be done by phone, in person or in writing - whichever is the most appropriate method.

Assessing and investigating a complaint

1. **Investigating complaints about harm or risk of harm to a child**

   Our service will not investigate any child protection matters unless instructed to do so by the relevant authorities. We will follow our Child Protection Policy and Procedures if the investigation relates to harm or risk of harm to a child, including allegations that a child is exhibiting harmful sexual behaviours.

2. **Investigating complaints involving reportable conduct**

   There are strict rules for investigating allegations of reportable conduct under the Reportable Conduct Scheme. If we are required to investigate such an allegation, we will follow our Child Protection Policy and Procedures, which outlines how we need to investigate and report on such allegations.

3. **Managing investigations**

   Any investigations conducted by our service will be managed by the nominated supervisor and/or approved provider, who will also be responsible for giving regular updates on the progress of the investigation to everyone involved in the complaint. The nominated supervisor and/or approved provider have the option to appoint someone else to conduct the investigation, including people outside our service.

4. **Initial assessment**

   Although the steps involved will vary according to the nature of the complaint or concern, where appropriate, we will conduct an initial assessment, considering:

   - Whether a formal investigation is required (for example, it may not be warranted if the complaint arose because of a minor misunderstanding or something that can be easily resolved to the satisfaction of everyone involved)
   - Whether the complaint is outside our service's area of responsibility, i.e. should be directed to another organisation
   - Whether other people/organisations are involved in the matter
   - How feasible the suggested solution is
   - The severity, urgency and complexity
   - How to ensure everyone involved is safe (risk management)
   - How to ensure the integrity of the investigation that will follow
   - The impact on the person complaining, and anyone else involved

- Whether the problem might escalate

If the approved provider or nominated supervisor decides not to proceed with the investigation after initial enquiries, they will give the person making the complaint the reason/s in writing or whatever form is the most appropriate.

5. Formal investigation

Where appropriate and necessary, the nominated supervisor or approved provider will conduct a formal investigation. The investigation will be:

- **Impartial** - we manage all perceived and actual conflicts of interest and have an open mind about the evidence. The findings will be objective
- **Confidential** - except where we are required to disclose personal information because it is relevant to the safety and well-being of a child, we investigate complaints in private and respect all parties' confidentiality. Note, there are safeguards in place for people who report about child protection matters (see our Child Protection Policy)
- **Transparent** - we tell the person making the complaint and the subject of the complaint what the investigation will involve. All parties will be invited to provide information and respond where appropriate. We will provide regular updates on the progress of the investigation
- **Thorough** - we look at all the circumstances and facts, gather and assess evidence
- **Supportive** - we invite everyone involved to have a support person present during an interview (e.g., to support culturally safe practices or a health and safety representative - but not a lawyer acting in a professional capacity); employees are encouraged to seek support from their union, if applicable
- **Timely** - we aim to provide a resolution in a reasonable period of time
- **Professional** - we uphold all our employment law obligations and practice best practice records management
- **Conducted safely** – to protect the safety and wellbeing of children and staff
- **Compliant with the law**

6. Risk management

The nominated supervisor and approved provider will consider and manage any risks to the safety and well-being of any children or adults involved in an investigation, in line with our Child Safe Risk Management Plan and Child Protection Policy and Procedures

7. Investigation report

After analysing the evidence, the nominated supervisor/approved provider will prepare an investigation report which describes the process and findings of the investigation.

Resolving a complaint

1. **Making decisions about complaints**

   The nominated supervisor and approved director will decide on a course of action to resolve a complaint (on the advice of the relevant authorities if the matter relates to a child protection matter).

   Outcomes might be, for example: providing professional development support/training for staff; mediation; making changes to physical and online environments, adjustments to our practices, systems, policies or procedures; implementing safety and behavioural management plans for children; performance management for staff; referrals to support services; formal staff warnings, changes of duties or termination of employment.

   In deciding the resolution, the nominated supervisor and approved provider will consider:

   - Any advice from relevant authorities (e.g., police, child protection authority, support services)
   - Our obligations under employment law, industrial relations principles and guidelines
   - Any submissions from the subject of the complaint (see procedural fairness below)
   - The number of complaints against the subject of the complaint
   - The number of opportunities already given to subject of the complaint person to adhere to a policy or procedure and/or change behaviour
   - The seriousness of the complaint and whether it impacted the safety and welfare of children, other employees, volunteers, students or families
   - Whether the complaint is reasonable

2. **Procedural fairness**

   The nominated supervisor and approved provider will give the subject of the complaint a fair hearing before making a decision that might adversely affect the subject's rights or interests.

   The nominated supervisor and approved provider will provide the subject of a complaint with:

   - Opportunities to make submissions when there are informed: that they are the subject of an investigation; of any prosed adverse finding; and of any proposed action to be taken as a result of a finding
   - Information about the investigation and reasons for their findings
   - An explanation/justification for the decisions made and the proposed course of action
   - A fair opportunity to directly address the issues

   The nominated supervisor and approved provider genuinely consider the person's responses and submissions with an open-mind and impartiality. They will make reasonable inquiries before making a decision.

3. **Communicating the decision**

   The nominated supervisor and approved provider will advise everyone who is involved of the result of the investigation and the resolution in writing and/or verbally.

4. **Challenging the decision**

   If the person making the complaint or the subject of the complaint does not agree with the outcome of the investigation and/or the resolution, they can request a review. They will need to provide reasons for why they think either the investigation or resolution is wrong.

   The nominated supervisor and approved provider will consider their reasons and, depending on the circumstances, may either:

   - Decide that an investigation or a change to the resolution is not warranted
   - Re-investigate the complaint and/or provide an alternative resolution
   - Offer an external review by a Tribunal or alternate organisation, where employees, visitors and volunteers are unhappy with the outcome. Workplace bullying matters may be referred to the Fair Work Commission which can direct employers to take specific actions against workplace bullies or the Work Health and Safety (WHS) Regulator, which may investigate whether WHS duties have been contravened
   - Offer information about alterative complaint resolution options, such as through the regulatory authority or ombudsman

Records and confidentiality

1. **Creating and keeping accurate records**

   The nominated supervisor and approved provider will create and retain accurate records related to concerns and complaints, in line with our record keeping and privacy policies and obligations.

   Records may include correspondence, emails, phone calls, interview transcripts, incident reports, risk management plans, investigation reports and findings, decision making process, minutes from meetings, notes, submissions from those involved, reports to police or government authorities.

2. **Maintaining confidentiality**

   We keep information our service gathers for a complaint and investigation confidential and only disclose it if we are obliged, for example, to ensure:

   - Workplace safety
   - The safety and well-being of a child (see our Child Protection Policy for more information)
   - The natural justice for the person accused

   We follow directions about confidentiality from the relevant authorities and ensure we comply with all relevant legislation. Anyone involved in complaint or investigation must

maintain confidentiality. A failure to do so by staff, volunteers or students may result in disciplinary action. Online records will be stored password protected file and physical records in a secure cabinet. Access will only be granted on a 'need to know' basis.

We follow our Child Protection Policy's guidance on record keeping for child protection matters - including on safeguards for reporters of harm or risk of harm to a child.

APPENDIX C

RESOURCE – Summary version of Complaint Handling Procedure

We are committed to creating a safe, inclusive, and respectful environment for children, families, staff and the community. We take all complaints seriously and handle them professionally, fairly and confidentially.

Who can make a complaint?

Anyone – including children, families, community members, staff, students, volunteers and visitors – can raise a concern or complaint at any time.

What can complaints be about?

Complaints and concerns might relate to:

- Our service's actions or decisions
- Breaches of our Code of Conduct or policies
- Child safety or wellbeing concerns
- Bullying, discrimination or harassment
- Unlawful or inappropriate behaviour
- Unsafe environments or practices
- Staff conduct or working conditions

How to raise a complaint

- Try first to resolve minor issues directly and respectfully with the person involved.
- If not resolved or if serious, speak to a senior staff member, the nominated supervisor or the approved provider.
- For serious concerns (e.g. child harm or criminal activity), contact:
    - Child Protection Intake Service:
        - North Division intake: 1300 664 977
        - South Division intake: 1300 655 795
        - East Division intake: 1300 360 391
        - West Division intake - metropolitan: 1300 664 977
        - West Division intake - rural and regional: 1800 075 599
    - Police on 131 444 or 000 if there is an immediate risk to safety
    - Quality Assessment and Regulation Division (QARD), Department of Education on 1300 307 415 or licensed.childrens.services@edumail.vic.gov.au
    - Reportable Conduct Scheme on 1300 78 29 78 (approved provider and staff)
    - STOPline (Whistleblower hotline): 1300 304 550

Contact details for senior staff are displayed at the entrance of the service

You can make a complaint in person, over the phone, by email, or with help from someone at our service. Anonymous complaints are accepted but may be harder to investigate.

What happens next?

- We will acknowledge your complaint within 24 hours and explain what happens next
- We will assess the complaint to decide whether an investigation is needed
- If required, we will conduct a fair, thorough and confidential investigation. Everyone involved can bring a support person
- We will explain the outcome to you and the actions we've taken

- If you disagree with the outcome, you can request a review or external referral (e.g., Fair Work Commission, ombudsman, education and care regulatory authority)

Child safety comes first

If a complaint involves harm or risk of harm to a child, we must report it to authorities and follow our **Child Protection Policy**.

Privacy and record keeping

All complaints are recorded securely and handled with respect and confidentiality. We only share information if required by law or to protect someone's safety.

We want everyone to feel safe speaking up. If you have a concern – no matter how small – please tell us.

APPENDIX D

RESOURCE – Child-friendly version of Complaint Handling Procedure

Speaking up – it's okay to tell us!

We want everyone to feel safe, happy and respected. That means if something is wrong or worrying you, we want to know.

You can always talk to us – even if it feels like a small thing.

What can you tell us about?

You can talk to us if:

- Someone is being unkind or unfair
- You feel scared, hurt, or unsafe
- You see something that doesn't feel right
- You're upset about something that happened
- You think someone broke a rule or didn't do the right thing

Who can you talk to?

You can talk to any grown-up you trust – like your educator, the person who runs your room, or another staff member

You can also:

- Ask a friend to come with you
- Write it down or draw a picture
- Ask an adult you trust (like your parent or carer) to help you tell us

What will happen?

- We will listen carefully to you
- We will take what you say seriously
- We will do our best to help and make things better
- We will keep what you say private, unless we need to tell someone else to help keep you or others safe

You can always ask questions or check what's happening.

You won't get in trouble

It's always okay to tell us if something feels wrong. You won't get in trouble for speaking up – even if you're not sure.

We are here to listen, support and help you.

Your voice matters. If something is wrong – tell a trusted adult. We care about your safety and your feelings.