

The Education and Care Services National Regulations require approved providers to ensure their services have policies and procedures in place for dealing with complaints.

Our Dealing with Complaints Policy is child focused and means our children, educators, management, coordinators, other staff, families/carers, and the community can be confident that complaints and grievances are taken seriously and investigated promptly, fairly and thoroughly.

A culture of open communication, in which the Approved Provider, educators, staff, students, volunteers and families are able to comment on the Service's practices and influence management decisions allows the Approved Provider to become aware of potential concerns before they turn into formal grievances and complaints and is an efficient way to consider and act on feedback from families and inform quality improvement (NQS QA 7.1.2).

Educators, staff, students, volunteers, children and families have the right to have legitimate complaints or grievances effectively investigated and resolved. Educators discuss with children regularly about how they are able to communicate any concerns or complaints that a child has, to a trusted adult as part of our commitment to the Child Safe Standards.

Complaints

The Regulatory Authority must receive and investigate complaints arising under National Law and National Regulations (section 260).

The Approved Provider's responsibilities in relation to serious incidents and complaints include:

The Approved Provider must display the name and telephone number of the person at the education and care service to whom complaints may be addressed (regulation 173(2)(b)); display the contact details of the Regulatory Authority (regulation 173(2)(e)); develop policies and procedures in relation to dealing with complaints (regulation 168(2)(o)) & notify the Regulatory Authority of serious incidents and any complaints which allege a breach of legislation (Section 174(2)(a) and (b), regulation 12).

The Approved Provider must notify the Regulatory Authority 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 (section 174).

From 1 January 2019 under the Reportable Conduct Scheme any incident or allegations of physical and/or sexual abuse has occurred or is occurring at the service by a person over the age of 18 must also be reported to the Commission for Children and Young People (CCYP) and Police.

The Approved Provider or Nominated Supervisor is required to respond to deal with, and respond to complaints in a confidential, effective, and timely way.

From the 1st September 2025 Approved providers must notify the Regulatory Authority of any allegations or incidents of physical or sexual abuse within 24 hours.

ACECQA provides a National Decision Tree which assists Approved Providers to decide whether a notification is required and the timeframe in which that notification should be made.

Serious Incident and emergency

Changes have been made to the definitions of 'serious incident' and 'emergency' for notification purposes to regulatory authorities. Serious incidents include:

- The death of a child at the service or following an incident occurring at the service.
- Any incident involving serious injury or trauma to a child at the service which a reasonable person would consider required urgent medical attention or where the child attended or ought to have attended a hospital.
- Any incident involving serious illness of a child at the service, where the child attended or ought to have attended a hospital.
- Any emergency for which emergency services attended.
- Any circumstances where a child:
 - appears to be missing from the service or cannot be accounted for.
 - appears to have been taken or removed from the service premises in a manner that contravenes the National Regulations or CS Regulations.
 - is mistakenly locked in or out of the service premises or any part of the premises.
- Any incident or allegations of physical and/or sexual abuse has occurred or is occurring at the service.

An emergency is defined as an incident, situation or event where there is an imminent or severe risk to the health, safety and wellbeing of any person present at a service.

There is a summary of all notifications and timeframes on the Department of Education website

https://www.education.vic.gov.au/childhood/providers/regulation/Pages/incidents_complaints.aspx#link15 as at 12/09/25.

Notification of serious incidents and complaints to the Regulatory Authority

The Regulatory Authority must be notified of a serious incident (section 174(2)(a)) or complaint (section 174(2)(b)) in writing as soon as practicable but within 24 hours of the incident or complaint using the NQAits portal via the ACECQA website.

From 1 January 2019 under the Reportable Conduct Scheme any incident or allegations of physical and/or sexual abuse has occurred or is occurring at the service by a person over the age of 18 must also be reported to the Commission for Children and Young People (CCYP) and Police.

Which notifications must be investigated?

Notifications of serious incidents and complaints, that allege the safety, health or wellbeing of a child or children was or is being compromised while that child or children is or are being educated and cared for by the approved education and care service and/or the National Law and/or National Regulations may have been contravened, will be investigated by the Regulatory Authority.

The Regulatory Authority in Victoria

The Department of Education, Quality Assessment and Regulation Division can be contacted on 1300 307415 or by email at licensed.childrens.services@education.vic.gov.au

Procedure

Parents/guardian or any other person with a complaint can enter the service at any time during operational hours to talk to staff about your concerns, ask to see written complaints policy and procedures or any other relevant policy or alternatively lodge a complaint in writing. Refer Dealing with Complaints Policy.

- If you feel that your concerns have not been met, you can contact the Regulatory Authority. Contact details are provided in the foyer of each service and in this policy.
- The Approved Provider may use their discretion to determine whether an educator or staff member should be informed of a verbal or written complaint against them.
- Where a verbal or written complaint is deemed to be a concern in relation to the health and safety of children the Approved Provider has the responsibility to investigate the matter even if the complainant does not want to take it any further.
- If there is a trend or pattern of complaints, formal or informal, against an educator or staff member an investigation will be carried out.
- Formal complaints are written complaints received by the Service about the Service. Formal complaints must be in writing, clearly identifying the problem and all relevant details, and signed by the person making the complaint. Formal complaints will be treated as confidential where possible.
- If the complainant is not happy with the outcome of a verbal complaint, a formal complaint may be lodged.
- Complaints that appear serious in nature that relate directly to a child's health, safety and/or wellbeing or relate to the Service's Child Protection Policy; Child Safe Environment/Child Safety & Wellbeing/Child Safe Standards Policy; Mobile Phone & Personal Device Policy; Technology and Online Safety Policy; Tobacco, Vaping, Drug and Alcohol-Free Policy; Record Keeping and Retention, Confidentiality/Privacy/Sharing Information; Fraud Prevention/Risk Management and/or Conflict of Interest Policies may be considered formal Complaints by the Approved Provider and the process for formal complaints should be followed.
- Investigation of complaints will be carried out by the appropriate officer, with all results and outcomes registered on the confidential complaints file.
- Relevant parties will be informed of outcomes.

References:

Australian Children's Education & Care Quality Authority National Quality Standard
Education and Care Services National Act 2010 & Regulations 2011