



Dealing With Complaints

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Policy Statement

SHARE welcomes complaints as opportunities to strengthen quality and keep children safe. We commit to a child-focused, culturally safe, fair and timely process where concerns are listened to, taken seriously and responded to within our stated timeframes. Anyone may raise a complaint (including children) in any form or channel, including in person, in writing, via OWNA or other digital platforms, through a third party, or anonymously [via our website](#). The Service will prioritise children's immediate safety, communicate clearly with complainants, maintain privacy on a need-to-know basis, and ensure procedural fairness for all parties. We meet all legal obligations and use complaints and disclosures to inform continuous improvement and our Quality Improvement Plan.

Definitions

Complaint

An expression of dissatisfaction about SHARE OOSH where a response or action is expected. A complaint can be made verbally or in writing, including by email, OWNA, phone, in person, letter or through another person. Children can make complaints in any way they can communicate, including by speaking, drawing, writing, behaviour or asking a trusted adult to help.

General complaint

A complaint that does not suggest a child is unsafe, that a serious incident has occurred, or that the National Law or Regulations has been contravened. These may include communication, administration, program, booking or general service concerns.

Reportable complaint

A complaint that must be notified to the NSW Early Learning Commission within 24 hours because it alleges that a child's health, safety or wellbeing has been compromised, or that the service has not complied with the National Law or Regulations.

Child-safety complaint

A complaint, concern, disclosure or allegation that indicates a child may have been harmed, may be at risk of harm, or may not have been adequately protected from harm while attending the service.

This may include concerns about abuse, neglect, inappropriate conduct, inadequate supervision that created a risk to a child's safety, unsafe environments, harmful sexual behaviour, or a serious failure to respond to a child's safety needs.

A complaint is not automatically a child-safety complaint simply because it involves a child. Routine peer conflict, everyday behaviour incidents, minor injuries, programming concerns, or general dissatisfaction with service decisions will usually be managed as general complaints unless the information suggests a risk of harm, a serious incident, or a possible breach of the National Law or Regulations.

Complaints Contact	The person whose name and telephone number are displayed at the service as the contact person for complaints.
Approved Provider	The entity that holds Provider Approval under the Education and Care Services National Law and has ultimate legal responsibility for the operation and governance of the Service.
Harmful sexual behaviours	Sexual behaviours by a child that may be unsafe, coercive, developmentally inappropriate, persistent, harmful to the child or harmful to another child. Complaints about harmful sexual behaviours are treated as child safety complaints.
Nominated Supervisor	A person with day-to-day responsibility for the Service who has been nominated by the Approved Provider and approved by the Regulatory Authority under the National Law.
Regulatory Authority (NSW Early Learning Commission)	The independent NSW regulator responsible for monitoring and enforcing compliance with the Education and Care Services National Law and Regulations for education and care services.
Responsible Person	The person in day-to-day charge of the Service in accordance with the National Regulations, including the Nominated Supervisor or a person placed in day-to-day charge.
Serious incident	An incident that meets the definition of a serious incident under Regulation 12 of the Education and Care Services National Regulations and must be notified to the Regulatory Authority.

National Quality Standard (NQS)

QUALITY AREA 2: CHILDREN'S HEALTH AND SAFETY

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
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QUALITY AREA 5: RELATIONSHIPS WITH CHILDREN

5.1.1	Positive educator to child interactions	Responsive 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 are maintained

QUALITY AREA 6: PARTNERSHIPS WITH FAMILIES AND COMMUNITIES

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

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

Legislative And Regulatory References

EDUCATION AND CARE SERVICES NATIONAL LAW

2A	Paramount consideration – safety, rights and best interests of children
3A	Paramount consideration
5AA	Meaning of inappropriate conduct
166A	Offence to subject child to inappropriate conduct Offences relating to inappropriate conduct
172	Offence to fail to display prescribed information
174	Offence to fail to notify certain information to Regulatory Authority
EDUCATION AND CARE SERVICES NATIONAL REGULATIONS	
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
155	Interactions with children
156	Relationships in groups
157	Access for parents
168	Education and care service must have policies and procedures
170	Policies and procedures to 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 other than a family day care service
175	Prescribed information to be notified to Regulatory Authority
176	Time to notify certain information to Regulatory Authority
181	Confidentiality of records kept by approved provider
182	Confidentiality of records kept by family day care service
183	Storage of records and other documents

Related Policies

- Behaviour Guidance
- Child Safe
- Child Safe Reporting
- Communication with Families
- Confidentiality
- Digital Technologies and Online Environments
- Governance & Management
- Incident, Injury, Illness & Trauma
- Interactions with Children
- Providing a Child Safe Environment
- Safe Use of Digital Technologies and Online Environments
- Staffing / HR policies where relevant

Purpose

This policy sets out a clear and practical process for receiving and managing complaints about SHARE OOSH. It is intended to meet the service's obligations under the Education and Care Services National Law and Regulations.

This policy should be read with the Child Safeguarding and Professional Conduct Policy, Child Safe Reporting Policy, Providing a Child Safe Environment Policy, Incident, Injury, Trauma and Illness Policy, Behaviour Guidance Policy, Communication with Families Policy, Confidentiality Policy and Governance and Management Policy.

Scope

This policy applies to complaints made by children, families, staff, volunteers, students, visitors or community members about SHARE OOSH, its program, practices, decisions, communication, safety, administration or the conduct of people at the service.

This policy is not the internal staff grievance or HR process. Employment concerns, performance management, workplace conduct and industrial matters are managed under SHARE OOSH's employment, HR and governance processes. However, if an employment-related matter also raises a concern about child safety, inappropriate conduct, reportable conduct, a serious incident or a possible breach of the National Law or Regulations, the reporting and child-safety steps in this policy and the Child Safe Reporting Policy still apply.

Guiding Principles

SHARE OOSH is guided by the following principles when managing complaints:

- **Children's safety comes first** – The safety, rights and best interests of children are the first priority when receiving, assessing and responding to complaints.
- **Complaints are taken seriously** – Complaints, concerns and disclosures are listened to respectfully, recorded appropriately, and responded to in a fair and timely way.
- **Accessible and child-focused** – Children, families and community members are supported to raise concerns in a way that feels safe and appropriate for them.
- **Privacy and fairness** – Information is handled confidentially and shared only with people who need to know. People involved in a complaint are treated fairly and given an opportunity to be heard where appropriate.
- **Continuous improvement** – Complaints and feedback are used to identify risks, improve practice, and strengthen the quality and safety of the service.

Procedures

1. Receive the complaint

The person receiving the complaint will:

- listen calmly and respectfully
- thank the person for raising the concern
- avoid arguing, blaming or making promises about the outcome
- tell the Responsible Person or Nominated Supervisor as soon as practicable, and immediately if the complaint involves child safety
- record the key details by completing the *Complaint Intake Form*.

If a child raises a complaint or disclosure, the adult will use simple, calm language, avoid leading questions, not promise secrecy, and tell the Responsible Person or Nominated Supervisor immediately.

If the complaint relates to child safety, harm, inappropriate conduct, a serious incident, or a possible breach of the National Law or Regulations, the staff member must notify the Nominated Supervisor or Responsible Person immediately.

2. Record the complaint

The Nominated Supervisor will ensure the complaint is recorded in the Complaints Register.

Where a complaint is received by an educator, Responsible Person or other staff member, they must record the key details using the *Complaint Intake Form* and provide this to the Nominated Supervisor as soon as practicable.

The *Complaint Intake Form* is used to capture relevant information at the time the complaint is received. It does not replace the Complaints Register and does not require the staff member receiving the complaint to investigate, resolve or determine the outcome of the matter.

3. Assess immediate safety and reportability

The Responsible Person or Nominated Supervisor will assess the complaint promptly. If there is any possible immediate risk to a child, reasonable safety steps will be put in place straight away. Depending on the circumstances, this may include first aid, increased supervision, separating children, changing staff positioning, contacting parents, contacting emergency services or escalating under the Child Safe Reporting Policy.

The Nominated Supervisor or Responsible Person will check whether the complaint is reportable. If unsure, SHARE OOSH will contact the NSW Early Learning Commission for advice rather than delaying the decision.

A complaint must be treated as reportable if it alleges any of the following:

- a serious incident has occurred or is occurring while a child is being educated and cared for by the service
- the National Law or Regulations have been contravened
- the service has not complied with the National Law or Regulations
- a child's health, safety or wellbeing has been compromised
- physical or sexual abuse of a child has occurred, is occurring, or is alleged to have occurred while the child is being educated and cared for by the service.

4. Notify where required

The Nominated Supervisor, Approved Provider or Responsible Person will assess whether the complaint is a notifiable complaint.

A complaint must be notified to the Regulatory Authority within 24 hours if it alleges that a serious incident has occurred while a child was being educated and cared for by the service or alleges that the National Law or Regulations have been contravened.

Where the Nominated Supervisor is not available, the Responsible Person may submit the notification through the NQA ITS to ensure the required timeframe is met.

If a Responsible Person submits a notification through the NQA ITS, they must notify the Nominated Supervisor immediately and provide the notification reference number, the time and date submitted, and a brief summary of the information included in the notification.

The Nominated Supervisor will ensure the notification is recorded in the Complaints Register and that any required follow-up action is completed.

5. Respond and resolve

The response should match the seriousness and complexity of the complaint. Not every complaint requires a formal investigation, meeting, written report or committee-level review. Possible responses include:

- a same-day discussion or explanation
- correction of an administrative error
- apology or acknowledgement where appropriate
- change to a communication process
- review of a decision
- supervision or environmental adjustments
- discussion with educators or children, where appropriate
- a more formal investigation where facts are disputed, the matter is serious, or a child safety concern is raised.

SHARE OOSH will keep the complainant reasonably informed. For child safety complaints, contact will occur as soon as practicable. For general complaints, acknowledgement should occur as soon as practicable and generally within 5 business days.

Where a written outcome is appropriate, it should summarise the issue, the response, any action taken and any further options available. SHARE OOSH will not disclose personal information about another child, family member, staff member or complainant unless legally permitted or required.

6. Close and review

A complaint may be closed when immediate risks have been addressed, required notifications have been made, reasonable enquiries or actions are complete, and the complainant has been informed of the outcome where contact details are available.

The Nominated Supervisor will review complaint records periodically and after any reportable complaint to identify any patterns, risks or service improvements. Improvements will be added to the Quality Improvement Plan where there is a meaningful systemic issue or improvement action.

Children's Safety, Rights and Best Interests in Complaint Handling

SHARE OOSH manages complaints in a way that prioritises the safety, rights and best interests of children.

This means that when a complaint is received, the service will consider whether the matter raises any concern about a child's safety, wellbeing, supervision, rights, or protection from harm. Where a complaint suggests a child may be unsafe, harmed, at risk of harm, or affected by inappropriate conduct, the matter will be escalated promptly and managed in line with this policy and the Child Safe Reporting Policy.

Children may raise concerns in ways that are appropriate to their age and communication style, including by speaking to an educator, writing or drawing their concern, using the suggestion box, or asking a parent/carer or trusted adult to help them. Not every concern raised by a child will be managed as a formal complaint. Everyday concerns, preferences, minor disagreements or routine play issues may be responded to through normal educator support and program practice.

All complaints will be managed in a way that protects children's privacy, reduces further distress where possible, and ensures children are not placed at further risk because a complaint has been made.

Complaints Involving Harmful Sexual Behaviours

A complaint alleging that a child is exhibiting harmful sexual behaviours is managed as a child safety complaint. SHARE OOSH will respond in a calm, developmentally informed and privacy-conscious way. The first priorities are safety, supervision, support and reporting, not blame or labelling.

The Responsible Person or Nominated Supervisor will:

- take immediate steps to keep children safe
- record the complaint and any child's words as accurately as possible
- limit information sharing to people who need to know
- communicate with families about their own child only
- check whether the matter is reportable to the NSW Early Learning Commission within 24 hours
- follow the Child Safe Reporting Policy for child protection, police or other external reporting thresholds
- consider any behaviour support, supervision or environmental changes needed after the immediate response.

Roles and Responsibilities

ROLE	RESPONSIBLE FOR
Approved Provider	• Ensure this policy is in place, available, and followed. • Ensure the name and telephone number of the complaints contact is clearly displayed at the service. • Ensure the Regulatory Authority contact details are displayed at the service. • Support the Nominated Supervisor to manage complaints appropriately. • Ensure notifiable complaints are submitted to the Regulatory Authority within required timeframes. • Review serious, complex or unresolved complaints where required. • Consider complaint themes as part of governance, risk management and continuous improvement.
Nominated Supervisor	• Manage the service's complaints process day to day. • Receive, assess and respond to complaints. • Record complaints in the Complaints Register. • Review Complaint Intake Forms completed by staff. • Determine whether a complaint is notifiable or escalate this decision to the Approved Provider where needed. • Submit notifications to the Regulatory Authority where required. • Ensure any immediate child safety risks are responded to promptly. • Communicate with families and complainants as appropriate. • Maintain confidentiality and procedural fairness. • Ensure complaint records are stored securely.
Responsible Persons	• Receive complaints respectfully when the Nominated Supervisor is not available. • Complete a <i>Complaint Intake Form</i> when a complaint is received. • Notify the Nominated Supervisor as soon as practicable. • Take immediate steps to protect children's safety where required. • Where necessary, submit a notification through the NQA ITS to ensure the 24-hour timeframe is met. • If a notification is submitted, immediately provide the Nominated Supervisor with the reference number, date and time submitted, and a brief summary of the notification. • Maintain confidentiality and only share information on a need-to-know basis. • Do not investigate or determine the outcome of a complaint unless directed by the Nominated Supervisor or Approved Provider.

Educators and Staff	• Listen respectfully if a complaint or concern is raised. • Do not dismiss, debate or attempt to immediately resolve serious concerns. • Complete a <i>Complaint Intake Form</i> if they receive a complaint. • Provide the form to the Nominated Supervisor or Responsible Person as soon as practicable. • Immediately escalate concerns involving child safety, harm, inappropriate conduct, serious incidents, harmful sexual behaviour, or possible breaches of the National Law or Regulations. • Follow any immediate safety directions given by the Nominated Supervisor or Responsible Person. • Maintain confidentiality. • Do not investigate, contact other families, or promise a particular outcome.
Families, Children and Complainants	• May raise complaints, concerns, suggestions or feedback with the service. • May make a complaint verbally, in writing, through OWNA, by email, in person, or anonymously. • Are encouraged to provide relevant details, including what happened, when and where it occurred, who was involved, and what outcome they are seeking. • Are expected to communicate respectfully with staff and other families. • Must not independently investigate incidents involving other children or families. • Must respect the privacy of children, families and staff involved in the complaint process.
Students/Volunteers	• Report any complaint, concern or disclosure to the Nominated Supervisor or Responsible Person immediately. • Support children to speak with a trusted educator if they raise a concern. • Maintain confidentiality. • Do not investigate, respond to, or attempt to resolve complaints independently.

Confidentiality and Records

Complaint records will be stored securely and accessed only by people who need the information to respond, meet legal obligations or support child safety. Personal information will not be shared with other families or staff unless necessary, lawful and appropriate.

Where a complaint relates to an incident, injury, trauma, illness, child protection matter, reportable conduct matter or other regulated record, the relevant recordkeeping requirements in the associated policy also apply.

Induction, Communication and Review

Staff, students and volunteers will be introduced to this policy during induction at a level relevant to their role. Refresher information will be provided when the policy changes or after a significant complaint if practice gaps are identified.

Families will be told how to make a complaint through enrolment information, service communication, the family handbook or noticeboard information. The service will display the Complaints Contact name and telephone number and the NSW Early Learning Commission contact details.

Review

This policy will be reviewed at least every two years, or earlier if:

- legislation/regulation changes,
- incidents highlight gaps in practice, or
- sector guidance recommends amendments.

Families will be given at least 14 days' notice before a significant change to this policy where required, unless delaying the change would pose a risk to children.

Appendix

Appendix A - First response when a child raises a concern

Use calm, simple language. The aim is to listen and keep the child safe, not to investigate.

Do	Avoid
• Thank the child: <i>"Thank you for telling me."</i> • Check immediate safety: <i>"Are you safe right now?"</i> • Be honest: <i>"I need to tell the person in charge so we can help keep you safe."</i> • Use open prompts: <i>"Can you tell me what happened?"</i> • Record key words as accurately as possible. • Tell the Responsible Person or Nominated Supervisor immediately.	• Do not promise secrecy. • Do not ask leading questions. • Do not investigate or confront another person. • Do not make the child repeat the story to multiple people. • Do not share information with people who do not need to know.

Appendix B - How to make a complaint at SHARE OOSH

We want to hear from you if something does not feel right. Complaints help us keep children safe and improve the service.

Who can complain?	Children, families, staff, volunteers, students, visitors or community members.
How can I complain?	In person, by phone, email, OWNA, letter, anonymously, through another person, or by speaking with an educator you trust.
What should I include?	What happened, who was involved, when and where it happened, and how we can contact you if you want a response.
What if it is about child safety?	Tell us immediately. We will take immediate steps to keep children safe and will make required reports.
Who can I contact?	• Complaints Contact: displayed at the service • Email: care@shareoosh.com.au • Phone: (02) 9799 7393 • Anonymously via our website
External contact	NSW Early Learning Commission: 1800 619 113 or information@earlylearningcommission.nsw.gov.au .
Who can complain?	Children, families, staff, volunteers, students, visitors or community members.