



COMPLAINTS AND GRIEVANCES POLICY

POLICY STATEMENT

Our OOSH service is committed to providing a safe, respectful, inclusive, and supportive environment for children, families, educators, and visitors. We recognise the importance of open communication and encourage all members of our community to raise concerns, complaints, or grievances in a constructive and respectful manner.

We are committed to ensuring that all grievances are managed fairly, promptly, confidentially, and in accordance with our service policies, the principles of natural justice, and relevant legislation and regulations. All parties involved will be treated with respect and without fear of discrimination, victimisation, or retaliation.

Our service aims to resolve concerns at the earliest opportunity through clear communication, collaboration, and positive problem-solving practices. Where required, grievances will be documented, investigated appropriately, and outcomes communicated to relevant parties.

We value feedback as an opportunity for continuous improvement and to strengthen the quality of care and relationships within our COOSC community.

PROCEDURE

We aim to investigate all complaints and grievances with a high standard of equity and fairness. We believe in team collaboration to ensure a safe, healthy and harmonious work environment.

We will ensure that all persons making a complaint are guided by the following policy values:

- Procedural fairness and natural justice.
- Code of ethics and conduct.
- Culture free from discrimination and harassment.
- Transparent policies and procedures.
- Opportunities for further investigation.
- Adhering to our service philosophy.

Our service believes in procedural fairness and natural justice that govern the strategies and practices, which include:

- The right to be heard fairly.
- The right to an unbiased decision made by an objective decision maker.
- The right to make the decision based on relevant evidence.

Grievances can transpire in any workplace. Handling them appropriately is imperative for sustaining a safe, healthy, harmonious and productive work environment. The Grievance Policy ensures that all persons are presented with procedures that:



- Value the opportunity to be heard.
- Promote conflict resolution.
- Encourage the development of harmonious partnerships.
- Ensure that conflicts and grievances are mediated fairly.
- Are transparent and equitable.

Definitions

Complaint: An issue of a negligible nature that can be resolved within 24 hours and does not require a comprehensive investigation. Complaints include a manifestation of discontentment, such as poor service, and any verbal or written complaint directly related to the Centre (including general and notifiable complaints). Complaints do not include staff, industrial or employment matters, occupational health and safety matters (except associated with the safety of children).

Complaints and Grievances Register: Records information about complaints and grievances received at the centre, along with the outcomes. This register must be kept in a secure file, accessible only to educators and the **NSW Early Learning Commission**. The register can provide valuable information to the Approved Provider and Nominated Supervisor of the service to ensure children and family's needs are being met.

Grievance: A grievance is a formal statement of complaint that cannot be addressed immediately and involves matters of a more serious nature. For example: If the service is in breach of a regulation causing injury or possible harm to a child.

Mediator: A person who attempts to make people involved in a conflict come to an agreement.

Mediation: An attempt to bring about a peaceful settlement or compromise between disputants through the objective intervention of a neutral party.

Notifiable complaint: A complaint that alleges a breach of the Regulation and Law, National Quality Standards or alleges that the health, safety or wellbeing of a child at the service may have been compromised. Any complaint of this nature must be reported by the Approved Provider or Nominated Supervisor to the **NSW Early Learning Commission** within 24 hours of the complaint being made. If the Director is unsure whether the matter is a notifiable complaint, it is good practice to contact **NSW Early Learning Commission** for confirmation. Written reports must include:

- Details of the event or incident.
- The name of the person who initially made the complaint.
- If appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant).
- Contact details of a nominated member of the Grievances Subcommittee.
- Any other relevant information.

Written notification of complaints must be submitted using the appropriate forms, which can be found on the ACECQA website: www.acecqa.gov.au and logged using NQA ITS (National Quality Agenda IT System).

Serious incident: An incident resulting in the death of a child, or an injury, trauma or illness for which the attention of a registered medical practitioner, emergency services or hospital is sought or should have been sought. This also includes an incident in which a child appears to be missing, cannot be accounted for, is removed from the centre in contravention of the Regulations or is mistakenly locked in/out of the centre premises. A serious incident should be documented in an Incident, Injury, Trauma and Illness Record (sample form available on the ACECQA website) as soon as possible and within 24 hours of the incident.



The Regulatory Authority must be notified within 24 hours of a serious incident occurring at the centre as per the regulations. Records are required to be retained for the periods specified in the Regulation.

We acknowledge that conflict is a natural part of the work environment. It is important that all conflict is resolved. Unresolved conflict can lead to; tension, stress, low productivity, bitter relationships, excess time off, ill health, anxiety and many other destructive emotions. When conflict is addressed and handled constructively the outcomes are feelings of; relaxation, openness, high productivity, vitality, good health, empowerment, a sense of achievement etc.

Positive communication between educators is vital to the smooth running of the Service and to ensure a positive environment for children. Educators are expected to treat other educators with respect, accept differences and share ideas. It is every staff member's responsibility to contribute to the development of an open, healthy and constructive work environment. All grievances, whether considered minor or not, are to

Grievance Management

All grievances and complaints will be addressed promptly, professionally, fairly, and confidentially. Our service is committed to ensuring all parties feel heard, respected, and supported throughout the process.

Privacy and Confidentiality

Management and educators will maintain privacy and confidentiality throughout the grievance process, with information shared only where necessary and appropriate.

Conflict of Interest

All complaints will be managed through an unbiased and fair process. Where a conflict of interest exists involving the Approved Provider, Nominated Supervisor, or Management, an alternative mediator will be appointed. The service may also engage an independent conflict resolution service where required. All parties are expected to adhere to the service's Code of Conduct throughout the process.

Responsibilities of the Approved Provider/Nominated Supervisor

The Approved Provider and/or Nominated Supervisor will:

- Treat all grievances seriously and as a priority.
- Review the Complaints and Grievances Policy annually in consultation with the committee.
- Ensure contact details for lodging complaints are clearly displayed within the service.
- Ensure policies and relevant resources are accessible to staff, volunteers, visitors, and families.
- Encourage informal resolution through open communication where appropriate.
- Ensure procedural fairness and natural justice are upheld.
- Discuss concerns with the complainant within 24 hours of receiving the complaint where possible.
- Investigate all complaints fairly, impartially, and confidentially.
- Provide all affected parties with the opportunity to respond and have a support person present if requested.
- Provide written outcomes of investigations to relevant parties within 7 working days where possible.
- Maintain accurate records of complaints, investigations, and outcomes in accordance with privacy and record-keeping requirements.
- Notify the relevant Regulatory Authority within 24 hours where required under the Education and Care Services National Law, including matters involving allegations of abuse, harm, or risk to a child's safety, health, or wellbeing.



- Ensure a child-safe approach is maintained when managing complaints involving children or young people.
- Protect all parties from victimisation, bullying, or retaliation.
- Monitor ongoing behaviour and provide support where necessary.
- Seek feedback on the grievance process and monitor complaints to identify recurring issues and opportunities for improvement.

Responsibilities of Educators

Educators will:

- Act professionally and consider the impact of their actions when managing workplace concerns or grievances.
- Work collaboratively to resolve issues constructively and develop strategies to prevent recurrence.
- Ensure discussions remain private, confidential, respectful, and do not involve unrelated staff, volunteers, visitors, or families.
- Document verbal complaints or grievances and provide records to the Nominated Supervisor
- Raise concerns with the Approved Provider, Management, or Nominated Supervisor where they are unable to resolve the issue directly or feel uncomfortable doing so.
- Provide clear and relevant information regarding the grievance, including any parties involved and possible solutions.
- Communicate openly and respectfully throughout the process.
- Report any suspected unlawful activity, including bullying, immediately and privately to Management.
- Maintain confidentiality and professionalism at all times.

Management of Complaints Involving Harmful Sexual Behaviour (Including Self-Directed Behaviour)

Where a complaint, disclosure, or concern involves a child engaging in **harmful sexual behaviour towards another child or towards themselves**, the service will respond immediately in line with child safety, protection, and wellbeing obligations.

The safety and wellbeing of the child and all other children will be the primary consideration.

Definition and scope

Harmful sexual behaviour may include:

- Sexualised behaviour that is not developmentally appropriate
- Behaviour involving another child
- Behaviour directed towards themselves that raises concerns about safety, development, trauma, or exposure to sexual content
- Repeated or compulsive behaviours that impact the child's safety or wellbeing

The service recognises that such behaviours may be an indicator of:

- exposure to inappropriate content or experiences
- unmet emotional or developmental needs
- trauma or safeguarding concerns

- Ensure immediate safety and supervision of all children involved.
- Where appropriate, discreetly redirect the child and provide calm supervision without shaming or punishment.
- Do not interrogate or conduct investigative questioning of the child.

Recording and internal reporting

- Record observations factually, including:
 - what was seen or reported
 - context and location
 - language used by the child (where relevant)
- Report immediately to the Nominated Supervisor or Responsible Person.

Risk assessment and escalation

The Nominated Supervisor will assess the level of risk and determine whether escalation is required to:

- Child Protection authorities (mandatory reporting obligations where there is suspected risk of harm), and/or
- NSW Police (if there is immediate danger or criminal concern)

Where required, the service will follow mandatory reporting obligations under child protection legislation.

Family communication

- Families will be informed in a timely and sensitive manner where appropriate, unless doing so may place the child at further risk or is directed otherwise by authorities.
- Communication will be factual, non-judgemental, and focused on child wellbeing.

Support for the child

The service will respond in a supportive and developmentally appropriate way, which may include:

- increased supervision or adjustment of routines
- referral to appropriate support services (where applicable)
- collaboration with families and external agencies when required
- ensuring the child is not labelled, blamed, or shamed

Confidentiality

All information will be treated as confidential and only shared with authorised personnel and relevant agencies on a need-to-know basis.

Service review and prevention

Following any incident, the service will review:

- supervision levels and ratios in relevant spaces
- environmental risks (blind spots, access to private areas)
- staff awareness and training needs
- child safety education and protective behaviours programming



Where there are reasonable grounds to suspect a child is at risk of significant harm, the service will report to the NSW Department of Communities and Justice (Child Protection Helpline).

Where there is immediate danger or a serious offence may have occurred, NSW Police will be contacted.

Where the matter relates to regulatory compliance or reportable conduct involving an employee, the NSW Early Learning Commission will also be notified as required.

Grievance Resolution Process

Where a grievance cannot be resolved informally, the following process will apply:

1. The aggrieved person will contact the Nominated Supervisor who will act as mediator. The mediator will:
 - Meet with the parties involved to clarify the concerns and gather relevant information.
 - Ensure the process reflects a child-safe approach.
 - Discuss possible options and support the development of an action plan.
2. If the grievance involves the Nominated Supervisor, the matter will be moved to the Committee President.
3. If the matter remains unresolved, the mediator will provide a report to the next level of management outlining:
 - The nature of the grievance
 - Actions taken to date
 - Proposed solutions
 - Recommended actions or outcomes
4. Where a resolution is reached, the mediator will document:
 - The nature of the grievance
 - The agreed resolution
 - The action plan and any review timeframe required

Grievance Procedures

Harmonious staff relations within the Service largely depend on staff feeling satisfied that their professionalism is being acknowledged by their involvement in appropriate decision-making processes. The quality of industrial relations is likely to be substantially better in a workplace if the decision-making processes adopted, permit staff to have input into decisions, which affect the nature and quality of their professional work.

Management and staff within the organisation will work together to develop and implement appropriate strategies to facilitate consultative and collaborative decision-making processes within the workplace. Where staff feel these processes have failed and are in conflict with decisions made by Management, including the Board, the following procedures are to be ensued:

- The aggrieved person(s) is/are to discuss the grievance with their immediate supervisor.
- The supervisor is to report to the Nominated Supervisor/ Licensee of the grievance.
- The Mediator will seek advice as necessary from other sources, (e.g.: unions, Work Cover and funding bodies).
- The Mediator will then advise Management of the possible solutions.

Meetings are to be arranged with the aggrieved person(s) as necessary throughout the process. The outcome of the grievance must be reported to the aggrieved person within a week of the decision.

Grievances are considered resolved when all persons involved agree to a solution, when the cause of the grievance has been removed or resolved, and when arrangements have been made, if appropriate, to repair any damage and distress suffered by the persons involved. Strategies agreed upon by both parties are to be put in place to help avoid further conflict.

Unresolved Conflict

If resolution of the conflict is unsuccessful after all procedures in Grievance Policy have been followed it may then be necessary to take disciplinary action.

Confidentiality

Mediators are to use discretion and to do their utmost to maintain confidentiality. Any breach of this confidentiality could result in a charge of misconduct. However, confidentiality cannot be guaranteed in the following situations: if it is considered that someone is in danger i.e a child at risk of abuse, harm, neglect or ill-treatment, if disciplinary action or criminal investigation might be necessary; or if employer liability might be involved, the relevant agency should be informed. This includes the following relevant authorities, but is not an exhaustive list:

- NSW Police
- NSW Department of Communities and Justice (Child Protection Helpline)
- **NSW Early Learning Commission**
- NSW Office of the Children's (Reportable Conduct Scheme)

No action will be taken against the person about whom a formal complaint is lodged until they are made aware of any allegations so that they may respond.

Support Person

A Staff member (members) is able to nominate a support person to attend any meetings with them. This person may be a union representative. Educators will not:

- Become involved in complaints or grievances that do not concern them.
- Raise complaints with an external complaints body, such as a court or Tribunal, without exhausting our grievance procedures.

Child-Focused Complaint Handling System

- COOSC provides a complaint handling system that is accessible, child-focused, and appropriate to the developmental needs of children attending the service.
- Children are informed of their right to raise concerns, worries, or complaints and are supported to do so in a safe and respectful environment. The complaint process is communicated to children using age-appropriate language and visual supports, including posters, discussions, and simple explanations from educators.
- Children may raise concerns in a variety of ways, including speaking to any trusted educator, the Nominated Supervisor or Responsible Person, or by using child-friendly reporting options such as a suggestion box or written/drawn communication.
- Educators will actively support children to express concerns and will respond in a calm, respectful, and non-judgemental manner. All concerns raised by children will be taken seriously and addressed in accordance with the service's complaint handling procedures.



- The service ensures that children are not subject to any form of reprisal or disadvantage for raising a complaint or concern, and that their voices are valued as part of continuous improvement and child-safe practice.
- The child-focused complaint system is regularly reviewed to ensure it remains meaningful, accessible, and understood by children attending the service.

RELEVANT DOCUMENTS FOR CONSIDERATION

Education and Care Services National Regulations

ACECQA.

Human Rights and Equal Opportunities Commission.

Fair Work Australia.

Confidentiality of Records and Record Keeping Policy

Collaborative Partnerships with Families Policy

Code of Conduct Policy

Ombudsman.

Revised National Quality Standard National Quality Standards

Parent Handbook

Staff Handbook

COOSC Enrolment and orientation information

Complaint management form

Complaint and grievance investigation guide

Complaint and grievance feedback form

NSW Early Learning Commission

Version number	Date effective	Description of amendment
1	March 2016	Changes to procedure
2	April 2017	No Changes
3	June 2018	Changes to wording in accordance with the changes to the National Regulations and COOSC policy
4	April 2020	Changes to wording
5	July 2026	Changes based on breach report

Considered and accepted by the COOSC Committee Representative –

Considered and accepted by the COOSC Team Representative –