

## Dealing With Complaints Policy

### 1) Policy Statement

We welcome each complaint as a means of improving the service and upholding positive relationships between the service and its stakeholders. Everyone has the right to a positive and sympathetic response to their concerns. Solutions are sought to resolve all disputes, issues or concerns in a prompt and positive manner that recognizes the importance of:

- Procedural fairness and natural justice
- Ethical conduct
- A service culture free from discrimination and harassment
- The opportunity for review and further investigation.

### 2) Background

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, families, stakeholders, and the community can be confident that complaints and grievances are taken seriously and are addressed effectively.

### 3) Legislative requirements

NATIONAL QUALITY STANDARD (NQS)		
QUALITY AREA 2: Children's health and safety		
Element 2.2.3	Child protection	Management, educators, and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect.
QUALITY AREA 5: Relationships with children		
Element 5.1	Relationships between educators and children	Respectful and equitable relationships are maintained with each child.
Element 5.1.2	Dignity and rights of the child	The dignity and rights of every child are maintained.
NATIONAL LAW AND NATIONAL REGULATIONS		
Regulation 168	Education and care service must have policies and procedures	
Regulation 176	Time to notify certain information to Regulatory Authority	

### 4) Dealing with Complaints

All complaints will be taken seriously and will follow procedures to document, investigate and be resolved. The service has an obligation to inform the regulatory authority of complaints alleging 'that the safety, health, or wellbeing of a child/children was or is being compromised while that child/children is or are under our care'.

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## Making Complaints

- Complaints may be made directly to , Director or 2IC.
- The person making the complaint should discuss the issue with the relevant staff member, Director or 2IC in the first instance. If there is the need to further action, the issue will be taken to the Nominated Supervisor.
- The complaint will be documented, signed, and kept in a relevant file.
- Management will respond to the person making the complaint to address the concern.
- If the person making the complaint is dissatisfied with the situation, they can request a meeting with Nominated Supervisor to discuss the matter further.
- People wishing to contact the regulatory authority with concerns can access contact details on the Parent Noticeboard or Parent Handbook.

## Addressing and Escalating the Complaint

- Depending on the nature of the complaint:
  1. If the concern or complaint does not get resolved to the satisfaction of the person complaining, the issue will be referred to the Nominated Supervisor.
  2. If the concern or complaint is still not resolved to the satisfaction of the person complaining, the issue will be referred to the OSHC Management Committee or if the concern relates to a breach in Law or Regulation, the issue will be referred to the relevant authorities, external support and investigation may be sought.

## Serious incidents

Under the National Law and Regulations, the approved provider must [notify the regulatory authority](#) within 24hours of becoming aware of any:

- Serious incidents
- Any complaint alleging that:
  - a serious incident has occurred or is occurring at an education and care service, or
  - a National Law and Regulations has been contravened
- Any incident or allegation that physical or sexual abuse of a child or children has occurred or is occurring while the child or children are being educated and cared for by the service.

A serious incident (regulation 12) is defined as any of the following:

- the **death of a child** while being educated and cared for by the service or following an incident while being educated and cared for by the service.
- any **incident involving a serious injury or trauma to a child** while that child is being educated and cared for, which:
  - a reasonable person would consider required urgent medical attention from a registered medical practitioner; or
  - the child attended or ought reasonably to have attended a hospital e.g. broken limb
  - any **incident involving serious illness of a child** while that child is being educated and cared for by a service for which the child attended, or ought reasonably to have attended, **a hospital** e.g. severe asthma attack, seizure or anaphylaxis.
  - Any emergency for which **emergency services** attended  
**NOTE:** This means an incident, situation or event where there is an imminent or severe risk to the health, safety or wellbeing of a person at an education and care service. It does not mean an incident where emergency services attended as a precaution.
  - A child appears to be **missing or cannot be accounted** for at the service.
  - A child appears to have been **taken or removed** from the service in a manner that contravenes the National Regulations.
  - A child is mistakenly **locked in or locked out of the service** premises or any part of the premises.
- When a person makes a complaint of a serious nature the Nominated Supervisor/Director will notify Quality Education & Care NT within 24h of becoming aware.

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- Any complaints that allege the service has contravened the Education and Care Services National Law Act, or have compromised the health, safety, or wellbeing of any child within the service, will be reported as required under the Act. These allegations will be taken seriously, and an immediate resolution will be sought.
- Requirements as stated from: <https://www.acecqa.gov.au/resources/applications/reporting>

## Management of complaints related to sexualised behaviour involving children.

- Providers and educators play an important role in making informed professional judgements regarding sexualised behaviour involving children. Not all sexual behaviour involving children poses a risk to their safety. It may be age-appropriate and expected sexualised behaviour.
- The Traffic Light system enables staff to recognise age-appropriate and inappropriate sexual behaviour to assess sexual behaviour and will be used to guide when and how to respond.

Informed judgements regarding sexualised behaviour help to ensure the health, safety, and wellbeing of children by:

- Supporting healthy sexual development (age-appropriate sexualised behaviour)
- Protecting them from harm or abuse (inappropriate or problem sexualised behaviour).

## 5) Reporting to the Regulatory Authority

A report must be made to Territory Families, or NT Police, if you believe on reasonable grounds that:

- A child has suffered or is likely to suffer harm or exploitation;
- A child aged less than 14 years has been, or is likely to be a victim of a sexual offence;
- A child has been, or is likely to be, a victim of an offence against section 128 of the Criminal Code Act, where a child is under the offenders special care.

Harm is defined as:

- Any significant detrimental effect caused by any act, omission or circumstance on the physical, psychological or emotional development and wellbeing of the child.
- Harm can also be caused by the following:
  - Physical, psychological or emotional abuse or neglect of the child;
  - Sexual abuse or other exploitation of the child;
  - Exposure of the child to physical violence (eg, Domestic violence).

Exploitation is defined as:

- The exploitation of a child includes sexual, and any other forms of exploitation
- Sexual abuse of the child
- Involving the child as a participant or spectator in any of the following:
  - An act of a sexual nature;
  - Prostitution;
  - A pornographic performance.

Mandatory reporting is the legal obligation of professionals and community members to report incidences of child abuse. A report must be made as soon as possible after forming a belief of abuse on reasonable grounds. It is important that staff or management do not undertake any investigation, or unnecessarily question a child if the child Discloses to them. Reasonable grounds refer to the need to have an objective basis for suspecting that a child may be at risk of harm based on:

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- Firsthand observation of the child, young person or family
- What the child, young person, parent, or other person has disclosed
- What can reasonably be inferred based on professional training and/or experience.

## Documentation Before making a report.

The staff member will document the relevant information to provide to the NT Child Protection hotline. This includes:

- Name and date of birth of the child
- Home address of the child, and any known previous addresses of the family
- Current whereabouts of the child
- Names of parents and contact details Organisation Getting Along Confidence Persistence Resilience
- Names of known siblings
- Nature of the abuse or neglect
- Known supports to the child, including extended family
- Details about when and how the staff member became aware of the information

## Disclosure

If a child discloses abuse or neglect, it is important that the staff member remain calm and in control of their feelings, in order to reassure and support the child. The child should be believed, and responded to in a caring and sensitive manner, and be told that the staff member wants to listen and help. The staff member should not make any promises that cannot be kept.

## How to Make a Report

- If there are concerns for the immediate risk and safety of a child, or in an emergency, call the police on 000.
- If there are concerns about children from different family groups, you do not know the name of the child/children, or the concern is about an unborn child, reports must be made to the 24-hour NT Child Abuse/Child Protection Hotline, by using the free-call phone number 1800 700 250, or NT Police on 131444.
- All other reports can be made via the NT Government CARE service online portal by using the following link: <https://careservices.nt.gov.au/web/portal/pages/home>
- Staff must document the incident and inform the Nominated Supervisor of their intention to make a report. The details of the report need to be documented, e.g, date and time, who they spoke to, and any other relevant details.
- If the report relates to the alleged conduct of a staff member, the Nominated Supervisor must be informed. The Nominated Supervisor will inform the School Principal, and the appropriate reporting procedures will be followed (as outlined above). The employee will be suspended without loss of pay, pending an investigation.

## 6) Follow up and Review.

- Each complaint will be viewed as an opportunity for improvement. After the complaint or grievance has been dealt with it will be analyzed to find out how the problem occurred and determine if the service should implement any changes to policy or operational procedures to avoid similar problems in the future.
- Management will follow through to determine that complaints and grievances have been successfully resolved to everyone's satisfaction. Families will be contacted to determine if they are satisfied with the way the issue was resolved, and educators/staff will be consulted about the outcome from an operational viewpoint.

## 7) Source

- [Education and Care Services National Regulations](#). (Amended 2023)
- Policy and procedure guidelines – ACECQA
- Care and Protection of Children Act 2007