

# COMPLIMENTS AND COMPLAINTS

## QUALITY AREA 7

### PURPOSE

This policy will provide guidelines for:

- receiving and dealing with compliments and complaints at Barry Beckett Children’s Centre
- procedures to be followed in investigating complaints.

**Note:** This policy does not address complaints relating to staff grievances or employment matters. The relevant awards provide information on the management of such issues.

### POLICY STATEMENT

#### VALUES

Barry Beckett Children’s Centre is committed to:

- providing an environment of mutual respect and open communication
- recognising excellence and gratitude
- complying with all legislative and statutory requirements
- dealing with disputes, complainants with fairness and equity
- establishing mechanisms to respond to complaints in a timely way
- treating information in relation to complaints with sensitivity.

#### SCOPE

This policy applies to the approved provider, persons with management or control, nominated supervisor, persons in day-to-day charge, early childhood teachers, educators, staff, students, volunteers, parents/guardians, children, and others attending the programs and activities of Barry Beckett Children’s Centre, including during offsite excursions and activities.

RESPONSIBILITIES	Approved provider and persons with management or control	Nominated supervisor and persons in day-to-day charge	Early childhood teachers, educators and all other staff	Families	Contractors, volunteers and students
<b>R</b> indicates legislation requirement, and should not be deleted					
Being familiar with the <i>Education and Care Services National Law Act 2010</i> and the <i>Education and Care Services National Regulations 2011</i> , service policies, constitution, and procedures	<b>R</b>	✓	✓	✓	✓
Acknowledging compliments and thanking complemendor for their interest and feedback	✓	✓			
Saving compliments and sharing with relevant parties	✓	✓			

<b>RESPONSIBILITIES</b>	Approved provider and persons with management or control	Nominated supervisor and persons in day-to-day charge	Early childhood teachers, educators and all other staff	Families	Contractors, volunteers and students
Ensuring that compliments and complaints are monitored and used to continually improve the quality of the service	<b>R</b>	✓			
Identifying, preventing and addressing potential concerns before they become a formal complaint	<b>R</b>	✓	✓		✓
Ensuring that the name and telephone number of the responsible person ( <i>refer to Staffing Policy</i> ) to whom complaints may be addressed are displayed prominently at the main entrance of the service ( <i>National Law: Section 172, Regulation 173(2)b</i> )	<b>R</b>	✓			
Ensuring that the address and telephone number of the Quality Assessment and Regulation Division (QARD) are displayed prominently at the main entrance of the service ( <i>Regulation 173(2)(e)</i> )	<b>R</b>	✓			
Advising parents/guardians and any other new members of Barry Beckett Children's Centre of the <i>Compliments and Complaints policy</i> and procedures upon enrolment	<b>R</b>	✓			
Ensuring complaints are taken seriously, and responded to promptly and thoroughly	<b>R</b>	✓			
Ensuring the complaints process is child focused, understood broadly (including by children, their families, staff and volunteers), culturally safe and compliant with privacy laws, reporting obligations and employment law ( <i>refer to Attachment 1 &amp; 2</i> )	<b>R</b>	✓			
Ensuring educators, staff, volunteers and students are well informed about their child protection responsibilities and reporting and privacy obligations	<b>R</b>	<b>R</b>	✓		✓
Ensuring educators, staff, volunteers and students are well informed about the different ways children express concerns or distress and disclose harm, as well as processes for responding to disclosures from children	<b>R</b>	<b>R</b>	✓		✓
Ensuring that the management of a complaint that alleges a child is exhibiting harmful sexual behaviours is child focused, culturally safe and compliant with privacy laws, reporting obligations and employment law	<b>R</b>	✓			
Ensuring that children have access to age-appropriate information, support and complaints processes in ways that are culturally safe, accessible and easy to understand	<b>R</b>	✓	✓		✓
Ensuring barriers for all children to complain are removed and reasonable adjustments are made to meet their needs.	✓	✓	✓		
Ensuring that this policy is available for inspection at the service at all times ( <i>Regulation 171</i> )	<b>R</b>	✓			

<b>RESPONSIBILITIES</b>	Approved provider and persons with management or control	Nominated supervisor and persons in day-to-day charge	Early childhood teachers, educators and all other staff	Families	Contractors, volunteers and students
Ensuring the complaint-handling system is easily understood by children, families, staff and volunteers and are culturally safe ( <i>refer to Attachment 1 and 4</i> )	✓	✓	✓		
Ensuring there are a various way for children to make complaints are made available based on their feedback about how they prefer to communicate ( <i>refer to Attachment 4</i> )	✓	✓	✓		
Being aware of, and committed to, the principles of communicating and sharing information with service employees, members and volunteers	<b>R</b>	✓			
Responding to all complaints in the most appropriate manner and at the earliest opportunity	<b>R</b>	✓	✓		✓
Treating all complainants fairly and equitably	<b>R</b>	✓	✓		
Discussing minor complaints directly with the party involved as a first step towards resolution (the parties are encouraged to discuss the matter professionally and openly work together to achieve a desired outcome)	<b>R</b>	✓	✓	✓	
Communicating (preferably in writing) any concerns or compliments relating to the management or operation of the service as soon as is practicable		✓	✓	✓	✓
Providing a Complaints Register ( <i>refer to Definitions</i> ) and ensuring that staff record complaints along with outcomes	<b>R</b>	✓			
Providing information as requested by the approved provider e.g. written reports relating to the complaint		✓	✓	✓	✓
Notifying the approved provider if the complaint is a notifiable complaint ( <i>refer to Definitions</i> ) or is unable to be resolved appropriately in a timely manner		✓	✓	✓	✓
Complying with the service's <i>Privacy and Confidentiality Policy</i> at all times ( <i>Regulations 181, 183</i> )	<b>R</b>	✓	✓	✓	✓
Establishing a Complaints Subcommittee or appointing an investigator to investigate and resolve complaints as required as determined through establish processes. ( <i>refer to Attachment 2 &amp; 3</i> )	✓	✓			
Referring notifiable complaints ( <i>refer to Definitions</i> ), or complaints that are unable to be resolved appropriately and in a timely manner to the Complaints Subcommittee/investigator	✓	✓			
Co-operating with requests to meet with the Complaints Subcommittee and/or provide relevant information when requested in relation to complaints	✓	✓	✓	✓	✓

<b>RESPONSIBILITIES</b>	Approved provider and persons with management or control	Nominated supervisor and persons in day-to-day charge	Early childhood teachers, educators and all other staff	Families	Contractors, volunteers and students
Informing DE in writing within 24 hours of any complaints alleging that a serious incident ( <i>refer to Definitions</i> ) has occurred at the service or that the Education and Care Services National Law has been breached ( <i>National Law: Section 174, Regulation 176(2)(b)</i> )	<b>R</b>	<b>R</b>			
Working co-operatively with the approved provider and DE in any investigations related to complaints about Barry Beckett Children’s Centre, its programs or staff.	✓	✓	✓	✓	✓
Receiving recommendations from the Complaints Subcommittee/investigator and taking appropriate action	✓	✓			
Analysing complaints, concerns and safety incidents to identify causes and systemic failures to inform continuous improvement	✓	✓			
Maintaining professionalism and integrity at all times ( <i>refer to Code of Conduct policy</i> )	✓	✓	✓		✓
Regularly reviewing the policy and procedures to ensure serious incidents and complaints are investigated promptly, fairly and thoroughly	✓	✓			
Seeking input from children on the design, implementation and ongoing improvement of the complaint-handling system.	✓	✓	✓		

## BACKGROUND AND LEGISLATION

### BACKGROUND

Compliments are expressions of praise, encouragement or gratitude about service, staff, management and program. Compliments provide valuable feedback about the level of satisfaction with service delivery and are a valuable indicator of the effectiveness of a service. Compliments impart useful insights about the aspects of service that are most meaningful to children, families and stakeholders, and provide an opportunity to recognise the efforts of staff, foster a culture of excellence and boost morale.

Complaints may be received from anyone who comes in contact with Barry Beckett Children’s Centre including parents/guardians, volunteers, students, members of the local community and other agencies.

In most cases, dealing with complaints will be the responsibility of the approved provider. All complaints, when lodged, need to be initially assessed to determine whether they are a general or a notifiable complaint (*refer to Definitions*).

When a complaint has been assessed as 'notifiable', the approved provider must notify Department of Education (DE) of the complaint. The approved provider will investigate the complaint and take any actions deemed necessary, in addition to responding to requests from and assisting with any investigation by DE.

There may be occasions when the complainant reports the complaint directly to DE. If DE then notifies the approved provider about a complaint they have received, the approved provider will still have responsibility for investigating and dealing with the complaint as outlined in this policy, in addition to co-operating with any investigation by DE.

DE will investigate all complaints it receives about a service, where it is alleged that the health, safety or wellbeing of any child within the service may have been compromised, or that there may have been a contravention of the *Education and Care Services National Law Act 2010 and the Education and Care Services National Regulations 2011*.

## LEGISLATION AND STANDARDS

Relevant legislation and standards include but are not limited to:

- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Children, Youth and Families Act 2005 (Vic)
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011
- Information Privacy Act 2000 (Vic)
- National Quality Standard, Quality Area 7: Governance and Leadership
- Privacy Act 1988 (Cth)
- Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)
- Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cth)
- Privacy and Data Protection Act 2014 (Vic)
- Privacy Regulations 2013(Cth)

The most current amendments to listed legislation can be found at:

Victorian Legislation – Victorian Law Today: [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)

Commonwealth Legislation – Federal Register of Legislation: [www.legislation.gov.au](http://www.legislation.gov.au)

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## DEFINITIONS

The terms defined in this section relate specifically to this policy. For regularly used terms e.g. Approved provider, Nominated supervisor, Notifiable complaints, Serious incidents, Duty of care, etc. refer to the Definitions file of the PolicyWorks catalogue.

**Complaint:** (In relation to this policy) a complaint is defined as an expressions of dissatisfaction about the service related to its operations or dealings with an individual; allegations about the conduct of its staff, volunteers, other individuals engaged by the service or another child at an organisation; or the handling of a prior concern.

Complaints do not include staff, industrial or employment matters, occupational health and safety matters (unless related to the safety of the children) and issues related to the legal business entity, such as the incorporated association or co-operative.

**Child-initiated complaint:** a child or young person makes the complaint/brings the issue/concern/allegation to the attention of the service.

**Adult-initiated complaint:** a child or young person's parent, carer or guardian or other adult may make a complaint on behalf of, or that concerns, a child or young person.

**Complaints Register:** (In relation to this policy) records information about complaints received at the service, together with a record of the outcomes. This register must be kept in a secure file, accessible only to educators and responsible persons at the service. The register can provide valuable information to the approved provider on meeting the needs of children and families at the service.

**Compliment:** a compliment is an expression of praise, encouragement or gratitude. It may relate to an individual staff member, a team, the program or the service.

**Dispute resolution procedure:** The method used to resolve complaints, disputes or matters of concern through an agreed resolution process.

**Mediator:** A person (neutral party) who attempts to reconcile differences between disputants.

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

**Notifiable complaints:** A complaint alleging that a serious incident has occurred while the child is educated and cared for or complaints alleging that the Law has been contravened (*National Law: Section 174(2)(b)*). Any complaint of this nature must be reported by the approved provider to DE within 24 hours of the complaint being made.

The approved provider to notify DE within the specified timeframes below (*National Law: Section 174(2) (b)*, *National Regulation 176(2) (b)*)

- serious incidents in writing within 24 hours of the incident or the time the person becomes aware of the incident
- any circumstance arising at the service that poses a risk to the health, safety or wellbeing of a child or children attending the service - Within 7 days of the relevant event or within 7 days of the approved provider becoming aware of the relevant information
- any incident where the approved provider reasonably believes that physical and/or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for by the service - Within 7 days of the relevant event or within 7 days of the approved provider becoming aware of the relevant information.
- any allegation that sexual or physical abuse of a child has occurred or is occurring while the child is being educated and cared for by the service.

In addition, approved providers must take reasonable steps to ensure that these incidents and complaints are adequately addressed.

Notifications should be made to the regulatory authority (DE) through the NQA IT System. If this is not practicable, the notification can be made initially in whatever way is best in the circumstances.

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## SOURCES AND RELATED POLICIES

### SOURCES

- ACECQA: [www.acecqa.gov.au](http://www.acecqa.gov.au)
- Commonwealth Ombudsman – Better practice complaint handling guide: [www.ombudsman.gov.au/publications/better-practice-guides](http://www.ombudsman.gov.au/publications/better-practice-guides)
- Better-practice-complaint-handling-guide
- Department of Education (DE) – Regional Office details are available under ‘The Department’: [www.education.vic.gov.au](http://www.education.vic.gov.au)
- Early Learning Victoria: [www.earlylearningvictoria](http://www.earlylearningvictoria)
- ELAA Early Childhood Management Manual: [www.elaa.org.au](http://www.elaa.org.au)
- Kindergarten Funding Guide: [www.education.vic.gov.au](http://www.education.vic.gov.au)
- Notifying the early childhood Regulatory Authority about incidents, complaints and other circumstances: <https://www.vic.gov.au/notify-regulatory-authority-about-incident-complaints>
- Victorian Ombudsman – Complaints: Good Practice Guide for Public Sector Agencies September 2016: <https://assets.ombudsman.vic.gov.au/assets/Best-Practice-Guides/Complaints-Good-Practice-Guide-for-Public-Sector-Agencies.pdf?mtime=20191217165914>

### RELATED POLICIES

- Child Safe Environment and Wellbeing
- Code of Conduct
- Enrolment & Orientation
- Fees
- Governance & Management of the Service
- Incident, Injury, Trauma and Illness
- Inclusion and Equity
- Interactions with Children
- Privacy and Confidentiality

- Staffing
  - Staff Grievance and Dispute Resolutions
  - Supervision of Children
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## EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the approved provider will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness
  - monitor complaints as recorded in the Complaints Register to assess whether satisfactory resolutions have been achieved
  - review the effectiveness of the policy and procedures to ensure that all complaints have been dealt with in a fair and timely manner
  - keep the policy up to date with current legislation, research, policy and best practice
  - revise the policy and procedures as part of the service's policy review cycle, or as required
  - notifying all stakeholders affected by this policy at least 14 days before making any significant changes to this policy or its procedures, unless a lesser period is necessary due to risk (*Regulation 172 (2)*).
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## ATTACHMENTS

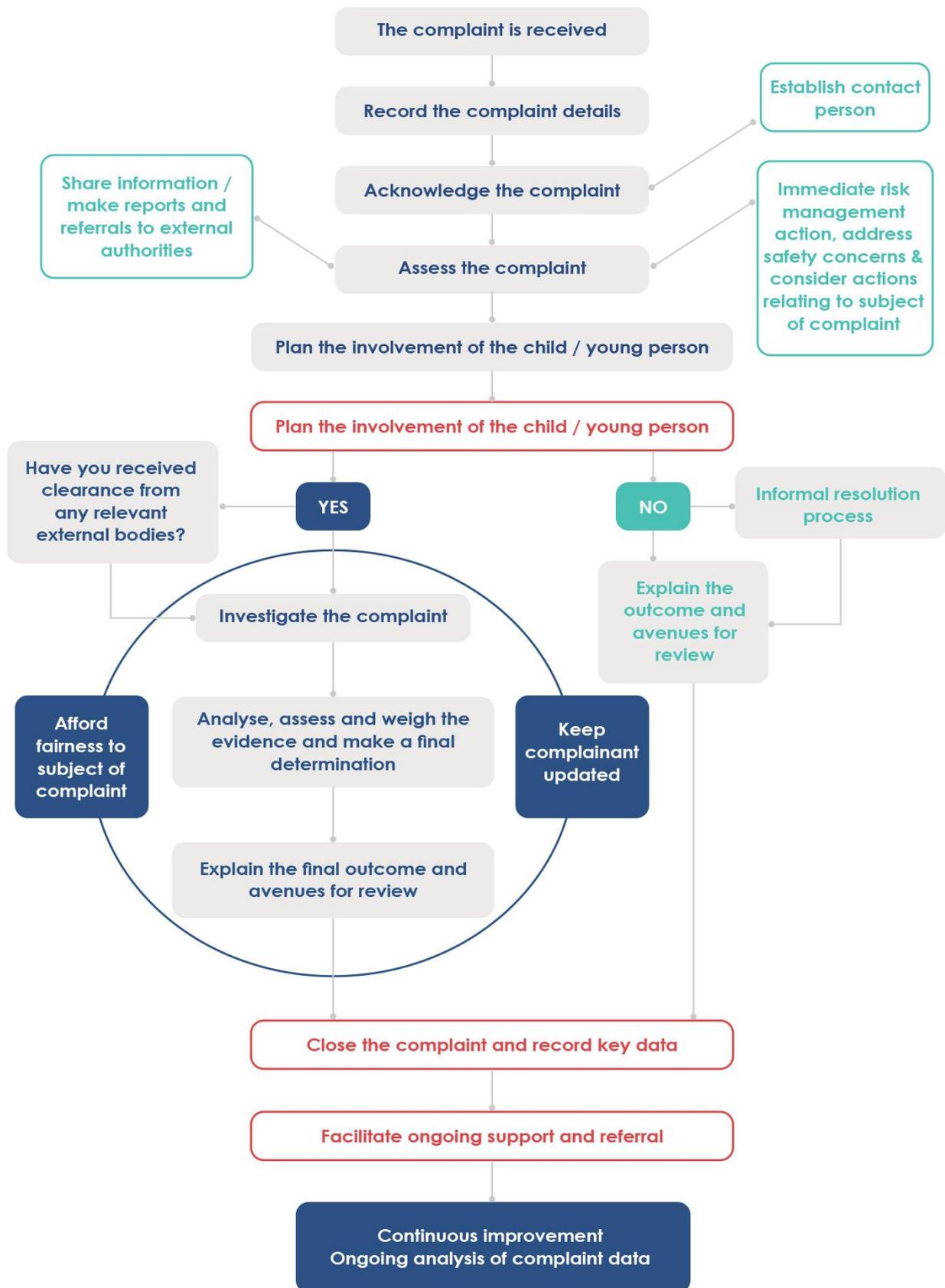
- Attachment 1: Complain handling flowchart
  - Attachment 2: Dealing with complaints
  - Attachment 3: Child Safety Reporting Process
  - Attachment 4: Sample terms of reference for a Complaints Subcommittee/investigator
  - Attachment 5: For Children How to Make a Complaint
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## AUTHORISATION

This policy was adopted by the approved provider of Barry Beckett Children's Centre on 18/03/2026.

**REVIEW DATE:** April 2027

# ATTACHMENT 1: COMPLAINT HANDLING FLOWCHART



## ATTACHMENT 2. DEALING WITH COMPLAINTS

Complaints are best addressed in an environment where families feel able to speak up about issues concerning the education and care of their child. All staff must treat complaints seriously and must welcome them as opportunities to change or improve practices.

When complaints arise, Barry Beckett Children's Centre will seek to resolve them thoroughly, fairly and promptly. Note that if a family member discusses a minor concern in a normal interaction with a staff member, it does not need to be treated as a complaint and does not need to be documented.

A staff member who is unsure whether a matter needs to be documented as a complaint should discuss it with service management.

Even if the complaint is resolved immediately through discussion with the family, the staff member who received a verbal complaint must:

- record it in writing
- ensure that a copy of the complaint is given to the centre director or assistant director.

The nominated supervisor must log and file the complaint in the complaints register. The complaints register must be stored securely in accordance with the *Privacy and Confidentiality Policy*.

## STANDARDS FOR HANDLING COMPLAINTS

### Timeframes

Approved providers and nominated supervisors will ensure that:

- unless a written complaint can be resolved immediately, families receive a written acknowledgement of their complaint within 2 business days of it being received
- while complaints are being investigated within Barry Beckett Children's Centre, families receive a written update on progress no less frequently than every week
- families receive written confirmation of the agreed outcome of a complaint within one working day of resolution, where the family requests confirmation in writing.

### Conduct

When dealing with complaints, all staff members will:

- actively listen to the person making the complaint so that they feel heard
- help families understand Barry Beckett Children's Centre's complaints procedure
- provide families with reasonable assistance to lodge complaints
- treat everyone involved respectfully
- act impartially and objectively
- provide families with indicative times for addressing issues
- inform families why extra time is required, if indicated times cannot be met
- make sure that families understand their options to escalate their complaint.

## DEALING WITH A COMPLAINT

When a complaint is received, the person to whom the complaint is addressed will:

- inform the complainant of the service's *Compliment and Complaint Policy*
- encourage the complainant to resolve the complaint with the person directly, or to submit their complaint in writing
- the staff member receiving the formal complaint will record all relevant details in the Complaints Register (*refer to Definitions*) together with the outcome
- assess complaint for severity, safety, complexity, impact and the need for immediate action
- inform the approved provider if the complaint is a notifiable complaint (*refer to Definitions*) or is unable to be resolved appropriately in a timely manner.

- comply with the service's *Privacy and Confidentiality Policy* with regard to all meetings/discussions in relation to a complaint
- the approved provider must inform the service's Complaints Subcommittee, if there is one, or appoint an investigator(s) to investigate the matter
- the Complaints Subcommittee/investigator will assess the complaint to determine if it is a notifiable complaint (*refer to Definitions*)

## DEALING WITH A NOTIFIABLE COMPLAINT

When a formal complaint is lodged with the service, the approved provider or nominated supervisor will determine if it is a notifiable complaint (i.e. an allegation against an adult engaged by Barry Beckett Children's Centre, which could include employees, contractors, volunteers (including parents), agency casual relief staff, labour hire workers and students on placement).

- If the complaint is notifiable, the approved provider will be responsible for notifying the Regulatory Authority. This must be in writing within 24 hours of receiving the complaint (*Regulation 176(2)(b)*)
- The written report to the Regulatory Authority needs to be submitted through the NQA IT System and will 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 Complaints Subcommittee/investigator
  - any other relevant information
- if the approved provider is unsure if the complaint is a notifiable complaint, it is good practice to contact the Regulatory Authority for confirmation.

## COMPLAINTS SUBCOMMITTEE/INVESTIGATOR RESPONSIBILITIES AND PROCEDURES

In the event of a complaint being lodged, the Complaints Subcommittee/investigator will:

- convene as soon as possible to deal with the complaint in a timely manner
- disclose any conflict of interest relating to any member of the subcommittee/panel of investigators. Such members must stand aside from the investigation and subsequent processes
- consider the nature and the details of the complaint
- identify which service policies (if any) the complaint involves
- inform the approved provider if their involvement is required under any other service policies
- if the complaint is a notifiable complaint (*refer to Definitions*), inform the complainant of the requirements to notify the Regulatory Authority of the complaint and explain the role that the Regulatory Authority may take in investigating the complaint
- maintain appropriate records of the information and data collected, including minutes of meetings, incident reports and copies of relevant documentation relating to the complaint
- respect the confidential nature of information relating to the complaint. The approved provider and the subcommittee/investigator must handle any complaint in a discreet and professional manner
- store all written information relating to the complaint securely and in compliance with the service's *Privacy and Confidentiality Policy*.

## INVESTIGATING THE COMPLAINT AND GATHERING RELEVANT INFORMATION

When investigating the complaint and gathering relevant information, the Complaint Subcommittee/investigator will:

- meet with individual witnesses, and give right of reply to the person against whom the allegations are made in relation to any accusation or information relating to an alleged incident
- offer the complainant the opportunity of meeting with the subcommittee/investigator to discuss the complaint and provide additional information where relevant
- nominate a subcommittee member to inform the complainant of the procedures for dealing with the complaint if the complainant does not take up the opportunity to attend a meeting

- document the time, date and detail of meetings/discussions, and follow this up with a letter to the complainant outlining the information discussed
- be available to meet with DE staff, if required, and provide additional information as requested
- review relevant information and documents
- obtain any other relevant information or documentation that will assist in resolving the complaint
- seek advice, where appropriate, from individuals and organisations that may be able to assist in resolving the complaint (any cost in seeking advice will require prior approval by the approved provider).

## FOLLOWING THE INVESTIGATION

Once the investigation of the complaint is complete, the Complaints Subcommittee/investigator will:

- meet to discuss the information gathered and determine further action, including generating recommendations to be presented to the approved provider
- ensure that any recommendations or actions are in accordance with relevant legislation and funding requirements including, but not limited to:
- The Kindergarten Guide (*refer to Sources*) report outcomes that may include relevant information gained in investigations and consultations to the approved provider and, where required, provide any recommendations for consideration by the approved provider
- inform the approved provider on the involvement of DE and the outcomes of any investigation by DE. The approved provider will review the report and any subcommittee/investigator recommendations and will be responsible for making decisions on the action to be taken (if any), including relevant review mechanisms
- advise the complainant and other relevant parties of any decisions made by the approved provider in relation to the complaint
- follow up to ensure the parties involved are satisfied with the outcome and monitor progress on any actions taken by the approved provider.

## CONDUCTING INVESTIGATIONS INVOLVING CHILDREN AND YOUNG PEOPLE

- Complaints affecting children are properly investigated and their rights are safeguarded throughout the investigation process.
- A specific plan is developed for involving a child in the investigation and adjusted as necessary throughout the investigation. Plan makes clear how child safety and wellbeing will be prioritised.
- Where possible, one person should be identified to be responsible for liaising with the child or young person throughout the entire process. This person may or may not be the investigator, but it should be someone appropriate and trusted by the child.
- Regardless of whether or not an external investigator is appointed, the service will be involved in key aspects of the investigation process, such as making final determinations, risk management, communicating with stakeholders and supporting the child or young person.
- Always consider obtaining a version of events from the affected child. Also consider whether there is the potential for an interview to have any adverse impact. The child's parents, carer or guardian should be consulted unless there are good reasons not to do so.
- Conduct a pre-interview assessment to gather information about the child's support needs.
- Prepare a plan for interviewing the child and identify their support needs, including any support with communication.
- Build and maintain rapport with children during the interview; encourage them to provide an explanation of what happened in their words.
- Investigations into complaints involving children need to be planned, fair, proportionate and thorough, with findings supported by the available evidence.
- Decide what actions should be taken following the investigation.

## MANAGING RISKS – COMPLAINTS AND INCIDENTS

- Service has a clear understanding of the potential risks to children, identifies and assesses risks with specific services and activities they deliver, and develops a plan to prevent risks from occurring.
- A risk management plan or strategy is tailored to suit the service's operating context and accounts for possible risks in both physical and online environments.

- Risk management plan includes staff responsibilities and priorities in identifying, mitigating and responding to risks that may arise in relation to complaints.
- Service listens to what children have to say about what makes them feel safe and unsafe in the organisation, what they like and do not like, and how things could be better. This informs the development of a risk management plan.
- Staff and volunteers identify risks posed to children and understand they need to act immediately to address them.
- Service monitor and reassesses risks to children (including their ongoing support needs) and all other identified risks throughout the investigation and complaint-resolution process.
- Service is aware of the type of risk management action that may need to be taken when a complaint involves a staff member, volunteer or another child or young person at the organisation, e.g. a staff member may need closer supervision, or to be removed from having any direct contact with children and young people, or to be stood down from their role.
- Parties to a complaint—including the affected child or young person—know what action has been taken in relation to the subject of the complaint to manage risks during the investigation of the complaint.

## EXTERNAL RESOLUTION

Anyone can raise a complaint directly to the Regulatory Authority by phone or email.

- If a complaint cannot be resolved to a family's satisfaction at the centre, or if the family would prefer to make a complaint to an external person, they can make a complaint directly to the Regulatory Authority.
- An authorised officer from the local regional office will assess how serious the complaint is and then take further action as required.
- The Regulatory Authority will investigate complaints that allege that:
  - the safety, health or wellbeing of a child or children has been compromised while that child or children is, or are, being educated and cared for by the approved education and care service
  - there have been any incidents of physical or sexual abuse of a child
  - the relevant legislation has been contravened
- An investigation can involve inspecting the centre, questioning staff members, taking written statements, conducting formal interviews and taking evidence.
- The Regulatory Authority does not investigate complaints about fees, employment disputes or other issues not regulated under legislation.

Contact the Regulatory Authority to discuss a complaint by calling [1300 307 415](tel:1300307415) or emailing [licensed.childrens.services@education.vic.gov.au](mailto:licensed.childrens.services@education.vic.gov.au)

## CONFIDENTIALITY

As far as practicable, all complaints and the identity of those making them must be treated as confidential. A complaint may be discussed with staff members or other people involved but must not be discussed with any third parties without the permission of the person making the complaint.

Confidentiality does not prevent Barry Beckett Children's Centre reporting matters arising out of a complaint to the Regulatory Authority or other agencies if:

- it is required by law
- it is in the best interest of a child or children to do so.

# ATTACHMENT 3: CHILD SAFETY REPORTING PROCESS

1300 782 978    contact@ccyp.vic.gov.au    ccyp.vic.gov.au

## Early Years obligations and the Reportable Conduct Scheme



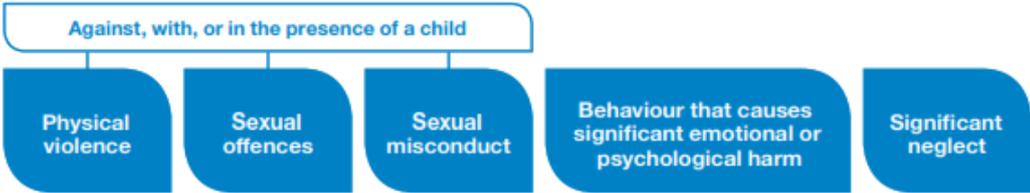
### I am concerned about a child's safety. What should I do?

Follow the PROTECT guidelines: the Four Critical Actions for Early Childhood Services in responding to incidents, disclosures and suspicions of child abuse

 Call Victoria Police on 000 if you have immediate concerns for a child's safety

- Victoria Police**  
You must notify Victoria Police immediately if you have reasonable belief that a child has been abused or that criminal behaviour has occurred. Failure to notify Victoria Police that an adult may have committed a **sexual offence** against a child is a criminal offence.
- DHHS Child Protection**  
You must report to DHHS Child Protection if you have significant concern for a child's safety and wellbeing and the child's parent/carer has not protected or is unlikely to protect the child from harm.
- Department of Education and Training/Victorian Institute of Teaching**  
You must notify your regulatory body (such as DET) of any incidents, circumstances or complaints which raise concerns about the safety and/or wellbeing of children using your service. This includes notifying the Victorian Institute of Teaching if the source of suspected harm is an early childhood teacher.

**Reportable Conduct**  
The Reportable Conduct Scheme (the Scheme) operates alongside other reporting obligations. The scheme applies to all Victorian early childhood services from **1 January 2019**. All workers, volunteers and contractors are covered by the Scheme and the Scheme captures allegations about reportable conduct and misconduct that may include reportable conduct which occurs **both within and external** to your organisation.  
There are five categories of Reportable Conduct:



**Report to the Commission**  
If you, or anyone else, forms a **reasonable belief** that reportable conduct has taken place, you should follow your organisation's reporting procedures and should notify your Head of Organisation. The Head of Organisation must notify the Commission **within 3 business days** of becoming aware of the allegation(s) of reportable conduct and must wait for clearance from Victoria Police before commencing an internal investigation. If you form reasonable belief that a person associated with another organisation who is covered by the Scheme has committed reportable conduct, you may make a public notification to the Commission through its website.

## PROCESSES FOR RESPONDING TO INCIDENTS, DISCLOSURE AND SUSPICIONS OF CHILD ABUSE

### Overview

- The approved provider or staff, including those with mandatory reporting responsibilities (*refer to Definitions*) must act when they form a reasonable belief or have a suspicion that a child has been, or is at risk of being abused. Regardless of the suspected cause, all concerns about the wellbeing of a child (or an unborn child) should be taken seriously and acted upon. This includes concerns about the wellbeing of a child, which does not appear to be the result of abuse
- Staff must seek advice from the approved provider or person with management or control, DFFH Child Protection, Child First and/or Victoria Police if they are uncertain about whether they have sufficient grounds to form a reasonable belief.
- If staff hold a reasonable belief that a child has been or is at risk of being abused, regardless of the advice of the Approved Provider or Person with Management or Control, or any other staff member, they must still make a report to Child Protection and/or Victoria Police.
- The steps outlined in the Department of Education's flowchart: Four critical actions for early childhood services: Responding to Incidents, Disclosures and Suspicions of Child Abuse, provides a summary of the critical actions which are to be followed: [www.education.vic.gov.au](http://www.education.vic.gov.au)
- Records are kept about all child safety concerns or complaints. These records contain comprehensive descriptions of incidents/ issues of concern and provide evidence for actions taken, including reports made to statutory authorities or professional bodies and follow-up actions to be completed. The records are stored in accordance with the service's *Privacy and Confidentiality Policy*.
- Privacy is maintained, and information is disclosed when it promotes the safety or wellbeing of a child.
- Permission is not required from parents/guardians of a child to make a report where abuse is suspected.

## RESPONDING TO CONCERNS ABOUT THE WELLBEING OF A CHILD

### When to report wellbeing concerns to Child FIRST (Family Information, Referral and Support Team)/Orange Door

A referral to Child FIRST or Orange Door (*refer to Definitions*) should be made if the approved provider/staff member has significant concerns for a child's wellbeing and the child is not in immediate need of protection. This may include circumstances when there are:

- significant concern for a child's wellbeing
- parents who lack the skills to support their child's physical, emotional and cognitive development that may be affecting the child's development
- family conflict, including family breakdown
- families under pressure, due to a family member's physical or mental illness, substance misuse, disability or bereavement
- young, isolated and/or unsupported families
- families experiencing significant social or economic disadvantage that may adversely impact on a child's care or development.

## WHEN TO MAKE A REFERRAL TO ORANGE DOOR

Orange Door is a free service for women, children and young people who are experiencing family violence, or families who need assistance with the care and wellbeing of children to access the services they need to be safe and supported. Both services ensure that vulnerable children, young people and their families are linked effectively into relevant services, and this may be the best way to connect children, young people and their families with the services they need.

## WHEN TO REPORT WELLBEING CONCERNS TO VICTORIA POLICE

In addition to reporting suspected abuse to appropriate authorities, you must contact Victoria Police on 000 if the:

- child's immediate safety is compromised
- child is partaking in any risk taking activity that is illegal and extreme in nature or poses a high risk to their safety, or the safety of somebody else.

## WHEN TO REPORT WELLBEING CONCERNS TO DFFH CHILD PROTECTION

In addition to reporting suspected abuse to appropriate authorities, you should contact DFFH Child Protection if you have significant protective concerns for the wellbeing of a child, but the parents are unable or unwilling to address or resolve these concerns.

This includes all concerns that:

- have a serious impact on a child's safety, stability or development (including abandonment, death or incapacity, extreme risk-taking behaviour, or harm to an unborn child)
- are persistent and entrenched and likely to have a serious impact on a child's safety, stability or development
- relate to a parent/s who cannot or will not protect the child from significant harm
- include a belief that the family is likely to be uncooperative in seeking assistance.

## RESPONDING TO CONCERNS ABOUT SEXUAL BEHAVIOURS

Approved providers, early childhood teachers 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.

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).

In some cases, problematic sexualised behaviour involving children may fall within reporting requirements.

If you have formed a reasonable belief that the child is displaying problematic sexualised behaviour, you must take reasonable steps to protect them by following the **Four Critical Actions** listed below

## MANAGING A DISCLOSURE

It is very important to validate a child's disclosure, by listening to the child, taking them seriously and responding and acting on the disclosure by implementing the Barry Beckett Children's Centre's reporting procedures.

Strategies include:

- let the child talk about their concerns in their own time and in their own words
- give them your full attention, the time and a quiet space in which to do this and be a supportive and reassuring listener
- remain calm and use a neutral non-judgmental tone
- comfort the child if they are distressed
- record the child's disclosure using the child's words.
- tell the child that telling you is the right thing to do and that what has happened is not their fault
- let them know that you will act on this information and that you will need to let other people know so that they can help the child
- it is the role of DFFH Child Protection and Victoria Police to investigate. DO NOT taking any steps to investigate. Avoid asking investigative or invasive questions which may cause the child to withdraw and may interfere with an investigation. Avoid going over information repeatedly.

## RESPONDING TO INCIDENTS, DISCLOSURES AND SUSPICIONS OF CHILD ABUSE

To make a report to child protection a staff member needs to have formed a reasonable belief (*refer to Definition*) that a child has suffered or is likely to suffer significant harm as a result of abuse or neglect, and that their parent has not protected or is unlikely to protect the child from harm of that type.

It is strongly recommended that ALL early childhood service staff follow the **Four Critical Actions** as soon as they witness an incident or disclosure, or form a reasonable belief that a child has been or is at risk of being abused.



## FOUR CRITICAL ACTIONS

### ACTION 1: RESPONDING TO AN EMERGENCY

If a child has just been abused or is at immediate risk of harm you must take reasonable steps to protect them. These include:

- separating the alleged victim and others involved, ensuring all parties are supervised by a service staff member
- arranging and providing urgent medical assistance where necessary by:
  - administering first aid assistance
  - calling 000 for an ambulance and following any instructions from emergency service officers/paramedics
  - calling 000 for urgent police assistance if the person who is alleged to have engaged in the abuse poses an immediate risk to the health and safety of any person
- you should also identify a contact person at the service for future liaison with police
- taking reasonable steps to preserve evidence, such as the environment, clothing, other items, and potential witnesses until the police or other relevant authorities arrive on the premises.

### ACTION 2: REPORTING TO AUTHORITIES

As soon as immediate health and safety concerns are addressed you must report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

#### **IF THE SOURCE OF SUSPECTED ABUSE IS FROM WITHIN THE FAMILY OR COMMUNITY:**

##### **DFFH CHILD PROTECTION**

You must report to DFFH Child Protection if a child is considered to be:

- in need of protection from child abuse
- at risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development.

##### **VICTORIA POLICE**

You must also report all instances of suspected sexual abuse (including grooming) to Victoria Police.

##### **REPORT TO MANAGEMENT**

You must report to your approved provider.

##### **NOTIFY THE REGULATOR**

The Approved Provider early childhood services must notify the Quality Assessment and Regulation Division within **24 hours** of the incident or the time the person becomes aware of the incident of any serious incidents, circumstances, or complaints which raise concerns about the safety, health and wellbeing of a child being educated and cared for by a service. Notifications may be made at National Quality Agenda IT System:

<https://www.acecqa.gov.au>

If you believe that a child is not subject to abuse, but you still hold significant concerns for their wellbeing you must still act. This may include making a referral or seeking advice from Child FIRST (in circumstances where the family are open to receiving support), or to DFFH Child PROTECTION or Victoria Police.

#### **IF THE SOURCE OF SUSPECTED ABUSE IS FROM WITHIN THE SERVICE:**

If the source of suspected abuse comes from within the service (this includes any forms of suspected child abuse involving a staff member, contractor, committee member or volunteer):

- you must contact Victoria Police via your local police station (where appropriate they will refer you on to the local Sexual Offences and Child Abuse Investigation Team)
- you must make a report to DFFH Child Protection if you're a mandatory reporter.
- you must also report internally to the approved provider or person with management or control
- the approved provider must also notify the Quality Assessment and Regulation Division within 24 hours of the incident or the time the person becomes aware of the incident. Notifications made via the National Quality Agenda IT System: <https://www.acecqa.gov.au>

- the approved provider must notify the Commission for Children and Young People (CCYP) of within **three business days** of becoming aware of an allegation (*refer to Reportable Conduct Scheme*)
- a contact person must also be identified at the service for future liaison with Child Protection and Victoria Police and seek advice about contacting parents/carers.

### ACTION 3: CONTACTING PARENTS/CARERS

You must consult with Victoria Police or DFFH Child Protection to determine what information can be shared with parents/carers.

You will be advised not to contact the parents in circumstances where:

- the parents are alleged to have engaged in the abuse
- a disclosure to the parent/carer may subject the child to further abuse
- the notification is likely to adversely affect the investigation of the incident by the relevant authorities.

Where advised to be appropriate, your service should make sensitive and professional contact with parents as soon as possible on the day of the incident, disclosure or suspicion.

In many cases where it is suspected that a child has been, or is at risk of being abused, it is extremely important that parents/carers are notified as soon as practicable. This enables parents/carers to take steps to:

- prevent or limit their child's exposure to further abuse.
- ensure that their child receives the support that they require.

It's also a requirement under the National Quality Framework that parents be contacted within 24 hours, if the suspected abuse occurs whilst a child is at an education or care service.

However, there are some circumstances where contacting parents/carers may place a child at greater risk

### ACTION 4: PROVIDING ONGOING SUPPORT

Your service should take reasonable steps to make a child feel safe and supported whilst they are attending your service.

Where appropriate, consider:

- establishing regular communication with the child's parent/carer to plan support strategies and discuss a child's progress, and the success of any support strategies
- engage allied health professionals with expertise in addressing child abuse and trauma to support the service to design and implement support strategies
- establish a safety plan, in instances where the abuse has been led by a person within the service, and/or visiting the service to mitigate risk of further abuse.

## THE REPORTABLE CONDUCT SCHEME

The Approved Provider must notify the Commission for Children and Young People (The Commission) of a reportable allegation (*refer to Definitions*) within **three** business days of becoming aware of an allegation. The Approved Provider must provide certain detailed information about the allegation and their proposed response within **30 calendar days**.

Three business day notification	30 calendar day update	Advice on investigation	Outcomes of investigation	Additional documents
<ul style="list-style-type: none"> <li>• Name of the worker or volunteer</li> <li>• Date of birth</li> <li>• Police report</li> <li>• Organisation contact details</li> <li>• Head of organisation's name</li> <li>• Initial advice on the nature of the allegation</li> </ul>	<ul style="list-style-type: none"> <li>• Details of the allegation</li> <li>• Details of your response to the allegation</li> <li>• Details about any disciplinary or other action proposed</li> <li>• Any written response from the worker or volunteer about the allegation and the proposed disciplinary or other</li> </ul>	<ul style="list-style-type: none"> <li>• Name of investigator</li> <li>• Contact details</li> <li>• <b>As soon as practicable</b></li> </ul>	<ul style="list-style-type: none"> <li>• Copy of findings and reasons for the findings</li> <li>• Details about any disciplinary or other action proposed</li> <li>• Reasons for taking or not taking action</li> <li>• <b>As soon as practicable</b></li> </ul>	<ul style="list-style-type: none"> <li>• The Commission may request further documents from the head of the organisation</li> </ul>

The Commission provides guidance on the processes and documentation required when making a report: refer to <https://ccyp.vic.gov.au>

## CHILD PROTECTION IN EARLY CHILDHOOD: PRIVACY AND INFORMATION SHARING

The Child Information Sharing Scheme, and the Family Violence Information Sharing Scheme allow professionals working with children to gain a complete view of the children they work with, making it easier to identify wellbeing or safety needs earlier, and to act on them sooner.

Following a report to DFFH Child Protection, Victoria Police and/or ChildFIRST you should:

- consult with your approved provider before disclosing information about the report and the child and their family to another information sharing entity (except to verified Victoria Police and DFFH Child Protection workers in very urgent situations and/or if the information is required to protect the safety of that child) and/or
- seek consent from a child or their parents/carers before disclosing information about the report and the child and their family to anyone other than authorities and service staff members (provided this does not place the child or another person at risk).

## PRIVACY LAWS ALLOW FOR STAFF TO SHARE A CHILD'S PERSONAL AND HEALTH INFORMATION TO ENABLE THE SERVICES TO:

- provide and support the education of the child, plan for individual needs and address any barriers to learning
- support the social and emotional wellbeing and health of the child
- fulfil duty of care obligations to the child, other children, staff and visitors
- make reasonable adjustments if the child has a disability, including a medical condition or mental illness
- provide a safe and secure workplace.

## RESOURCES

Department of Education PROTECT Portal: [www.vic.gov.au/protect](http://www.vic.gov.au/protect)

The Department of Education's PROTECT portal provides tools and resources to assist professionals and early years services to respond to child abuse or potential child abuse, including:

- Early Childhood Guidance: This section supports early childhood providers to take action if they suspect, or are witness to, any form of child abuse.
- The flowchart: Four critical actions for early childhood services: Responding to Incidents, Disclosures and Suspicions of Child Abuse, provides a summary of the critical actions to take:
- Early Childhood Online Learning: This eLearning Module supports all professionals in early childhood settings to increase their capacity to respond effectively to children whose safety, health or wellbeing may be at risk.

Commission for Children and Young People: [www.cyp.vic.gov.au](http://www.cyp.vic.gov.au)

## ATTACHMENT 4. SAMPLE TERMS OF REFERENCE FOR A COMPLAINTS SUBCOMMITTEE/INVESTIGATOR

DATE ESTABLISHED: [Date]

### PURPOSE

[Choose one that is appropriate]

A Complaints Subcommittee has been established by the approved provider of Barry Beckett Children's Centre to investigate and resolve complaint lodged with Barry Beckett Children's Centre

An investigator/panel of investigators has been appointed by the approved provider of Barry Beckett Children's Centre to investigate and resolve complaint lodged with Barry Beckett Children's Centre

### MEMBERSHIP

[If a Complaints Subcommittee is established]

Three people are nominated by the approved provider, and membership must include a minimum of one responsible person (*refer to Definitions*).

[If an investigator or a panel of investigators is appointed]

[Specify the membership]

### TIME PERIOD NOMINATED

The Complaints Subcommittee/investigator shall be appointed for [insert time frame e.g., one year].

### MEETING REQUIREMENTS

The subcommittee convenor/investigator is responsible for organising meetings as soon as is practicable after receiving a complaint.

### DECISION-MAKING AUTHORITY

The subcommittee/investigator is required to fulfil only those tasks and functions as outlined in these terms of reference.

The approved provider may decide to alter the decision-making authority of the subcommittee/investigator at any time.

### BUDGET ALLOCATION

All expenditure to be incurred by the subcommittee/investigator must be approved by the approved provider. A request in writing must be submitted by the subcommittee/investigator.

### REPORTING REQUIREMENTS OF THE COMMITTEE

- The subcommittee/investigator is required to keep minutes of all meetings held. These are to be kept in a secure file.
- The convenor is required to present a written report to the approved provider about the complaint, ensuring that privacy and confidentiality are maintained according to the service's *Privacy and Confidentiality Policy*.

### TASKS AND FUNCTIONS OF THE COMPLAINTS SUBCOMMITTEE/INVESTIGATOR

- Responding to complaints in a timely manner
- Investigating all complaints received in a discreet and responsible manner
- Implementing the procedures outlined in *Attachment 2 – Dealing with complaints*
- Acting fairly and equitably, and maintaining confidentiality at all times
- Informing the approved provider if a complaint is assessed as notifiable
- Keeping the approved provider informed about complaints that have been received and the outcomes of investigations
- Providing the approved provider with recommendations for action
- Ensuring decisions are based on the evidence that has been gathered
- Reviewing the terms of reference of the Complaints Subcommittee/investigator at commencement and on completion of their term. Suggestions for alterations are to be presented to and approved by the approved provider.

## ATTACHMENT 5: FOR CHILDREN HOW TO MAKE A COMPLAINT



### 01 - You feel unsafe, concerned or worried

You should always feel safe and have the right to be heard.



### 02- Talk to a trusted adult

Like a parent, friend, carer, or teacher, they can help you make a complaint.



### 03- Say or draw why you feel unsafe, concerned or worried

- What happened
- How the problem has made you feel
- What would help fix it



### 04- What happens next

My trusted adult will tell me:

- Who will be told about the complaint
- Who will get back to me
- How long will it take
- When the complaint process is all finished