St Nicholas - Complaints Procedure

Section 1 - Purpose

(1) St Nicholas is dedicated to fostering mutual respect, responsiveness, accountability, and transparency in managing complaints and grievances. We view complaints as valuable feedback that can drive critical reflection, quality improvement, and self-assessment, thereby supporting our continuous improvement process. We welcome feedback from employees, parents/carers, and children through various channels.

(2) The Education and Care Services National Regulations require approved providers to ensure their services have policies and procedure in place in relation to complaint handling. This procedure needs to be read in conjunction with the St Nicholas Compliance Policy, the Complaints Resolution Policy and Complaints Resolution Procedure.

Section 2 - Scope

(3) This procedure applies to all St Nicholas employees who educate and care for children in Early Education and OOSH services, the parent/carers and children who attend St Nicholas services.

Section 3 - Responsibilities

ROLE	RESPONSIBILITIES
Approved Provider	• Ensure that the obligations under the Education and Care Services National Law and National Regulations are met. • Take reasonable steps to ensure that the St Nicholas Nominated Supervisor, team members and parent/carers follow the policy and procedures. • Ensure all complaints are notified to the regulatory authority within 24 hours of any complaints alleging that a serious incident has occurred at the service or that the Education and Care Services National Law has been breached. • Review policies, procedures and practices in response to complaints. • Ensure policies and procedures are readily accessible to all St Nicholas employees and parent/carers.
St Nicholas Assistant Head of Early Education / Area Service Manager	• Ensure St Nicholas Nominated Supervisors follow the St Nicholas complaint procedure and associated policies and procedures. • Review all initial attempts at resolution and supporting the St Nicholas Nominated Supervisor with any further action required. • Discuss the complaint and initial resolution steps with the complainant, should the complaint be referred due to options for resolution at the service being exhausted. • Maintain confidentiality, including after a satisfactory resolution is reached. • Document all steps of the process. • Ensure the complaint is recorded and subsequently closed on mnResponse and reported to the Regulatory Authority, if required. • Ensure that when a resolution cannot be met, that the Complaint is referred to the relevant Head of Early Education or OOSH. • In the case that the Complaint is unable to be resolved by the St Nicholas Support Office, or where the Complaint is about Support Office services, or management, then the Complaint will escalate to the Diocesan Governance team who will engage with the complaint management service to resolve.

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ROLE	RESPONSIBILITIES
St Nicholas Nominated Supervisor / Responsible Person	• Respond to and resolve issues as they arise, where practicable. • Inform the complainant of the St Nicholas complaint procedure and associated policies and procedures. • Share the Diocesan 'How to make a complaint' brochure. • Display the name and contact number of the person to whom complaints can be made in the foyer. • Acknowledge receipt of the complaint to the complainant in a prompt time frame. • Review the feedback in a prompt and timely manner when received. • Assess the complaint for any immediate health, safety or security risks and take appropriate action where applicable. • Advise the complainant that they may receive support to engage with the St Nicholas process to resolve the complaint from the Diocesan Complaint management service. • Explore the issues raised in a manner commensurate with seriousness of the complaint with relevant parties. • Discuss options for resolution with the complainant and attempt to reach an agreement on appropriate outcomes and make notes from meetings or discussions. • Maintain confidentiality, including after a satisfactory resolution is reached. • Ensure the complaint is recorded and subsequently closed on mnResponse and reported to the Regulatory Authority, if required. • Ensure that when a resolution cannot be met, that the complaint is referred to the relevant St Nicholas Assistant Head of Early Education/St Nicholas Area Service Manager. • Plan and implement appropriate training for team members, as required. • Raise any grievance to St Nicholas Assistant Head of Early Education/St Nicholas Area Service Manager in the first instance, however if it is inappropriate to do so, contact the Support Office who will assist in redirecting the concern to the appropriate person. • Actively listen to concerns raised by children and respond appropriately. • Ensure St Nicholas team members 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. • Consider ways to capture children's feedback to encourage children to share information and involve children in the review of processes.
St Nicholas Team Members	• Follow the St Nicholas complaints procedure and associated policies and procedures. • Report all complaints received to the St Nicholas Nominated Supervisor/St Nicholas Responsible Person promptly so timeframes can be adhered to. • Raise any grievance to the St Nicholas Nominated Supervisor in the first instance, however if it is inappropriate to do so, contact the St Nicholas Assistant Head of Early Education/St Nicholas Area Service Manager. • Cooperate with investigations and requests to provide relevant information in relation to complaints and grievances. • Understand child protection law and responsibility as a mandatory reporter. • Provide open, regular communication to parent/carers regarding information about their child's day including the educational program, routines and incidents or illnesses. • Actively listen to complaints raised by parent/carers and record and report verbal complaints received to the St Nicholas Nominated Supervisor. • Actively listen to concerns raised by children and respond appropriately. • Respond to and resolve issues as they arise, where practicable. • Support children to know who to talk to if they are feeling unsafe and understand the complaints handling process. • Provide opportunities for children to raise concerns, feedback or complaints through a variety of channels (eg. suggestion box, conversations and art forms) and involve children in the review of processes. • Explicitly teach child protective behaviours including the identification of trustworthy adults. • Maintain confidentiality and professionalism at all times.
Parent / Carers	• Share any concerns with the team members or the St Nicholas Nominated Supervisor in a timely and respectful manner. • Address all complaints in a respectful and constructive manner. • Provide feedback either verbally or in writing. • Address complaints in the first instance with the St Nicholas Nominated Supervisor of the service. • Participate in the complaint resolution process in a reasonable and respectful manner. • Cooperate with requests to provide relevant information in relation to complaints and grievances. • Respect the confidentiality of the complaints handling process.
Children	• Raise issues or complaints through verbal, written or art forms. • Identify adults who are trustworthy.

Section 4 - Procedure/Process

Notifiable Complaints Obligations

Complaint alleging a serious incident has occurred (or is occurring) or the National Law has been contravened

(4) All complaints classified as involving an alleged serious incident has occurred or is occurring or that the National Law has been contravened must be notified to the Regulatory Authority within 24 hours by either the St Nicholas Nominated Supervisor for Early Education or relevant St Nicholas Area Service Manager for all OOSH services.

a. St Nicholas Head of Early Education, St Nicholas Head of OOSH, St Nicholas Head of Risk and Compliance, St Nicholas Assistant Head of Early Education and St Nicholas Area Service Managers and St Nicholas Nominated Supervisor will receive notification for all complaints classified as involving an alleged serious incident or breach of the National Law.
b. St Nicholas Assistant Head of Early Education and St Nicholas Area Service Managers will be responsible for initial investigations into the complaint and referring to any relevant parties where required (for example, HR Business Partner, Quality Assurance Lead, Office of Safeguarding Case Worker).
c. Any complaint that is notifiable to the Office of the Children's Guardian must be reported to the Office of Safeguarding in accordance with the Safeguarding Framework Policy.

Complaint alleging a child is exhibiting harmful sexual behaviours

(5) Any complaint alleging a child is exhibiting harmful sexual behaviours must be notified to the Regulatory Authority within 24 hours by either the St Nicholas Nominated Supervisor in Early Education or relevant St Nicholas Area Service Manager for all OOSH services. In some cases, sexualised behaviour involving children may be required to be reported in accordance with other child protection laws.

(6) St Nicholas has an important role in making informed professional judgements regarding sexualised behaviours. Not all sexual behaviour involving children poses a risk to their safety or the safety of others and may be age appropriate.

(7) Harmful sexual behaviours include behaviours that are outside of the expected range of sexual behaviour for a child's level of development, and may harm the child themselves, other children subjected to this behaviour, or place either child/children at risk of harm. Team members are to follow guidance from the Traffic Lights framework to manage the concern or complaint.

(8) A collaborative approach, involving key stakeholders including parent/carers, key representatives from St Nicholas Operations and Quality Assurance teams, Diocesan consultants and representatives from external services may be required to support all children and families.

Valuing Children's Voices

(9) Children's voices are captured in many ways and can be expressed through both verbal and non-verbal means of communication, commonly demonstrated through play and behavioural changes. Educators' respectful practices and responsiveness to the individual needs of children demonstrates a child focused approach and their dedication to valuing children's voices.

(10) The United Nations Convention on the Rights of the Child sets out the rights of children and explicitly states that "the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child" (UNCRC, 1989). St Nicholas will support children in understanding they can openly discuss their concerns in a safe environment where their views are listened to and respected.

(11) Any concerns raised by a child, or on their behalf by their family or another adult, will be taken seriously and managed according to this procedure.

General Information

(12) The complainant may make the complaint directly to the St Nicholas Nominated Supervisor, St Nicholas Assistant Head of Early Education, St Nicholas Area Service Manager, via phone on (02) 4979 1197 or via the link on the St Nicholas website.

(13) The complainant may make a complaint about a service not complying with the National Law and Regulations directly to the NSW Department of Education on 1800 619 113 or via email ececd@det.nsw.edu.au

Section 5 - Legislative Requirements

Children (Education and Care Services) National Law 2010	**Section 172**	Offence to fail to display prescribed information
	Section 174	Offence to fail to notify certain information to Regulatory Authority
Education and Care Services National Regulations 2011	**Regulation 155**	Interactions with children
	Regulation 168	Education and care services must have policies and procedures
	Regulation 170	Policies and procedures to be followed
	Regulation 171	Policies and procedures to be kept available
	Regulation 173	Prescribed information to be displayed
	Regulation 176	Time to notify certain information to Regulatory Authority
	Regulation 183	Storage of records or other documents
National Quality Standards	**Standard 6.1**	Supportive relationships with families: Respectful relationships with families are developed and maintained and families are supported in their parenting role.
	Standard 6.2	Collaborative partnerships: Collaborative partnerships enhance children's inclusion, learning and wellbeing
	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.
	Element 6.1.2	Parents 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.
	Element 7.1.2	Management systems: Systems are in place to manage risk and enable the effective management and operation of a quality service.
	Element 7.2.1	Continuous improvement: There is an effective self-assessment and quality improvement process in place.

Section 6 - Document Review

(14) This procedure will be reviewed when there is a legislative change, organisational change, delegations change or at least every 3 years to ensure it continues to be current and effective.

Status and Details

Status	Current
Effective Date	29th September 2025
Review Date	15th September 2028
Approval Authority	Acting Executive Director of St Nicholas
Approval Date	1st July 2025
Expiry Date	To Be Advised
Unit Head	Melissa Hill Director St Nicholas
Enquiries Contact	Nicole Baker Executive Manager - Quality Assurance - SN St Nicholas

Glossary Terms and Definitions

"Complaint" - An expression of dissatisfaction made to or about the Diocese, the services the Diocese offers, a diocesan worker or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required. A complaint is not a request for service, an expression of concern, opinion, or feedback where a response is not explicitly or implicitly expected. A matter that may not be considered a complaint as defined by the policy may be recorded and referred to the appropriate operational leadership for management.

"Complainant" - The person who makes the complaint. The complainant may be the person who suffered the alleged inappropriate conduct or poor service or a person acting on another person's behalf for example, the responsible person for a child (e.g. parent) or vulnerable person (e.g. appointed guardian).

"Complaint management service" - The diocesan service provided by Governance that is dedicated to the resolution of complaints and includes: • Resolution Officers who have an impartial, facilitative, and supportive role in the resolution of complaints at the Agency, and • Administrative Review Officers who may be allocated to finalise a complaint by the completion of an Administrative Inquiry.

"Grievance" - A grievance is any issue or concern raised by a worker that involves interpersonal conflicts, disagreements about perceived unfairness, discrimination, or breaches of policies, procedures, and/or conduct standards. Examples include but are not limited to: • Interpersonal conflict and disagreements between workers. • Disagreements about how work is allocated or managed. • Disagreements regarding the application of organisational policies. • Issues of discrimination, unfairness, or administrative decisions perceived as unreasonable.

"St Nicholas Nominated Supervisor" - The Nominated Supervisor has day-to-day responsibility for the service in accordance with the Education and Care Services National Regulations (2011 SI 653). In relation to an education and care service, means a person who: • is nominated by the approved provider of the service to be a nominated supervisor of that service; and • has provided written consent to that nomination Education and Care Services National Regulations (2011 SI 653). In St Nicholas Early Education services, the Nominated Supervisor holds the title of Centre Director.

"St Nicholas Responsible Person" - An individual who is physically present and is responsible for the operation of a centre-based service for an agreed period of time. A responsible person must be present at all times that the approved service operates and can be: • the approved provider or a person with management or control of the

service; • a nominated supervisor of the service; or • a person placed in day-to-day charge of the service in accordance with the Education and Care Services National Regulations (2011 SI 653).

"St Nicholas Area Service Manager" - An employee who oversees the operations and management of a portfolio of St Nicholas services.

"Serious Incident" - Includes the following incidents occurring while or following the child being educated and cared for by a St Nicholas Service: • The death of a child; • Serious injury or trauma to a child; • Serious illness of a child • Any emergency for which emergency services attended • Where a child appears to be missing or cannot be accounted for, appears to have been removed or is mistakenly locked in or locked out of the education and care service premises or part of the premises.