



Early childhood education and care complaints management

Implementation Date: 13/03/2019
Version: 1.0

Audience

External public document

Purpose

The purpose of this policy is to set out the Department of Education's (the department's) complaint management approach for complaints about early childhood education and care (ECEC) services operating in Queensland.

The Chief Executive of the department is the regulatory authority responsible for regulating ECEC services in Queensland under the [National Quality Framework](#) (NQF) and the [Education and Care Services Act 2013 \(Qld\)](#). This includes receiving, managing and investigating complaints about ECEC services in Queensland.

This policy has been developed in line with the department's [Regulating for Quality: The regulation of approved ECEC services framework \(R4Q\)](#).

Policy statement

The regulatory authority is committed to managing complaints about ECEC services in a risk-based, accountable, transparent, timely and fair manner.

Principles

The complaints management principles in this policy are aligned to the guiding principles as set out in the Australian Standard – Guidelines for complaints management in organisations.

Principles	What this means for the department
Customer focus	<ul style="list-style-type: none"> Everyone has a right to complain, including children, and not to be adversely affected by their complaint. Everyone who makes a complaint is treated with respect. The department respects the confidentiality of personal information of complainants.



Accessibility and Transparency	<ul style="list-style-type: none"> The complaints process is free and accessible for all complainants, including children. The department clearly displays information about how and where a complaint may be made on the department's website. An approved provider of an ECEC service is required to display the contact details for the department at the approved service. The department will provide all reasonable assistance and support to make it easy for someone, including children, to make a complaint. Complaints can be made anonymously.
Responsiveness	<ul style="list-style-type: none"> Complaints are acknowledged and responded to fairly, reasonably and in a timely manner. Feedback is provided about the progress of complaints, including where outcomes may be delayed due to complex investigations. Where appropriate, the complainant is advised about the outcome, the reasons for the department's decision, any recommendations and review options.
<i>Objectivity, fairness and equity</i>	<ul style="list-style-type: none"> The department responds to complaints in a fair, objective and unbiased manner, respecting the confidentiality of personal information. The principles of natural justice and procedural fairness are applied to all complainants.
Accountability, continuous improvement and prevention	<ul style="list-style-type: none"> The department uses formal, documented processes to manage complaints, with policy, procedures and practices reviewed annually to ensure effectiveness. As part of the R4Q approach, the department will use information gathered through the complaints management process to implement strategies to support ECEC services to improve quality and compliance.
Staff training and support	<ul style="list-style-type: none"> Staff are supported to more effectively manage complaints received by the department. Staff are guided by this policy and the R4Q approach in managing complaint procedures.

Requirements

1. Complaints within the scope of this policy

The department can only manage complaints for which it has regulatory [responsibility](#). Complaints managed under this policy are those which relate to services regulated under the [National Law](#), including:

- kindergartens
- long day care services
- family day care services
- outside school hours care.

Additionally, complaints managed under this policy are those related to services regulated under the [Education and Care Services Act 2013 \(Qld\)](#), including:

- services funded by the Queensland Government to provide limited hours care
- occasional care services
- services that were previously in receipt of budget-based funding and were not an approved child care service under the [A New Tax System \(Family Assistance\) \(Administration\) Act 1999 \(Cwlth\)](#)
- limited hours care
- services that are also disability services funded under the Disability Services Act 2006 (Qld)
- stand-alone care.

The department may investigate complaints about a range of matters, including:

- concerns about the health, safety and wellbeing of children attending an ECEC service in Queensland
- concerns about the educational and developmental program delivered to children attending an ECEC service in Queensland
- concerns about the qualifications of educators working in an ECEC service in Queensland
- concerns about educator-to-child ratios or supervision of children.

Approved providers operating ECEC services in Queensland are required to have a written complaints management policy. Before making a complaint to the department, complainants are encouraged to raise the matter first with the service provider.

1.1 Complaints outside the scope of this policy

The following types of complaints are managed under other policies and procedures of the department:

- customer complaints about a departmental service or action, or departmental staff under section 219A of the [Public Service Act 2008 \(Qld\)](#)
- complaints related to appeals processes under the [Education \(General Provisions\) Act 2006 \(Qld\)](#)
- complaints (grievances) by departmental employees about their employment under the *Public Service Act 2008 (Qld)* and Public Service Commission Directives
- complaints that are assessed as a public interest disclosure under the [Public Interest Disclosure Act 2010 \(Qld\)](#)
- complaints involving corrupt conduct [Crime and Corruption Act 2001 \(Qld\)](#)
- complaints related to appeals that are internally reviewable by the department and then externally reviewable by the Queensland Civil and Administrative Tribunal.

2. The department's approach to complaints management

The department works closely with the regulated ECEC sector to achieve quality outcomes for children. The R4Q approach provides the department with guidance in undertaking its regulatory functions.

The department will:

- acknowledge receipt of and respond to complaints
- use formal, documented processes to manage complaints
- manage complaints in a consistent, systematic and responsive way
- mitigate risk by identifying trends, causes and implementing effective solutions
- raise matters of concern with ECEC services.

3. Complainant rights

The department acknowledges a person's right to:

- complain
- be treated with respect and courtesy
- be treated equitably and fairly
- be informed of the use of information, disclosures to other agencies and confidentiality requirements.

If the department is not able to address the matter, where appropriate, complainants will be referred to other relevant agencies (for example the Office of Fair Trading, the Commonwealth Government, the Anti-Discrimination Commission Queensland) to assist with the issues raised.

4. Complaint process review

Internal Review

If a complainant is dissatisfied with the outcome of the complaint made to the department, they may request a review of the matter. The request should include the reason for the review and any new details to be considered in reviewing the matter.

External Review

If a complainant remains dissatisfied with the outcome after internal review, they may wish to contact an external agency, such as the Office of the [Queensland Ombudsman](#) to request an external review.

5. Monitoring and review of this policy

This policy will be reviewed annually. The review will consider feedback from customers and staff, and incorporate changes in policy, legislation or organisational structure.

Definitions

Approved Provider	An individual or organisation that holds an approval that allows them to provide one or more early childhood and care services.
Complainant	Person, organisation or their representative (including consumers, children, service providers and service users etc.) making a complaint.

Early childhood education and care services	This encompasses all service types regulated in Queensland under the NQF and the Education and Care Services Act 2013 (Qld) .
In scope matters	Issues raised by a complainant that the department can investigate under the National Law or the <i>Education and Care Services Act 2013 (Qld)</i> .
Out of scope matters	Issues that the department is unable to investigate under the National Law or the Early <i>Education and Care Services Act 2013 (Qld)</i> .
Regulatory Authority	In Queensland, the regulatory authority is the Department of Education, which is responsible for administering and enforcing the NQF and the <i>Education and Care Services Act 2013 (Qld)</i> .
Regulating for Quality	This framework sets out the department's risk-based approach to regulation. It is designed to effectively identify and assess risks to the quality of ECEC services and ensure that the department focuses its regulatory efforts effectively on areas that present the greatest risk to the health, safety and wellbeing of children.

Legislation

- [Education and Care Services National Law](#)
- [Education and Care Services National Regulations \(NSW\)](#)
- [National Quality Framework](#)
- [Education and Care Services Act 2013 \(Qld\)](#)
- [Education and Care Services Regulations 2013 \(Qld\)](#)
- [Disability Services Act 2006 \(Qld\)](#)
- [A New Tax System \(Family Assistance\) \(Administration\) Act 1999 \(Cwlth\)](#)
- [Public Service Act 2008 \(Qld\)](#)
- [Education \(General Provisions\) Act 2006 \(Qld\)](#)
- [Public Interest Disclosure Act 2010 \(Qld\)](#)
- [Crime and Corruption Act 2001 \(Qld\)](#)

Delegations/Authorisations

- [Director-General's delegations - Education and Care Services Act 2013 \(Qld\)](#)
- [Executive Director's authorisations - Education and Care Services National Law \(Qld\)](#)
- [Director-General's delegations - Education and Care Services National Law Act 2011 \(Qld\)](#)
- [Director-General's delegations - Education and Care Services National Regulations](#)
- [Chief Executive of the Regulatory Authority's nomination - Education and Care Services National Regulations](#)
- [Director-General's delegations - Education and Care Services Regulation 2013](#)
- [Director-General's delegations - Education and Care Services National Law \(Qld\)](#)



Related policies

- [Regulating for Quality Framework](#)
- [Regulating for quality: The regulation of approved early childhood education and care services](#)

Related procedures

- [Customer complaints management](#)
- [Managing employee complaints](#)
- [Education Queensland International – Complaints and appeals process](#)
- [Education Queensland International – Deferral, suspension and cancellations of enrolment](#)

Guidelines

- [Guidelines for complaint management in organisations](#)

Supporting information/websites

- [Early Childhood Education and Care](#)
- [The Australian Children's Education and Care Quality Authority](#)
- [Right to information and Information Privacy](#)

Contact

The department encourages complainants to first raise their concerns with the approved provider of an ECEC service or person in a senior role at the service. If the matter is not satisfactorily addressed or if you do not feel comfortable raising the matter directly with the service or if the matter is very serious or critical, you may contact the department directly.

A complaint form can be downloaded [here](#) under 'How do I make a complaint?'

A completed form lodged at the nearest regional office to the service or posted or emailed to the below:

Regulation, Assessment and Service Quality
Early Childhood Education and Care
PO Box 15033
CITY EAST QLD 4002

Email: ecec@ged.qld.gov.au

Alternatively:

Complete the form on the [Queensland Government – complaints and compliments](#) webpage.

Call 13QGOV (13 74 68) within Australia

Call +617 3405 0985 (+10 hours UTC) for international callers

or visit one of QGov's counters

For departmental staff who would like more information about the framework, policy or procedure, please email gspmailbox@qed.qld.gov.au.

Review date

13/03/2024

Superseded versions

Previous seven years shown. Minor version updates not included.

- 2.0 Complaints management and compliance under the *Education and Care Services Act 2013* procedure
 - 1.0 Monitoring, compliance and enforcement under the *Education and Care Services Act 2013* procedure
- 1.0 Complaints management and monitoring compliance under the Education and Care Services National Law procedure

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