

Early Learning Commission

Complaint Handling Policy

NSW Early Learning Commission

Version 1.0

26 February 2026



Early Learning
Commission

Acknowledgement of Country

The Early Learning Commission acknowledges the Traditional Custodians of the lands where we work and live. We celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of NSW.

We pay our respects to Elders past, present and emerging and acknowledge the Aboriginal and Torres Strait Islander people that contributed to the development of this Policy.

We advise this resource may contain images, or names of deceased persons in photographs or historical content.

Complaint Handling Policy

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1 Purpose

The NSW Early Learning Commission (the Commission) regulates more than 6,000 Early Childhood Education and Care (ECEC) services in NSW so that children attending those services receive safe and high-quality education and care.

The protection of the rights and best interests of each child and the children attending education and care services must be the paramount consideration in giving effect to the National Law, including in making decisions or otherwise exercising functions under this Law. The protection of the rights and best interests of each child and the children attending education and care services prevails over the financial interests of approved providers; and other fiduciary duties owed by persons with management or control of education and care services.

The Commission expects all services to deliver safe, high-quality education and care and takes strong regulatory action where these expectations are not met. The Commission adopts a prevention-led and risk-informed approach to regulation to protect children from harm and acts with integrity, confidence and courage to ensure children's safety.

The purpose of this policy is to specify the Commission's approach to managing complaints. The Commission aims to ensure all complaints and feedback are handled promptly, in a culturally sensitive, respectful and transparent manner and are viewed with a commitment to continuous improvement. In particular, the Commission is committed to providing families with clarity and respect in relation to any complaints they raise.

The Commission is responsible for administering the National Quality Framework and has a range of powers and tools to facilitate continuous improvement in the provision of education and care services and to ensure compliance with the National Quality Framework. The Commission cannot act outside of this Framework, and there may be some concerns raised that we are unable to act upon. In this instance, information will be provided to complainants to support their understanding.

While conducting regulatory activities, the Commission may receive complaints in relation to ECEC services, the Commission, and matters that fall outside our remit.

The information in this policy outlines both the Commission's approach to the broad management of and specific action in relation to complaints:

- about ECEC services in NSW
- about Commission staff decision making by the Commission, the application of its policies, processes and procedures, or communications to the sector or public
- that fall out of scope of the Commission's remit.

2 Scope

The NSW Early Learning Commission is the Regulatory Authority for New South Wales (NSW) for regulating the ECEC sector. The Commissioner has delegated the exercise of powers and functions to officers across NSW in accordance with the Commissioner's delegations.

The Early Learning Commission exercises its regulatory functions under the following legislation:

National Legislation

- Children (Education and Care Services) National Law (NSW) 2010 (the ‘National Law’)
- Education and Care Services National Regulations (NSW) 2011 (the ‘National Regulation’)

NSW State-based Framework:

- Children (Education and Care Services) Supplementary Provisions Act 2011
- Children (Education and Care Services) Supplementary Provisions Regulation 2024

Most education and care services for children around Australia are regulated, under the National Quality Framework. Service types covered by the National Quality Framework are regulated under the National Law and National Regulations. These services include Family Day Care, Long Day Care, Out of School Hours Care and Preschools. The National Quality Framework also includes the National Approved Learning Frameworks and the National Quality Standard against which education and care services are assessed and rated. The Guide to the National Quality Framework is designed to support education and care providers, educators and authorised officers understand and apply the requirements of the National Quality Framework.

Occasional care services, Multifunctional Aboriginal Children’s Services (MACS) and Mobile services are out of scope of the NQF and are regulated under the state-based framework. These types of services are referred to as ‘state regulated’ services. In NSW, this means they can expect the same regulatory oversight as other services. National Law Alignment Provisions are applicable to NSW state regulated education and care services.

The Commission is responsible for the implementation of this policy, and it applies to all Commission staff. This policy also applies to all education and care service providers in NSW, both ‘in-scope’ and ‘out-of-scope’. It does not apply to matters relating to the internal or external review of regulatory decisions including applications, compliance actions, and quality ratings following assessment and rating. For further details relating to reviewable regulatory decision processes, refer to the Review of Decision Policy.

3 Guiding Principles

The Commission’s over-arching principles for the exercise of its powers and functions are set out in the Guiding Principles policy.

In exercising its powers and functions, the Commission must uphold the objectives and guiding principles set out in section 3 of National Law. In accordance with the NSW Children (Education and Care Services National Law Application) Amendment Act 2025, the rights and best interests of each child attending ECEC services are the paramount consideration. The Commission ensures this paramountcy principle informs all its decisions and the exercise of all functions under the National Law.

The Commission is also guided by the Child Safe Standards, which are regulated by the NSW Office of the Children’s Guardian, and is committed to upholding the safety of children through its regulatory decision making.

The Commission’s guiding principles in relation to handling complaints include:

- Timeliness: addressing complaints quickly, prioritising based on the level of actual or potential risk to children
 - Respectful treatment: Being responsive and treating people with courtesy and respect.
 - Information and accessibility: Making the feedback and complaints process easy.
 - Effective communication: Keeping people informed about the status of their complaint or feedback.
 - Taking ownership: Ensuring our workforce is trained and skilled to manage complaints.
-

4 Policy

4.1 What is a complaint

The Australian and New Zealand Standard - Guidelines for complaint management in organisations (AS/NZS 10002:2022) defines a complaint as an ‘expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required’.

4.2 Legislative Requirements

There are legislative requirements for service providers regarding complaints. Approved providers are:

- required to display the name and telephone number of the person at the service to whom complaints may be addressed, and the contact details of the Commission ([Section 172\(1\)\(f\)](#) in conjunction with [Regulation 173\(2\)](#)).
 - responsible for notifying the Commission where they have received notifications of an incident that has occurred or where they receive a complaint ([Section 174\(2\)](#)).
 - required to maintain policies and procedures for dealing with complaints ([Regulation 168](#)).
-

4.3 Management of complaints

On receiving information from services or direct complaints from the community, the Commission will review the information and conduct further enquiries as need. There are no set legislative requirements relating to Commission’s approach to managing complaints received about the Commission. To ensure complaints are managed in an appropriate manner the Commission is guided by its Professional and Ethical Standards Policy and Code of Conduct.

Appropriately managing complaints is important for the Commission to ensure that public trust is upheld in an ethical, impartial, and apolitical manner.

The Commission complaints process includes:

- the nomination of an appropriate complaint manager
- acknowledgment of the complaint
- assignment of a reference number
- assessment of the complaint

- determining an outcome
 - closing the complaint
 - follow up on required actions.
-

4.4 Privacy and information sharing

The privacy of persons making a complaint are handled in line with the Commission's Code of Conduct and internal processes. It is also managed in accordance with the Australian Privacy Principles under the Privacy Act 1988 (Cth), as well as Sections 261, 271 and 273 of the National Law.

The Commission will maintain confidentiality where practicable, however the Commission may need to provide information about the complaint to relevant parties. For example, in line with the principles of procedural fairness, the Commission may need to disclose the general nature of the complaint to the person/entity being complained about, so they have sufficient information to respond to the allegations against them.

When the Commission receives a complaint that indicates there may be a risk of significant harm to a child (or class of children), it will assess the complaint and identify whether the service has made the appropriate reports to the relevant agencies.

If the complaint is related to the conduct of an educator and relates to a child protection matter, the Commission will confirm with the service whether they have contacted another government agency such as the NSW or Federal Police, NSW Department of Communities and Justice (DCJ) and the NSW Office of the Children's Guardian (OCG). The Commission may also contact and notify these agencies.

In the event findings of a complaint result in prosecution proceedings, the Commission may need to subpoena the person making a complaint to provide evidence under Section 215 of the National Law.

The Commission may also be required to disclose information regarding a complaint, the complaint review, or information around the overall complaint handling process if a request for information is lodged under the Freedom of Information Act 1982 (Cth) or the Government Information (Public Access) Act 2009.

4.5 Responding to cultural and linguistic diversity

The Commission is dedicated to fostering culturally safe environments and enhancing outcomes for Aboriginal children and families. This commitment involves working with services, families and communities in a manner that respects and acknowledges culture, including responding to complaints in a culturally informed way, addressing accessibility needs, and involving First Nations staff when necessary.

We can assist parents, carers and individuals who do not speak or understand English well or those with disabilities or specific needs with the support of services including translators or AUSLAN interpreters.

4.6 Respectful and reasonable conduct during the complaint process

Effective complaint resolution depends on all parties behaving in a respectful and reasonable manner. To effectively resolve matters both the Commission and the community have key roles and responsibilities. These roles and responsibilities only apply to concerns raised by community members about the Commission's services, employees and/or complaint handling.

4.6.1 Responsibilities of community members

Members of the community have responsibility to:

- treat others with respect to create a trustworthy environment and behave in ways that are ethical and lawful
- provide information that is clear, concise and without unrelated or unnecessary detail
- be clear about the relevant facts with a focus on resolution
- be willing to work cooperatively to resolve concerns and actively participate in any related complaint handling processes
- respond promptly and cooperatively when a complaint manager or reviewer requests information
- maintain confidentiality and only share information with those who need to know.

4.6.2 The rights of people in the community

People in the community have a right to:

- access information about the process for raising and addressing concerns
- be heard and have their concerns genuinely considered
- be provided with sufficient time to engage a suitable support person to be available at the time of a scheduled meeting and who can monitor their psychological and cultural safety
- seek advice from another person or organisation to assist them to address their concerns
- be informed whether action will be taken because of their complaint
- receive regular and appropriate communication throughout the complaint process
- a reasonable complaint process with impartial decision-making
- make a complaint without being subject to detrimental action.

4.6.3 The responsibility of the Commission

The Commission has a responsibility to:

- be professional and instil trust and confidence in the complaint handling process by following these procedures
- create a positive culture that encourages feedback and open discussion about concerns
- identify, respond and promptly address concerns and issues that arise, with a focus on resolution
- suggest available support services that may help a person raising a complaint
- declare and manage a conflict of interest (actual or perceived), including by excusing themselves from managing a complaint where appropriate

- communicate the outcome to parties who participated in the complaint process, taking into consideration the level and nature of information that is appropriate to the person's role and circumstances
- address underlying and/or systemic issues arising from a complaint.

4.6.4 The rights of the Commission

The Commission has a right to:

- ask a person to summarise or identify their main concerns
- ask for information within a specified timeframe to inform an assessment of a complaint, including an assessment of risk, the concerns raised and reasonable outcomes
- decide if a support person is acceptable
- recommend or devise a course of action (which may not be the preferred outcome of one or more parties) or decline to take further action, after fair consideration of the circumstances
- cease a call or correspondence if a person is demonstrating unreasonable behaviour.

4.6.5 Addressing unacceptable, improper or unreasonable behaviour

The Commission must address any unacceptable, improper or unreasonable behaviours by a complainant or other party involved. This behaviour includes:

- aggressive or intimidating actions, language or tone
- treating employees differently due to aspects such as identity, religion or disability
- raising complaints repeatedly that lack substance
- inappropriate and excessive communication.

Restorative practice approaches to build, maintain and restore positive relations with the person raising the concern will be used to resolve matters. If the complaint required unreasonable or substantial diversion of resources and/or the complainant does not reasonably participate in the complaint process, the Commission may decide:

- to finalise a complaint on the available information
- not to take action
- to limit the scope of inquiries
- to limit communication.

4.7 Management of complaints about the Commission

The Commission exercises its powers and functions impartially, free from bias, personal interests, or external pressures, to uphold public trust and confidence in its administrative decision-making. To maintain this integrity, the Commission welcomes public and government scrutiny of its actions and decisions. The Commission mandates and encourages the reporting of alleged misconduct or unethical behaviour by any Commission employee, providing protections against retaliation.

4.7.1 Lodging Complaints

Complaints relating to the Commission or its staff can be lodged via:

- Direct communication to a Commission staff member
- Email to information@earlylearningcommission.nsw.gov.au
- Calling the Information and Enquiries line on 1800 619 113.
- [https://nswdoecorporate.my.salesforce-sites.com/DoEComplaintAndFeedbackThe NSW Ombudsman website](https://nswdoecorporate.my.salesforce-sites.com/DoEComplaintAndFeedbackTheNSWOmbudsmanwebsite)

4.7.2 Complaints about Authorised Officers

The Commission's staff are committed to demonstrating integrity and professionalism in the delivery of their duties and in exercising its regulatory functions. Should a service, provider or a member of the public wish to find out more information or raise a concern about Authorised Officers, they can do so via emailing the Commission directly (information@earlylearningcommission.nsw.gov.au) or by calling the Information and Enquiries line on 1800 619 113.

Complaints about an Authorised Officer will not result in a change of Authorised Officer visiting a service unless the Commission determines that this is warranted through its review of the complaint. Services are unable to make requests for specific authorised officers or teams to visit their service, and this is at the discretion of the Commission.

Complaints are handled separately to any requests for review of regulatory decisions.

4.7.3 Details on management and outcome

The Commission may need to contact the person making a complaint to obtain clarification of the complaint issue or further evidence. Complaints are finalised when the Commission has acknowledged, assessed, and provided an outcome to the person making a complaint. Where possible, the Commission will inform the person making a complaint when the matter has been finalised. Where possible and appropriate, the person making a complaint will be advised of the outcome.

In some instances, the Commission may not be able to advise the person making a complaint the specific outcome of a complaint or investigation. This is due to legislative restrictions under the National Law and Regulations and privacy requirements in accordance with the Privacy Act 1988 (Cth).

4.7.4 Timeframes for complaint handling about the Commission

The Commission will acknowledge a complaint within three business days and will aim to provide an outcome within 20 business days of receipt. Where there is a possibility, this timeframe may not be met, the Commission will make direct contact with the person making a complaint as soon as practicable.

4.7.5 Complaints alleging misconduct by Commission

Complaints about the conduct of staff working in the Commission are managed in accordance with the Commission's Professional and Ethical Standards.

4.8 Reviewing the complaint process and outcome

4.8.1 Internal review in relation to a complaint about the Commission

An internal review may be conducted in relation to the handling of a complaint. A review considers the way the complaint was handled, and whether the outcome was reasonable based on all the circumstances.

A person can request a review of the handling of the complaint within 10 business days if they can explain:

- why the outcome of a complaint was incorrect
- how the complaint handling process was unfair and how this contributed to an incorrect complaint outcome.

A request must be in writing and include:

- what aspect of their complaint they are requesting to be reviewed
- what aspect of the outcome is incorrect
- how the policy, procedure or process was incorrectly applied

4.8.2 External oversight of complaints about the Commission

The NSW Ombudsman may manage complaints from people who have been treated unfairly or unreasonably by a NSW Government agency, which includes the Commission. A person can:

- seek independent advice about external review options
- raise their concerns with an external agency at any time.

There is no automatic right to an external review of the complaint handling process.

- For further information refer to the [NSW Ombudsman website](#).

To make a complaint regarding discrimination, such as age, race, sex, or a disability and breaches of human rights a person can access:

- The [Australian Human Rights Commission website](#)
 - The [Anti-Discrimination NSW website](#)
-

4.9 Management of complaints about regulatory decisions

For information on review processes relating to the internal or external review of regulatory decisions including applications, compliance actions, and quality ratings following assessment and rating, refer to the [Review of Decision Policy](#).

4.10 Management of complaints about NSW ECEC services and providers

Persons with issues or concerns relating to an ECEC service, should first consider raising their complaint with the approved provider or nominated supervisor of the service, where this is appropriate. Under the National Quality Framework, complaints received by the service must be notified to the Commission as prescribed under Section 174 (2).

Should the person consider the complaint not appropriate to raise with the service, or if the person is not satisfied with the response or the way their complaint was managed, they can lodge a complaint with the Commission.

All direct complaints received about a service and/or provider, or notifications of complaints made by the provider, will be reviewed in accordance with Notification and Reporting guidelines. To lodge a complaint, see section 4.6.1 of this policy.

The Commission monitors and enforces ECEC providers' obligations to implement whistleblower provisions within their services to enhance child safety and prevent serious harm.

4.10.1 Timeframes for complaint handling about services

The Commission will acknowledge a complaint within three business days and will aim to provide an outcome within 60 business days of receipt.

Where there is a possibility that the Commission may not meet an expected timeframe, the Commission will make direct contact with the person making a complaint as soon as practicable.

Complaints related to ECEC services and providers can be complex and may require requests for information from other agencies and/or detailed evidence to be collected.

4.10.2 Reviewing the way the Commission investigated concerns about a provider or service

A person who has concerns with the way the Commission handled their complaint about a provider or service may lodge a complaint about the Commission. The complaint must be in writing and include:

- how the complaint handling process was unfair
- what aspect of their complaint they are requesting to be reviewed.

The complaint will be managed in line with section 4.7 of this policy.

4.10.3 Management of complaints outside the scope of the Commission

The Commission can only manage complaints about ECEC services that are covered under the National Law or Regulations. There are several types of complaints or concerns that fall outside the remit of the Commission, including:

- Fees charged by ECEC services
- Complaints about NSW government funding or an unsuccessful grant funding application
- An unsuccessful government grant funding application lodged by an approved provider
- Child Care Subsidy (CCS), including any issues relating to applications and eligibility
- Educator or other sector relevant employment conditions, including remuneration.

The table provides an overview on where to direct such enquires.

Issue or Concern	Agency to Contact	Contact Details
Fees charged by education and care services	NSW Fair Trading	13 32 20

NSW Department of Education funding or unsuccessful grant funding application	NSW Department of Education	Feedback Assist widget on the department's Complaints page
Unsuccessful government grant funding application Child Care Subsidy (CCS)	Commonwealth Department of Education	ccshelpdesk@dese.gov.au 1300 667 276 Online Child Care Subsidy page Australian Government Department of Education website
Employment conditions, including remuneration	Fair Work Commission	13 13 94

The Commission's Information and Enquiries team can guide and refer the person making a complaint to the appropriate agency. To seek support contact 1800 619 113.

5 Enquiries

For enquiries about this policy, please contact the NSW Early Learning Commission Information and Enquiries team 1800 619 113 (toll free) or information@earlylearningcommission.nsw.gov.au

6 Approval

Approved by: Daryl Currie, A/Commissioner, NSW Early Learning Commission

Designation: A/Commissioner, NSW Early Learning Commission

Dated: 26 February 2026

7 Document history.

Table 1. Document information

Document title	Complaint Handling Policy
Document type	Policy
Version number	1.0

NSW Early Learning Commission Complaint Handling Policy

105 Phillip Street
Parramatta NSW 2150

Office hours:
Monday to Friday
9:00 am to 5:00 pm

T: 1800 619 113

E: information@earlylearningcommission.nsw.gov.au

W: <https://education.nsw.gov.au/early-childhood-education/regulation-and-compliance>



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