Early Learning Commission

Making a complaint to the NSW Early Learning Commission



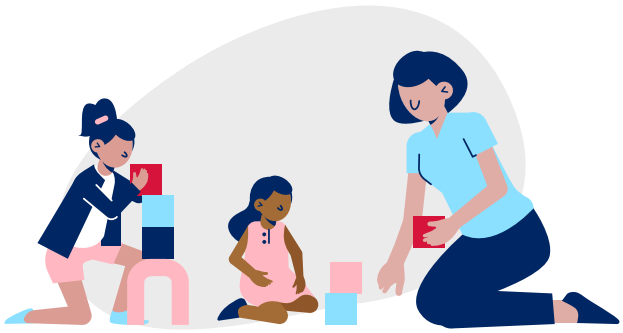
If you have any suggestions, concerns, or complaints about an early childhood education and care (ECEC) service, talk to the director, manager, or staff members from the service in the first instance. If the service doesn't address your concern, or if it's inappropriate to raise it there, you can contact the NSW Early Learning Commission to make a complaint.

The Commission can assist with concerns related to the National Quality Framework, consisting of the Education and Care Services **National Law** and Education and Care Services **National Regulations**.

The Commission can assist with issues and concerns about:

- **Physical environment:** concerns regarding the physical buildings/facilities at the service, resource/materials equipment used at a service
- **Educational program and practice:** the educational program being provided or that an educational program is not being provided by the service
- **Relationships with children:** staff interactions with children including inappropriate behaviours or discipline
- **Alleged illegal ECEC service:** a service that is operating without an approval
- **Children's health, safety and wellbeing while attending an ECEC service:** including any allegations about educators acting inappropriately or putting children at risk. We will investigate all incidents which result in a child/ren being injured or harmed, concerns about the health/hygiene of a child or health/hygiene practices of a service and/or incidents which result in a child requiring dental, medical or hospital treatment
- **Leadership and service management:** management of records, reporting information to the Commission, information to be displayed, policies and procedures and staffing arrangements.

To make a complaint call **1800 619 113** or email **information@earlylearningcommission.nsw.gov.au.** If your complaint falls outside the scope of the Commission, you will be notified and provided with contact information about where you could direct your complaint.



If you suspect a child is currently at risk

In addition to making a report to the NSW Early Learning Commission, if you suspect a child is at immediate risk of harm or has been a victim of serious criminal action (for example, abuse or assault), then you should immediately call the NSW Police and the NSW Department of Communities and Justice:

- In a life threatening or emergency situation, contact 000.
- For non-emergency situations please contact the Police Assistance Line on 131 444.
- **For suspected abuse or neglect** of children and young people, please contact the Department of Communities and Justice Child Protection Helpline on **132 111**, available 24 hours a day, 7 days a week.



What happens after you make a complaint to the Commission

When the Commission receives a complaint, we will:

- undertake an initial risk assessment of all complaints relating to risk to the health, safety or wellbeing of a child or children within 24 hours
- when the complaint sits within the remit of the NSW Early Learning Commission, it will be allocated to an operational team for review and further action
- acknowledge all complaints
- provide you with a reference number
- notify you if the complaint falls out of the scope of the Commission and provide you with contact information about where you can direct your complaint.

Where your concerns relate to the scope of the Commission we:

- conduct inquiries into your complaint – this may involve further discussions with you, contacting the service, inspecting the service, questioning or formally interviewing staff/responsible people at the service, or gathering evidence as necessary
- work with other agencies, including NSW Police, for the most serious matters
- where a formal investigation is required and your child/ren has been directly involved, we will provide you with an outcome and keep you updated.

All notifications to the Commission are kept confidential. Your identity won't be revealed unless you give consent or legislative requirements or legal orders require us to do so.

If your complaint raises immediate concerns, we will act immediately.

Some complaints may require more than 60 working days to investigate however we'll email you to inform you of any delays.

You can ask us for an update by contacting the NSW Early Learning Commission, call **1800 619 113** or email **information@earlylearningcommission.nsw.gov.au**.

Responding to complaints

Full and accurate information helps to support a timely response to address any risk and action taken to ensure the health, safety and wellbeing of children in ECEC services.

The action we take in response to a complaint will depend on the circumstances of each matter. Examples of a response to a complaint are:

- a visit to the service by an authorised officer or requesting further detail
- the conduct of an inquiry into the complaint and notification of alternate pathways if the complaint falls outside of the National Law and Regulations
- compliance action if a breach is found to have occurred
- information shared with another government agency or NSW Police to protect a child or children from risk of harm
- the complaint may be recorded on the service's record with no further action if it is found that there is no evidence of a breach of the law, no risk to children and the service's response to the complaint is considered appropriate and sufficient.



Other types of complaints

The NSW Early Learning Commission can only manage complaints about education and care services that are covered under the National Law or Regulations. If you have not already done so, and if appropriate, we may recommend you raise the concern directly with the service in the first instance to provide them with the opportunity to address your concerns.

To make a complaint about:

- **suspected abuse or neglect** of children and young people, please contact the Department of Communities and Justice Child Protection Helpline on **132 111**, available 24 hours a day, 7 days a week
- **service fees or business practices**, please contact the NSW Department of Fair Trading on **13 32 20** or visit **fairtrading.nsw.gov.au**
- the **Child Care Subsidy (CCS) or other Australian Government programs**, please contact the Australian Government's Department of Education, CCS Provider Helpdesk on **1300 667 276** or visit **education.gov.au**
- **possible discrimination,** please contact Anti-Discrimination NSW on **1800 670 812** or visit **antidiscrimination.nsw.gov.au**
- concerns about employee conduct such as bullying of other employees and professional relationships between employees, please contact the approved provider
- If you are dissatisfied with the response of a NSW Government department or the NSW Early Learning Commission, you can contact the NSW Ombudsman: **NSW Ombudsman | Complaints**.