



ACT
Government
Education

ACT PUBLIC PRESCHOOLS COMPLAINTS PROCEDURE

Document number: 00048/3

Published: March 2023

Education Directorate

Contents

1. OVERVIEW	iii
2. RATIONALE	1
3. PROCEDURES.....	1
4. RESPONSIBILITIES	1
5. CONTACT.....	2
6. MONITORING AND REVIEW	2
7. COMPLAINTS.....	2
8. RELATED POLICIES AND IMPLEMENTATION DOCUMENTS.....	2
9. REFERENCES.....	2

Glossary

Term	Definition
Regulatory authority	Children’s Education and Care Assurance (CECA), who undertake investigation, compliance, enforcement and assessment and rating functions against the National Quality Standard .
Approved provider	Approved providers must operate approved services that meets the obligations in the National Law . Approved providers must exercise effective leadership, governance and management to meet their legal obligations. Providers must also employ suitably qualified and experienced nominated supervisors, educational leaders, coordinators and educators. In the case of government preschools in the ACT, the approved provider is the ACT Education Directorate.
Setting	An early childhood education and care service (centre-based) under the National Law that provide education and care services. For the purposes of this procedure, these settings are public preschools (managed by ACT Education Directorate as the approved provider and undertaking the government preschool program for four-year-olds).
Authorised person	A parent or family member of a child who is being educated and cared for by an ACT public preschool; or an authorised nominee of a parent or family member of a child who is being educated and cared for by an ACT public preschool.
Authorised nominee	A person who has been given permission by a parent or family member to collect a child enrolled in an ACT public preschool.
Nominated supervisor	As part of an application for service approval, approved providers must identify the nominated supervisor for the service. The nominated supervisor must be over 18 years old, have adequate knowledge and understanding of the provision of education and care to children, and have the ability to effectively supervise and manage an education and care service. In the case of government preschools in the ACT, the nominated supervisor tends to be the principal of the associated school campus.
Person in day-to-day charge	The approved provider and/or nominated supervisor needs to designate a

This document relates to obligations under **Regulations 168 and 173** of the [Education and Care Services National Law](#). **00048/3** is the unique identifier of this document. It is the responsibility of the user to verify that this is the current and complete version of the document. Current documents are available on the [Directorate’s website](#).

	<p>responsible person to be placed in day-to-day charge of a service if the approved provider and/or nominated supervisor is not present. The person in day-to-day charge must be over 18 years old, have adequate knowledge and understanding of the provision of education and care to children, and have the ability to effectively supervise and manage an education and care service.</p> <p>The person nominated to be in day-to-day charge must accept this responsibility in writing. The nominated person must have adequate knowledge and understanding of the provision of education and care to children and be able to effectively manage a service.</p> <p>A record that demonstrates who is the responsible person in day-to-day charge should be in place. Being in day-to-day charge of a service does not place any additional legal responsibilities on the person under the National Law. The responsibilities relevant to educators under the National Law continue to apply.</p> <p>An approved provider does not have to appoint a person in day-to-day charge if a nominated supervisor(s) or an approved provider is to be the responsible person in attendance during service operational hours.</p>
Educators	Qualified staff who work directly with children to meet their developmental and educational needs. It includes staff who are tertiary qualified teachers.
Educational leader	The National Law requires approved providers to designate, in writing, a suitably qualified and experienced educator, coordinator or other individual as educational leader.
Blue Book	Personal Child Health Record used to record a child's health, illnesses, injuries, growth and development.
Centre-based service	An education and care service other than a family day care service.
Obligations to notify	Approved providers and services have an obligation to notify CECA about incidents, complaints and changes to information about the approved provider or approved service. This includes serious incidents, complaints and circumstances where the health, safety or wellbeing of children may have been put at risk.
Quality improvement obligations	<p>Approved provider must ensure a Quality Improvement Plan (QIP) is in place for each service.</p> <p>The QIP is for providers and services to self-assess their performance in delivering quality education and care and to improve that performance. The QIP should reflect the unique context of a service and be communicated in a way that is meaningful.</p>
Compliance obligations	<p>The National Regulations detail the minimum operational requirements for services. Providers, service leaders and educators. There should be embedded processes in place to monitor compliance within each setting.</p> <p>This Self-assessment of Compliance Tool has been developed by CECA to assist providers, service leaders and educators to gain a knowledge and application of the National Regulations.</p>

Obligations

ACT Public Preschools must meet the obligations of the [National Law](#), including Regulation 168, which states that education and care services must have policies and procedures in relation to the following:

- health and safety, including matters relating to:
 - nutrition, food and beverages, and dietary requirements;
 - sun protection;
 - water safety, including safety during any water-based activities;
 - the administration of first aid; and
 - sleep and rest for children.
- incident, injury, trauma and illness procedures;
- dealing with infectious diseases;
- dealing with medical conditions in children;
- emergency and evacuation;
- delivery of children to, and collection of children from, education and care service premises;
- excursions;
- providing child-safe environments;
- staffing, including:
 - a code of conduct for staff members;
 - determining the responsible person present at the service; and
 - the participation of volunteers and students on practicum placements.
- interactions with children;
- enrolment and orientation;
- governance and management of the service, including confidentiality of records;
- the acceptance and refusal of authorisations;
- payment of fees and provision of a statement of fees charged by the education and care service; and
- dealing with complaints.

1. Overview

- 1.1. This procedure outlines strategies for making and the resolution of complaints made in reference to a public preschool.
- 1.2. This procedure relates to obligations under [Regulations 168 and 173](#) of the [National Law](#) and should be used to ensure compliance against the Compliance Guide.

2. Rationale

- 2.1. In accordance with provider approval conditions, this procedure aims to comply with the requirements set out within the [National Law](#).
3. It is important that this procedure be used in conjunction with the [Directorate Complaints Policy](#) which guides but does not meet the requirements of the [National Law](#).
4. The following procedures are in place to ensure that complaints made in reference to public preschools are resolved effectively.

5. Procedures

- 5.1. [Children's Education and Care Assurance \(CECA\)](#) acts as the ACT Regulatory Authority for education and care services, including public preschools, in the ACT.
- 5.2. CECA is authorised to receive complaints which allege the health, safety or wellbeing of a child is at risk.
- 5.3. Public preschools must display the contact details for CECA to inform parents of the option to make a complaint directly to the regulatory authority (a notice is provided to display at each public preschool).
- 5.4. It is encouraged that the process of discussing the matter is firstly taken up with the nominated supervisor of the public preschool.
- 5.5. If a complaint is made to the Directorate Liaison Unit, a referral must be made to CECA if it is alleged that there has been a breach of the [National Law](#).
- 5.6. The nominated supervisor must notify CECA, through Schools Operations, in the event of a complaint being made which alleges the health, safety or wellbeing of a child is at risk.
- 5.7. In the event of a complaint being made to CECA, either directly or by notification, an investigation may be undertaken by Investigations to establish if an offence under the [National Law](#) has been made.
- 5.8. The contact details for CECA are:

Children's Education and Care Assurance
(02) 6207 1114 or complaintsCECA@act.gov.au

6. Responsibilities

- 6.1. The nominated supervisor is responsible for ensuring processes are in place to support this procedure.

- 6.2. The nominated supervisor is responsible for ensuring all authorisation forms and requests meet requirements as set out in the [Education and Care Services National Law \(ACT\) Act 2011](#) (the application of the [National Law](#) in the ACT).
- 6.3. The nominated supervisor is responsible for refusing authorisations where the wellbeing, health or safety of a child may be compromised.
- 6.4. All Education Directorate staff are responsible for the day-to-day implementation of these processes and must ensure that decisions in relation to children are only made by those who are authorised to do so.

7. Contact

- 7.1. The Director, School Improvement is responsible for this procedure.
- 7.2. For support contact School Operations on 6205 3313 or email SchoolOperations@act.gov.au

8. Monitoring and review

- 8.1. The procedure owner will be responsible for monitoring the procedure through annual scans. A full review will occur as necessary, or within a three-year period.

9. Complaints

- 9.1. Any concerns about the application of this procedure or the procedure itself, should be raised with:
 - the school principal in the first instance;
 - the Directorate Feedback and Complaints team on (02) 6205 5429 or through the [online form](#); and
 - ACT Education's Regulatory Authority, Children's Education and Care Assurance on (02) 6207 1114 or complaintsCECA@act.gov.au.
- 9.2. For more information also refer to the [Complaints Policy](#) on the Directorate's website.

10. Related Policies and Implementation Documents

- Complaints Procedure
- [Guide to Handling Complaints About ACT Public Schools and the Education Directorate](#)
- CECA Role Notice

11. References

- [Education and Care Services National Regulations](#)