

Complaints Management in Anglican Education & Care Services Procedures

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1. Introduction

These Procedures support the *Complaints Management in Anglican Education & Care Services Policy* (the Policy) and provide direction to relevant persons regarding their role and responsibilities when actioning the Policy.

Any individual can make a complaint, including children, staff, visitors, parents, guardians or other members of the community.

Throughout the Procedures, unless otherwise indicated, the term ECS staff includes the Nominated Supervisor, Director/Coordinator and all other employees.

Information on definitions and key terms can be found in Appendix 1.

2. Four stage complaints management process

Unless additional action is specified in Section 3 below, all complaints in relation to an action, behaviour, omission or decision by an ECS staff member, or volunteer will be managed in accordance with the following four stage complaints management process.

Refer to Section 3.4 of the Procedures for information about complaints in relation to visitors to the ECS.

Stage 1 - Discuss the matter with the relevant staff member or volunteer

Wherever possible, the complainant is encouraged, in the first instance, to discuss their complaint with the staff member or volunteer whose action, behaviour, omission or decision is in question. When resolving complaints at this stage:

1. the complainant is asked to speak with the staff member or volunteer and request a time to discuss their concern regarding the staff member or volunteer's action, behaviour, omission or decision;
2. the complainant and the staff member or volunteer may speak with the Director/Coordinator or Responsible Person about obtaining support during the complaints management process, as outlined herein;
3. the staff member or volunteers must speak with the Nominated Supervisor, Director/Coordinator or Responsible Person should any of the specific complaints management requirements apply, as per Section 3 of the Procedures;
4. if the Nominated Supervisor, Director/Coordinator or Responsible Person is not involved in the discussion, the staff member or volunteer is to:
 - a) inform the complainant about these Procedures and the Complaints Management Policy, and
 - b) offer to inform the Director/Coordinator or Responsible Person, of the complaint raised, and the outcome of the discussion;
5. if the Nominated Supervisor, Director/Coordinator or Responsible Person is made aware of the complaint, they will:
 - a) ensure the complaint is documented; including the names of all parties involved, the nature of the concerns, the date and time of any discussion, the agreed outcomes and any required actions;
 - b) consider if any other policies, procedures or protocols are to be applied, particularly those referenced in the Complaints Management Policy regarding child protection and the conduct of staff and volunteers;
 - c) consider if it is appropriate to ensure the document outlining the management of the complaint is filed in the staff member or volunteer's personnel file and any agreed actions are completed; and
 - d) consider whether the staff member or volunteer requires any additional training or support in relation to their role, or whether any other action is required and
 - e) identify any issues or strategies to be incorporated in the ECS's quality improvement planning.

When the complainant determines that it is not appropriate to discuss the complaint with the staff member or volunteer or in doing so they do not believe their complaint has been addressed to their satisfaction, they are asked to proceed to Stage 2 of the complaints management process.

Stage 2 – Make a complaint to the Nominated Supervisor, Director/Coordinator or Responsible Person

When escalating a complaint to this stage, the complainant may raise their complaint with the Nominated Supervisor, Director/Coordinator or Responsible Person, either in writing or verbally. When resolving a complaint at this stage:

1. the complainant is asked to inform the Nominated Supervisor, Director/Coordinator or Responsible Person of their complaint: including the names of all parties involved, the nature of the concerns, any specific dates and times when incidents occurred, the complainant's feedback about their discussion with the staff member or volunteer, and the reason why the complaint remains unresolved;
2. the Nominated Supervisor, Director/Coordinator or Responsible Person will:
 - a) consider if any of the specific complaints management requirements, as per section 3 of the Procedures; or any other policies, procedures or protocols, particularly those referenced in the Complaints Management Policy regarding child protection and the conduct of staff and volunteers; are to be applied;
 - b) speak with the staff member or volunteer and obtain further information about their actions in relation to the complaint;
 - c) advise all parties involved about support available to them during the complaints management process, as outlined herein;
 - d) organise meeting/s with the complainant, or their advocate, and the staff member or volunteer, as soon as practicable; to gather further information about the ongoing complaint and develop a plan to satisfactorily resolve the complaint;
 - e) explain to the complainant, or their advocate, and the staff member or volunteer that they may have a support person present during any meeting;
 - f) ensure meetings are documented, including the agreed outcomes and required actions;
 - g) consider whether the staff member or volunteer requires additional training or support in relation to their role, or whether any other action is required;
 - h) ensure the agreed outcomes and required actions are communicated to the complainant;
 - i) ensure the records related to the complaint, e.g. meetings, reports, letters etc. are filed on the staff member or volunteer's personnel file and any agreed actions are completed; and
 - j) incorporate relevant learnings into the ECS's quality improvement planning.

When the complainant determines that it is not appropriate to discuss the complaint with Responsible Person, or in doing so they do not believe their complaint has been addressed to their satisfaction, they are asked to contact the Director/Coordinator. Similarly, when the complainant, determines that it is not appropriate to discuss the complaint with Director/Coordinator, or in doing so they do not believe their complaint has been addressed to their satisfaction, they are asked to contact the Nominated Supervisor (noting that in many instances the Director and Nominated Supervisor are the same person).

When the complainant, or their advocate, determines that it is not appropriate to discuss the complaint with the Nominated Supervisor, or in doing so they do not believe their complaint has been addressed to their satisfaction, they are asked to proceed to Stage 3 of the complaints management process.

Stage 3 – Escalate the complaint to the Chair or Principal

When escalating a complaint to this stage, the complainant may raise their complaint with the Chair of the Management Committee or Principal of the associated Anglican School, either in writing or verbally. When resolving a complaint at this stage:

1. the complainant is asked to inform the Chair/Principal of their ongoing complaint, including their feedback on previous meetings with the ECS and the reason why the complaint remains unresolved;

2. the Chair/Principal will:
 - a) consider if any of the specific complaints management requirements, as per section 3 of the Procedures; or any other policies, procedures or protocols, particularly those referenced in the Complaints Management Policy regarding child protection and the conduct of staff and volunteers; are to be applied;
 - b) advise the Nominated Supervisor and relevant staff or volunteers, that the complaint has now been escalated and obtain further information about the matter and the ECS's responses to the complaint, including copies of relevant documents or complaints management plans;
 - c) advise all parties involved about support available to them during the complaints management process, as outlined herein;
 - d) organise meeting/s with the complainant, or their advocate, the Nominated Supervisor and other relevant staff members and volunteers, as soon as practicable; to gather further information about the ongoing complaint and, if required, develop a complaints management plan to resolve the issues;
 - e) explain to the complainant and the staff member or volunteer that they may have a support person present during any meeting;
 - f) ensure meetings are documented, including the agreed outcomes and required actions;
 - g) consider whether the staff member or volunteer requires additional training or support in relation to their role, or whether any other action is required;
 - h) ensure the agreed outcomes and required actions are communicated to the complainant;
 - i) ensure the records relating to the complaint, e.g. meetings, reports, letters etc. are filed on the staff member or volunteer's personnel file and any agreed actions are completed; and
 - j) incorporate relevant learnings into the ECS's quality improvement planning.

Stage 4 – Escalate the complaint to the Executive Director of the Anglican Schools Commission (Owned or Controlled Schools only)

When escalating a complaint to this stage, the complainant may raise their complaint with the Executive Director, Anglican Schools Commission, either in writing or verbally. When resolving a complaint at this stage:

1. the complainant is asked to inform the Executive Director of their ongoing complaint, including their feedback on previous meetings with the ECS and the reason why the complaint remains unresolved;
2. the Executive Director will:
 - a) consider if any of the specific complaints management requirements, as per Section 3 of the Procedures; or any other policies, procedures or protocols, particularly those referenced in the Complaints Management Policy regarding child protection and the conduct of staff and volunteers; are to be applied;
 - b) advise the, Chair/Principal, Nominated Supervisor and relevant staff or volunteers that the complaint has now been escalated and obtain further information about the matter and the ECS's responses to the complaint, including copies of relevant documents or complaints management plans;
 - c) advise all parties involved about support available to them during the complaints management process, as outlined herein;
 - d) organise meeting/s with the complainant, or their advocate, the Chair/Principal, Nominated Supervisor and other relevant staff members and volunteers, as soon as practicable; to gather further information about the ongoing complaint and, if required, develop a complaints management plan to resolve the issues. This meeting may occur remotely, e.g. over the telephone;
 - e) explain to the complainant and the staff member or volunteer that they may have a support person present during any meeting;
 - f) ensure meetings are documented, including the agreed outcomes and required actions;
 - g) consider whether the staff member or volunteer requires additional training or support in relation to their role, or whether any other action is required;
 - h) ensure the agreed outcomes and required actions are communicated to the complainant;

- i) ensure the records relating to the complaint, e.g. meetings, reports, letters etc. are filed on the staff member or volunteer's personnel file and any agreed actions are completed; and
- j) ensure relevant learnings are incorporated into the ECS's quality improvement planning.

3. Specific complaints management requirements

All complaints detailed in this section (3) and received by a staff member or volunteer of an ECS are to be provided to:

- the Nominated Supervisor, or in their absence
- a Director/Coordinator, or in their absence
- a Responsible Person

for their additional action, as detailed below.

This action is required in addition to and alongside the management of the complaint.

3.1 Complaints in relation to the safety, health and wellbeing of a child

All complaints alleging:

- physical or sexual abuse of a child or children has occurred or is occurring while a child is being educated and cared for by the ECS
- a Serious Incident, as defined by regulation 12 of the Education and Care Services National Regulations

must be notified by the Approved Provider to the Regulatory Authority.

- For ECS which the Corporation of the Synod of the Diocese of Brisbane (the Diocese) is the Approved Provider, advice is to be made by email to the Executive Director of the Anglican Schools Commission, Anglican Church Southern Queensland, at ecs@anglicanchurchsq.org.au.
- For other Anglican ECS contact your Approved Provider.

The Approved Provider must provide this information to the Regulatory Authority in the timeframe detailed in the Regulation.

Topic of complaint	Form completed by ECS	Timeframe for Approved Provider to notify
Physical or sexual abuse of a child while being educated and care for by an ECS, that is not otherwise defined as a Serious Incident	ECS Form 6 (IO1 Template, Notification of Incident)	Within 7 days of the relevant event or within 7 days of the approved provider becoming aware of the relevant information.
The death of a child while being educated and cared for by an ECS or following an incident while being educated and cared for by an ECS (one type of Serious Incident)	ECS Form 5 (CO1 Template, Notification of Complaints)	As soon as practicable but within 24 hours of the death, or the time that the person becomes aware of the death.
Any other Serious Incident (refer to key terms for definition)	ECS Form 5 (CO1 Template, Notification of Complaints)	Within 24 hours of the incident or the time that the person becomes aware of the incident.

Consideration must also be given to managing this complaint as a reasonable suspicion of inappropriate behaviour by a staff member or volunteer, as per the Child Protection in Anglican Schools Policy and Procedures. This would occur in tandem with the management of the complaint.

3.2 Complaints in relation to other non-compliance with legislation or regulations

All complaints alleging any other non-compliance with the Education and Care Service National Law or Regulations must be provided to the Approved Provider for determination regarding need to notify the Regulatory Authority.

- For ECS which the Corporation of the Synod of the Diocese of Brisbane (the Diocese) is the Approved Provider, advice is to be made by email to the Executive Director of the Anglican Schools Commission, Anglican Church Southern Queensland, at ecs@anglicanchurchsq.org.au.

- For other Anglican ECS contact your Approved Provider.

This is to occur regardless of whether the complainant identifies the complaint as an alleged breach of the Law or Regulation. For example, the alleged breach is identified by a staff member or volunteer involved in managing the complaint, including but not limited to the Nominated Supervisor, Director/Coordinator or Responsible Person.

3.3 Complaints in relation to non-compliance with Child Protection in Anglican ECS Policies and Procedures

The Child Protection in Anglican Education & Care Services Policy outlines the commitment to ensure the safety and wellbeing of students attending Anglican ECS and the ECS's obligation to respond appropriately to all suspected child protection concerns. This includes the ECS's obligations regarding child protection, concerns of sexual abuse or likely sexual abuse and the management of alleged inappropriate behaviour by a staff member or volunteer. The Child Protection Procedures outline the roles, responsibilities, processes and forms that are used when actioning the Policy and provide information on relevant definitions and key terms.

- As per the *Complaints Management Policy*, if the complaint relates to the non-compliance of the *Child Protection in Anglican Education & Care Services Policy and Procedures*, and relates to possible sexual abuse or likely sexual abuse of a student in an Anglican ECS, a complaint is to be made by writing to the Director of Professional Standards (DPS), Anglican Church Southern Queensland. Contact can be made through gmillis@anglicanchurchsq.org.au. Where applicable, the DPS will advise the Executive Director (ED), Anglican Schools Commission.
- As per the *Complaints Management Policy*, if the complaint relates to the non-compliance of the *Child Protection in Anglican Education & Care Services Policy and Procedures*, and does not relate to possible sexual abuse or likely sexual abuse of a child in an Anglican ECS:
 - for which the Corporation of the Synod of the Diocese of Brisbane (the Diocese) is the Approved Provider, a complaint is to be made by writing to the Executive Director of the Anglican Schools Commission, Anglican Church Southern Queensland.
 - for which the Diocese is not the Approved Provider, a complaint is to be made by writing to that ECS's Approved Provider.

When resolving a complaint relevant to section 3.1, the following process will be undertaken:

- the complainant is asked to inform the DPS or ED (or Approved Provider) of their complaint including; the names of all parties involved, the nature of the complaint, any specific dates and times when incidents occurred, and their feedback on contact with the ECS;
- DPS or ED (or Approved Provider) will:
 - advise the Nominated Supervisor and/or the Chair/Principal that a complaint has been made, and obtain further information about the matter and the ECS's responses to the complaint, including copies of relevant documents;
 - where necessary, ensure that the ECS takes any action required to comply with the legal and policy requirements detailed in Child Protection in Anglican ECS Policy and Procedures;
 - advise all parties involved about support available to them during the complaints management process, as outlined herein;
 - organise meeting/s with the complainant, the Chair/Principal, Nominated Supervisor and other relevant staff members and volunteers, as soon as practicable; to gather further information about the matter and, if required, develop a plan to resolve the issues. This meeting may occur remotely, e.g. over the telephone;
 - explain to the complainant, the Chair/Principal, Nominated Supervisor and other relevant staff members and volunteers, that they may have a support person present during any meeting;
 - ensure meetings are documented, including the agreed outcomes and required actions;
 - consider whether the staff member or volunteer requires additional training or support in relation to their role, or whether any other action is required;
 - ensure the agreed outcomes and required actions are communicated to the complainant;

- i) ensure the record of the complaint, e.g. meetings, reports, letters etc. are filed on the staff member or volunteer's personnel file and any agreed actions are completed; and
- j) incorporate relevant learnings into the ECS's quality improvement planning.

3.4 Complaints in relation to visitors to the ECS

When a complaint is about a visitor to the ECS, the complainant is asked to inform the Nominated Supervisor, Director/Coordinator or Responsible Person, of their concerns including, where known, the name of the visitor, the organisation that the visitor works for, the names of any children involved, if relevant, and any dates and times of particular incidents related to their complaint.

The Nominated Supervisor, Director/Coordinator or Responsible Person, will consider if any other policies, procedures or protocols are to be applied, particularly those referenced in the Complaints Management Policy regarding child protection.

The Nominated Supervisor, Director/Coordinator or Responsible Person will document the concerns and, unless the matter involves a criminal investigation, will forward the complaint to the organisation that employs the visitor who has been named in the complaint. If the matter does relate to a criminal investigation, direction will be sought from the Police.

The Nominated Supervisor, Director/Coordinator or Responsible Person will also consider the nature of the complaint and determine whether this may impact any future visits to the ECS by the person named in the complaint.

If the matter is being managed by a Director/Coordinator or Responsible Person, this person will brief the Nominated Supervisor as soon as practicable.

4. Providing support

Appropriate support should be offered to all parties involved in a complaint management process.

Staff and volunteers may be referred to the Employee Assistance Service or like supports.

Children and parents may be referred to local counselling and support services including the Chaplain or other supports offered by the ECS, associated Anglican School or Parish.

5. Privacy and confidentiality

All information disclosed or recorded as part of a complaints management process must be managed in accordance with privacy legislation and principles. Prior to the sharing of information, consent must be obtained from the relevant parties involved in the complaints management process, unless otherwise allowed by law.

6. Managing complaints records

When recording information in relation to a complaints management process, ensure all records are factual and clearly indicate the names of all parties to the complaint, the details of the concerns or complaint, the processes used to resolve the complaint, required actions and responsible officers.

Storing and accessing complaints records

The Nominated Supervisor, Director/Coordinator or Responsible Person, must ensure all information and documents in relation to the complaint are stored on the relevant staff member or volunteer's personnel file.

Prior to giving any individual access to a complaint record, a staff member will consult with the Nominated Supervisor. The Nominated Supervisor will consider any need to consult with the Chair/Principal.

7. Appeal a complaint process or outcome

Any person who has made a complaint in accordance with this policy and who is dissatisfied with the complaint management may make an appeal to the Archbishop. The appeal is to be made in writing, clearly stating the grounds on which it is believed the complaint has not been properly dealt with and contain full details of all relevant information

regarding the original complaint. If the Archbishop considers it necessary, assistance may be offered to the person to put the complaint in writing.

Contact details for the Archbishop can be found on the [Anglican Church Southern Queensland website](#).

The Archbishop will refuse to consider the appeal until:

- the Anglican Schools Commission (ASC) (For ECS which the Diocese is the Approved Provider), or
- the Approved Provider of another Anglican ECS),

has had a reasonable opportunity to review the original decision or action through its internal process - unless the complaint is about a decision or action of the Executive Director or Chair of the Anglican Schools Commission or the Approved Provider of another Anglican ECS.

The Archbishop, or delegate, may make preliminary inquiries to the Executive Director of the ASC (the Executive Director), or to the Chair of the ECS Management Committee (the Chair), to decide whether a matter should be reviewed without a formal investigation process, or dismissed. If a matter does not lead to a formal investigation, it may be dealt with at a later date if additional information is provided.

Outcome

If the Archbishop considers that the action to which the matter relates was appropriate in the circumstances, he will advise in writing to both the complainant and the Executive Director/Chair of his reasons.

If the Archbishop considers that the action to which the matter relates -

- a) was taken contrary to law; or
- b) was contrary to any Church Canon; or
- c) was unreasonable, unjust, oppressive, or improperly discriminatory; or
- d) was in accordance with a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstance; or
- e) was taken for an improper purpose; or on irrelevant grounds; or having regard to irrelevant considerations; or was an action for which reasons should have been given, but were not given; or was based wholly or partly on a mistake of law or fact; or was wrong; or was pastorally inadequate;

the Archbishop may recommend:

- a) that the action be referred to the Executive Director and the ASC; or the Chair and the ECS Management Committee, for further consideration; or
- b) that action can be, and should be, taken to rectify, mitigate or alter the effects of, the action; or
- c) that any practice in accordance with which the action was taken should be varied; or
- d) that reasons, or further reasons, should be given for the action; or
- e) that any other steps should be taken.

Without limiting possible recommendations, the Executive Director, or Chair, may be given an opportunity to respond in writing or attend a meeting with the Archbishop and the complainant, or separately, with a view to determining whether resolution of the complaint can be achieved by mediation. The meeting/s may be facilitated by a person who in the opinion of the Archbishop would by training or experience be suitable.

The matter may be resolved through mediation with all parties in the spirit of openness and fairness. A support person may accompany all or any of the parties. Written notes will be signed confirming they represent an accurate summary of the discussion and of any consensus reached.

Should mediation fail to result in resolution, the matter will be referred to the Archbishop, for consideration, who may then call a meeting of the parties either separately or together. The Archbishop may provide for further mediation which may include the Chair of the ASC or others, or make a recommendation as to steps to be taken.

The Archbishop may ask the Executive Director, or Chair, to notify him within a stated time of:

- a) the steps taken, or proposed to be taken, to give effect to the recommendations; or
- b) if no steps, or only some steps, have been or are proposed to be taken to give effect to the recommendations, the reasons for not taking all the steps necessary to give effect to the recommendations.

If it appears to the Archbishop that no steps he considers appropriate have been taken within a reasonable time, after giving the Executive Director and the ASC; or the Chair and the ECS Management Committee, the report; and within that time, the Archbishop has considered any comments made by or for the ASC or Management Committee; and the Archbishop considers it appropriate; the Archbishop may refer the matter to the Archbishop-in-Council for consideration.

Investigation Procedures

If the Archbishop decides that an investigation into a complaint is necessary, he will give the Executive Director and the ASC; or the Chair and the ECS Management Committee, written notice informing them of the investigation and providing in general terms, the nature and extent of the complaint.

The Archbishop may seek assistance from the Executive Director; or the Chair, in the investigation of a complaint, including the production of;

- a) a particular document or other particular thing relevant to the investigation, or a copy of a particular document; or
- b) all documents of a particular type containing information relevant to the investigation, or copies of documents of the particular type.

The Archbishop, when responding to a complaint:

- a) will satisfy himself that the matter is not being or likely to be dealt with in a criminal, civil or industrial court or before a tribunal; and
- b) will satisfy himself that the matter is not one more properly dealt with under the provisions of the *Professional Standards Canon 2009* as amended; and
- c) will conduct the investigation in a way that maintains confidentiality; and
- d) will not be constrained by the rules of evidence, but will observe the rules of natural justice; and
- e) is not required to hold a hearing for the investigation; and
- f) may obtain information from the persons, and in the way he considers appropriate; and
- g) may make all inquiries he considers appropriate.

The Archbishop may refuse to investigate a complaint or, having started to investigate a complaint, may refuse to continue the investigation if he considers that:

- a) the complainant has not given the Executive Director and the ASC (or the Chair and the ECS Management Committee) a reasonable opportunity to consider the matter of complaint; or
- b) the matter of complaint pertains to a civil, criminal or industrial issue, or is before or is likely to go before an appropriate adjudicative body; or
- c) the complaint does not have serious purpose, is vexatious or is not made in good faith; or
- d) the complainant does not have a sufficient interest in the action complained of; or
- e) the complainant has a right of appeal, reference or review, or another remedy, that the person has not exhausted and it would be reasonable in the circumstances to require the person to exhaust the right or remedy before the Archbishop investigates, or continues to investigate, the complaint; or
- f) the complainant had a right of appeal, reference or review, or another remedy that is exhausted and in the circumstances, the investigation, or the continuance of the investigation, of the action complained of is unnecessary or unjustifiable; or

- g) the complainant first had notice of the subject matter of the complaint more than 12 months earlier than the day on which complaint is made to the Archbishop. The Archbishop may accept a complaint outside the period referred to above if he considers it is proper to accept the complaint because of the existence of special circumstances.

If the Archbishop cannot investigate a complaint; or refuses to investigate a complaint; or refuses to continue an investigation of a complaint; then he will inform the complainant, in writing, of the decision and the reasons for the decision as soon as reasonably practicable.

If it appears to the Archbishop that irretrievable consequences could result from the exercise of particular action, he may recommend to the Executive Director; or Chair, that the particular action be held in abeyance until the investigation is concluded. Without being exhaustive, unauthorised expenditure or the deletion or destruction of records are situations which might require this recommendation.

Pastoral Support

If the Archbishop decides to conduct an investigation, he may appoint one or more persons to make contact with and provide pastoral support to the complainant; the Executive Director; or the Chair; and relevant ECS staff or volunteers.

Natural Justice

If the Archbishop proposes to make an adverse comment about a person in a report, he will not make the proposed adverse comment unless, before the report is prepared, the Archbishop gives the person an opportunity to make submissions about the proposed adverse comment. If the person makes submissions and the Archbishop still proposes to make the adverse comment, he must ensure the person's defence is fairly stated in the report.

If, during an investigation of a complaint, the Archbishop considers there may be grounds for making a report and recommendations on the investigation that may affect or concern the ASC or the ECS, the Archbishop before making his report, will give the Executive Director and the ASC; or the Chair and the ECS Management Committee, an opportunity to comment on the proposed report and recommendations.

If, during or after the investigation, the Archbishop considers there is evidence of a breach of duty or misconduct on the part of an employee or member of the ASC or ECS, he will give a report about the breach of duty or misconduct to the Executive Director; or Chair; and may, if he considers it appropriate in the circumstances, send a copy of the report to the ASC; or ECS Management Committee.

Delegations

The Archbishop may delegate to an officer of the Diocese or to an external person or agency, his powers to review a matter but not the power to make a report or recommendation to the ASC, or ECS Management Committee.

Confidentiality

The Archbishop, his delegate, the ASC, the School or an officer or employee thereof who obtains information in the course of a preliminary inquiry or an investigation will not disclose the information other than as a part of:

- a) the performance of the function; or
- b) formulating a report about the performance of the function; or
- c) formulating a recommendation arising out of the performance of the function; or
- d) as otherwise allowed by law.

APPENDIX 1 Key terms

Approved Provider (Schedule 1 Education and Care Services Act 2013)

An approved provider means a person who holds a Queensland provider approval and, in relation to a service approval, means the approved provider holding the service approval.

Complaint

A complaint, for the purpose of this Policy and Procedures, is a report of a grievance, problem, difficulty or concern made in relation to:

- an action, behaviour, omission or decision by a staff member or volunteer of the ECS; or
- the actions or behaviour of a visitor to the ECS.

Complainant

Any person who makes the complaint or, for a child, their parent/guardian.

ECS where the Diocese is the Approved Provider

Include at time of publication:

Carey Lane Early Learning Centre	St Luke's Early Learning Centre
Coomera Anglican College Early Learning Centre	St Paul's School Early Learning Centre
Fraser Coast Anglican College Early Learning Centre and Roos Care OSHC	Sunnybank Anglican Early Learning Centre
Rainbow Town Early Learning Centre	Sunnybank Anglican OHSC
St Alban's Wilston Early Childhood Centre	The Glennie Community Kindergarten & OHSC Pitstop
St Andrew's Anglican College: Little Saints Early Learning Centre and OHSC	The Southport School Preparatory School
St Hilda's School: Pre-Preparatory	TACAPS: Kindy and OHSC

Nominated Supervisor (s.5 Education and Care Services National Law)

A Nominated Supervisor means a person who is a certified supervisor and who is nominated by the Approved Provider of the service to be the Nominated Supervisor of that service and who has consented to that nomination.

Procedural fairness

The right to be given a fair hearing and the opportunity to present one's case, the right to have a decision made by an unbiased decision-maker and the right to have that decision based on logically probative evidence.

Serious Incident

As defined by regulation 12 of the Education and Care Services National Regulations means:

(a) the death of a child—

- (i) while that child is being educated and cared for by an education and care service; or
- (ii) following an incident occurring while that child was being educated and cared for by an education and care service;

(b) any incident involving serious injury or trauma to a child occurring while that child is being educated and cared for by an education and care service—

- (i) which a reasonable person would consider required urgent medical attention from a registered medical practitioner; or
- (ii) for which the child attended, or ought reasonably to have attended, a hospital;

Example - A broken limb.

(c) any incident involving serious illness of a child occurring while that child is being educated and cared for by an education and care service for which the child attended, or ought reasonably to have attended, a hospital;

Example - Severe asthma attack, seizure or anaphylaxis reaction.

(d) any emergency for which emergency services attended;

(e) any circumstance where a child being educated and cared for by an education and care service—

- (i) appears to be missing or cannot be accounted for; or

(ii) appears to have been taken or removed from the education and care service premises in a manner that contravenes these Regulations; or

(iii) is mistakenly locked in or locked out of the education and care service premises or any part of the premises.

Other Anglican ECS

Anglican ECS where the Diocese is not the Approved Provider and who have adopted this Complaints Management Policy and Procedures.

Child Protection in Anglican Education and Care Services Policy and Procedures

The Child Protection in Anglican Schools Policy and Procedures details how the school will respond to concerns of harm or risk of harm to a child, including the reporting when there is a reasonable suspicion a child is in need of protection, the reporting when there is a reasonable suspicion a child has been or is at risk of being sexually abused, and the management of reasonable suspicions of inappropriate behaviour by an ECS staff member or volunteer towards a child attending the ECS.

Reference to **sexual abuse** in this context refers to sexual behaviour involving the child and another person where:

- the other person bribes, coerces, exploits, threatens or is violent toward the child; or
- the child has less power than the other person; or
- there is a significant disparity between the child and the other person in intellectual capacity or maturity.

Reference to **sexual misconduct** is as per the Protocol for Dealing with Sexual Misconduct and includes conduct constituting sexual abuse of a child, as well as any:

- alleged conduct by a staff member, volunteer or other Church worker, wherever or whenever occurring involving sexual harassment or assault, or sexually inappropriate behaviour, grooming, or the possession, making or distribution of child exploitation material;
- alleged inappropriate or unreasonable conduct or omission by a staff member, volunteer or other Church worker, who had knowledge of conduct of another worker involving sexual harassment or assault, or sexually inappropriate behaviour, grooming, or the possession, making or distribution of child exploitation material;
- conduct relating to an alleged process failure.

Visitor

A visitor to the ECS is any person who visits the ECS on a one-off or regular basis to provide services [paid or unpaid] to the ECS and is not considered a staff member or volunteer. This includes contractors, consultants and presenters of one-off programs.

Volunteer

Consistent with the *Working with Children (Risk Assessment and Screening) Act 2000*, a person undertaking work for a ECS without receiving financial reward. 'Undertaking work' is understood to mean holding a position or performing a function with the actual or apparent authority of the ECS.

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Should additional information, material or assistance be required please contact:

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Email: asc@anglicanchurchsq.org.au

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Diocese of Brisbane (The Corporation of the Synod of the Diocese of Brisbane)

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