

## How to make a complaint about a provider.



☎ 1800 800 110

Participants of NDIS have the right to complain about the services they receive. Most NDIS providers do their best to provide quality supports and services to participants, but issues can occur.

If you have a concern about your current NDIS supports or services, it is important that you talk about it.

Complaints are important - they can help providers understand what is important to people with disability and improve the quality of services they provide, so your complaint can help other people too.

If you feel comfortable, you are encouraged to raise your concern or complaint with your provider first, as this is often the best way to have your issue resolved quickly. All registered NDIS providers must have a complaints management and resolution system in place.

If the provider is unable to resolve your concern or complaint, then you should seek further support.

You may seek support from family, a friend or an independent advocate in making a complaint. For further information see: Disability Advocacy.

If you are in New South Wales, South Australia, the Australian Capital Territory, Northern Territory, Queensland, Victoria or Tasmania, a complaint can be made to the NDIS Commission by:

- Phoning: 1800 035 544 (free call from landlines) or TTY 133 677. Interpreters can be arranged.
- National Relay Service and ask for 1800 035 544.
- Completing a complaint contact form.

The NDIS Commission can take complaints from anyone about:

- NDIS services or supports that were not provided in a safe and respectful way
- NDIS services and supports that were not delivered to an appropriate standard
- how an NDIS provider has managed a complaint about services or supports provided to an NDIS participant

As well as dealing with complaints, the NDIS Commission works to educate providers about delivering quality and safe supports, and effectively responding to complaints. If a complaint raises a serious compliance issue, the NDIS Commission has powers to take action.

### **Your privacy**

The NDIS Commission collects and uses personal information, including sensitive information, for the purpose of performing functions as set out in the Act. The NDIS Commission is committed to the proper handling of personal information in accordance with the Australian Privacy Principles in the Privacy Act 1988 and the NDIS (Protection and Disclosure of Information) Rules.

Further information is contained in the NDIS Participant Privacy Policy.

## What happens after I make a complaint?

Your complaint will be acknowledged and an NDIS Commission complaints resolution officer will arrange a time to talk to you to understand the concerns you are raising. We might ask you:

- for enough information so we can understand the issues involved and any immediate concerns
- if you are making a complaint on behalf of an NDIS participant, whether we can speak to them to seek their input and understand their concerns
- for your permission to speak to the NDIS provider about your complaint, and to seek further information and documents from them

We will confirm with you the issues raised in your complaint, and the outcomes you are seeking. Your consent is required to start the resolution process.

## How is my complaint resolved?

Our aim is help you resolve a complaint quickly and simply. To do this, we will review the information provided to us by yourself and the NDIS provider and talk to everyone involved about this information.

### Resolution

We can often resolve complaints by speaking with you and the NDIS provider. Our involvement can help to clarify issues and bring information to everyone's attention.

**Example:** John complained that the provider of his assistive technology hadn't responded to his request for routine maintenance. We contacted the provider about John's complaint, and they were able to schedule a maintenance appointment within a week. John was happy with this result.

### Conciliation

**Conciliation** can be used to try to resolve a complaint that could not be resolved through other processes. The most common form of conciliation is a meeting between the person making the complaint, the person with a disability affected by an issue raised in the complaint, and the provider. Advocates or other support people may also be involved. Participation in a conciliation meeting is voluntary.

The purpose of a conciliation meeting is to help people understand the concerns being raised and to reach agreement on how a complaint can be resolved. Individual meetings or phone conversations are scheduled ahead of the conciliation meeting to help each party prepare and plan how they will participate.

We will facilitate the conciliation and help to clarify the issues and encourage discussions between people at the conciliation meeting. We do not advocate for either the person making the complaint or the provider. It is not a public hearing, or a hearing before a court or a tribunal.

Each person is given the opportunity to put forward their views. Because of this, conciliation may be preferable for some people as this person-centred approach allows the person making the complaint to have their views heard directly by the provider and be involved in finding solutions.

**Example:** Anna complained that she had had four new support workers in one week who didn't understand her support needs. We facilitated a conciliation meeting where Anna met with her provider and discussed her concerns. It was agreed that in future, Anna would be introduced to all new support workers before they started a shift, to discuss her support needs. Anna was happy with this arrangement.

## Investigation

The NDIS Commission may decide an issue raised in a complaint is better dealt with through compliance action, including an investigation. This may include issues where we identify serious concerns and risks to people with disability, such as allegations of abuse, assault or neglect. Unlawful conduct and criminal matters will be referred to the appropriate police authorities in each state, and we will continue to handle the non-criminal elements of the complaint. The NDIS will comply with its procedural fairness guidelines in any investigation it undertakes.

**Example:** Vincent complained that his son Ming had been assaulted by another resident in his specialist disability accommodation home. We referred the assault to the state police department, and conducted an investigation into how the NDIS provider of the accommodation and personal supports could have prevented this incident.

## Decision to end a complaint

We can also make the decision to end a complaint resolution process for a variety of reasons including:

- the complaint is better handled by another complaints body
- the information given was not given in good faith
- a person with disability involved in the complaint does not wish to continue
- the complaint is the subject of formal legal proceedings
- the complaint was withdrawn

In deciding to end a complaint, we will always consider the continued health, safety and welfare of any person with disability involved.

**Example:** Divya complained that her provider hadn't responded to a complaint she had made. She later decided to withdraw her complaint as she made the choice to change to another provider who was more responsive.

## What happens after my complaint is resolved?

### Actions for providers

After the resolution of some complaints, the NDIS provider may need to take actions to address issues and concerns raised in the complaint. This might include actions like:

- making changes to the provider's complaints management system to make it easier for people to raise concerns
- ensuring that all service users' behaviour support plans are up-to-date
- ensuring all management staff undertake a particular training program

The NDIS provider may be required to report back to the NDIS Commission on the progress of these actions. If a complaint raises a serious compliance issue, the NDIS Commission has powers to take action.

### Confirmation

At the end of the complaint resolution process, we will explain to you, any person with disability affected by the complaint, and the NDIS provider:

- our decision
- the information considered that led to this decision
- any actions you or the NDIS provider agreed to take

- what you can do if you disagree with our decision

### **What if I disagree with our decision on your complaint**

If you disagree with our decision on your complaint, you can ask for the decision to be reviewed. This is called a reconsideration.

To ask for a reconsideration please contact the NDIS Commission using the following contact details:

- email: [contactcentre@ndiscommission.gov.au](mailto:contactcentre@ndiscommission.gov.au)
- phone: 1800 035 544
- post: Assistant Director Quality Assurance, NDIS Commission, PO Box 210, Penrith NSW 2750

An application to the NDIS Commission for reconsideration should:

- be made within 42 days of the parties being notified of the relevant decision, and
- explain why you believe the decision was wrong e.g. what has happened, what are you unhappy about?

### **What if I disagree with the way we handle your complaint?**

If you are concerned about how the NDIS Commission is managing your complaint, we encourage you to contact us at the NDIS Commission to provide feedback.

If you are not satisfied with our response, you can raise your concerns with the Office of the Commonwealth Ombudsman. They can look at how we handled your complaint, but they cannot change our decision.

### **More information**

- See attached Fact sheet below : How to make a complaint

Our Complaints Management Resolution Guidance provides more detailed information about the NDIS Commission's complaints process.

### **Ready to make a complaint?**

Call us directly on **1800 035 544** or submit a complaint contact form attached to make a complaint about the disability supports or services supplied by an NDIS provider in all states and territories except Western Australia.

## FACT SHEET

### HOW TO MAKE A COMPLAINT

**If you need to speak up, speak to us**

**How to make a complaint about your NDIS service**  
**Your rights. Your support. Your control.**

#### **The NDIS Quality and Safeguards Commission**

The NDIS Quality and Safeguards Commission (NDIS Commission) is an independent government body that works to improve the quality and safety of NDIS funded services and supports.

**If you need to speak up about your NDIS funded service – speak to us.**

Raising a complaint with us can also lead to better services for everyone.

#### **What complaints can you raise**

##### **Concerns about the quality and safety of supports and services.**

We take complaints about whether an NDIS funded service has been provided in a safe way and to an appropriate standard.

You can also complain about how an NDIS provider has dealt with your complaint.

**If you are concerned about how you will be treated, you can make a confidential complaint.**

We handle complaints about NDIS services nationally with the exception of WA, which will be available from 1 July 2020.

#### **What complaints we don't take**

- Complaints about the NDIA
- NDIS plan access
- NDIS participant plans
- **Please direct these to the NDIA.**

**If you're unsure who to contact, contact us and we can help direct you.**

#### **Making a complaint**

We encourage you to try to talk directly to your NDIS service provider first to resolve a complaint. All registered providers must have an effective complaints management system. If you do not feel comfortable speaking to the provider or are not satisfied with the result of your complaint, please contact us.

Our complaint service is free, completely independent of the NDIS and confidential if needed. We promise to listen respectfully to your situation in full and discuss steps going forward.