

Making a complaint to the NDIS Commission

The 'Act' and 'Complaints Rules' set up a complaints resolution scheme that is open to anyone to make a complaint about the provision of supports and services by NDIS providers, including anonymous complainants.

What is a complaint?

A complaint is 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.

Why should somebody make a complaint?

Making a complaint can lead to improved services, communication and sometimes to changes to policies and procedures, and the way NDIS providers deliver services. Providers can use their complaints experience and information to regularly improve their communication and services.

What can a complaint be made about?

People can make a complaint to the NDIS Commission about any issue connected with NDIS funded supports or services provided by an NDIS provider (registered or unregistered). A complaint can be made about any NDIS provider and/or its workers, whether or not the provider is registered with the NDIS Commission. Complaints should generally be raised directly with the NDIS provider in the first instance. A person does not have to raise their complaint with the provider before approaching the NDIS Commission for help.

Complaints the NDIS Commission can take

The NDIS Commission can receive complaints about issues such as:

- whether services or supports have been provided in a safe and respectful way
- whether services and supports have been delivered to an appropriate standard
- how an NDIS provider has managed a complaint about NDIS funded services or supports provided to an NDIS participant, and
- how an NDIS provider has responded to an advocate or carer of an NDIS participant. All complaints will be taken seriously.

Complaints the NDIS Commission cannot take

The NDIS Commission cannot deal with complaints about:

- non NDIS funded services, such as in-kind supports provided by an NDIS provider
- actions taken by the National Disability Insurance Agency (NDIA), including decisions about eligibility, funding and supports included in a participant's plan
- disability services or supports provided by an organisation which is not an NDIS provider, for example, health, education or transport services, and
- decisions of courts, tribunals or coroners.

There are other organisations that can deal with complaints about these things. If you are not sure who to contact, the NDIS Commission will help to connect you with the right organisation.

Complaints about the NDIA can be made to the NDIA or to the Commonwealth Ombudsman.

Complaints about the NDIS Commission can be made to the NDIS Commission or the Commonwealth Ombudsman. The NDIS Commission encourages people to provide feedback about how it can improve services. For information about how to make a complaint or provide feedback about the NDIS Commission visit the Commission's website.

Who can make a complaint?

Anyone can make a complaint to the NDIS Commission about supports and services provided by an NDIS provider. This includes people with disability, their families, friends, carers, advocates or guardians, workers or volunteers of an NDIS provider or any other person who wishes to make a complaint.

How can a complaint be made?

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)
- using the National Relay Service and asking for 1800 035 544
- completing a complaint contact form to let the NDIS Commission know how best to contact you.

What can the NDIS Commission do about a complaint?

The NDIS Commission can help a person to make a complaint to an NDIS provider. If the person is not able to resolve the complaint with the NDIS provider, the NDIS Commission will work with the people involved, for example, NDIS participants, their representatives (including advocates) and providers to resolve the complaint. If a complaint raises a serious compliance issue, the NDIS Commission has powers to take action against the NDIS provider.

What can I expect when I make a complaint?

The NDIS Commission will:

- support people to make a complaint in a way which is culturally appropriate
- help people who require additional support to make a complaint
- provide information about the use of independent advocates, and
- handle complaints in line with the Principles of complaints management.

An NDIS Commission complaints officer will talk to you about your complaint to understand the issues you are concerned about and what you would like to see happen.

Protections for people making a complaint

The NDIS Commission works closely with people and their NDIS providers to ensure people are not disadvantaged in any way because they have made a complaint. If a complaint is a protected disclosure under the Act it is a serious offence to cause or threaten to cause a detriment to a person for making the disclosure. Complaints can be made anonymously, or people can ask the NDIS Commission to keep some of the details of a complaint confidential. However, making an anonymous or confidential complaint may affect whether, or how thoroughly, the NDIS Commission can deal with it. Registered NDIS providers are responsible for taking steps to uphold people's right to complain.