



# COMPLAINTS MANAGEMENT

## System Checklist for NDIS Providers

February 2022

**Complaints and other feedback made by all parties are welcomed, acknowledged, respected and well- managed. Your complaints management system should have policy and procedure which addresses:**

- Each Participant having knowledge of, and being able to utilise the complaints management and resolution system if they need to
- Enabling any person to make a complaint to your organisation (incl. an anonymous complaint) about the supports or services provided
- Guidance on how a complaint about the registered NDIS provider or a staff member can be made to the provider and/or made directly to the NDIS Commission
- Providing an easy and accessible process for making and resolving complaints
- Ensuring appropriate support and assistance are provided to any person who wishes to make, or has made, a complaint

**Your complaints management and resolution system are maintained, and is relevant and proportionate to the size, scale, scope and complexity of supports delivered by your organisation. The system complies with the requirements under the NDIS (Complaints Management and Resolution) Rules 2018. Your fully documented, accessible complaints management system should:**

- Follow the principles of procedural fairness and natural justice
- Acknowledge the receipt of all complaints
- Ensure complaints are assessed and resolved in a fair, efficient and timely manner Take appropriate action in relation to issues raised in complaints
- Ensure reasonable steps are taken to ensure that any person who makes a complaint to the provider, and each person with disability affected by an issue raised in such a complaint, is advised how that complaint or issue may be raised with the NDIS Commission
- Provide appropriate support and assistance to any person who wishes to make a complaint to the NDIS Commission,
- Take reasonable steps to ensure that a person who makes a complaint, or a Participant affected by an issue raised in a complaint, is not adversely affected because of making the complaint
- Keep information provided in a complaint confidential and only disclosed if required by law or in the appropriate circumstances
- Require a complaint to be referred or notified to any other bodies in accordance with any requirements under relevant Commonwealth, State or Territory laws
- Provide that appropriate records of complaints received by provider are kept for 7 years from the day that the complaint is made, and include the following where appropriate:
  - Information about the complaint
  - Any action taken to resolve complaint
  - The outcome of any action taken





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### **Your system outlines procedures to ensure that persons making a complaint:**

Are provided with information on how to give feedback or make a complaint, both to the provider and through external avenues

Can do so in a supportive environment, and understand their right to access an independent advocate

Are appropriately involved in the resolution of the complaint

Are kept informed of the progress of the complaint, including any action taken, the reasons for any decisions made and options for review of decisions in relation to the complaint

### **Continuous improvement in your complaints and feedback management are demonstrated through regular review. The complaints management system must:**

Provide for the collection of statistical and other information relating to complaints to enable:

Review of issues raised in complaints; and

Identify and address systemic issues raised through the complaints management and resolution process

Report information relating to complaints to the NDIS Commission, if requested

Have periodic review to ensure its effectiveness, including review of Policy and Procedure as well as seeking and incorporation of staff and Participant feedback on the complaints management system

### **All staff at your organisation are trained in, understand and comply with the required procedures in relation to complaints handling. This includes:**

The roles and responsibilities of any staff in relation to the receipt, management and resolution of complaints made to your organisation

How to support Participants to make a complaint, internally and externally

The use of, and ongoing compliance with, the complaints management system





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### Additional Information – Complaints made to the NDIS Commission

- A person may make a complaint to the NDIS Commission in relation to an issue arising out of, or in connection with, the provision of supports or services provided by an NDIS provider
- A complaint may be made orally, in writing or by any other means which is appropriate in the circumstances; and may be made anonymously
- The NDIS Commissioner must acknowledge receipt of all complaints (unless made anonymously, or where no contact details are provided)
- The NDIS Commissioner must take reasonable steps to ensure that appropriate support and assistance is provided to any person who wishes to make a complaint (incl. information about accessing an independent advocate)
- The complainant may ask the NDIS Commissioner to keep the identity of the complainant, the identity of a person identified in the complaint and any other details included in the complaint confidential
- The NDIS Commissioner must, in relation to each issue raised in the complaint, decide to:
  - Take no further action, or defer acting, OR
  - Give assistance and advice to the complainant, a person with disability affected by the issue and the NDIS provider to which the issue relates, OR
  - Undertake a resolution process
- Before deciding, the NDIS Commissioner may do one or more of the following:
  - Review documents provided to the NDIS Commissioner
  - Visit the location at which the supports or services are provided
  - Discuss the issues raised in the complaint with the complainant, a person affected by an issue raised in the complaint, the NDIS provider or any other person
  - Work with the complainant, a person affected by the complaint, the NDIS provider or any staff to provide advice and assistance; and where possible and appropriate, assist the persons involved in the complaint to come to a mutually agreed resolution
  - Request information relating to the issues raised in the complaint from any person
  - Take any other action that the NDIS Commissioner considers is appropriate in the circumstances.
- In dealing with the complaint, the NDIS Commissioner must seek to resolve the complaint as quickly, and with as little formality, as a proper consideration of the issues raised in the complaint allows

