

## Information sheet 11

# Complaints about disability services

## *Disability Act 2006*

### Introduction

The *Disability Act 2006* ('the Act') commenced on 1 July 2007.

The Act strengthens complaints and review systems with the aim of improving the quality of service provision for people with a disability. It strengthens both internal and independent complaints and review systems by:

- ensuring disability service providers have a system for effectively managing complaints made by people with a disability and their representatives
- establishing an independent Disability Services Commissioner to investigate and conciliate complaints relating to disability services
- providing additional mechanisms for review by the Victorian Civil and Administrative Tribunal.

### What can complaints be about?

A complaint is an expression of dissatisfaction with a disability service provider in relation to service provision.

### Who can make a complaint about disability service providers?

Any person can make a complaint. If a person is unable to make a complaint, a parent, carer, guardian, advocate or another person can make a complaint on their behalf.

### What are the responsibilities of disability service providers in relation to complaints?

Disability service providers are required to develop an internal system for managing complaints. In addition, they are required to provide information to people with a disability on how they can make a complaint to them and to the Disability Services Commissioner.

The information provided needs to be communicated and explained in a manner that ensures that it is understood.

Disability service providers must report annually to the Disability Services Commissioner about the number of complaints they received and how these complaints were dealt with.

### How to make a complaint

The most effective and appropriate way of dealing with complaints is at the place the complaint arose and as soon as possible after the event. The person making the complaint or their representative should speak directly to the disability service provider involved.

If the person is not happy with the way the disability service provider has handled the matter or the outcome, then a complaint can be made to the disability service provider's management, regional Department of Human Services staff, the department's central complaints area or the Disability Services Commissioner.

The Disability Services Commissioner can conciliate complaints or he can refer the matter to a more appropriate body if required. For example, if the matter is about a health issue, it can be referred to the Health Services Commissioner.

### What do disability services providers do when they receive a complaint?

When a disability service provider receives a complaint, it should be managed sensitively, objectively, confidentially and promptly. Where possible and appropriate, complaints should be resolved informally at the local level. If a more formal process is required, then the disability service provider must clearly outline what will happen and what records will be kept.

### Can a person be adversely affected by making a complaint?

The Act specifies that when a complaint is made, all reasonable steps must be taken to ensure that the person with a disability is not adversely affected because a complaint has been made by them or on their behalf. It is a person's right to make a complaint if that person is not satisfied with the service they are receiving. It is a breach of the Act if a person's rights and entitlements are not respected.

### What happens if the complaint is not resolved at the disability service provider level?

A complaint can be made to the disability service provider complaints manager, regional departmental staff, the department's central complaints area or to the Disability Services Commissioner if the complainant believes a disability service provider has not properly investigated or acted upon a complaint.

### What is the role of the Disability Services Commissioner?

Sections 107-128 of the Act provide for an independent and accessible process for dealing with complaints about services provided by disability service providers. The key feature of the external complaints system is the establishment of the independent Disability Services Commissioner to investigate and conciliate complaints relating to disability services.

Refer to *Information sheet 12*, Disability Services Commissioner for further details.

### For further information about complaints:

Disability Services Division, Department of Human Services

Telephone: **1300 366 731** (9am to 5pm, Monday to Friday)

TTY users: phone **13 36 77**, then ask for **1300 366 731**

Email: **disability.legislation@dhs.vic.gov.au**