



IMPORTANT – This document only provides general information.

It is not intended to be a substitute for you getting your own specific legal advice.

Complaints about service providers

If you receive services from a disability service provider you have a right to complain if you are unhappy with how the service is being provided or if it is not being provided at all. Formal complaints must be taken seriously by the service provider. The service provider should try and work with you to address the problem. Service providers are not allowed to punish you for making a complaint.

1. What do the Acts and Standards say?

Disability services that are funded by the NSW Government

All NSW government funded services for people with disability have to meet the Disability Service Standards. These standards have been developed from the *Disability Services Act 1993* (NSW). The basis of this Act is that people with disability have the same basic human rights as other members of society.

There are 10 Disability Service Standards. They are:

1. Service Access
2. Individual Needs
3. Decision Making and Choice
4. Privacy, Dignity and Confidentiality
5. Participation and Integration
6. Valued Status
7. Complaints and Disputes
8. Service Management
9. Family Relationships
10. Protection of Human Rights and Freedom of Abuse.

Disability Employment Services

Services that assist people with disability to look for and gain employment are required to meet service standards. These have been developed from the *Disability Services Act 1986* (Cth). There are 12 Disability Service Standards for disability employment services. These are very similar to the more general service standards listed above. The 12 standards for disability employment services are:

1. Service Access
2. Individual Needs
3. Decision Making and Choice
4. Privacy, Dignity and Confidentiality
5. Participation and Integration
6. Valued Status
7. Complaints and Disputes
8. Service Management
9. Employment Conditions
10. Service Recipient Training and Support
11. Staff Recruitment, Employment and Training
12. Protection of Human Rights and Freedom from Abuse.

What do the standards do?

The standards require disability service providers to involve people with disability in making decisions and allow them to make complaints.

When you first join a service, they should tell you how you can make a complaint if you are not happy with their service. If you decide later on that you do want to make a complaint about the service, they should try and help you fix the problem. They should listen to what you have to say, and be willing to help you. They are not allowed to be angry at you for making the complaint. They must keep your complaint private. They should also tell you about other people or organisations that you can talk to about any problems that you are having with the service.

2. Making a complaint

Who can make a complaint?

Anyone who uses an organisation's services has the right to make a complaint.

It may also be possible for other people to make a complaint on your behalf. People who may be able to make a complaint for you include parents, guardians, advocates, family members or friends, and medical and other professionals.

Who do I make a complaint to?

Complaining to the service provider

Usually, it is best to first make your complaint to the service provider that you are complaining about. **However, if your complaint is about a criminal matter (for example, someone has hit you), then you should report this to the Police.**

Services should have a fair complaint handling process in place. This means they should have rules about how they will handle complaints, so that they are dealt with fairly and as quickly as possible.

When you contact the service provider ask who you should speak with about making a complaint. This may be a manager or a complaints officer. Find out what the service's complaints handling process is and what you need to do to make a complaint. **It is always best to write a letter to the service outlining your complaint and to keep a copy for your own records.**

In your letter, you should talk about why you are not happy with the services that you have been given. Try to give as many details as you can remember – such as dates, times, people involved and whether the service promised to do anything at the time. You should suggest the things you think the service provider should do to fix the problem. For example, you might ask for a written apology, or ask them to change some of their practices so that the problem doesn't happen again to you or to anyone else.

Complaining about the service to another agency

As well as complaining to the service itself, there are a number of agencies you might also like to make a complaint to. These agencies might be helpful if you are unhappy with how the service responded to your complaint, or if you feel you didn't get a good result.

Some of these agencies are:

The Complaints Resolution and Referral Service (**CRRS**)

CRRS helps people sort out their complaints with disability service providers. However, CRRS can only help where the service is funded under the Commonwealth *Disability Services Act 1986* (Cth), such as business services, advocacy services and disability employment network services.

The National Disability Abuse and Neglect Hotline

Anyone can report the abuse and neglect of people with disability by government-funded services. These allegations are then referred to the appropriate authority for investigation.

The Privacy Commissioner

The Privacy Commissioner can receive, investigate and conciliate complaints about breaches of privacy.

The NSW Ombudsman

The Community Services Division of the NSW Ombudsman handles complaints about most community service providers. These include complaints about:

- The Department of Family and Community Services (**FACS**)
- Ageing, Disability and Home Care (**ADHC**); and
- Non-government services that are funded, licensed or authorised by the Minister for Family and Community Services, the Minister for Ageing and the Minister for Disability Services. Some examples include home and community care (**HACC**) services and licensed boarding houses.

The Community Services Division of the NSW Ombudsman also has the Official Community Visitors Scheme. Official Community Visitors visit all residential facilities for people with disability (including ADHC homes and those funded by ADHC), as well as licensed Boarding Houses where people with disability live.

The service provider's funding body

If the service is funded by another agency or government department, you may like to contact them to make a complaint. An example of a common funding body is the Ageing, Disability and Home Care (ADHC).

3. Where can I get further information and how do I contact these agencies?

- Complaints Resolution and Referral Service (CRSS)
T - 1800 880 052; (02) 9370 3174; TTY: 1800 301 130
- Intellectual Disability Rights Service
T - (02) 9318 0144
- National Disability Abuse and Neglect Hotline
T - 1800 880 052 TTY: 1800 555 677
- NSW Ombudsman (Community Services Division)
T - 1800 451 524; (02) 9286 1000; TTY: 02 9264 8050
- Office of NSW Privacy Commissioner
T - (02) 8688 8585