

COMPLAINING ABOUT THE NDIS OR YOUR PROVIDER

As exciting as the NDIS is, sometimes there may be problems. Even with the best preparation, things can sometimes go wrong when people with disability interact with the NDIS or service providers. What is important is to know what to do if something goes wrong, and what steps people with disability can take to fix any issues.

It is important to understand that problems with the NDIS itself and problems with service providers you use with your NDIS plan need to be handled differently. The NDIS provides funding to purchase support, and service providers actually provide you with this support. It is important to be clear with this, as knowing who to talk to will make sure you can get the help you need if there are any problems.

I have a problem with the NDIS

You might have a problem with the NDIS at various stages of your NDIS journey. This might be to do with having trouble getting access to the NDIS, or having the NDIS disagree with you about what is reasonable and necessary to include in your NDIS plan. In these examples, your problem is with the NDIS itself, and not service providers. So, what can you do?

You can ask the NDIS for an internal review of a decision. This request needs to be made within three months of the problem occurring. You can do this by emailing, calling, or using a form on the NDIS website. After this request has been made, the NDIS starts the internal review process. The person with disability can have help making this request, often from a disability advocate. At this stage, the NDIS might ask you for more evidence to show why you think they made the wrong decision. If the NDIS believes the original decision was correct after the internal review, then the person with disability needs to take the complaint further.

Further complaints go to NDIS Appeals at the Administrative Appeals Tribunal (AAT). The person with disability gets help from disability advocates called Support Persons, to work with the NDIS and fix the complaint. If this discussion does not fix the complaint it would need to go to a legal hearing at the AAT. If the person with disability is not successful, the final option is to take the complaint to the Federal Court if the issue is very important. If this happens, there may be costs involved for the NDIS participant.

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DISABILITYLOOP.ORG.AU

To contact the NDIS for more information:

www.ndis.gov.au

1800 800 110



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NDIS FACT SHEET #5

I have a problem with my service provider

If you have a problem with your service provider, or somebody who is selling you something you have bought with your NDIS plan, then you have the right to complain if you are not happy.

The best place to start is to make a complaint directly with the provider you have a problem with. If they are a good provider, they should help you resolve the issues. You are a customer as you are paying them money to deliver a service, so they should try to make you happy.

Because you are a customer when you purchase goods and services, you are also protected by Australian Consumer Law. This means you have rights when you purchase products or services, even when you are using funding from an NDIS plan. Talk to your provider about your rights under Australian Consumer Law, or search for it online to find out more.

If you have spoken to the provider and you are not happy with how they dealt with your complaint, you can talk to the NDIS. If the provider is NDIS registered, they have to meet a set of standards, including certain standards around how they deal with complaints. The NDIS has the power to deregister NDIS providers who are not doing the right thing. This means providers should take complaints seriously, especially if you have told the NDIS about your issue.

NDIS Quality and Safeguards Commission

The NDIS Quality and Safeguards Commission is an independent group that will provide rules and regulations about how service providers funded under the NDIS need to work. It will also work out what happens if any providers break the rules, and will determine the options available to people with disability if they want to make a complaint about providers of NDIS funded supports.

At the moment, the NDIS Quality and Safeguards Commission is still very new, and is not operating everywhere in Australia yet. It will gradually replace the existing state and territory systems in place that already deal with complaints and service standards. The commission will make rules around service quality and complaints the same around Australia, which will make things easier to understand for people with disability as well as providers. It will also give people with disability more peace of mind, because they can be more assured that the services and products they purchase using their NDIS plans are high-quality. Importantly, it will also make sure that people with disability have a clear process of making complaints if something goes wrong and they run into any problems.

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