

## Making a complaint to the Commissioner

Complaints about the provision of disability services can be made directly to the service provider and to the Commissioner. There are many benefits to raising a complaint with your disability service provider and to identifying a solution as soon as possible.

The complaints process can lead to better services for people with a disability in Victoria, so coming up with solutions together is good for everyone.

If you're unable to resolve your complaint or raise it with your service provider, the Commissioner can assist.

### 1. Who can make a complaint?

Any person can make a complaint about disability services to the Commissioner. This includes people with a disability, their families and carers, staff working in disability services and any other person who wishes to make a complaint.

### 2. What can a complaint be about?

A complaint can be made to the Commissioner about:

- the provision of a disability service
- the way a disability service provider has managed a complaint about a disability service.

### 3. How do I make a complaint?

You can make a complaint to the Commissioner by:

- Writing
- Telephoning
- Sending a fax
- Submitting a complaints form via the website ([www.odsc.vic.gov.au](http://www.odsc.vic.gov.au))
- Or by other means which are appropriate for your circumstances

If you phone the Commissioner's office, in most circumstances you will be asked to confirm your complaint in writing. This helps the Commissioner manage the complaint in the most effective and efficient way. The Commissioner will assist you if you need help to write down details of the complaint.

You can also withdraw a complaint at any time by notifying the Commissioner in writing.

### 4. Will I be disadvantaged if I make a complaint?

The Commissioner will work closely with you and the service provider involved to ensure that by lodging a complaint you are not adversely affected. The service provider involved is responsible for taking steps to safeguard this and it is an offence to threaten or intimidate a person who wishes to make a complaint to the Commissioner.

### 5. How much will it cost?

The services provided by the Commissioner are free.

## **6. Will I need to give my name and other identifying information?**

In most cases, you will need to give your name and proof of identity. Your complaint is confidential and protected by privacy legislation, so these details will only be used by the Commissioner for the purposes of addressing your complaint.

## **7. What other information will I need to provide?**

Firstly, you will be asked if you have raised your concerns with the disability service provider involved. You will then need to provide general information about the complaint; who is involved, what happened, where it happened and when it happened. You should be able to outline any steps you have taken already to resolve the issue with the disability service provider involved. You should also think about what you would expect to happen to address the complaint to assist the Commissioner to work with you to identify a resolution.

## **8. When I have made a complaint, what happens next?**

The Commissioner or a representative will assess your complaint within 28 days. During this time, he may contact you for further information to assist with his assessment. The assessment will result in one of the following:

- The Commissioner or a representative may informally work with you and the service provider involved to resolve your complaint;
- The Commissioner or a representative may facilitate discussions (conciliation) with you and the service provider to resolve your complaint;
- The Commissioner or a representative may undertake an investigation into the complaint to determine the best course of action to resolve the complaint; or
- In some situations, the Commissioner may assess the complaint to be outside his area of responsibility or power of authority which means he is unable to assist. Where possible, the Commissioner will refer you to other services that may be able to help resolve your complaint.

## **9. When is the Commissioner unable to assist with a complaint?**

In some circumstances, the Commissioner may not be able to consider a complaint, for example if the matter is already before a court or if the complaint has not been made in good faith. The Commissioner is also unable to assist with complaints that fall outside his area of responsibility or powers of authority. Where possible, the Commissioner will provide details of other services that may be available to assist you with resolving your complaint.

## **10. How will I know what the Commissioner decides?**

Both you and the service provider involved will receive written notice of the Commissioner's decision. This will include the course of action the Commissioner has decided to take and how it should be carried out.

## **11. How can I get more information in accessible formats?**

Please contact the Commissioner's office for information about the legislation and the Commissioner's role in accessible formats such as easy English and Braille.