



**NDIS Quality
and Safeguards
Commission**

Complaints and Feedback Policy

July 2020



Contents

1.	The purpose of the complaints and feedback policy	3
2.	Scope	3
3.	Our commitment	5
	Guiding principles	5
4.	Management of Complaints	8
	Levels of Complaint Management.....	8
	Continuous improvement, analysis and reporting	10
	Our process for managing complaints.....	11
5.	Roles and responsibilities	12
	NDIS Commission staff.....	12
	Managers	12
	Policy and Strategy team	12
	Executive Leadership Team	13
	The NDIS Quality and Safeguards Commissioner (Commissioner).....	13
	Appendix 1: Process for managing complaints – Guidance for NDIS Commission staff.....	14
	Acknowledgement	14
	Assessment.....	14
	Plan and Investigate.....	15
	Respond.....	16
	Follow Up	16
	Identify and consider lessons learnt	16
	Keeping the complainant informed.....	16
	Timeframes for dealing with complaints	16
	Record keeping.....	17
	Appendix 2: Privacy and Consent	18
	Handling of personal information requirements.....	18
	Consent requirements	18
	Anonymous complaints	19
	Privacy of those named in complaints.....	19

1. The purpose of the complaints and feedback policy

This policy confirms the right of anyone – including participants, carers, advocates, providers, disability workers and members of the public – to provide feedback to the NDIS Quality and Safeguards Commission (NDIS Commission) and have any dissatisfaction with the NDIS Commission dealt with fairly. It explains how people may inform us of their feedback, and it guides staff in handling any compliments, suggestions or concerns made to us about any aspect of our performance, policies, processes and staff behaviour.

While we strive to be timely, reasonable and appropriate in our decisions and actions, we recognise there will be occasions where we may make mistakes or could do things better. Being willing to listen and engage with those who are dissatisfied with the NDIS Commission will assist us to learn and develop better ways of doing business that are more responsive and attuned to the needs and circumstances of our stakeholders.

Having an established process for dealing with complaints and feedback about the NDIS Commission also improves our accountability and transparency and promotes stakeholder confidence.

This policy is modelled on the Commonwealth Ombudsman [Better practice guide to complaint handling](#) principles of fairness, accessibility, efficiency and integrity. It also draws from the NSW Ombudsman's [Feedback, compliments and complaints policy](#).

2. Scope

Complaints or feedback may relate to any area or function of the NDIS Commission or the performance of our staff. Feedback includes comments, compliments and suggestions.

A compliment is any expression of positive feedback about the work of the NDIS Commission or its staff. Such expressions will always be welcome and will be celebrated by work teams and managers, with gratitude shown to the person or people providing that feedback.

A complaint includes any expression of dissatisfaction for which a response is expected or warranted.

A complaint about us includes:

- any dissatisfaction about us, our work, or the behaviour of our staff
- any allegation of impropriety or misconduct by a staff member, including an allegation of a breach of the Australian Public Service (APS) Code of Conduct

Some matters are not covered by this policy. These include:

- complaints and feedback about the delivery of supports or services by NDIS providers, which are handled by our Complaints teams in each state and territory (including Western Australia from 1 December 2020);
- disagreements with decisions on complaints made to us about NDIS services or supports, which will be dealt with under the separate reconsideration process established for such matters;
- staff grievances, which are dealt with under separate HR policies;

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- protected disclosures made in accordance with public interest disclosure legislation and the NDIS Commission's related policy;
 - privacy related complaints and inquiries, which should be referred to the NDIS Commission's Privacy Officer and dealt with under the NDIS Commission's *Privacy Management Policy* and *Privacy Complaints Handling Process*; and
 - where the person has a legal right to seek a review of a decision, noting that people will be told how they can request an internal review of the decision and of their right of review to the Administrative Appeals Tribunal (AAT).

Sometimes a complaint may encompass issues that are subject to specific investigative processes. This includes:

- allegations of fraud that must be dealt with under the [Commonwealth Fraud Control Framework](#); or
- serious allegations of misconduct. These must be dealt with under the *Public Service Act 1999* (PS Act).

3. Our commitment

The NDIS Commission welcomes all feedback, including complaints, compliments and suggestions. The NDIS Commission is committed to providing high standards of service and listening to those who interact with us. We consider all feedback received and use it to review and improve our processes and systems. Feedback helps us understand what we are doing well and highlights areas that we can improve.

We always strive to respond constructively and resolve dissatisfaction expressed at our work directly and at the time it is expressed. When this does not happen, the NDIS Commission will treat seriously issues that remain unresolved. We are committed to ensuring our complaint handling is accessible, responsive, integrated and appropriate, and that our staff act with integrity and respect for all parties.

All NDIS Commission staff have a role in actively supporting those we deal with to be heard, and in ensuring that any concerns raised are understood, acknowledged and appropriately resolved wherever possible. In this regard, there is no wrong door for a person to make a complaint or provide feedback.

Guiding principles

All complaints are to be dealt with in accordance with principles of integrity, accessibility, responsiveness, integration and appropriateness.

3.1. Integrity

All complaints will be managed fairly and without bias. People will be listened to, treated with respect and actively involved in the complaint process, where possible and appropriate.

In handling a complaint staff will act impartially and treat each individual complaint on its merits. We will have full regard to legislation, standards and rules that govern the work of the NDIS Commission, and legislation and codes of conduct that govern the work of public servants and our ethical standards.

We will take all reasonable steps to ensure those making complaints are not adversely affected because a complaint has been made by them or on their behalf.

We will ensure that the person who is the subject of a complaint is not the person handling that complaint and that it is handled at arm's length from that person.

We will ensure any actual or perceived conflicts of interests are managed responsibly. A person other than the original decision maker will handle any internal review of a complaint.

The privacy of complainants will be respected. The NDIS Commission will observe the information privacy principles set out in privacy legislation, such as the *Privacy Act 1988* (Cth), when collecting, storing, using and disclosing personal information obtained in complaint handling. It will also comply with applicable provisions of the NDIS Act concerning the protection and disclosure of information.

The NDIS Commission will accept and act on anonymous complaints, so far as is practicable, based on the information contained in the complaint.

People will be given reasons for our decision/s and told of any options for further review.

3..2. Accessibility

People who wish to complain will be informed about how to make a complaint and how their complaint will be dealt with. They will have multiple and accessible ways to do so, including phone, email, letter, in person, the use of TTY, interpreter, support person or advocate.

We publicise information about how people can make a complaint on our website and in brochures. We will ensure our systems to manage complaints are easily understood and accessible to everyone, particularly those who may require assistance.

If a person wishes, we can communicate with them through their nominated representative in relation to their complaint. Anyone may represent a person wishing to make a complaint, either with their consent or where they are the person's legally appointed representative.

3..3. Responsiveness

Where possible, statements of dissatisfaction will be resolved at first contact with the NDIS Commission. This is most likely to occur where the complaint is made by phone or in person. Where this is done, brief details of the complaint and its resolution will be recorded in the relevant work area.

We will promptly acknowledge in writing receipt of complaints where they are not resolved at first contact.

We will assess and prioritise complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated appropriately.

We will inform a complainant as soon as possible about:

- the complaints process;
- the expected time frames for our actions;
- the progress of the complaint and reasons for any delay;
- their likely involvement in the process; and
- the possible or likely outcome of their complaint.

We will advise them as soon as possible when we are unable to deal with any part of their complaint and inform them of where the issue or complaint may be directed (if known and appropriate).

We will inform people of any reasons for delay in dealing with their complaint.

3..4. Appropriateness

Complaints will be handled proportionately, reasonably and in a manner appropriate to the complaint. Clear escalation paths exist for the management of complex or unresolved complaints.

If a complaint, or any communication, gives rise to serious concerns for the wellbeing or safety of a person with disability, we will respond as appropriate to check on and ensure that person's wellbeing and safety.

The NDIS Commission is committed to being accessible and responsive to all people who provide us with feedback or complaints. At the same time, we need to protect:

- our ability to do our work and perform our functions in the most effective and efficient way possible
- the health, safety and security of our staff
- our ability to allocate our resources fairly across the NDIS Commission's functions, and
- the privacy of others.

Where people behave unreasonably with our staff, their conduct can significantly impact the efficiency of our work and the wellbeing of our staff. We will act in a professional manner to manage any conduct that unreasonably impacts our staff and our efficiency, and will support our staff to do the same.

3..5. Integration

Where a complaint involves multiple agencies, we will work with the other agencies where possible to ensure the communication with the complainant is clear and coordinated. Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organised to facilitate a timely response to the complaint.

Where a complaint involves multiple areas within the NDIS Commission, communication with the person making the complaint will be coordinated.

Where similar complaints are made by related parties we will try to arrange to communicate with a single representative of the group.

4. Management of Complaints

Levels of Complaint Management

There are three levels for the management of complaints about the NDIS Commission. A complaint might escalate through these, if not resolved satisfactorily from the complainant's point of view. The initial nature of the complaint might also lead to it being escalated straight to Level 2 or subjected to an alternative process.

The three levels are as follows:

4..1. Level 1 complaint management

Many complaints will raise issues or concerns that can be effectively resolved by the staff member who first receives the complaint or their immediate supervisor without the need for detailed inquiries. Some complaints can be resolved by providing an explanation, acknowledging the concern and agreeing on local action to address it, and/ or by providing an apology (if required). Depending on the nature of the complaint it may be referred to another staff member, team or office better situated to deal with the complaint.

Where possible, Level 1 complaints are to be resolved within 10 working days of receipt.

State and territory managers and National Office directors will oversight matters relating to their teams to resolve issues brought up by stakeholders and to ensure organisational learning that can flow from these matters.

4..2. Level 2 complaint management

Where attempts to reach a resolution under Level 1 processes are not successful, the matter should be escalated to a Level 2 complaint. Some other complaints are automatically escalated to Level 2.

Complaints that are automatically escalated to Level 2 are those that pose a significant risk to a participant or provider, or reputational risk to the NDIS Commission. These include:

- complaints that allege serious misconduct;
- complaints about the NDIS Commission made by Members of Parliament;
- complaints involving the media;
- complaints that are the subject of a preliminary inquiry or investigation by the Commonwealth Ombudsman; and
- complaints made to the Commissioner or Executive Leadership Team.

Other complaints that may be escalated following assessment by the receiving team include:

- complex/multiple issue complaints;
- sensitive complaints;
- potential breaches of the APS Code of Conduct; and
- unresolved complaints.

Where there is evidence of breach of the APS Code of Conduct, managers should contact the NDIS Commission's People Strategy team for advice.

In the case of allegations of fraud, which must be dealt with under the Commonwealth Fraud Control Framework, managers should immediately notify the General Counsel or the Chief Operating Officer.

In a case where there is concern for the wellbeing or safety of a participant or other person with disability, managers should immediately escalate the complaint as appropriate depending on the particular circumstances, to ensure the safety of that individual.

The Director Policy and Strategy, working with the Complaints Commissioner, will coordinate handling of Level 2 complaints. Where possible, Level 2 complaints are to be resolved within 15 working days of receipt.

4..3. Level 3 – Review of complaint management

Where a person remains dissatisfied with the handling or resolution of a complaint about the NDIS Commission, they may request an internal review. Where a person is unhappy with the outcome of the way their Level 1 complaint was dealt with, the matter is escalated to be dealt with as a Level 2 complaint. After the complaint has been dealt with at Level 2, the complainant will not be offered any further internal review unless the Complaints Commissioner considers that there are exceptional circumstances.

Where a complaint was dealt with initially as a Level 2 complaint, and the person is dissatisfied with the outcome of their complaint, they are to be offered an internal review. In that case, the Director Policy and Strategy, in consultation with the Complaints Commissioner, will nominate an officer to review the original decision and a member of the Executive Leadership Team will consider and determine the outcome of that review.

If the person remains dissatisfied after an internal review, they will be informed of their right to complain to the Commonwealth Ombudsman. Contact details for the Commonwealth Ombudsman are as follows:

- Call: 1300 362 072
- [Commonwealth Ombudsman: Making a complaint](#) webpage.

Additional management options

Where considered appropriate, the Director Policy and Strategy and the Complaints Commissioner can also approach the Commissioner to suggest that the issues raised in a Level 2 complaint, or in a review of a Level 2 complaint, would be best addressed through:

- conciliation conducted either by an appropriately skilled officer of the NDIS Commission, or an external consultant engaged for this purpose, or
- an investigation conducted by an external investigator. In this case:
 - the scope of any such investigation will be determined by the Commissioner in consultation with the independent investigator;
 - the complainant and any other person involved in the matter will be advised and consent will be sought to share any of their personal information or protected NDIS

Commission information (as defined by the NDIS Act 2013) relating to the complainant or other person;

- the complainant will be provided with the opportunity to talk to and/or meet with the independent investigator to clarify the issues; and
- the independent investigator will be required to submit a report of their findings within a specified timeframe and, unless there are exceptional circumstances and subject to legal requirements, that report will be made available to the complainant, the Commissioner and relevant staff involved in the complaint or responsible for implementing learnings arising from the complaint.

Similarly, the Policy and Strategy team and the Complaints Commissioner may also approach the Commissioner when they consider this complaints process is:

- being used unreasonably as a means of hindering, intimidating or harassing staff;
- unreasonably impacting upon the health or safety of NDIS Commission staff; or
- unreasonably impacting upon the fair allocation of resources across the Commission's functions.

In that case the Commissioner may decide to take action to manage such conduct to ensure the welfare of staff and the effective operation of the NDIS Commission.

Continuous improvement, analysis and reporting

Complaints and feedback provide valuable information that, when appropriately recorded and analysed, can inform our quality assurance and continuous improvement processes.

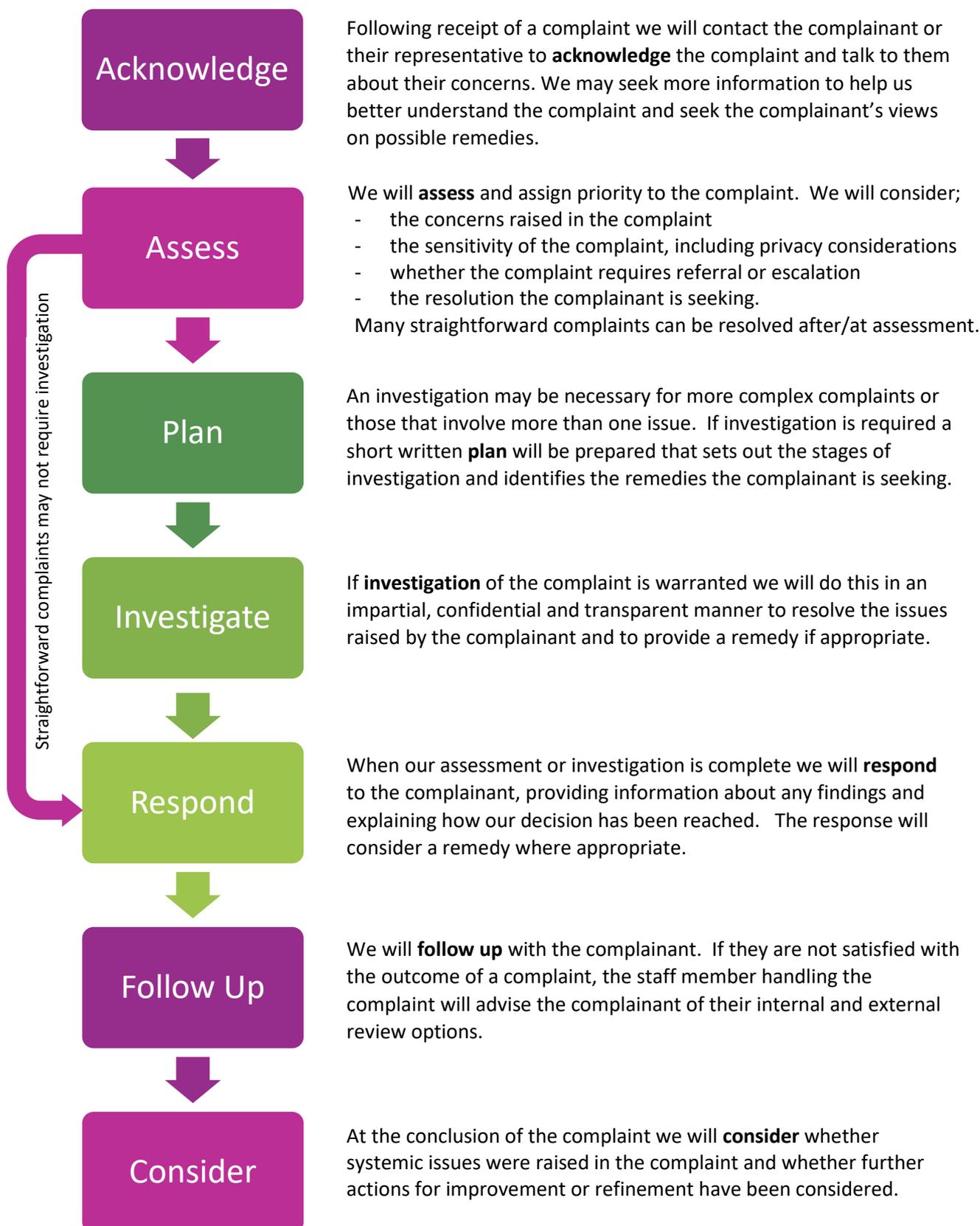
This requires consistent complaint management practices and data management across the NDIS Commission.

Regular reporting on complaints and feedback will be produced by the Policy and Strategy team with input from State and Territory Managers including complaint volumes, trends, themes and identification of systemic issues.

Analysis of complaints and feedback will help identify areas for improvement in our processes and systems, including staff training, resource allocation and the management of expectations.

Reports will be provided to the ELT, and other relevant areas to enable identification of compliment, complaint and feedback trends and drive service improvements to support the NDIS Commission's approach to continuous improvement.

Our process for managing complaints



More detailed staff guidance on our processes and privacy and consent are contained in Appendices 1 and 2.

5. Roles and responsibilities

NDIS Commission staff

All staff are responsible for administering and adhering to this policy and demonstrating commitment to complaints and feedback management.

Staff who receive a statement of dissatisfaction from a stakeholder are responsible for notifying a team leader or manager of the complaint and seeking to resolve the issue or issues.

Staff are responsible for recording the complaint in the manner approved by the NDIS Commission. This includes accurate recording of complaints, feedback and suggestions in the NDIS Commission business systems.

Managers

All levels of management across the NDIS Commission will:

- demonstrate a commitment to fostering and supporting a positive complaint and feedback culture which includes welcoming complaints and viewing complaints and feedback as an opportunity to improve;
- support staff to resolve complaints within the service commitment described above;
- ensure staff who are the subject of a complaint are supported appropriately throughout the process according to the NDIS Commission human resource policies;
- develop staff to improve capability in complaint handling and service delivery; and
- support staff in identifying and understanding themes and systemic issues in complaints to improve practices and procedures.

State and Territory Managers and National Office Directors are responsible for overseeing complaint matters relating to their teams to ensure organisational learning and/or acknowledgement of good practice.

Policy and Strategy team

The Policy and Strategy team oversees the implementation of the policy. The team will provide specialised support to other staff to manage complex or sensitive complaints and reports to the Executive on complaint themes and activity.

Once a complaint is escalated to Level 2 its handling will be coordinated by the Policy and Strategy team. Other teams may be called upon to provide supporting information or actions to facilitate resolution of the complaint.

The functions of the Policy and Strategy team in handling complaints include the following:

- support staff when managing complaints by providing advice and escalation where required;
- where there is potential media involvement, collaborate with the Communications and Media area for coordination and management of the complaint;

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- coordinate escalated complaints referred by state and territory offices, including requesting and considering reports into the complaint, coordination of actions to resolve issues, and ensuring complainants have been appropriately followed up, written responses and recording of actions;
 - in cases identified by the Director Policy and Strategy (and agreed by the Complaints Commissioner) undertake inquiries into complaints and provide advice to the identified Executive Leadership Team member;
 - where necessary, ask for legal advice from the Office of the General Counsel;
 - provide a liaison point for external complaint authorities including the Commonwealth Ombudsman; and
 - refer escalated complaints that fall outside the scope of this policy to the appropriate team within the NDIS Commission for management.

Executive Leadership Team

The NDIS Commission Executive Leadership Team (ELT) support positive complaint and feedback culture and encourages an environment where quality assurance is an everyday practice for all staff. The ELT support the regular review of work practices and developing new ways of doing our work.

The ELT are accountable for their respective business areas delivering on the complaint response timeframes set out in this policy.

The ELT will provide support for staff with complex and sensitive complaint management issues, which may include external complaints and executive and ministerial correspondence.

The NDIS Quality and Safeguards Commissioner (Commissioner)

In addition to leading the organisation to support positive complaint and feedback culture the Commissioner has some specific roles in the implementation of this policy.

The Commissioner (or their delegate) may decide to appoint an independent investigator external to the NDIS Commission to investigate and resolve complaints.

Where the Commissioner considers this complaints process is:

- being used unreasonably as a means of hindering, intimidating or harassing staff
- unreasonably impacting upon the health or safety of NDIS Commission staff, or
- unreasonably impacting upon the fair allocation of resources across the Commission's functions,

The Commissioner (or their delegate) may decide to take action to manage such conduct to ensure the welfare of staff and the effective operation of the NDIS Commission.

Appendix 1: Process for managing complaints – Guidance for NDIS Commission staff

Acknowledgement

When a complaint is received, we will acknowledge the complaint. This should be done as soon as possible and within one business day of receipt using the complainant's preferred method of contact.

When acknowledging the complaint, staff will advise the complainant of the steps in the complaint process including expected timeframes for handling the complaint and indicate when they will next be contacted.

Assessment

The complaint will then be assessed to determine:

- the issues raised in the complaint;
- if the issues are matters within the control and responsibility of the NDIS Commission;
- the outcome or remedy the complainant is seeking;
- whether the complaint should be prioritised due to the risks involved, for example if it raises concerns about a person's health or safety;
- whether a resolution requires the involvement of other organisations or other parts of the NDIS Commission; and
- whether the complaint can be handled locally within the operational area that received it or whether it needs to be escalated due to its complexity or sensitivity.

Level 1 complaints

As explained in the policy, complaints about a single issue or concerns that are more straightforward can often be resolved on first contact by providing an explanation or an apology (if required). Where possible, complaints will be resolved by the team who first receives the complaint unless the nature or seriousness of the matters raised require more detailed analysis and/or referral to a more senior staff member team or office better situated to deal with the complaint.

Level 2 complaints

When a decision is made to escalate a Level 1 complaint because it is not going to be resolved in discussion between the area responsible and the dissatisfied stakeholder the manager of the relevant area should immediately notify their Director, State Manager or SES officer. Similarly if any staff member receives a complaint requiring level 2 complaint management they should immediately refer the complaint immediately to their supervising Director, State Manager or SES officer.

The Director or State Manager will inform the Director Policy and Strategy of the Level 2 complaint as soon as possible and forward a copy of the complaint within 24 hours of receipt. The Director Policy and Strategy will review the matter and advise if the complaint or part of the complaint

requires escalation or referral to another section of the NDIS Commission such as the Parliamentary team or the Office of the General Counsel.

Handling of Level 2 complaints is coordinated and sometimes directly managed by the Policy and Strategy team in National Office. All communication with this team concerning complaints and feedback are to be emailed to them at feedbackandcomplaints@ndiscommission.gov.au.

The Director Policy and Strategy will review the matter and advise if the complaint or part of the complaint requires escalation or referral to another section of the NDIS Commission such as the Parliamentary team or, where legal advice is required in relation to it, the Office of the General Counsel.

The Director Policy and Strategy will also advise the referring area on the pathway for handling the complaint. This could include nominating an officer to conduct an inquiry into the complaint and an SES officer to consider and determine the outcome. It might also include an officer in the Policy and Strategy team doing the inquiry and providing it for resolution to a member of the Executive Leadership Team of the General Counsel. The Director Policy and Strategy will clear arrangements with the Complaints Commissioner.

Plan and Investigate

Complaints requiring level 2 management will require detailed enquiries and possibly investigation.

If investigation is required a written plan will be prepared in order to define what is to be investigated. The plan will:

- list the steps involved in investigating the complaint;
- identify whether further information is required, either from the complainant or from another person or organisation;
- provide an estimate of the time it will take to resolve the complaint;
- identify the remedy the complainant is seeking; and
- note any special considerations that apply to the complaint—for example, if the complainant has asked for their identity to be withheld from others or if there is sensitive or confidential information that needs to be safeguarded.

Staff investigating complaints must ensure that the principles of impartiality, confidentiality and transparency are observed. An investigation will:

- have its findings based on relevant supporting evidence;
- have any oral evidence recorded;
- use reliable information to reach a decision; and
- provide the complainant with an opportunity to comment on contrary information or claims from another source before a decision is made to dismiss the complaint.

It may be important to ask the complainant to assist the investigation by providing documents they have and/or explaining things they know. A complainant is to be given an opportunity to comment on any draft findings and recommendations before the investigation is finalised.

Investigations may be undertaken internally by staff that are more senior or a manager in the team or an external independent investigator. Where possible these complaints should be resolved within

15 business days from receipt of the original complaint. The complainant will be kept informed of progress and advised of the reasons for any delay.

Respond

Once an investigation or examination of a complainant is complete the NDIS Commission will respond to the complainant advising them of the decision reached and detailing any finding and remedies. The response and explanation should be in writing and will address each of the issues raised by the complainant. A meeting and oral presentation may also be valuable.

Consideration will also be given to whether a remedy should be provided. This could be in the form of an apology, changing or reconsidering a decision, expediting action, or in some other appropriate form. The response will outline any actions taken to avoid recurrences of any problem in NDIS Commission performance identified, such as changes to operating procedures.

The response should also detail any claim made by the complainant that has not been accepted by the investigating officer and an explanation should similarly be given if it has been decided not to investigate or to cease investigation of an issue raised by the complainant.

The response will also outline the internal and external review options available including the Commonwealth Ombudsman or relevant state and territory oversight bodies. Review options are discussed in point 4.3 of the policy.

Follow Up

After responding to the complaint the staff member will follow up with the complainant to confirm they are satisfied with the NDIS Commission's response. The staff member should consider whether the complainant would like the findings to be better explained or whether they would like to request a review of the matter.

Identify and consider lessons learnt

At the conclusion of a complaint the Policy and Strategy team will review the complaint to identify if it raises any systemic issues and brief the appropriate SES in the Commission. The NDIS Commission recognises complaints and feedback present an opportunity to support continuous process improvement through enhancing business practices and processes.

Keeping the complainant informed

The NDIS Commission will ensure communication with the complainant takes place at all stages of the complaint pathway until referral or resolution is achieved. This includes keeping the complainant informed of the timeframes in handling the complaint.

All contacts and communications will be noted and a response in writing will be provided if requested.

Timeframes for dealing with complaints

The NDIS Commission is committed to resolving a complaint as promptly as possible. Through our website, we have made a commitment to:

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- acknowledge a complaint within the next business day of receipt;
 - contact the complainant to discuss the issue within two business days of acknowledgement; and
 - attempt to resolve a Level 1 complaint within 10 business days with Level 2 complaints within 15 business days.

Should the complaint take more than the time above to resolve, we will contact the complainant and advise of the likely timeframe for the complaint to be resolved.

Record keeping

Brief details of complaints resolved at Level 1 are to be recorded by the relevant state or territory office or other organisational unit.

Details of Level 2 complaints are to be recorded in the Level 2 Complaints register maintained by Policy and Strategy team and allocated a unique complaint number. We will keep comprehensive records about:

- how we managed the complaint;
- the outcome/s of the complaint, any recommendations made to address problems identified an any decisions made on those recommendations; and
- any outstanding actions that need to be followed up.

Policy and Strategy team will ensure outcomes are properly implemented, monitored and reported and will regularly brief the Complaints Commissioner and the Executive Leadership Team.

Appendix 2: Privacy and Consent

Handling of personal information requirements

All NDIS Commission staff are to comply with their obligations under the *Privacy Act 1988* and the *NDIS Act 2013* when dealing with feedback and complaints under this policy. In particular, staff are required to ensure that personal and protected Commission information is protected from unauthorised access, misuse, interference, loss or disclosure.

All complaints must also be conducted in accordance with the NDIS Commission's [Privacy Policy](#).

In practice, this means that staff must ensure that when they are dealing with a complaint, they only disclose the complainant's personal information in accordance with the law and to individuals who have an operational need to know the relevant personal information, or where the complainant has consented to the disclosure.

As complaints made about the NDIS Commission will at times mention specific individuals (such as a staff member), the personal information about that individual should be de-identified when filing general information about the handling of the complaint or preparing reports on complaint handling within the NDIS Commission. If that is not practicable, access to the identifying information should be stored in a secure manner and restricted to only NDIS Commission personnel who have a legitimate need for that access.

Consent requirements

Where a person makes a complaint on behalf of another person, NDIS Commission staff must ensure they confirm:

1. that the other person has consented to the complaint being made on their behalf (including consent to the NDIS Commission providing their personal information to the person making the complaint); or
2. the other person is legally authorised to act on the person's behalf.

Where this confirmation is provided orally, if possible, NDIS Commission staff should obtain written evidence to confirm consent or that the person making the complaint is legally authorised to act on behalf of the other individual (such as confirmation of guardianship or power of attorney).

It is also possible for a person to make a complaint about the treatment of another person, without his or her authorisation. This will not imply any consent to the sharing of personal information but is, nonetheless, a legitimate complaint.

NDIS Commission staff must also consider whether further consent is required to properly investigate the matter. For example, the complainant's views will need to be considered where the NDIS Commission staff member handling the complaint proposes to contact staff named within the complaint to get their feedback or comments on the complaint.

The staff member handling the complaint will also need to inform those staff named within the complaint that the NDIS Commission may need to disclose their feedback and comments to the complainant in order to respond appropriately to the complaint and, if that response will be a

decision that affects the complainant's interests, to afford the complainant procedural fairness. Where possible, consent to disclose information to parties likely to be involved should be sought during the original contact with the complainant.

Anonymous complaints

In some circumstances, a complainant may wish to remain anonymous. However, in order for the NDIS Commission to properly investigate a complaint it may be necessary to establish and disclose the complainant's identity to the relevant staff responsible for resolution of the matter. As a result, where a complainant expresses the wish to remain anonymous it is important to highlight that the NDIS Commission may not be able to fully investigate their concerns.

Privacy of those named in complaints

As complaints made about the NDIS Commission will at times mention specific individuals (such as a staff member), the personal information about that individual should be de-identified when filing general information about the handling of the complaint or preparing reports on complaint handling within the NDIS Commission. If that is not practicable access to the identifying information should be restricted to those who have a legitimate need for that access.