



Villamanta Disability Rights Legal Service Inc.

A Victorian Statewide Service

Villamanta advances the rights of people who have a disability related justice issue

Attention: Committee Secretary
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600
AUSTRALIA

30 July, 2020

Dear Sir/Madam,

Inquiry into the NDIS Quality and Safeguards Commission

Villamanta Disability Rights Legal Service Inc. (“Villamanta”) has been providing advocacy and legal services to people with disability since 1990. Villamanta’s mission is to protect and advance the rights of Victorians with a disability by advising, informing and representing them and acting as an advocate on disability-related legal and justice issues, with a focus on issues affecting people with intellectual disability.

Villamanta has experience of the Commission in the following contexts:

- Calls to our Telephone Advice Service where individuals discuss their experience with the Commission
- Casework clients where we are assisting with a separate matter, but they have made complaint/s to the Commission
- Casework clients where we either assist them to make a complaint to the Commission, or advise them in the context of a complaint to the Commission
- Providing advice and support to disability advocates who have clients making complaints to the Commission

There is more in common than different about the issues raised. We summarise them as follows.

Poor communication

At the time of making a complaint the Commission appears to be trying to set expectations about what it can and cannot do. This message needs to be reviewed, because complainants consistently hear “all the things they can’t do, so I’m

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wondering what's the point of making a complaint?" People have elected not to complain on the basis of this initial message, and those who have gone on to make the complaint have had a negative perception from the outset.

Where timeframes are provided, they are not enforced. People have an expectation that service providers will be obliged to comply with requests from the Commission, but this does not appear to be the case. Complaints can take a very long time to progress, and there are no updates provided in the interim. It is up to the complainant to keep following up with the Commission, a task not all people with disability have the capacity to do.

Further to this, there is failure to provide any expectations or timeframes in writing at the commencement of the complaint. This lack of written correspondence leaves complainants with more uncertainty around what to expect and when to expect this as they are relying on phone conversations with the assigned case manager rather than clear documentation from the Commission.

Perception of bias

Complainants state that the Commission takes the word of a service provider more seriously than they do the person with disability. A person makes a complaint, the Commission asks the service provider for their response, and then the Commission closes the complaint. Complainants do not consider this a fair process at all. If a service provider provides a response, there is an expectation that the Commission will provide this response to the complainant so they can comment on it.

Comments by Commission staff to the effect that "they are a very big provider, I'm sure they did the right thing" do not uphold the functions of the Commission to independently consider complaints, and are reported to us regularly.

Lack of transparency

While there may be some documents provided by serviced providers that cannot be shared with complainants, there appears to be a view by the Commission that this applies to all documents. This lack of transparency allows staff to give incorrect accounts of events and leave them unchallenged, because the complainant is unable to review the materials provided. Abuse will not be stopped if the Commission does not allow the complainant to challenge the account given.

No focus on outcome for complainant

This is the most significant source of dissatisfaction with the Commission. Even after all the above issues have been experienced, the Complainant is still waiting to have an actual outcome from the complaint. Frequently they do not.

For many people it feels like the Commission is just using complaints to collect data, and serves no purpose for the Complainant at all.

When a person makes a complaint, they feel they have already been wronged. They do not consider that the service provider has acted appropriately, and they have not been able to resolve it with the service provider themselves. This leads to an expectation that the Commission will be able to achieve something the individual

could not. While an expected outcome will differ in every case, some examples from our experience include:

- An apology. This does not appear to be something the Commission even contemplates, but is a baseline expectation of complainants.
- An honest and transparent account of why the problem occurred, and a credible explanation as to how it will be prevented from happening again.
- An explanation as to why the service provider did not take this issue seriously in the first place, and how future complaints will be handled more appropriately.
- Repercussions for service providers who have caused harm. This could be as simple as the Commission explaining that the service provider has been asked to take certain actions, and should a further complaint occur which demonstrates that they didn't, the Commission would do something more substantive. Too often complainants feel the Commission has "conciliated" a complaint, but actually all they have done is talk about the complaint, and nothing has changed at all.
- A gesture of goodwill from the service provider. A support shift at no charge, an accessory to the equipment, something appropriate in the circumstances would help the complainant feel like this has all been worth it.

Please do not hesitate to contact the undersigned if you have queries about any of these matters.

Yours faithfully,

Deidre Griffiths
Principal Solicitor & Executive Officer

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