



# Providing inclusive and accessible complaint handling

## What is this fact sheet about?

This fact sheet gives practical advice to complaint handlers to make it easier for people with disability to make complaints and receive a quality response. It sets out the right of people with disability to make a complaint and the relevant legislation. The fact sheet also focuses on a person-centred approach and the importance of being open to complaints and feedback, being flexible and good communication. It provides face-to-face communication tips and advice on choice of language and keeping the person informed.

If you would like to get in touch with us, our contact details are provided at the end of this fact sheet.

## Right of people with disability to make a complaint

In NSW, there are more than 1.3 million people living with disability. The proportion of people with disability is rising as the population ages — with close to 40% of people having some form of disability by the time they are 70 years old. People with disability are increasingly expressing their right to participate as they choose in all areas of public life — including the right to complain.

The *Disability Inclusion Act 2014* (Disability Inclusion Act) commits the NSW Government to ensuring that: ‘People with disability have the same right as other members of the community to pursue complaints.’ Under the Act, all aspects of government service delivery, including complaint handling, need to be accessible to, and inclusive of, people with disability.

An inclusive, accessible and responsive complaints system helps agencies improve their service delivery and increase customer satisfaction.

## Relevant legislation

Several NSW and Commonwealth laws aim to promote accessibility and fairness and include penalties for discrimination based on a person’s disability. In NSW, s 3(a) of the Disability Inclusion Act acknowledges ‘that people with disability have the same human rights as other members of the community and that the State and the community have a responsibility to facilitate the exercise of those rights’.

The *Disability Services and Inclusion Act 2023* (Cth) gives effect to the Convention on the Rights of Persons with Disabilities.

The Anti-Discrimination Act 1977 (Anti-Discrimination Act) makes it unlawful to discriminate against a person on the ground of disability in the provision of goods and services, education, accommodation, employment and registered clubs.

The Disability Discrimination Act 1992 (Cth) makes it unlawful to discriminate against a person with disability in relation to many of the same areas covered by the Anti-Discrimination Act. The Commonwealth Act extends to access to premises used by the public, buying land, activities of clubs and associations, and sport. Discrimination also includes the failure to make ‘reasonable adjustments’ to accommodate people with disability.

## A person-centred approach

Everyday life for people with disability does not need to involve regular battles to access services and information. Barriers usually come from unthinking decisions by governments, private organisations and individuals about how to deliver service, or from making misguided assumptions about what members of the community need to receive a service. Outdated attitudes, inaccessible building design and unsuitable ways of communicating can all prevent people with disability from participating fully in community life.

In the past, government agencies tended to take a 'one-size-fits-all' approach to service provision which excluded many people. It is now clear that providing services which are tailored to a person's needs is a much better way to include everyone in the community, and government policy in this area is shifting.

Taking a 'person-centred approach' means genuinely seeking to understand and meet the individual needs of a person with disability. You should take a person-centred approach to your complaint-handling, as with all other parts of your service delivery. A person-centred complaints process ensures that the perspective of the person with a disability is heeded and considered in how the matter is resolved.

## Be open to complaints and feedback

Not everyone feels confident about complaining, and many people, with or without a disability, worry about the consequences of making a complaint.

A complaint is an opportunity to identify problems and improve your service. Simple actions, like thanking the person for making the complaint or for letting you know about a problem, can go a long way towards putting people at ease and letting them know it is OK to complain and feedback is always welcome.

It is also important to look out for hints or comments that indicate there might be a problem. People with disability might be reluctant to directly 'complain' because of bad experiences when they have complained in the past or fears they will be victimised. You should therefore let people know that they will not be disadvantaged for complaining — this is a common fear and is particularly important for people who will have an ongoing relationship with your agency.

## Be flexible

Just because things have usually been done in a certain way does not mean they should always be done that way. If the 'standard procedure' does not work for everyone, try a new way. For a person with disability, being flexible can mean the difference between whether they are included or excluded from the services you deliver.

For example, a blanket rule that 'all complaints must be in writing' will exclude some people with disability, people with low literacy, and people whose first language is not English from making a complaint. Some people may need to talk to you face-to-face, on the phone or via a video call about their complaint. You can help by documenting the complaint and reading it back to the person to check you have got it right.



## Communication is critical

### Ask the person what they need

The only way to know what someone needs is to ask. Make it part of your usual practice to ask complainants what communication method works best for them.

#### ✓ Mode of communication

For some people with disability, using the right kind of communication can make all the difference. Emails may suit one person, while phone calls may work better for someone else.

#### ✓ Time or day to suit the person

Choosing the best day or time of day may differ for each person. Perhaps a support worker helps at particular times of the day or week, or the effects of medication mean that the person is more alert at certain times of the day; there may be children to pick up from school; or you may need to keep calls brief or accommodate interruptions.

#### ✓ Accepting complaints from carers or support people

Some people with disability have a support person — such as a family member, a carer or an advocate — to help them make a complaint. It is important that your agency accepts complaints from carers and support people, without imposing unnecessary hurdles.

#### ✓ Involvement of person with disability

Even when a person with disability has a carer or an advocate, you should always check whether the person with disability wants to be directly involved with the handling of their complaint. Many people with disability have spoken out against decision-making that excludes them, saying 'nothing about me without me.'

The person with disability is the expert about what works best for them. It is important to listen and to ask when you do not know.

## Be prepared

Different people have different communication needs. Make sure your agency can meet these needs. For example, do you and your staff know how to do the following?

- organise an AUSLAN interpreter
- use the Telephone Interpreter Service (TIS)
- accept a complaint from a carer/third party
- locate your agency's Easy Read complaint form and complaint information
- take complaints using video call software (for example by Zoom, Teams or similar)
- organise National Relay Service (NRS) assistance
- suggest and refer to an advocate.

## Face-to-face communication tips

- When using an AUSLAN or another language interpreter, remember to look at the person rather than the interpreter.
- When meeting/speaking with a person who uses a wheelchair, position yourself at eye level, if possible.
- When speaking with someone who has a hearing impairment, make sure your face is turned towards them — facial expressions and gestures can help with communication.
- When speaking with someone with intellectual disability, talk in short sentences and using simple language. You can also try using visual information, pictures and/or gestures — some people with intellectual disability may use gestures, like pointing, to help get their message across. You should always use language and gestures that are age appropriate.
- If you are having trouble understanding someone's speech, be patient, but do not pretend you understand if you are unsure. You should not be afraid to repeat what you think you understand and ask for confirmation you have got it right.

## Language matters

You should focus on the person and not the 'impairment'. Your choice of language can affect the way people with disability feel about themselves, your agency and the service you deliver.

Using 'person-first' language is a good choice when referring to people with disability. An example is 'person with disability' — which puts the person first — rather than 'disabled person', which puts the person second.

## Keep the person informed about progress

It is important to keep people up-to-date about the progress of their complaint.

You should be clear from the start about how often you will provide updates. You should have already identified the person's preferred method of communication but also be sure to explain how you can be contacted and how long it should take to resolve their complaint.

## Avoid the 'referral roundabout'

Ideally, a complainant should have a single contact person from your agency.

It can be frustrating for complainants to get through to someone — sometimes after ringing multiple agencies, being transferred, put on hold and re-telling the details of their complaint — only to be told they still have not reached the right person.

If you need to refer a complainant somewhere else because your agency does not offer the service they need, ask them if they would like your help. For example, you can help by:

- getting the complainant's permission to forward their complaint to the right agency — this is known as a 'warm referral'
- finding the right agency and person and giving this information to the complainant
- inviting the complainant to contact you if they cannot find the right agency to approach.

## Key messages

- ✔ It's the law.
- ✔ Be positive and welcoming - it is OK to complain.
- ✔ When in doubt - ask!
- ✔ Listen for hints that a customer or client has a complaint.
- ✔ Be prepared to accommodate communication needs.
- ✔ Be positive and welcoming — it is OK to complain.
- ✔ You can make all the difference — ask yourself 'What's possible?'
- ✔ Avoid assumptions based on a person's disability.
- ✔ Provide help to navigate the system.

## Resources

[\*Disability Services and Inclusion Act 2023 \(Cth\)\*](#)

*Disability Inclusion Act 2014*

*Disability Discrimination Act 1992 (Cth)*

*Anti-Discrimination Act 1977*

### Easy Read

[Speak up resources](#)

### Translating and Interpreting Service

[Translating and Interpreting Service \(TIS\)](#)

### Advocacy

[IDEAS- Information on Disability, Education and Awareness Services](#)

### National Relay Service

[Helping you connect-National Relay Service \(NRS\)](#)

### AUSLAN interpreter

[Home - Deaf Connect](#)

**Communicating with people with an intellectual disability**

[IDRS - Education and Training](#)

**Respectful and inclusive language**

[ADN-Access and Inclusion Index](#)

[Disability discrimination](#)



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