

Tips for accessible complaint handling

In NSW, there are more than 1.3 million people living with disability. The proportion of people with disability is on the rise 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 – this includes the right to complain.

The *Disability Inclusion Act 2014* 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 accessible and responsive complaints system helps agencies improve their service delivery and increase customer satisfaction. Accessibility is also central to the NSW Government’s *Commitments to Effective Complaint Handling*, which are being implemented across the public sector. These commitments send a clear message to government agencies that it should be easy to lodge a complaint.

This tip sheet gives practical advice to complaint handlers to make it easier for people with disability to make complaints and receive a quality response.

It’s the law

A number of NSW and Commonwealth laws aim to promote accessibility and fairness, and include penalties for discrimination based on

a person’s disability. In NSW, 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.’

*‘Don’t judge what I can do,
by what you think I can’t’*

– Steve Widders, Aboriginal Leader and former member of the NSW Disability Council.

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

A person-centred approach

Everyday life for people with disability doesn’t 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 services. Out-dated attitudes,

inaccessible building design, and unsuitable ways of communicating can all prevent people with disability from participating fully in community life.

'My disability exists not because I use a wheelchair, but because the broader environment isn't accessible'

– Stella Young, Disability activist, writer and comedian.

In the past, government agencies tended to take a 'one-size-fits-all' approach to service provision which excluded many people. It's 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 has shifted.

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.

Here are some tips to help you to provide an inclusive complaints service, informed by a person-centred approach. For more information see our **'My right to be heard'** online video.

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.

'I don't like complaining because every time you complain you feel like you're a problem'

– 'Ask Me. I make my own decisions – Advocacy for Inclusion Research Report 2013.

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's OK to complain and feedback is always welcome.

It's also important to look out for hints or comments which 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. Let people know that they won't 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 are usually done a certain way, it doesn't mean they should always be done that way. If the 'standard procedure' doesn't 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, and people with low literacy, from making a complaint. Some people may need to talk to you face-to-face; on the phone or via

Skype about their complaint. You can help by documenting the complaint and reading it back to the person to check you've got it right.

'Disability is a different ability. School would be a much better place for kids with disability if everyone thought about their attitude to disability. Having a disability doesn't mean you are 'not normal' and it does not mean you have less ability. It's just a different ability. We are all different so it shouldn't be such a big deal.'

– Danny Dickson, Year 9 student with disability, *Ramp Up*.

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. 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.

Equally, choosing the best day or time of day may differ for each person. Perhaps a support worker provides assistance 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.

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's important that your agency accepts complaints from carers and support people, without imposing unnecessary hurdles.

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's important to listen and to ask when you don't know.

'I have no trouble at all with someone asking me if I need assistance, and sometimes I do and sometimes I don't, and I'm very happy to accept it. I will challenge people who make decisions for me or about me, particularly decisions which limit what I want to do.'

– Graeme Innes, Former Disability Discrimination Commissioner.

'People don't stop and listen... people don't give me time to think before I answer.'

– Tara Elliffe, Self-Advocate.

Be prepared

Different people have different communication needs. Make sure your agency is able to meet these needs. For example, do you and your staff know how to:

- Organise an AUSLAN interpreter?
- Use the Telephone Interpreter Service?
- Accept a complaint from a carer/third party?
- Locate your agency's EASY ENGLISH complaint form and complaint information?
- Take complaints using Skype?
- Organise National Relay Service (NRS) assistance?
- Suggest and refer to an advocate?

Face-to-face communication tips

- When using an AUSLAN or other 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.
- Speaking in short sentences and using simple language can be helpful if you're talking with someone who has an intellectual disability. 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. Always use language and gestures which are age-appropriate.

- If you're having trouble understanding someone's speech, be patient, but don't pretend you understand if you don't. Don't be afraid to repeat what you think you understand and ask for confirmation that you've got it right.

Language matters

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's important to keep people up-to-date about the progress of their complaint.

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 be sure to also explain how you can be contacted. It's also important to let people know 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 haven't reached the right person.

If you need to refer a complainant somewhere else because your agency doesn't 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 can't find the right agency to approach.

Key Messages



It's the law.



Be positive and welcoming – it's OK to complain.



When in doubt – ask!



Listen for hints that a customer or client has a complaint.



Be prepared to accommodate communication needs.



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.

This guideline was produced by the NSW Ombudsman. We are an independent and impartial 'watchdog' agency, overseeing most public sector and many private sector agencies and their staff. We want to see fair, accountable and responsive administrative practice and service delivery in NSW.

Resources

Anti-Discrimination Act 1977 (NSW)

Disability Discrimination Act 1992 (Cth)

Disability Inclusion Act 2014

EASY ENGLISH

www.scopevic.org.au/service/accessible-information/

Translating and Interpreting Service

www.tisnational.gov.au/en

Advocacy

www.ideas.org.au

www.adhc.nsw.gov.au/__data/assets/file/0016/234250/Advocacy_Information_Print_Disability.pdf

National Relay Service

www.relayservice.gov.au

AUSLAN interpreter

deafsocietynsw.org.au/interpreting

More information about communicating with people with an intellectual disability can be found at www.idrs.org.au/education/about-intellectual-disability.php#comm_tips.

More information about respectful and inclusive language can be found at www.and.org.au/pages/inclusive-language.html.

Find more information about disability discrimination at

www.antidiscrimination.justice.nsw.gov.au

For more information and to view our video 'My right to be heard' about a more person-centred approach:

<https://youtu.be/s5h5eHPtj8>

Contact us for more information

Our business hours are: Monday to Friday, 9am–5pm (*Inquiries section closes at 4pm*).

If you wish to visit us, we prefer you make an appointment. Please call us first to ensure your complaint is within our jurisdiction and our staff are available to see you.

Level 24, 580 George Street
Sydney NSW 2000

Email

nswombo@ombo.nsw.gov.au

Web www.ombo.nsw.gov.au

General inquiries 02 9286 1000

Facsimile 02 9283 2911

Toll free (outside Sydney metro)

1800 451 524

NRS 133 677

Telephone Interpreter Service (TIS):
131 450

We can arrange an interpreter through TIS or you can contact TIS yourself before speaking to us.