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Dear NDIS Review Team

I understand that you are keen to hear from, and perhaps about, “hard to reach” parts of the disability sector. And you are looking for “low-hanging fruit” regarding improving the NDIS and the operation of the NDIA.

Yesterday (23/5/2023), the NDIA sent me (and other DRCO Forum members) an email saying, “we welcome your attendance” and ...

The NDIA has initiated a project to improve our complaints handling processes.

The project aims to improve the experience a person has when making a complaint to the Agency, with a focus on delivering a person-centred service. The project considers improvements to complaints management processes and practices across the whole Agency, including the National Contact Centre, our Administrative Appeals Tribunal team and front-line service delivery and partners.

We plan on holding a session in early June to discuss this project in more detail, and to give you the opportunity to provide feedback on how to improve peoples’ experience when making a complaint to the NDIA, including communication, staff training and the resolution experience.

The email provided material that describes the NDIA’s plans for *DRCO engagement about the NDIS approach to complaints management*.

My immediate response (sent via email 23/5/2023) said:

I prefer to implement “suggestion handling processes”. Encourage people, both “customers” and your own employees, to suggest how things can be done better. But allow them to make a complaint if they can’t suggest an improvement.

Track the suggestions (or complaints). The rule is unless there is an extremely good reason not to, try to implement every suggestion. If it doesn’t work, people go back to their old ways. Every suggestion that works is a win. Reinforce people suggesting improvements. The resulting culture is much more positive.

This is not my idea. Read more about it as Kaizen and Toyota’s culture of continuous improvement (see [https://en.wikipedia.org/wiki/The\\_Toyota\\_Way](https://en.wikipedia.org/wiki/The_Toyota_Way) and many more articles on the web).

Previously, I wrote to the NDIA CEO about its complaints practices and culture (see Annex A. Feedback on the NDIA's complaints processes).

Notably<sup>1</sup>, Ms Falkingham responded immediately (at 9pm) saying "Thanks for sending this through Bob. I am appalled by the message you received as I would never have agreed to it. Will follow it up my end." I do not know what the outcome of her "follow up" was. Nor have I heard subsequently from Ms SFT831 that she is confident in her complaints process. Perhaps this project is meant to be a step in that direction. If it is, then it clearly did not accept any of my input (for example, see the Annex below) on the subject.

The presentation provided to the DRCOs shows fundamental problems with the NDIA's culture that need to be addressed. It demonstrates, in the context of my previous email on this subject, that NDIA senior management are themselves a "hard to reach" part of the disability sector: a simple message did not get through to them.

The material in the presentation shows that the NDIA has already decided the goals (possibly, and the outcomes) of this process. It has a slide entitled "Where do we want to get to with our complaints practices, culture and capability?" that provides the answers to that question.

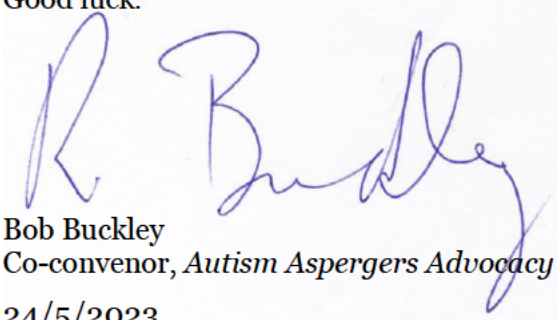
A co-design process, or any good consultation practice, would consult the affected community initially on the whole issue. It would not approach them having already decided the purpose, scope, and goals.

The presentation material fails to recognise the whole NDIS Plan review process, including the AAT, as an essential component of the NDIA's existing complaints process.

I encourage you to see the NDIA's overall culture problem. Complaints handling is not a siloed issue; treating it that way will fail abysmally.

The need for pervasive culture change to embrace real continuous improvement within the NDIA is "low-hanging fruit" for the NDIS Review. The NDIS Review can restart and refocus this process immediately. You can direct the effort instead to creating a real and positive culture of continuous improvement in the NDIA, to replace its existing negative defensiveness that focuses on complaints.

Good luck.



Bob Buckley  
Co-convenor, *Autism Aspergers Advocacy Australia (A4)*.

24/5/2023

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<sup>1</sup> Hence the note following. Also, remarkably and creditably.

## Annex A. Feedback on the NDIA's complaints processes

**Subject:**Re: Your Advocacy [SEC=OFFICIAL]

**Date:**Thu, 15 Dec 2022 20:53:59 +1100

**From:**Bob Buckley (A4 Convenor) <convenor@a4.org.au>

**Organisation:**Autism Aspergers Advocacy Australia

**To:**feedback <feedback@ndis.gov.au>

**CC:**Falkingham, Rebecca <Rebecca.Falkingham@ndis.gov.au>, ... , Julian Pipolo <Julian.Pipolo@ashurst.com>, Dougie Herd <Dougie@comcons.org.au>, Swainson, Matthew <Matthew.Swainson@ndis.gov.au>

Dear Ms SFT831

I am well. I hope you are too.

Thank you for writing. I did not submit complaints to the NDIA CEO: I wrote asking for assistance. Requesting assistance is not a complaint. I am puzzled that the NDIA has seen and treated my requests that way.

I wrote to the NDIA CEO after a conversation where she said I could do so. I have to say, that I found writing to the CEO has been relatively effective. I am unaware that specific "appropriate mechanisms" for expediting stalled or overdue processes in the NDIS even exist.

If there are "appropriate mechanisms" for expediting stalled or overdue processes in the NDIS, I have yet to find where they are documented.

Contacting the NDIA's CEO is especially more effective than my past experience with the NDIS complaint process. In the past, all I ever got from the NDIA complain process was an explanation of why I was wrong. There was absolutely no useful outcome from making a complaint; it was an exercise in pure frustration. I particularly note that the NDIA's complaint process was the total opposite of "continuous improvement".

On the other hand, some of my recent requests for help from the CEO have been a bit more successful. They seem to have been treated as complaints, for example CEO Complaint No 8100996268.

If you want to see the request for help that I've sent as containing an element of "complaint", then I have two suggestions.

1. at the very least, as well as providing the help requested you can also establish a formal process for people to make such requests and have them actioned expeditiously.
2. a better approach would be to examine why anyone felt the need to make a request to the NDIA's CEO, and figure out how to make the system work effectively so no one needs to write to the CEO. Please understand that I do not want to jump ahead in "the queue"; instead, I'd prefer that the queue is short enough that there is no real way to jump ahead of anyone.

Please let me know when you feel confident that your complaint process is functioning effectively. I am prepared to try again to use it when I have a complaint (not a request to expedite processing). But if your complaint process does not work effectively for me, I expect I will revert to methods that I find do work.

Ideally, there would not be a "a need for the CEO advocacy and complaints function", but the NDIA is a very long way from that at present.



I received your recent response to headed **RE: URGENT - VXGN / HHRQ Funding exhausted** [SEC=OFFICIAL]

We are fully aware that " the AAT process can take a long time". We are also very aware that early intervention for young autistic children cannot afford to be delayed ... and should not be stopped for any period of time.

You say:

The NDIS is unable to intervene with matters before the AAT, however, the NDIA is working to find a better way to resolve concerns and reduce the number of active matters before the AAT.

While a matter is before the AAT, correspondence about the case should only occur between the applicant or their representative and the NDIA Case Manager handling the case or the NDIA legal representative. As such, no further action can be taken regarding this complaint.

When a young autistic child has run out of funding, and her early intervention has ceased as a result, we cannot sit back and wait for the NDIA to "find a better way"; we need the issue addressed immediately. It does not help to claim "correspondence about the case should only occur between the applicant or their representative and the NDIA Case Manager handling the case or the NDIA legal representative" since that process has already failed.

I question the claim that "The NDIS is unable to intervene with matters before the AAT". It is my understanding that the proper process is for the NDIS, probably through "the NDIA legal representative", to request a remittal under s42D from the AAT. This is clearly an *intervention* in a matter before the AAT that requires action from the NDIS/NDIA in the form of a direction to their legal representative.

I could be wrong; I am not a lawyer.

*Bob Buckley*

**Convenor**, Autism Aspergers Advocacy Australia (A4)

website: <https://a4.org.au/>

*Autism Aspergers Advocacy Australia*, known as *A4*, is the national grassroots organisation advocating for autistic people, their families, carers and associates. A4 is internet based so that Australians anywhere can participate.

Note for politicians and bureaucrats – *Autism Aspergers Advocacy Australia's* policy on unanswered questions is available at <https://a4.org.au/node/1419>.

A4 recognises and respects the traditional owners, the elders past, present and emerging of lands in Australia. Sovereignty was never ceded.

"The first step in solving any problem is recognising there is one." Jeff Daniels as Will McEvoy in *The Newsroom*.

On 15/12/2022 3:02 pm, feedback wrote:

Good afternoon Bob,

I trust you are well.

I write at the behest of the NDIS Executive as it has been noted that you have submitted a number of complaints to the Chief Executive Officer (CEO) recently.

Whilst we appreciate your advocacy for participants, we request that you please request that participant's and their representatives use the appropriate mechanisms available prior to submitting an escalation request or complaint to the CEO.

For example:

- a request for Support Co-ordination, or inclusion of any other support, can be requested by way of [plan review](#), or by speaking to a participants [NDIS Contact](#) and;
- a request regarding a matter which is currently before the Administrative Appeals Tribunal (AAT) will need to be directed to the NDIS Case Manager. The NDIS cannot intervene with a plan while the matter is before the AAT.

We acknowledge that there is certainly a need for the CEO advocacy and complaints function, however this mechanism is for complaints that have not or cannot be requested by our usual communication pathways.

Please note that you can always submit complaints/escalations/feedback to [feedback@ndis.gov.au](mailto:feedback@ndis.gov.au) and an NDIS Representative will address the concerns raised.

Thank you for writing.

Kind regards,

**Stephanie SFT831** (she/her)  
Senior Complaints Officer  
Internal Reviews & Complaints Branch  
**National Disability Insurance Agency**