

# Information sheet: attending a conciliation meeting

## Providers

Before a conciliation meeting, providers should ensure they are fully prepared, well informed about the process, understand what is expected of them and aware of the legislative requirements which govern conciliation.

## Before the meeting

### Understand the process and legislation:

Conciliation generally involves the complainant and provider engaging voluntarily in a face-to-face meeting; this offers both parties the opportunity to openly and informally discuss the complaint.

The conciliation process is governed by the *Health and Disability Services Complaints Act 1995* and participants are expected to adhere to the requirements within the legislation. Specifically:

**Confidentiality:** The conciliation processes is confidential. All oral and written communications aimed at resolving the issues in dispute are confidential. This means that any offers made or positions discussed during conciliation cannot be made public, recorded, or discussed with anyone else. Substantial fines can be imposed if these requirements are not complied with.

**Representation:** As the conciliation process encourages parties to discuss the complaint together, HaDSCO does not typically allow representatives of complainants or providers to attend conciliation meetings. The only exception to this is if the Director determines that the process will not work effectively without that representation.

Parties are entitled to seek legal advice, either prior to conciliation and/or as a result of any proposals or offers made during the conciliation process, however, HaDSCO does not generally allow legal representatives to attend conciliation meetings. This is to ensure the meeting maintains an informal atmosphere.

If participants wish to have support, representative or lawyer present at the conciliation meeting, please discuss this request with the conciliator prior to the meeting.

### Prepare:

- Gather all the records (medical or otherwise), documents and information that would be helpful during the meeting and become familiar with them. These may be of assistance in resolving the complaint and when responding to the issues and questions raised within the meeting agenda

- If required, consult with others within the organisation to establish what has been done or could be done to address those concerns and issues
- It may be advisable to discuss the matter with any organisation that provides indemnity under a policy of insurance if a claim for compensation is one of the outcomes sought
- Ensure authorisation to make decisions, which may assist in the resolution of the complaint, has been granted

## **At the meeting**

### **All parties should:**

- Attend the meeting with an open mind and a willingness to resolve the complaint that has been made
- Conduct themselves in a courteous manner and observe the 'ground-rules' for conciliation as explained by the conciliator
- Be prepared to seek clarification if issues need further explanation
- Listen to the other party's viewpoint with a view to find a workable solution together

## **After the meeting**

Remember the conciliation process is confidential. All oral and written communications aimed at resolving the issues in dispute are confidential and evidence of anything said or admitted during conciliation must not be used in proceedings before a court or tribunal.

HaDSCO: Supporting improvement through complaint resolution

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