

Information sheet: Conciliation

The Health and Disability Services Complaints Office (HaDSCO) is an independent statutory authority providing a free, impartial and confidential complaint resolution service. This service is delivered through conciliation and negotiated settlement.

This information sheet explains the HaDSCO conciliation process. The fundamental principles of the conciliation process are:

Confidentiality: 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. Evidence of anything said or admitted during conciliation is also not admissible in proceedings before a court or tribunal.

Impartiality: HaDSCO is an independent authority and does not provide legal advice to, favour, represent or advocate for either party. HaDSCO encourages parties to discuss complaints and works towards jointly agreed outcomes.

Voluntary: Parties are not compelled to participate in conciliation and cannot be forced to agree to a resolution or outcome that is not mutually satisfactory.

The conciliation process:

Stage one: In the first instance, HaDSCO encourages complaints to be raised directly with the service provider. Offering the provider a chance to address the issues, usually results in quicker complaint resolution.

If this proves unsatisfactory, complainants can contact HaDSCO's Assessment Team to discuss the complaint.

The HaDSCO Assessment Team will outline the options, explain the complaints process and organise a complaint form to be sent by post.

Stage two: All complaints must be confirmed in writing. Once completed forms are received, HaDSCO will assess the complaint and identify the most suitable method for resolution: either conciliation or negotiated settlement. At this point HaDSCO may request relevant health records or documents.

Stage three: Once a complaint is accepted into conciliation, it will be assigned a Case Manager. It is the role of the Case Manager to discuss the complaint with all parties and gather information.

Stage four: Once HaDSCO has gathered all relevant information, there are two conciliation options:

Face to face meetings are conducted by a HaDSCO Case Manager trained in conciliation: This process offers both parties the opportunity to openly discuss the complaint. The Case Manager will meet individually with each party to discuss and clarify issues that have been raised and ensure everyone is prepared for the conciliation meeting.

Prior to the face to face meeting the Case Manager may need to:

- Gather more details about the complaint
- Review any medical or procedural documentation
- Determine any relevant and applicable standards
- Assist with determining realistic outcomes
- Discuss the conciliation process with all parties and actively encourage parties to engage in the resolution of the complaint

Paper based or 'shuttle' conciliation: Generally this process is only used when a face to face meeting is not appropriate. In a paper-based process, HaDSCO will write to the provider and request a written response. This response will be shared with the complainant. HaDSCO remains impartial and again actively encourages parties to engage in the resolution of the complaint.

Stage five: Following the conciliation process a report is prepared and provided to both parties. The report highlights important aspects of the complaint and any outcomes that were agreed.

If an agreement cannot be reached the Director has a number of options:

- Refer of the matter to a registration board
- Refer for further conciliation
- Closure of the file with no further action
- Refer the matter for investigation

Throughout the conciliation process the assigned Case Manager will provide regular updates to all parties and is available to answer questions.