

Information sheet: Negotiated settlement

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.

Negotiated settlement involves an exchange of information between parties via a case manager. This may be conducted over the telephone, email or in writing and generally does not involve a face-to-face meeting. The role of the negotiator is to assist in the exchange of information and promote resolution of the complaint. In some circumstances specific information or consumers records may be requested to clarify issues.

The fundamental principles of the negotiated settlement 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 negotiated settlement cannot be made public, recorded, or discussed with anyone else. Evidence of anything said or admitted during settlement is also not admissible in proceedings before a court or tribunal.

Impartiality: HaDSCO is an independent authority and do 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.

Timely: Facilitates swift complaint resolution through the communication exchanged between parties.

HaDSCO: Supporting improvement through complaint resolution

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