



Health and Disability Services
Complaints Office



Information Sheet

Attending a conciliation conference as a complainant

Before a conciliation conference, consumers and complainants 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.

It is important to understand the process and the legislation:

Conciliation generally involves the complainant and provider engaging voluntarily in a face to face conference; 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 Part Six of the *Disability Services Act 1993*. Participants are expected to adhere to the requirements within this legislation.

Confidentiality

The conciliation process 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 conferences.

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 conferences. This is to ensure the conference maintains an informal atmosphere.

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

Prepare

- Be prepared to outline concerns in a clear and succinct manner.
- Consider how the discussion may progress and think about suitable responses to likely questions.
- Prepare documentation that supports the complaint and the desired outcomes.
- For example, if seeking reimbursement for out of pocket expenses, bring receipts for those items to the conference. Preferably supply copies to the provider and conciliator prior to the conference.



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At the conference all parties should

- Attend the conference 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 conference

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 cannot be used in proceedings before a court or tribunal.