



Information Sheet: Conciliation

The Health and Disability Services Complaints Office (HaDSCO) is an independent Statutory Authority providing an impartial resolution service for complaints about health, disability and mental health services in Western Australia and the Indian Ocean Territories.

This service is delivered through negotiated settlement, conciliation and investigation.

Conciliation is a process where an impartial HaDSCO employee encourages the individual making the complaint (the individual) and the service provider to discuss the complaint with a view to resolving it. Conciliation assists both parties to identify parts of the complaint that are in dispute and any possible areas of agreement.

This information sheet provides details about obtaining agreement to conciliate; the role of the parties involved, and details of the conciliation process.

Obtaining agreement to conciliate

When reviewing information provided in the complaint, HaDSCO may decide that the matter/s are appropriate for resolution by conciliation.

If the individual and service provider are willing to participate, a HaDSCO Officer will discuss the option of conciliation for complaint resolution.

Conciliation will only proceed where both parties are in agreement.

With the assistance of the HaDSCO Officer, conciliation can provide the opportunity for:

- Frank and open discussions which may lead to the resolution of the complaint.
- Both parties to gain an understanding about each other's perspective on the complaint.

All oral and written communications aimed at resolving the issues in dispute are confidential. This means that any positions discussed, or offers made, 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.

If conciliation does not result in an agreement, the complaint may proceed to investigation.

Roles of the parties in conciliation

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

The HaDSCO Officer is impartial and does not act on behalf of any party. In conciliation, their role is to:

- Assist the individual and service provider to identify issues as they relate to the complaint.
- Provide independent advice on the resolution of issues.
- Encourage the parties to reach an agreement.

If the HaDSCO Officer believes one party is not participating in the process, or agreement is unlikely to be reached within a reasonable timeframe, they may recommend to the Director that the matter may be appropriate for another resolution pathway.



Role of the service provider and the individual making the complaint

To assist in the resolution of the complaint, the service provider may assign a representative. The service provider representative and the individual should be available for conciliation, listen to each other and talk about the concerns raised. They should keep an open mind and be prepared to consider a range of options that may resolve the complaint.

Role of support persons

During conciliation, individuals are able to be accompanied by a support person of their choosing (for example, a family member, friend and/or advocate).

Their role is to provide support. They do not act on behalf of the individual by putting forward their point of view or any counter arguments, nor do they act as a witness to events. However, they may assist the individual to clarify matters or may prompt them to ask questions.

The service provider representative is also able to be accompanied by another nominated officer who can provide relevant information, if needed.

HaDSCO must be provided with the names of any support persons or nominated officers assisting the service provider representative before the conciliation process commences and at the minimum, in advance of a conciliation meeting.

Preparing for conciliation

Individuals can prepare for conciliation by:

- Confirming the issue/s of complaint to be addressed during the conciliation process.
- Taking a copy of the complaint and supporting documentation to a conciliation meeting.
- Being open to talk about the issues giving rise to the complaint, the outcomes they wish to achieve and possible alternative options.
- Ensuring their support person understands their role and is prepared for the conciliation process.

Service providers can prepare for conciliation by:

- Allocating a representative who has the authority to make decisions during the conciliation process about how the complaint can be resolved.
- Allocating a representative who understands and is able to talk about the complaint and will genuinely consider options for agreement.
- Ensuring the representative is prepared for the conciliation process by having a copy of the complaint and other relevant documents and information they wish to refer to.
- Identifying if the representative needs to be accompanied by another nominated officer who can assist in the conciliation process.

The conciliation process – invitation to participate in conciliation

If both parties agree to conciliate, the HaDSCO Officer will:

- Discuss the most appropriate way to conduct conciliation.
- Arrange where and when conciliation will take place.
- Clarify any particular requirements that the service provider representative or the individual may have, such as communication aids or access requirements.
- Advise both parties of the conciliation arrangements.

Prior to conciliation, the HaDSCO Officer may seek further information about the complaint and request relevant documents.

Agreeing on dates to facilitate conciliation meetings early in the process assists to progress the conciliation in a timely manner. HaDSCO appreciates that the parties to a complaint may have a number of different and competing priorities, however, flexibility to attend conciliation meetings enables the process to run smoothly to facilitate a timely resolution.

Conducting conciliation

The process may involve a meeting between the HaDSCO Officer, the individual, the service provider representative, support person/s and a nominated officer for the service provider representative.

Conciliation may be conducted in a number of ways, including:

- Face-to-face meeting with involved parties.
- By teleconference or video conference.
- Having one-to-one meetings or telephone conversations with the individual/support person and service provider representative/nominated officer separately.

Discussion and agreement

The HaDSCO Officer may encourage open and frank discussion by:

- Asking the individual to talk about their complaint.
- Asking the service provider representative to respond to the complaint.
- Reminding the parties of the confidentiality requirements.
- Encouraging discussion about what the individual and service provider representative consider would resolve the complaint and facilitating an agreement where possible.

Documenting a conciliated agreement

If agreement is reached through conciliation, the HaDSCO Officer will:

- Set out the terms of the agreement in writing;
- Arrange for both parties and a Senior HaDSCO Officer to sign the agreement; and
- Provide a copy of the agreement to the service provider representative and the individual.

A signed agreement concludes the conciliation process.

Contact HaDSCO for more information

Complaints and enquiries: (08) 6551 7600

Free call: 1800 813 583 (free from landlines)

Fax: (08) 6551 7630

Email: mail@hadsco.wa.gov.au

Web: www.hadsco.wa.gov.au

Interpreter Service: 131 450 or www.tisnational.gov.au

National Relay Service: 1800 555 660 or www.relayservice.wa.gov.au

