



Health and Disability Services
Complaints Office

Information sheet: attending a conciliation meeting as a complainant

Before a conciliation meeting, 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 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 *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 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.

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Supporting improvement through complaint resolution



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 meeting. Preferably supply copies to the provider and conciliator prior to the meeting

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 cannot be used in proceedings before a court or tribunal.

