

Conciliation

An important option in complaint resolution.

Conciliation:

- utilises an impartial third party to help resolve a complaint;
- assumes useful conversations are possible; and
- aims to resolve complaints in a timely and confidential manner.

Conciliation enables listening, acknowledges the complex nature of complaints, and creates a safe space for parties to explore the impact of events.

It acknowledges different views even if parties do not agree.

Conciliation offers the potential for a better outcome for consumers and service providers alike.

Definition:

- Conciliation is an alternative to formal court proceedings. It is quicker and more cost effective than the courts.
- Conciliation and mediation are not the same thing. Mediation resolves complaints with the assistance of a third parties selected by complainants and providers.
- With conciliation, an expert is appointed to assist parties in the settlement of a dispute by managing the process and suggesting options for resolution.
- The Commissioner appoints conciliators.

Features of Conciliation:

- Anything said or done during conciliation is not able to be disclosed in any other proceedings, or to any other person. The exception is for information that could impact on public safety or interest.
- The process is voluntary and the parties and conciliator have the right to withdraw at any time.
- Each party to the conciliation is asked to attend the conciliation with full authority to reach an agreement, including financial settlement authority when relevant.
- Each party is given an opportunity to speak and be heard.
- Any agreement reached between a complainant and a provider in the course of conciliation can be made in a binding form.



What types of issues are suitable for conciliation?

- where matters are likely to achieve a timely and positive outcome, and the issue presents no significant risk to the safety, health or welling of the complainant or person receiving care
- where there has been a communication breakdown between the parties
- where an apology, and explanation are likely to resolve the dispute.

What happens prior to a conciliation meeting with the HCSCC?

The conciliator:

- gathers all relevant information from the complainant and the provider
- has a discussion with the complainant and the provider prior to the conciliation meeting
- considers actions that might put the complainant at ease
- ensures that complainants desired outcomes are feasible and achievable.

During a conciliation meeting:

- The meeting may have one or two conciliators in attendance.
- If two attend, one is generally responsible for facilitating the meeting and the other for ensuring that discussion and agreed outcomes are accurately recorded.
- The conciliator maintains an objective and impartial role.
- Parties are given the opportunity to share their understanding of problems with communications facilitated by the conciliator.
- The conciliator ensures all parties have an opportunity to express their point of view.
- Discussion is encouraged.
- The conciliator lets parties negotiate an outcome, and will assist this process.
- The conciliator does not impose solutions on the parties but can suggest ways to resolve the complaint.
- The conciliator summarises the meeting outcomes and ensures all parties are aware of the agreed outcomes.

After conciliation

- a report is provided to the Commissioner
- a binding written agreement can be created within 14 days of the conciliation if requested by the parties.

