



## The Office of Health Review Conciliation Process - Information for disability service providers

The Office of Health Review's conciliation process aims to assist you and the person who has a complaint about your service (the complainant) to find a solution that suits you both.

The Office of Health Review (OHR) operates under the Disability Services Act (1993) (the DS Act) and the Health Services (Conciliation and Review) Act 1995 (the HS Act).

The fundamental principles of the conciliation process are that it is:

- **Confidential** – information that is disclosed during the conciliation process cannot be directly or indirectly recorded or discussed (at any time) with a third party. The information obtained can also not be used in a court or tribunal setting.

If you require further information about confidentiality please discuss with your Case Manager.

- **Voluntary** – we cannot compel anyone to participate in conciliation and we cannot force them to agree to a resolution or outcome that they are not satisfied with.
- **Impartial** – OHR staff do not favour, represent or advocate for either party.

The information below explains more about the conciliation process, and how a complaint will be managed. This information is a guide only. We may change our processes slightly to meet the individual needs of both parties.

### The Assessment Phase

When all of the necessary information has been received from the complainant the Assessment Team will assess the complaint to determine whether it falls within our legislation. It is important to note that by accepting a complaint, we are not validating the allegations in the complaint, rather we are acknowledging that under the legislation this Office is able to help to manage the complaint.

The Assessment Team will contact you to explain that we have received the complaint, and will provide more information about the role of this Office. We may ask you whether you have already tried to resolve this matter directly with the complainant and seek more information about the efforts you have already made.

### The Conciliation Phase

Once a complaint is accepted it is allocated to one of our Case Managers. Your Case Manager will contact both you and the complainant to discuss the complaint, and how we can try and assist you to resolve it. They may ask to meet with you at this point to discuss the complaint and our processes further.

Once we have spoken to you and to the complainant we will write to you both to confirm that the complaint has been accepted and give you details about the next steps in the process. At this stage we may need to access copies of relevant health records or other documents held by you.

## Conciliation Meetings

A conciliation meeting gives you the opportunity to meet with the complainant and discuss their concerns face to face. This process can assist you to understand the reasons that the complainant is dissatisfied and offer any solutions or information you may have. Your Case Manager attends and runs the meeting.

Meetings generally take place at the Office of Health Review, or if you have suitable facilities we can hold meetings at your place of work. We can also use teleconference or video conference facilities. If you have any special requirements we will always try to accommodate these.

We usually set aside two hours for a conciliation meeting. Sometimes the meetings do not take this long, but complex complaints may take longer to discuss. The meeting will be run according to the agenda prepared by your Case Manager. Everyone attending the meeting will be given the agenda in advance in order to prepare for the meeting.

You will not be charged anything to come to a meeting. However, we cannot refund money that you have spent to attend the meeting.

## Paper-based Conciliation or 'Shuttle' Conciliation

It is not always possible to have a conciliation meeting or we may decide that a meeting is not the best way to manage a complaint. In these situations we will use a paper-based process or a shuttle process.

In a paper-based process we will ask you to provide a written response to the complaint. We will ask you to provide as much information as necessary to deal with the issues that have been raised and answer any questions that have been asked. We will share this response with the complainant and will try and assist both parties to find a resolution to the complaint.

In a shuttle approach we may speak to you and then to the complainant, either in person or on the telephone. Again we will talk to both parties to try and assist in resolving the complaint.

## Finalising Conciliation

When a mutually acceptable solution has been found to the complaint, the complaint is closed.

If you are not able to reach an agreement then the DS Act states that we must investigate the complaint. This process is quite different from conciliation, and is more formal. Your Case Manager will discuss this with you if necessary.

At the end of the conciliation process your Case Manager will draw up a Conciliation Report. This document summarises the details of the complaint, the outcomes the complainant was seeking and the result of the conciliation process.

If during the conciliation process you agree to make any changes to your practice, or take other specified action/s as a result of the complaint we will follow-up with you in an agreed timeframe to ensure this has occurred.

Throughout the conciliation process your Case Manager will be available to provide information and answer any questions that you may have.