

Conciliation is a confidential complaint resolution service. It is an effective way to resolve complaints, particularly those that require detailed explanations or confidential dispute resolution.

## Why agree to conciliate?

### Conciliation is voluntary

You do not have to take part in conciliation. Either party may withdraw from conciliation at any time.

### Conciliation is confidential and privileged

Any information (written or verbal), given during conciliation (except for a public interest matter) cannot be used later by either party in a court, tribunal or disciplinary body.

### Conciliation is free, informal and flexible

Our service is free. You can choose to have a lawyer, but you do not have to.

Conciliation can be carried out by face to face meetings, teleconferences or emails.

### Conciliation is quick

We have a conciliation timeframe target of six months, but we will work with you as quickly as possible.

## The role of conciliators

### Impartially guide the process

Conciliators will guide you through the conciliation process. Conciliators cannot take sides or make judgements. Conciliators cannot force agreement or award compensation.

### Ensure negotiations are in good faith

Conciliators make sure that both parties take part in genuine negotiations to resolve the complaint.

If parties do not engage in good faith, the conciliation can be ended, and the complaint closed. See our, *Good faith negotiations in conciliation* fact sheet for more information.

## Facilitate agreement

Conciliators help both parties to move towards an agreement. Conciliators cannot force the parties to agree and cannot decide or award any outcomes.

## The process

If we decide a complaint is suitable for conciliation, we will contact both parties to discuss if they would like to participate.

If both parties agree, the conciliator will work with them to develop a conciliation plan, including timeframes, how meetings will take place and the issues and outcomes to be discussed.

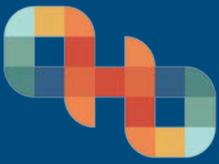
The conciliator will also explain public interest matters and how both parties' privacy and rights are protected by law.

If either party does not want to take part in conciliation and no other action is identified as suitable, the matter will be closed.

## Public interest matters

A public interest matter is an issue involving the health and safety of the public. If one is identified, the conciliator is required to report the matter to the Health Ombudsman.

Conciliation may be ended if a public interest matter is identified. Your conciliator will explain this to you in more detail at the start of conciliation.



## Expected outcomes

### Explanation

The complainant may be satisfied with a detailed explanation of what happened and why. This can often resolve a dispute.

### Changes in practice or policy

Through listening to the complainant and discussing their concerns, the health service provider may recognise problems with their practice or policies and offer to correct them. This can prevent the same thing happening to someone else and improve healthcare quality.

### Apology

The health service provider may apologise for any harm caused.

Apologies and acknowledgements cannot be used in court or other proceedings.

### Financial claims

Financial claims will only be negotiated for refunds, out-of-pocket expenses and/or corrective treatment costs.

Our *Financial claims in conciliation* fact sheet explains the type of financial claims that are available as part of the conciliation process.

## End of the conciliation

At the end of conciliation, the conciliator will provide a report of the results of the process to the Health Ombudsman and both parties.

If agreement has been reached, an enforceable agreement may be signed by the parties.

If agreement has not been reached, the Health Ombudsman may decide to close the complaint, or take another action.

## Financial compensation

The conciliation process is not a substitute for legal action. If you have suffered injury, you may be able to make a civil claim through the courts for compensation or damages.

This type of compensation is not available through our conciliation process and you may need to seek legal advice to determine if this option is available to you.

## How can you help?

To help make the conciliation process work you can assist by making sure you:

- follow instructions from your conciliator
- provide accurate and complete information
- keep information obtained in conciliation confidential
- understand the conciliator cannot provide legal advice
- advise your conciliator if you require an interpreter
- assist the conciliator by providing information quickly
- respond promptly to verbal or written communications from the conciliator
- attend arranged meetings on time and be ready to participate
- engage in all negotiations in good faith

### Further information

**Visit:** [www.oho.qld.gov.au](http://www.oho.qld.gov.au)

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