



Conciliating your complaint

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

Why agree to conciliate?

Conciliation is voluntary

We cannot compel parties to participate in conciliation, and either party may withdraw from conciliation at any time.

Conciliation is confidential and privileged

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

Conciliation is free, informal and flexible

Our service is free. You can choose to have your lawyer present, but this isn't a requirement.

We can choose to conciliate in various ways, through face-to-face meetings (in convenient locations), teleconferences, emails or letters.

Conciliation is quick

We have a conciliation timeframe target of six months, but we will work with the parties to achieve resolution as quickly as possible.

The role of conciliators

Impartially guide the process

You will be guided through the process by our independent and impartial conciliators. They help progress conciliation, but don't take sides or make judgements. Our conciliators cannot force agreement or award compensation.

Ensure negotiations are in good faith

Conciliators ensure parties engage in negotiations in good faith. This means they comply with arrangements made and remain focused on resolving the complaint. Conciliation may be ended if one or both parties do not negotiate in good faith. See our *Good faith negotiations in conciliation* fact sheet for more information.

Facilitate agreement

Conciliators assist parties to move towards an agreement. Conciliators cannot force parties to reach agreement or decide or award any outcomes.

The process

If we decide a complaint is suitable for conciliation, we will contact both parties to discuss whether they would like to participate. If both parties agree, the conciliator will work with them to develop a conciliation plan, including timeframes, the conciliation method and outcomes for agreement. The conciliator will also explain public interest matters and how both parties' privacy and rights are protected by law.

If either party does not agree to participate and no other action is identified as suitable, the matter will be closed.

If the complaint involves a clinical matter, the conciliator may seek an independent opinion from an expert clinician if both parties agree.

Independent opinions obtained in conciliation are subject to our confidentiality laws.

Public interest matters

If at any stage a public interest matter is identified (such as an issue involving the health and safety of the public), 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 is satisfied with a detailed explanation of what happened and why. This can often resolve a dispute.

Changes in practice, policy or procedure

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

Apology

The healthcare provider may acknowledge there were deficiencies in their practice and apologise for any harm caused.

Apologies and acknowledgements are without an admission of any liability and cannot be used in court or other proceedings.

Financial claims

Financial claims will only be negotiated in conciliation in relation to direct out-of-pocket expenses and/or corrective treatment costs.

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

End of the conciliation

The conciliator will provide a report of the results of the conciliation 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 take another relevant action, if appropriate.

If no other relevant action is identified as suitable, the Health Ombudsman will take no further action and close the complaint.

Financial claims

The conciliation process is not meant to be 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

Email: info@oho.qld.gov.au

Call: 133 OHO (133 646)

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