



Conciliation

Conciliation brings together people involved in a complaint so they can talk it over and try to resolve it fairly. We arrange a free, voluntary and private meeting for the parties, and our Conciliators guide the conversation. This can be in person, online or by telephone.



How can it help me?

At the meeting, you will have a chance to explain your views and experiences. You will also hear from and respond to the other people involved in the complaint.

This open and respectful discussion will help you to understand each other better, and to share and explore ideas for outcomes you can both accept.

We find conciliation works best when people and organisations bring an open mind, have an idea of what they want to achieve, and are prepared to collaborate.



How do I take part?

Not all complaints are suitable for conciliation. If we think it might help in your complaint, we will suggest it.

If everyone agrees to take part in conciliation, we will transfer the complaint to one of our trained Conciliators. This might mean a different staff member is handling your complaint.

The Conciliator will usually call to step you through the process and answer any questions you have. The Conciliator will then decide whether to set up a conciliation meeting.



Who attends a conciliation?

- Our Conciliators
- The person with the complaint
- A support person such as a friend or family member. If you plan to bring someone, you need to tell us who they are before the meeting
- A person from the organisation your complaint is about. They need to know the complaint details and have the authority to make decisions about resolving the complaint.



What could the outcome be?

Every conciliation is different. Before the conciliation meeting, think about results you are willing to accept. Try to be realistic about what the other side might be willing to offer.

Examples of outcomes conciliation can achieve include:

- an explanation of what happened and why
- an apology or acknowledgement
- a change in a policy or procedure
- a review of a decision
- a decision that management of the complaint was reasonable
- a refund or payment
- a plan for how the parties will communicate better in future.

It is possible you won't agree with the result of the conciliation meeting. You will have an opportunity to explain why you disagree. The Conciliator will then decide whether the complaint has been resolved.



At the meeting

The conciliation meeting format will vary depending on the complaint. To give you some idea, on the day the Conciliator will usually:

- explain their role and set ground rules
- invite you to summarise your views and experience
- ask the organisation for their perspective
- ask questions as needed to help make things clear
- take a break and talk to each person in private about progress
- lead a group discussion with a focus on possible outcomes
- give their view on whether a proposed way forward is reasonable
- give everyone a chance to respond to this view
- advise whether they consider the complaint resolved, and why
- confirm next steps.

What we expect from you

We expect everyone taking part to be polite and respectful. If anyone behaves poorly or poses a risk to each other, we will end the meeting.

Deciding if the complaint is resolved

The Conciliator decides if the complaint should be closed after conciliation, for example because conciliation talks have resolved the complaint, or further action is not needed. In other cases, the Conciliator might pass the unresolved complaint over to another of our teams or suggest other next steps.

If a conciliation outcome is reached

We will record the outcome and any next steps and send them to you in writing. Remember, the outcome is voluntary.

If a conciliation outcome is not reached

Sometimes a conciliation will not resolve the complaint. If this happens with your complaint, the Conciliator will decide what should happen, next.

The Conciliator will:

- ✓ set ground rules and keep you to them
- ✓ make sure everyone gets a say
- ✓ manage power imbalances and help people meet with organisations on a level playing field
- ✓ keep the focus on key issues
- ✓ suggest possible outcomes
- ✓ decide at the end if the matter is resolved

The Conciliator will not:

- ✗ take sides
- ✗ make orders like a court or tribunal
- ✗ give legal advice
- ✗ disclose information without consent
- ✗ tolerate aggressive behaviour



How to prepare for the meeting

Preparing for the meeting will help you get the most out of it. Use this checklist to help you get ready:

- Talk with the Conciliator and ask any questions you have about the process. Send us copies of any documents you want considered.
- Let us know if you need an interpreter or have any other special needs.
- Tell us who your support person is if you are bringing one. Make a list of the main points you want to cover on the day.
- Think about some options you'd be happy with to resolve the complaint. Consider ideas the other party might suggest, and if you would accept them.
- Get approval to make decisions on the day (if you are attending on behalf of someone).
- Double-check the meeting date and time, and that your diary is clear.



Is conciliation confidential?

Anything said during the meeting is private and cannot later be used in a court or tribunal, or made public.

Can things I say at the conciliation meeting be used by the Ombudsman?

If our office wanted to conduct an investigation or further inquiries into the complaint, we would only be able to use things said at the conciliation if everyone consents to this.

How long does conciliation take?

Conciliation meetings usually take between 1 and 3 hours. It depends how complex the case is and how willing the parties are to resolve issues.

Do I need to bring a lawyer?

You can ask, and we will consider your request, but we usually prefer that lawyers do not attend to keep the process informal.

What if I don't want to go ahead?

Conciliation is voluntary, and anyone can withdraw at any time. If you want to withdraw, let us know as soon as possible.

Can I complain again after conciliation?

If you raise different concerns about the same organisation after a conciliation, we will assess this as a new complaint to decide whether we can help.

What if the other party fails to take the next steps from the conciliation?

Conciliation is voluntary and the outcomes are not enforceable. You can let us know if someone doesn't take the steps discussed at a conciliation. We will consider the reasons something did not happen and decide whether we can help.

What if I am unhappy with the process?

Raise any concerns with the Conciliator first. If you still think we have acted unfairly, you can request a review of decision.

Top 10 tips to make the most out of conciliation

1. Commit to and respect the process.
2. Be as clear as you can about what you want to happen next, and why.
3. Focus on the main points that are important to you and try not to get stuck in details.
4. Be realistic about outcomes the other party might suggest or appreciate.
5. Bring an open mind and be willing to learn more about each other's views and ideas.
6. Listen carefully to what the Conciliator and others in the meeting say. Don't interrupt them.
7. When it is your turn to talk, keep your points clear and simple.
8. Try to stay calm. If you feel yourself getting angry or upset, ask for a break.
9. Be open and honest.
10. Remember that anything said or done during the meeting is protected and cannot be used against you in a court or tribunal.

If you are a support person

Let us know who you are in advance if you plan to come to the meeting.

Let the person you are supporting speak for themselves at the meeting as much as possible.

Focus on providing emotional and practical support.

If you are representing an organisation

Make sure you have the authority to negotiate and approve potential commitments on the day.

Have a good understanding of the complaint.

Use the opportunity to gain a deeper understanding of the complainants experience and reflect on any learnings for your organisation.



Scan the QR code to find out more on our website.

ISBN: 978-1-922862-80-8

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