

18 June 2024

Anon

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Tēnā koe Anon

Time Extension of your Official Information Act request, reference: GOV-032589

Thank you for your request of 23 May 2024, asking for the following information under the Official Information Act 1982 (the Act):

Your "Navigation Services" web page has section with the heading, "What other options are available?" This section states: You're also able to use Alternative Dispute Resolution (ADR). ADR is an umbrella term used to describe methods for resolving disputes and can include mediation, conciliation, and facilitation. ADR provides whoever is looking after the dispute and the customer with an opportunity to engage in meaningful conversations with an independent party to find a way forward or resolution without the need for a more formal review hearing.

ACC also has a web page titled "Alternative Dispute Resolution". However, this page does not define mediation, conciliation, or facilitation.

- 1. Request 1: Please provide the internal rules, policies, guidelines, or other documents which include ACC's definition of mediation, conciliation, or facilitation. My preference would be for ACC to add those definitions to ACC's ADR web-page, with a link to the document; however, if ACC is unwilling, then please provide them through FYI.org.nz.*
- 2. Request 2: Please provide copies of agreement contracts provided to claimants prior to engaging in mediation, conciliation, or facilitation. The ADR web page states "there are three stages within any ADR". Step one: Talking with a conciliator or mediator Trained conciliators and mediators are there to help and give guidance. Talking with them gives you the opportunity to understand the process and explain, from your point of view, what your concerns are and what you feel would resolve the issue. Step two: Meeting with all parties Step three: Exploring the options {to resolve issues} Based on what is written here, it appears that any Claimant who has a dispute with ACC may contact a mediator, conciliator, or facilitator directly, to start the ADR process.*
- 3. Request 3. Please provide a list of ACC contracted mediators, facilitators, and conciliators that Claimant's may contact directly to start the ADR process.*
- 4. Request 4. Please provide copies of the contracts with ACC contracted mediators, conciliators, and facilitators.*
- 5. Request 5. Are there restrictions to who may provide mediation, conciliation, or facilitation? For instance, must the mediator, conciliator or facilitator be contracted to ACC? If so, please provide the internal rules, policies, processes, guidelines, or other documents, which detail the restrictions on who may provide ADR for claimants.*
- 6. Request 6. Are there any restrictions as to how a Claimant may start the ADR process (mediation, conciliation, or facilitation), and obtain information from the mediator, conciliator, or facilitator about the process, which ACC describes as "Step 1" of the ADR process?*

7. *Request 7: If there are restrictions as to how a Claimant starts the ADR process (mediation, conciliation, or facilitation), please provide policies, rules, processes, guidelines and other documents about how and when a Claimant may start step 1 of the ADR process, to have a discussion with the mediator, conciliator, or facilitator, who is (a) contracted to ACC, and (b) not contracted with ACC.*
8. *Request 8: If Claimant's who have a dispute with ACC are not permitted to start the ADR process by contacting the mediator, conciliator or facilitator directly - as indicated in Step 1 of the ADR process - then please provide the steps ACC employees must take after receiving a request from a Claimant for mediation, conciliation, or facilitation. This would include all rules, guidelines, processes and policies, which must be consistent with the Code (taking into consideration the Claimant's views, treating them fairly, and with respect, rights 1-2), for the access to ADR.*
9. *Request 9: Please provide the internal rules, policies, processes, guidelines and other documents, pertaining to the definition of "party" or "parties", and who Claimant's should expect to be present during Steps 2 and 3 of ADR.*
10. *Request 10: If a Claimant seeks ADR, who should the claimant expect to be present as the representative of ACC in mediation, conciliation or facilitation? Would this be the decision maker that made the decision that is in dispute, or some other person who was unrelated to the decision making, such as a resolution specialist, or someone who is not a party in the matter, such as external legal counsel?*

ACC needs extra time

The Act requires that we advise you of our decision on your request no later than 20 working days after the day we received your request. Unfortunately, it will not be possible to meet that time limit and we are therefore writing to notify you of an extension of the time to make our decision, to 22 July 2024.

This extension is necessary because consultations necessary to make a decision on your request are such that a proper response cannot reasonably be made within the original time limit.

If you are not happy with this response

You have the right to make a complaint to the Ombudsman. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

Ngā mihi



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Government Engagement