

2 July 2024

Anon

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Kia ora

**Your Official Information Act request, reference: GOV-032589**

Thank you for your email 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?

1. ACC is required to make a decision about whether to grant or refuse your request as soon as reasonably practicable and within 20 working days of receiving the request. ACC considers this request is one of multiple requests made by the same requester, which may affect ACC's decision to grant or refuse the request.

2. In order for ACC to make a decision on this request, ACC requests that you provide:

- a. Your full name and confirmation of your identity, and
- b. the reasons for the request.

3. We ask that this information be provided as soon as possible to enable us to make a decision on your requests. This may include ACC extending the timeframe for responding, charging for the request, or refusing to grant the request because:

- a. ACC has already provided this information in an earlier request; and/or
- b. the information requested cannot be made available without substantial collation or research; and/or
- c. the request is frivolous or vexatious or the information requested is trivial; and/or
- d. the request may relate to matters including proceedings under Part 5 of the Accident Compensation Act 2001.

4. If you would prefer, this information can be provided confidentially to ACC at the following address: Manager OIA Services, ACC, PO Box 242, Wellington, or by email to [Christopher.johnston@acc.co.nz](mailto:Christopher.johnston@acc.co.nz). Any information/documentation provided establishing your identity will be used solely for that purpose and destroyed after. Please reference this request when doing so: **GOV-032589**.

5. We look forward to receiving the information requested at paragraph 2.

**If you have any questions about this letter, please get in touch**

You can email me at [GovernmentServices@acc.co.nz](mailto:GovernmentServices@acc.co.nz). If you are not happy with this letter, you can also contact the Ombudsman via [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or by phoning 0800 802 602. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Ngā mihi



Christopher Johnston  
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Government Engagement