

What happens if conciliation is unsuccessful?

If conciliation is unsuccessful, a disabled person may take their case to court if they wish to do so.

It is important to realise that the conciliation process is confidential. Information about discussions which took place during the process would not be admissible in subsequent court action.

The benefits of conciliation

The DCS provides an opportunity to resolve complaints relating to the DDA 1995 outside of the courts. Where both parties agree to conciliation the disabled person is afforded a two month extension of time to the six month less one day time limit. This allows parties more time to resolve matters.

Conciliation is fully accessible and a highly effective way of resolving issues. Cases at conciliation usually progress to a meeting within eight weeks of the case being referred by the DRC.

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The DRC website provides up-to-date information, advice and links to other organisations:
www.drc-gb.org

You can contact the DRC Helpline by voice, text, fax or post. You can speak to an operator at any time between 08:00 and 20:00, Monday to Friday. You can email the DRC Helpline from our website:
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Disability Conciliation Service

A brief guide for service providers



This leaflet gives a brief introduction to the Disability Conciliation Service (DCS). It aims to provide goods and service providers as well as advice and information givers with an outline of the Service, in terms of:

- what issues the Service covers
- who runs the Service
- what conciliation means
- why use the Service
- how the process operates
- what happens if the process doesn't work
- what are the benefits of conciliation.

What issues does the Disability Conciliation Service cover?

The primary role of the DCS is to liaise between disabled people and those defined as providers of goods and services under Part III of the Disability Discrimination Act 1995 (DDA). Other issues covered by the DDA, such as employment, are not dealt with by the DCS.

Part III of the DDA makes it unlawful for those who provide goods and services to the public – for example high street shops and banks, restaurants, sports centres, voluntary organisations, the NHS and local authorities – to discriminate against disabled people, or to fail to make reasonable adjustments to the way services are provided so that disabled people may use them. All businesses will need to ensure that their premises meet the needs of disabled people.

Ultimately, disabled people who believe that they have been discriminated against may take their case to a court of law but this may be a costly, time-consuming and confrontational process for all parties. Conciliation provides an alternative approach to resolving disputes.

Who runs the DCS?

The DCS is an independent service, funded by the Disability Rights Commission (DRC), and run by Mediation UK.

What is conciliation?

Conciliation is a way of resolving disputes which helps those involved to reach agreement with the help of an impartial third party: the conciliator. Conciliation is a 'win/win' approach and is about finding a solution which satisfies everyone.

Why use the DCS?

Some of the benefits of conciliation are that:

- it is free of charge – there are no court fees to consider
- businesses and organisations which are willing to reach a negotiated settlement are likely to be viewed more favourably by potential service users, particularly disabled people
- nearly 80 per cent of cases dealt with by the DCS result in full and final settlement of the complaint
- a negotiated outcome is more likely to be satisfactory to both parties.

How does the process operate?

Cases will be referred to the DCS by the Disability Rights Commission (DRC), the public body set up to oversee the Disability Discrimination Act. The DCS is not open directly to the general public; this is because the DRC must establish that there is justifiable legal basis for taking a case, and that conciliation is the best way forward.

The DCS will then discuss the problem with the disabled person and the service provider and attempt to provide a solution. The process is entirely voluntary, and may be stopped at any time by either party.