

How long will the Commissioner take to investigate my complaint?

The length of time an investigation takes depends on the complexity of the complaint, the number of parties involved, and how long ago the events took place. A simple investigation usually takes six to nine months; a complex investigation can take eighteen months to two years. This is to allow time for all involved to have their say and for all the relevant information to be obtained.

What can happen after the final opinion is released?

Usually the final opinion makes some recommendations. The most common recommendations for a provider who has not met the obligations under the Code are:

- an apology
- a change in the way he or she does things
- changes to organisational policies to make it easier for individual providers to meet the Code of Rights requirements.

The Commissioner also sends copies of the final opinion to relevant professional groups or organisations so that they know about the Commissioner's decision and can tell their members about it. The Commissioner can ask the Ministry and the Minister of Health to take steps to improve a service if an investigation reveals a problem or if new rules are needed to protect consumers. The identity of the parties is usually protected.

The Commissioner can also ask an independent prosecutor, the Director of Proceedings, to decide whether the provider should be disciplined or taken to court. This step is taken in only a small number of serious cases.

Can I appeal the Commissioner's decision?

No. The Commissioner's opinion is final, so it cannot be appealed. However, the Office of the Ombudsmen and the High Court can review the way the complaint was investigated to ensure that everyone has been treated fairly.

What happens if the Director of Proceedings decides to take action?

Providers will be told that the Director of Proceedings may take a case against them. They will be given an opportunity to explain their position, and your views will be sought. The Director will then decide whether to take a case to the Human Rights Review Tribunal and/or to the provider's disciplinary body, or to take no further action. If a case is taken, you will probably be called as a witness.

What happens if the Director of Proceedings decides to take no action?

An individual is able to take his or her own case to the Human Rights Review Tribunal.

Will I get compensation if my rights have been breached?

No. The Commissioner doesn't have any power to give you compensation. The Commissioner may advise you to take your complaint to ACC, to see whether you are entitled to compensation if you have suffered personal injury following an accident or as a result of treatment you have received.

Will I be able to get money from the provider through the Commissioner?


No. The Commissioner does not usually ask providers to pay complainants. Occasionally, the Commissioner may recommend that a provider refund some or all of the money a consumer has paid for services that are found to be below expected standards.

How can I contact the Health and Disability Commissioner?

Ph/TTY: (09) 373 1060 Fax: (09) 373 1061
 Freephone: 0800 11 22 33
 Website: www.hdc.org.nz

or write to:

The Health and Disability Commissioner
 PO Box 1791, Auckland



Health and Disability Commissioner
 Te Toihau hauora, Hauatanga

A Consumer's Guide to the Health and Disability Commissioner

