

Office of the Health and Disability
Commissioner

Te Toihau Hauora, Hauātanga

New Zealand Disability Strategy
Implementation Work Plan

1 July 2006–30 June 2007

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INTRODUCTION

The Health and Disability Commissioner Act is an Act to promote and protect the rights of health consumers and disability services consumers, and, in particular:

- (a) to secure the fair, simple, speedy, and efficient resolution of complaints relating to infringements of those rights; and
- (b) to provide for the appointment of a Health and Disability Commissioner to investigate complaints against persons or bodies who provide health care or disability services; and to define the Commissioner's functions and powers; and
- (c) to provide for the establishment of a Health and Disability Services Consumer Advocacy Service; and
- (d) to provide for the promulgation of a Code of Health and Disability Services Consumers' Rights; and
- (e) to provide for matters incidental thereto.

The Code of Health and Disability Services Consumers' Rights applies to all health and disability services in New Zealand.

The Code gives rights to all consumers, and places obligations on people and organisations providing services. It covers a wide range of providers (whether public or private). The Commissioner's jurisdiction is restricted to the quality of care; it does not cover issues of funding or entitlement to service.

The Act is a key element in the new environment of consumer-focused and consumer-accountable health and disability services, and has become the primary vehicle for dealing with complaints about any health or disability service provider in New Zealand. The Health and Disability Commissioner is an independent Crown Entity for the purposes of the Crown Entities Act 2004. Pursuant to section 7 of the Crown Entities Act, the Commissioner is generally independent of government policy.

The Health and Disability Commissioner Act was enacted in October 1994. The Act created the office of the Commissioner — with the role of promoting and protecting the rights of health and disability services consumers, and facilitating the fair, simple, speedy, and efficient resolution of complaints — together with a national network of independent advocates, under the Director of Advocacy, and an independent prosecutor, the Director of Proceedings.

The Act was passed to implement the recommendations of Judge Cartwright (now Dame Silvia Cartwright) in her 1988 Cervical Cancer Inquiry Report. Judge Cartwright stated that there was a strong need for the establishment of a Commissioner as an independent complaints resolution and educational body, and for a Code of patients' rights. The initial Bill was introduced to the House by the Minister of Health, Helen Clark, in 1990. Following the health reforms in 1993 the Bill was broadened to cover disability services and disability services consumers.

The Code of Health and Disability Services Consumers' Rights (the Code) was made by regulations in 1996, and applies to all providers of health or disability services. The Code sets out 10 rights, including the right to be treated with respect, to be free from discrimination or exploitation, to dignity and independence, to services of an appropriate standard, to give informed consent, and to complain.

In September 2004, amendments to the Act came into effect giving HDC new options to “facilitate the fair, simple, speedy and efficient resolution” of complaints about the quality of health care and disability services. The new powers enhance the Commissioner’s power to deal with complaints appropriately, help reduce duplication of process, and enable early resolution.

Linking HDC’s Statement of intent with the NZ Disability Strategy

HDC’s mission reflects our purpose as an organisation — *resolution* of complaints, *protection* of individuals and the public, and *learning* from complaints to improve all health and disability services.

It is our responsibility to “speak up” in three key areas: *partnership* (making consumers true partners in their own care), *participation* (ensuring consumers are heard at every level of the health and disability systems) and *protection* (ensuring the safety and quality of all health and disability services).

HDC champions consumer-centered health and disability services for all New Zealand — services delivered with care, competence and compassion. We believe that New Zealand should lead the world in its promotion and protection of the rights of health and disability services consumers.

Our vision is “Champions of consumers’ rights”. It reflects the purpose of the Health and Disability Commissioner legislation — “to promote and protect the rights of consumers”.

With this vision and mission in mind, HDC has a Strategic Goal Two, ‘to ensure that consumers are protected and are able to exercise their right to complain without fear or retribution’, which aims to contribute to the Ministry of Health’s outcome of:

- Better participation and independence — the health and disability support sector contributes constructively to having a society that fully values the lives of people with disabilities.

It also links to the New Zealand Disability Strategy whereby HDC intends to:

- increase awareness among health and disability services consumers about their rights under the Code, and ensure that they are able to exercise their rights

- provide a strong Advocacy service to assist consumers to understand their rights and the responsibilities of providers, and to assist consumers to resolve their complaints, recognising that knowledge and the ability to speak up is variable
- promote the involvement of consumers as partners in every stage of their care
- encourage and support more active consumer participation in the design and delivery of health and disability services
- provide greater opportunities for consumers to participate in our decision-making process. We will involve consumers in our educational activities and in Advocacy to promote and protect consumer rights
- be an effective watchdog for consumers, by alerting relevant agencies to problems, reporting publicly on breaches of the Code, and “speaking up” for the rights of consumers.

Level 1 Activities: Universal responsiveness to disability issues

		<i>Achieved / available</i>	<i>Planned this year</i>	<i>N/A</i>
<i>Accessible government information</i>				
Agency's websites	Meet e-government Web-Guidelines 2.1		√	
	Tested for accessibility for disabled people		√	
	Adapted to increase accessibility to disabled people		√	
	Downloadable files available in HTML, not only PDF		√	
Other publications and public information available in alternative formats, e.g. key information available in easy-to-read English, Braille, audio tape, large print		√		
Agency makes available alternative forms of contact, e.g. phone and fax numbers, email addresses		√		

<i>Accessible government buildings and sites</i>				
All agency's buildings and sites meet statutory and regulatory access requirements, e.g. NZS 4121			√	
Agency's buildings and sites have Building Code compliance certification			√	
Agency's buildings and sites audited for accessibility by Barrier Free NZ Trust			√	
		<i>Achieved / available</i>	<i>Planned this year</i>	<i>N/A</i>
Agency's buildings and sites accessible	Frontline staff receive training in disability responsiveness		√	
	Reception areas accessible	√		
	Counters lowered for wheelchair users	√ Auckland	√ Wellington	

	Telephone staff familiar with using NZ Relay service ¹	√		
	Other accommodations, e.g. signage, accessible lifts, hearing loop, disabled access to shower	√		

<i>Accessible government services</i>			
Service policies and procedures include reference to disability issues		√	
Information / data on services provided to disabled people is recorded		√	
Service staff receive disability responsiveness training		√	
When contracting for new or upgraded IT applications and environments, contracts include a requirement to ensure accessibility by disabled users		√	

¹ For information on NZ Relay service see www.nzrelay.co.nz

		Achieved / available	Planned this year	N/A
Responsive government employment practices				
Human Resource policies and procedures include EEO issues for disabled people		√		
Recruitment and selection of vacancies responsive to disabled people, e.g. vacancies advertised to the widest possible audience, vacancies list alternative forms of contact – phone, fax, email			√	
Human Resource staff familiar with EEO issues for disabled people			√	
Disabled staff are supported	Individual assessments of workplace accommodations or support are provided, e.g. work station assessments	√		
	Accommodations provided to disabled staff, e.g. work station adaptations, special equipment, New Zealand Sign Language interpreters, stenographers, counsellors, career coaches, transport are provided)	√		
	Disabled staff provided with opportunities for career advancement	√		
	Agency supports a disabled staff network group		√	
	Internal agency newsletters promote the positive presence of disabled staff people	√		
	Other support provided to disabled staff (please list) <ul style="list-style-type: none"> • flexible start and finish times • support people included in organisational activities as required • free staff lessons in New Zealand Speech-Language Therapists Association Inc participation in disability employment initiatives, eg Mainstream’s mentoring programme • participation in Consumer Advisory Group meetings • reference material on disability • issues and ideas for increasing inclusion kept on shared drive for staff. 	√		

		<i>Achieved / available</i>	<i>Planned this year</i>	<i>N/A</i>
<i>Information and data on disabled people is collected</i>				
Information on agency's responsiveness to disabled staff people	Number of disabled people employed	√		
	Data on disability related accommodations, adaptive equipment, etc, provided by your agency	√		
	Number of disabled people employed under the State Service Commission's <i>Mainstream programme</i> ²	√		
Information on agency's responsiveness to the disabled public	Information and data on agency's contact with the disabled public is recorded, eg consultation with disabled groups and disabled consumers and their families	√		
	Information / data on agency's disabled client group recorded		√	

² Information on the State Service Commission's *Mainstream Programme* is available at <http://www.ssc.govt.nz/mainstream>

Level 2 Activities: Disability perspective included in ordinary work

	<i>Planned this year</i>	<i>N/A</i>
<i>Disability responsiveness training and resources</i>		
Disability responsiveness training offered to all staff	√	
Promotion of the Disability Perspective Tool Kit ³ within your agency	√	
Other (please indicate) <ul style="list-style-type: none"> • Update of existing staff resource booklet on understanding disability • Establishment of a disability reference folder for staff use • Attendance at relevant disability awareness training held in the community 	√	

³ The Disability Perspective Tool Kit is available on the Office for Disability Issues website: www.odi.govt.nz

		<i>Planned this year</i>	<i>N/A</i>
<i>Disability perspective included in ordinary work</i>			
Key documents to incorporate a disability perspective	a) Cabinet papers		√
	b) Policy and procedure papers	√	
	c) Strategic documents, e.g. Statement of Intent, Strategic Plan 2006–2010	√	
	d) Legislation	√	
	e) Consultation with disabled people/groups	√	
	f) Other (please indicate)		√

<i>Implementing the NZ Disability Strategy beyond your agency</i>			
Agencies, Crown Entities, boards, reference groups, etc, that your agency is responsible for are encouraged to consider disabled people and disability issues		√	
Other (please indicate)			√

Level 3 Activities: Disability focused work your agency is leading

1.0 Employment

Desired Outcome

Increase the number of disabled people working in the Health and Disability Commissioner's (HDC's) office to better reflect the population the office serves and increase the level of skill and knowledge of disability in the Commissioner's office.

Description

Implement a recruitment and selection process for temporary, permanent and contract employment positions within HDC that attracts the best person for the job.

Outcome Measures and Timeframes

- Revise recruitment and selection policy to ensure it addresses recruitment of disabled people by the end of November 2006.
- Mentoring programme developed to support people recruited into non-traditional work areas by the end of January 2007.
- Attend career day presentations at schools and tertiary institutions to encourage disabled students into the health and disability sectors throughout 2006/07.
- Offer work experience placements to university students with a disability throughout 2006/07.
- Develop a contract services database of disabled people to ensure all HDC briefs or services are circulated more widely by the end of December 2006.

Links to Strategy Objective and Action

Objective 4:

- Provide opportunities in employment and economic development for disabled people — Actions 4.5, 4.6, 4.11.

Objective 5:

- Foster leadership by disabled people — Action 5.1.

2.0 Access to Information

Desired Outcome

Residential care providers in the disability sector, nationally, have policies and procedures in place that support their disabled clients from experiencing any fear associated with making a complaint, including support to access to an independent advocate.

Description

HDC works to make sure disabled people living in residential care can make a complaint in any form appropriate to them, that they are advised of the provider's complaints and appeals procedure, kept informed about what is happening with any complaint they have made, are advised of the availability of HDC advocates, and are not adversely affected by complaining.

Outcome Measures and Timeframes

- Survey a sample of residential care providers asking them to provide copies of their complaints and appeals procedures by the end of December 2006.
- Analyse results of survey and prepare an action plan for addressing any shortfalls in provider procedures by the end of February 2007.

Links to Strategy Objective and Action

Objective 2:

- Ensure rights for disabled people — Actions 2.6, 2.2.

3.0 Participation of Disabled Māori

Desired Outcomes

The Health and Disability Commissioner is well informed with accurate information about matters of concern pertaining to the safety and quality of disability services and mainstream disability services provided to Māori.

Description

HDC has a disabled Māori consumer advisory network that it communicates and meets with on a regular basis to gather and share information and ideas for improving disability services provided to Māori.

Outcome Measures and Timeframes

- Establish an Advisory Network of Māori who use disability services by end January 2007.
- Develop and implement a communication plan to use with the Advisory Network by end February 2007.
- Promote ideas for improvement put forward by the Advisory Network with a minimum of three disability service providers by end June 2007.

Links to Strategy Objective and Action

Objective 11:

- Promote participation of disabled Māori — Action 11.3.

Objective 10:

- Collect and use relevant information about disabled people and disability issues — Action 10.4.

4.0 Participation of Pacific Peoples

Desired Outcome

The Health and Disability Commissioner is well informed with accurate information about matters of concern pertaining to the safety and quality of disability services and mainstream disability services provided to Pacific peoples.

Description

HDC has a disabled Pacific peoples consumer advisory network that it communicates and meets with on a regular basis to gather and share information and ideas for improving disability services provided to Pacific peoples.

Outcome Measures and Timeframes

- Establish an Advisory Network of Pacific peoples who use disability services by end January 2007.
- Develop and implement a communication plan to use with the Advisory Network by end February 2007.
- Promote ideas for improvement put forward by the Advisory Network with a minimum of three disability service providers by end June 2007.

Links to Strategy Objective and Action

Objective 12:

- Promote participation of disabled Pacific peoples — Actions 12.2, 12.3.

5.0 Responsive Complaints Resolution Processes

Desired Outcome

Disabled people using the Health and Disability Commissioner's services find our organisation and our staff aware and responsive to the different needs of disabled people.

Description

The Health and Disability Commissioner's processes demonstrate a clear understanding of the needs of disabled people when it comes to dealing with funding and access issues that are outside our jurisdiction. We take a firm stance and do not tolerate provider non-compliance with the Code on matters of discrimination and respect when delivering services to disabled people.

Outcome Measures and Timeframes

- Provide Complaints Assessment staff with an updated directory of disability service organisations and contact people to assist in referring non-jurisdictional enquiries by the end of March 2007.
- Report trends to the Minister of Health from enquiries and complaints received where the Health and Disability Commissioner is unable to handle the complaint because it is outside jurisdiction, ongoing throughout 2006/07.
- Identify alternative remedies and actions that can be used to achieve compliance with the Code by disability service providers and health care providers who deliver services to disabled people, to ensure changes in identified non-compliant practices and systems, by the end of December 2006.
- Develop a checklist for disability service providers and health care providers who deliver services to disabled people, on how to work in partnership with disabled people, and guidelines for working respectfully, by the end of March 2007.
- Develop a register and standards of practice for disability service workers working in residential care settings, by 30 June 2008.

Links to Strategy Objective and Action

Objective 6:

- Foster an aware and responsive public service — Action 6.3.

Objective 7:

- Create long-term support systems centred on the individual — Actions 7.2, 7.3, 7.5.

6.0 Consumer Participation

Desired Outcome

The perspective of disabled people is respected and actively sought by health and disability services providers.

Description

HDC facilitates dialogue within the community on matters affecting disabled people, and draws to the attention of the public, providers and government, the issues raised and solutions offered.

Outcome Measures and Timeframes

- Six consumer seminars are held by 30 November 2006.
- Three consumer advisory group meetings are held by 30 June 2007.
- Three articles are written and published in disability sector magazines by 30 June 2007.
- Quarterly reports to the Minister of Health will include findings and suggestions from discussions facilitated by HDC.
- A national seminar is held as a follow-up seminar to the one held in 2001 by the Donald Beasley Institute on 'The Code and Protection of Rights of Vulnerable Consumers in Disability Services'.
- A disabled consumers reference group is established to work alongside HDC in policy and service development, and help HDC improve our services for disabled people, by 20 December 2006.
- Disabled consumer feedback will be received for the 2007 Review of our HDC Act and Code Rights.
- HDC's 'Speaking Up' education programme, which aims to increase awareness of our services amongst disabled people and their supporters, is fully implemented by 30 June 2007.
- A sample of disability service providers is monitored for compliance with the most basic of rights for disabled consumers, including being able to make a complaint safely, whatever the level of ability, by 28 February 2007.
- A communications plan in relation to improved disability service provision is developed and implemented by 30 June 2007.

Links to Strategy Objective and Action

Objective 1:

- Encourage and educate for a non-disabling society — Actions 1.2, 1.4, 1.5.