This service is free, confidential, and independent of service providers such as hospitals, organisations that fund services, government agencies, and the Health and Disability Commissioner. Although covered by the same legislation as the Health and Disability Commissioner, the advocacy service reports to an independent Director of Advocacy. Advocacy is a very successful way of resolving complaints, and this is usually achieved more quickly than other options.

...to the Health and Disability Commissioner?
The Commissioner looks at each complaint and decides whether it is necessary or appropriate to take further action. The Commissioner may then:

- send the matter to a health and disability advocate to assist the person to resolve his or her complaint;
- send the complaint to the provider to sort out;
- refer the matter to another agency such as the Ministry of Health, a registration authority for health practitioners, the Privacy Commissioner or a Mental Health District Inspector; or
- investigate the matter. In a small number of complaints the Commissioner may decide to start a formal investigation. An investigation can take some time as the Commissioner is impartial and needs to allow everyone involved in the complaint to have their say. Not all complaints that are investigated are found to be a breach of the Code.
- You can expect regular communication from the Commissioner’s office until a final decision is made. You can also expect an explanation about how the Commissioner has decided to deal with your complaint and what the final decision is.

Will the provider be disciplined if my rights have been breached?
The Commissioner may refer a complaint to the Director of Proceedings when a breach of a consumer’s rights is found during the Commissioner’s investigation. This step is taken in only a very small number of investigated complaints. The Director is an independent prosecutor who can take a case to the Health Practitioners Disciplinary Tribunal (HPDT) or to the Human Rights Review Tribunal (HRRT), or both.

Can I get compensation if my rights have been breached?
The Commissioner does not have any power to give compensation. Providers may agree to a refund as part of resolving the complaint. Some consumers may be entitled to ACC compensation if they have suffered a personal injury from their treatment. In certain limited circumstances, damages are awarded by the HRRT.

Further Information and Contact Details
For further information and help, or to organise education and training sessions about the Code of Rights, or request information on self-advocacy or how to make a complaint, contact:

The Nationwide Advocacy Service
Free phone 0800 555 050
Free fax 0800 2787 7678
Email advocacy@hdc.org.nz

The Health and Disability Commissioner
PO Box 1791, Auckland
Auckland ph/TTY (09) 373 1060
Wellington (04) 494 7900
Other areas ph/TTY 0800 11 22 33 | Fax (09) 373 1061
Email hdc@hdc.org.nz | Website www.hdc.org.nz

Information about the Director of Proceedings and cases that have been heard by a Tribunal can be found on the HDC website.

Your rights when using a health or disability service in New Zealand and how to make a complaint

Please ask if you wish to speak to an advocate with a refugee/migrant focus.
Why should I make a complaint?
Making a complaint is an important way of improving the quality of services. Most consumers who make a complaint say they don’t want what happened to them to happen to someone else. Consumers usually find it helpful to have an acknowledgement of what happened as well as an explanation and an apology. Most providers find it helpful to know about a consumer’s concern so they can take action to sort it out. Sometimes this can lead to changes in practice and the way services are provided that will benefit other consumers. Consumers find it very helpful to hear what steps the provider will take to improve their service.

Your rights when receiving a health or disability service

The Code of Rights gives you 10 rights. These are:
1. To be treated with respect.
2. To be treated fairly without pressure or discrimination.
3. The right to dignity and independence.
4. To receive a quality service and to be treated with care and skill.
5. To be given information that you can understand in a way that helps you communicate with the person providing the service.
6. To be given the information you need to know about your health or disability; the service being provided and the names and roles of the staff; as well as information about any tests and procedures you need and any test results.
7. To make your own decision about your care, and to change your mind.
8. To have a support person with you at most times.
9. To have all these rights apply if you are asked to take part in a research study or teaching session for training staff.
10. The right to complain and have your complaint taken seriously.