

23 October 2019



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

Hon Dr David Clark
Minister of Health
Parliament Buildings
P O Box 18 888
WELLINGTON 6160

Dear Minister

Work programme update, recommendation and request for information

With the Initial Mental Health and Wellbeing Commission appointed, and a planned commencement date for the permanent Commission, it is timely for me to outline my work programme for the next 15 months to the end of my term in February 2021. This includes: how I intend to work with Initial Commission Chair Hayden Wano and other members; my areas of focus; and planned publications.

Following on from my February 2018 report *New Zealand's Mental Health and Addiction Services: The monitoring report of the Mental Health Commissioner* (Monitoring Report 2018), I intend to release:

- A brief update of indicators from that report in November
- A fuller monitoring report by May 2020. This report will include commentary on the Government's response to recommendations made in my 2018 monitoring report.

I continue to see a need for a statutory requirement for a mental health strategy – to ensure an enduring focus on mental health and a core focus for the new Commission – and recommend an amendment to the New Zealand Public Health and Disability Act 2000 to achieve this.

I would appreciate the opportunity to meet with you to discuss my November indicators report, prior to its release, and this update.

Initial Commission

I welcome the opportunity to work closely with the Initial Commission. I met with Mr Wano shortly after his appointment to progress this relationship. At that meeting we shared a commitment to work closely and constructively together and discussed:

- our respective responsibilities of HDC (including to independently monitor and advocate for improvements to mental health and addiction services and assess complaints) and the Initial Commission (to provide independent scrutiny of the Government's progress in improving mental health and wellbeing, promote collaboration and advise on the new permanent Commission)
- sharing work programmes
- HDC providing information and comments to the Initial Commission including the methodology we developed with the sector to monitor services and advice on draft outcomes and a monitoring framework and a draft work programme for the permanent Commission

- coordinating and, where appropriate, sharing information requests to the Ministry of Health and other agencies.

We agreed I will meet with the Initial Commission members as soon as is practicable.

Statutory requirement for a mental wellbeing strategy required – ensuring the current focus on mental wellbeing endures

On a related matter I continue to be concerned that the current, welcome, focus on mental wellbeing will not endure without a statutory requirement to help ensure it does.

I recommended an amendment to the New Zealand Public Health and Disability Act 2000 to achieve this in my 19 June letter to you. Such an amendment, accompanied by a requirement for independent monitoring by the new Commission, will help ensure there is an enduring focus on mental wellbeing in New Zealand and that the Commission has an enduring oversight role beyond its initial focus on the implementation of *He Ara Oranga*.

I therefore **recommend** the amendment be considered as an integral component of the legislation to establish a new Commission.

Mental Health Commissioner work programme

My work programme to February 2021 has been developed to ensure HDC continues to fulfil its statutory responsibility to monitor and advocate for improvement to mental health and addiction services until legislative change and, in doing so, that we assist and work in a complementary way with the Initial Commission. It also takes account of your Letter of Expectations 2019 to “work closely with the Ministry of Health to respond to the Inquiry into Mental Health and Addiction, and implement the resulting recommendations when Cabinet makes a decision about the response”.

The key deliverables, in addition to my function to make decisions on complaints about mental health and addiction services (and other health and disability services), are to:

- Publish a brief monitoring indicator update (November 2019) and a fuller monitoring report (May 2020) on the state of mental health and addiction services.
- Work with the Initial Commission by sharing information, providing advice, coordinating work programmes and supporting transition to the new entity.
- Provide advice on the shape of the permanent Mental Health and Wellbeing Commission to the Ministry of Health, Select Committee and you.
- Develop and implement a work plan to promote respect for and observance of the Code of Health and Disability Services Consumers’ Rights by providers, and awareness of their rights on the part of consumers, in relation to mental health and addiction services (responds to recommendation 22 *He Ara Oranga*).
- Contribute to Ministry of Justice-led work to review processes for investigating deaths by suicide, including the interface of the coronial process with DHB and Health and Disability Commissioner reviews (responds to recommendation 33 *He Ara Oranga*).
- Contribute to public discussion about mental health and risk (relates to Recommendation 35 *He Ara Oranga*) through advice and submissions on the review of the Mental Health Act and the Law Commission’s work on legal capacity.
- Transition work and publications that will no longer be a good fit for HDC once s14(1)(ma) is removed (including the ownership of mental health and addiction consumer and whanau experience survey Marama Real Time Feedback).

Request for information

My May 2020 monitoring report will include follow-up on your response to the eight recommendations I made to you as Minister of Health in my Monitoring Report 2018 (pages 12 and 13 of the Report). I invite you to provide any information you may wish to regarding how you have responded to my recommendations by **20 December 2019**. I propose to share your response with Initial Commission Chair Hayden Wano, along with responses to information requests I will make to the Ministry of Health for this report.

Transparent advocacy

Given HDC's role as an independent advocate in relation to mental health and addiction services, I propose to publish this letter on the Health and Disability Commissioner's website.

I have also copied the letter to Mr Wano and the Ministry of Health for their information.

Request for meeting

I would appreciate the opportunity to meet with you, preferably by mid-November, to provide you with a pre-publication briefing of my Monitoring Indicator Update Report 2019 and to discuss matters relating to my recommendation about a mental health strategy and the outlined work programme. You may also wish to invite Mr Wano.

Yours sincerely



Kevin Allan

Mental Health Commissioner

Cc: Mr Hayden Wano, Chair, Initial Mental Health and Wellbeing Commission
Dr Ashley Bloomfield, Director-General of Health
Ms Robyn Shearer, Deputy Director-General Mental Health