



**Ōu whāinga tika ina whakamahi koe  
i tētahi ratonga hauora,  
ratonga hauā rānei i Aotearoa,  
ā, me pēhea te  
whakatakoto whakapae**

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



*The kaupapa of the Health and Disability Commissioner is to facilitate improved customer service and to enhance wellness in New Zealand.*

*He tautoko, he whiriwhiri kia whaia ko nga taumata e piki ake ai te oranga ki roto i a Aotearoa.*



## **Te Waka Tangata**

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As a whole, this carving symbolises a canoe or waka. Maori believe that when people are in the same waka, they are committed to the same kaupapa — they are driven by a common purpose, pursue a shared vision, hope or dream, they belong to and identify with each other.

Curving forms within the waka depict these people, the ‘heads’ carved to represent the four winds, indicating they come from the four corners of the earth, from all walks of life. Therefore, as well as echoing the ‘D’ and ‘C’ of the Health and Disability Commissioner logo, these shapes carry a message of unity and inclusiveness.

The people are protected, supported and empowered by the strong frame of the waka, which incorporates three symbolic elements. The whole is a stylised ‘H’ of the HDC logo. The bow, with its two curves and carved interior, illustrates the three principles of the Treaty of Waitangi and the partnership they embody. The curving stern cutting through the waves is the strong arm of the law.

Through these interconnected images the carving gathers together a number of key concepts that are important to the Health and Disability Commissioner.

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Aotearoa,  
ā, me pēhea te whakatakoto whakapae**

**RĀRANGI MŌTIKA**

**He mōtika ōu**

He Rārangi Mōtika tō ngā tāngata katoa e whakamahi ana i ngā ratonga hauora, i ngā ratonga hauā, hei whakamaru i a rātou. He Kaitiaki motuhake tō ngā mōtika nei, e ai ki tētahi ture e mana ana i Aotearoa, e kiia ana ko Te Ture mō te Toihau Hauora, Hauātanga o te tau 1994

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### **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**

- 0800 555 050
- Free fax: 0800 2787 7678
- [advocacy@hdc.org.nz](mailto: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](mailto:hdc@hdc.org.nz)

Website: [www.hdc.org.nz](http://www.hdc.org.nz)

- 0800 555 050
- Waea whakaahua utu kore: 0800 2787 7678
- [advocacy@hdc.org.nz](mailto:advocacy@hdc.org.nz)

## **Te Tari o te Toihau Hauora, Hauātanga**

Pouaka Poutāpeta 1791, Tāmaki Makau Rau

Tāmaki-Makau-Rau/TTY (09) 373-1060

Te Whanga-nui-a-Tara (04) 494 7900

Ērā atu takiwā ph/TTY 0800 11 22 33

Waea whakaahua (09) 373 1061

Imēra: [hdc@hdc.org.nz](mailto:hdc@hdc.org.nz)

Pae tukutuku: [www.hdc.org.nz](http://www.hdc.org.nz)

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## **Ka whiwhi kapiheihana au mehemea i takahia ōku mōtika?**

Kāore he mana o te Toihau ki te whakawhiwhi kapiheihana. I ētahi wā ka whakaae ngā kaiwhakarato kia hoki mai tētahi wāhi hei huarahi whakatatū i te whakapae. Ka āhei ētahi kiritaki ki te tono mō te kapiheihana ACC, mehemea kua whara i ngā mahi i mahia mō rātou. I ētahi wā whāiti nei, ka tukua he moni whakamāmā i ngā hapa me ngā whakararu e HRRT.

## **ĒTAHI ATU KŌRERO ME NGĀ TIKANGA WHAKAPĀ ATU**

Mō ētahi atu pārongo, kia āwhinatia rānei koe, kia taea ai te whakahaere i ētahi wāhanga akoako, wāhanga whakangungu rānei, kia taea mai rānei ētahi kōrero mō te kawē i tōu ake take, mō te whakatakoto whakapae rānei, whakapā mai ki:

## **Te Ratonga Tautoko ā-Motu**

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

## CODE OF RIGHTS

### You have rights

Everyone using a health or disability service has the protection of a Code of Rights. An independent Commissioner promotes and protects these rights under a New Zealand law called the Health and Disability Commissioner Act 1994.

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### Ōu mōtika ina whakamahi koe I tētahi ratonga hauora, hauātanga rānei

Tekau ō mōtika i raro i te Rārangi Mōtika. Koia ēnei ngā mōtika:

1. Kia manaakitia koe hei tangata.
2. Kia manaakitia koe, kia kua koe e tāmia e wai rānei, kia kua hoki e tūkinotia e te kaikiri o te tangata.
3. Kia hāpainga tō rangatiratanga, me tō mana motuhake.
4. Kia taea e koe ngā ratonga whai tikanga, ā, kia tika te taurima i a koe, me te teitei o ngā pūkenga o te hunga manaaki i a koe.
5. Kia tae katoa mai ngā kōrero ki mua i tō aroaro mā roto i tētahi huarahi whakamōhio ngāwari ki te whakarongo, kia tino taea ai tō kōrerorero tahi ki te kaiwhakahaere o taua ratonga.

6. Kia tino tae ake ngā kōrero whai pānga ki mua i a koe mō tō hauora me tō hauatanga; te āhua o te ratonga e horahia ana, ngā ingoa me ngā tūranga o ngā kaimahi, me ngā kōrero katoa mō ngā whakamātautau me ngā whakahaere e tika ana mōu, me ngā hua o aua whakamātautau ina puta ake ana. I Aotearoa nei, e whakamanawatia ana ngā tāngata kia patapatai, kia inoi hoki ki ētahi atu kōrero kia mōhio ai rātou he aha te aha.
7. Kia riro māu anō e whakatau ngā tikanga tiaki i a koe, kia huri hoki koe i tō whakatau, kia haere ki huarahi kē.
8. Kia noho mai he kaitautoko i tō taha i te nuinga o te wā.
9. Kia pā tonu ēnei mōtika katoa, ki te inoia koe kia uru ki tētahi rangahautanga, ki tētahi wāhanga whakangungu kaimahi rānei.
10. Kia āhei koe te whakatakoto whakapae, ā, kia āta tirohia hoki tō whakapae.



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

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- tuku i te take ki tētahi atu whakahaere pēnei i te Manatū Hauora, i tētahi mana rēhita kaimahi hauora, i te Toihau Matatapu, i tētahi Kaiarotake ā-Rohe mō te Hauora Hinengaro rānei,
- wherawhera i te take rānei. I ētahi whakapae torutoru noa, ka tīmata pea te Toihau ki te wherawhera hōhonu i te take o te whakapae. Ehara i te mea ka oti wawe ngā wherawheratanga whakapae nā te mea me noho tōkeke tonu te Toihau, me whakawātea i tētahi wā ki ngā tāngata katoa kia taea ai e rātou

te whakaputa kupu ki a ia. Ehara i te mea ka kīia i takahia te Rārangi, i ngā whakapae katoa e tae mai ana ki mua i a ia.

Ka hoki auau ngā kōrero e tika ana ki a koe i te tari o Te Toihau, kia tatū rā anō tō take. Ka hoki anō tētahi whakamārama ki a koe mō ngā whakatau tuatahi a te Toihau, me ana mahi mō tō whakapae, me ngā āhuatanga o te whakatau whakamutunga.

### **Ka whiua te kaiwhakahaere ratonga, mehemea i takahia ōku mōtika?**

Ka tukua pea e te Toihau tētahi whakapae ki te Kaiwhakahaere Whakawākanga, mehemea ka kitea i runga i ngā wherawhera a te Toihau, i takahia ngā mōtika o te kiritaki. Ruarua noa iho te pēneitanga i ngā whakapae e āta wherawheratia ana. Ko te Kaiwhakahaere nei he kaiwhakapae motuhake, ka āhei te mau i ngā take ki te Practitioners Disciplinary Tribunal (HPDT), ki te Human Rights Review Tribunal

(HRRT), rānei, ki ngā wāhi e rua rānei. Ka taea ētahi kōrero mō te Kaiwhakahaere Whakapae, me ētahi take kua oti te whakarongo e tētahi Rūnanga Whakawā, i te pae tukutuku ipurangi o te Toihau Hauora, Hauātanga.

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### **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. In New Zealand, people are encouraged to ask questions and to ask for more information to help them understand what is going on.
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.

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**He aha ngā mahi ka taea e ahau mehemea kāore au i te noho tau, kei te āwangawanga rānei mō te ratonga , mehemea kua takahia rānei aku mōtika, ki aku whakaaro?**

Ka taea e koe:

- te kōrero ki te tangata nāna koe i āwhina, ki te kaiwhakahaere rānei, nā te mea ka taea e rātou ō raruraru te whakatikatika;
- te kimi āwhina i tō whānau, i ō hoa rānei, hei whakapakari i a koe kia kaha ai koe ki te kōrero i ō āwangawanga ki ngā kaiwhakahaere o te ratonga;
- te rapu āwhina i tētahi kaiāwhina motuhake hei āwhina i a koe ki te whakatatū i ō āwangawanga. Ko ngā tino kōrero me pēhea te whakapā atu ki tētahi kaitautoko hauora, hauātanga hoki, kei roto i ētahi atu wāhanga o tēnei mātāreere.

## **TE WHAKATAKOTO ME TE WHAKATATŪ I NGĀ WHAKAPAE**

### **He aha te painga mōku o te whakatakoto whakapae?**

Ko te whakatakoto whakapae tētahi tikanga matua hei whakapaipai ake i ngā ratonga. E ai ki te nuinga o ngā kaiwhakapae ko tō rātou tino hiahia ia, kia kua ētahi atu tāngata e raru i ngā āhuatanga i pā ki a rātou. He mea pai ki ngā kiritaki i te nuinga o te wā, kia whakaae māriri te kaiwhakahaere i roto i ana kōrero, āe, koia ēnei ngā āhuatanga i pā ki a rātou, kia whakamāramatia he aha i pā ai, kia whakapāha hoki ki te kaiwhakapae. He pai ki te nuinga o ngā kaiwhakahaere ratonga kia mōhio rātou ki ngā āwangawanga o ngā kiritaki, kia whakapau kaha ai rātou ki te whakatikatika. I ētahi wā ka puta he rerekētanga i roto i ngā mahi, i roto hoki i te āhua o te horanga ratonga, e puta ai he hua ki ērā atu kiritaki. He mea pai ki ngā kiritaki te rongō i ngā āhuatanga ka whāia e te kaiwhakahaere hei whakapiki i te pai o ngā mahi.

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### **... to a health and disability advocate?**

A health and disability advocate belonging to the Nationwide Advocacy Service will listen to your concerns and explain the options available to you to resolve your complaint. The advocate is on the side

of the consumer and will support and assist you in the actions you choose to take to resolve your concerns.

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;

### **... ki tētahi kaiāwhina hauora, hauātanga motuhake?**

Ka noho tētahi kaiāwhina hauora, hauātanga, he mema nō tētahi Ratonga Tautoko ā-Motu, ki te whakarongo ki ō āwangawanga, ka riro hoki māna e whakamārama ngā whiringa e wātea ana ki a koe hei āwhina i a koe ki te whakatatū i tō whakapae. Ko te aronga o tēnei kaiāwhina he āwhina anake i te kiritaki, ā, ka riro māna koe e tautoko, e āwhina i roto i ngā mahi ka whāia e koe, hei whakatatū i ō āwangawanga.

Kāore he utu mō te ratonga, ka noho matatapu tonu ngā kōrero, kei te tū wehe kē i ngā ratonga pēnei i ngā hōhipera, i ngā whakahaere e whāngai pūtea nei ki ngā ratonga, ki ngā kaiwhakahaere kāwanatanga, me ngā tari pēnei i te tari o te Toihau Hauora, Hauātanga; Ahakoa kei raro tēnei ratonga tautoko i te ture tonu e whakamana nei i te tari o te Toihau Hauora, Hauātanga; tuku pūrongo ai te ratonga tautoko ki tētahi Kaiwhakahaere mō ngā Mahi Tautoko Tūroto motuhake.

He tino tikanga te tautoko tūroto hei whakararau whakapae, ā, i te nuinga o te wā he horo kē atu tēnei huarahi i ētahi atu whiringa.



### **ki te tari o te Toihau Hauora, Hauātanga?**

Ka titiro te Toihau ki ia whakapae, ki ia whakapae, me te whakatau āe rānei, kāo rānei, kia hōhonu kē atu te wherawhera. Hei reira ka huri pea te Toihau ki te:

- tonu i te take ki tētahi kaitautoko hauora, hauātanga kia riro māna te tangata e āwhina ki te whakatatū i taua whakapae;
- tuku whakapae ki te kaiwhakahaere ratonga kia riro māna e whakatikatika;

## **What can I do if I am worried or unhappy about the service, or something goes wrong, and I feel my rights have been breached?**

You can:

- talk to the person you received the service from, or the person in charge, as they may be able to sort out the problem;
- get help and support from family and friends to raise your concerns with the provider of the service;
- seek the support of a free independent advocate to help you resolve your concerns. Details about how to contact a health and disability advocate are contained elsewhere in this leaflet.

## **MAKING AND RESOLVING COMPLAINTS**

### **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.



### **Te Whakatakoto Whakapae**

Kei a koe anō te mōtika ki te whakatakoto whakapae mō te whakahaere ratonga, i runga anō i ngā tino tikanga māmā rawa ki a koe. Ka taea te whakatakoto whakapae ā-kupu, ā-kanohi, ā-waea rānei, mā te tuku reta rānei, mā te tuku waea whakaahua, mā te tuku imēra rānei. Ka taea tō whakapae te hoatu ki:

- te tangata, ngā tāngata rānei mō rātou tō whakapae;
- tētahi tangata tonu i roto i ō mahi, tētahi whakaratonga, tētahi whakahaere rānei e noho nei, tōna tikanga, hei wāhi tuku whakapae (inā koa te kaiwhakahaere kounga, te āpiha whakapae i tētahi hōhipera, i tētahi whakahaere rānei);-
- tētahi kaiāwhina hauora, hauātanga motuhake;
- te tari o te Toihau Hauora, Hauātanga;

### **He aha ngā āhuatanga ka pā mai, ki te whakatakoto whakapae au?**

#### **..ki te kaiwhakahaere ratonga?**

Me whakarongo te kaiwhakahaere ratonga ki ō whakapae, me āta whakamārama ngā āhuatanga o te whakatakoto whakapae, he aha hoki ngā āhuatanga e pā ana, mō tō whakapae. Ka āta tirohia tō

whakapae i runga i te kakama, ā, ka hoki mai he whakamārama ki a koe mō ngā whakatau, me ngā mahi kua oti hei whakatikatika i ngā āhuatanga i roto i tō whakapae

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Each provider must listen to your concerns and keep you informed about their complaints process and what is happening with your complaint. You can expect your complaint to be dealt with promptly, and an explanation about any decisions and actions taken as a result of your complaint.

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## **Making a complaint**

You have the right to make a complaint about a provider in the way that is easiest for you. You can make a complaint verbally, in person or by phone; or in writing by letter, fax or email. You can give your complaint to:

- the person or people you are complaining about;
- a person in the same practice, facility or organisation responsible for receiving complaints (eg the quality manager or complaints officer in a hospital or organisation);
- an independent health and disability advocate;
- the Health and Disability Commissioner.



## **What can I expect if I make a complaint**

**... to the provider?**