



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

Act and Code Review consultation questions | Ngā pātai matapakinga

This document contains all the questions we are asking as part of the Act and Code Review consultation. Aside from the required questions, you can answer as many or as few as you'd like. When completed, please either email it to review@hdc.org.nz or post it to us at PO Box 1791, Auckland, 1140.

Please visit <https://review.hdc.org.nz> to answer these questions online.

Your details (required)

It's important for us to know a bit about you so that we understand whose views are being represented in submissions. It helps us to make sure that any changes we recommend will work well for everyone and have an equitable impact.

1. What is your name?

[Redacted]

2. What is your email address?

[Redacted]

3. Are you submitting as an individual, or on behalf of an organisation or group?

☐ I am submitting as an individual

☒ I am submitting on behalf of an organisation or group

4. How did you hear about this consultation? (please select)

- | | | | |
|--|--|---|-----------------------------------|
| <input type="checkbox"/> HDC website | <input type="checkbox"/> News media | <input type="checkbox"/> Social media | <input type="checkbox"/> Internet |
| <input checked="" type="checkbox"/> Through my job | <input type="checkbox"/> Word of mouth | <input type="checkbox"/> Other (please specify below) | |



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Please answer the following questions **if you are submitting as an individual**. If you are submitting on behalf of an organisation or group, please go to page 3.

Which of these services do you engage with the most? (Please select all that apply)

- ☐ Health services ☐ Disability services ☐ Mental Health services
☐ Addiction services ☐ Aged Care Services ☐ Kaupapa Māori services
☐ Other services (please specify) _____

What is your gender?

- ☐ Female ☐ Male
☐ Another gender (please specify) _____
☐ I don't want to answer this question

How old are you?

- ☐ Under 15 ☐ 15 - 17 ☐ 18 - 24 ☐ 25 - 34 ☐ 35 – 49
☐ 50 - 64 ☐ 65+ ☐ I don't want to answer this question

What is your ethnicity? (Please choose all that apply)

- ☐ NZ European ☐ Māori ☐ Samoan ☐ Cook Island Māori
☐ Tongan ☐ Niuean ☐ Chinese ☐ Indian
☐ I don't know my ethnicity ☐ I don't want to state my ethnicity



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☐ Other/s (please state): _____

Do you identify as having a disability?

☐ Yes ☐ No

If you are submitting on behalf of an organisation or group:

What is the name of your organisation or group?

[Redacted]

What type of organisation/group is it?

- ☐ Consumer organisation/group (please specify below)
- ☐ Iwi/ Māori organisation/group (please specify below)
- ☒ Health and/or disability services provider (please specify below)
- ☐ Central Government
- ☐ Local Government
- ☐ University/Academic
- ☐ Other (please specify below)

Please feel free to provide any further detail: [Redacted]



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Share ‘one big thing’

This survey contains structured questions that ask for your feedback on each chapter in our consultation document. If you would prefer to give us your feedback as a whole, by telling us ‘one big thing’ – you can do so below.

If this is all you want to provide by way of your submission, that’s fine by us. We will consider all the submissions we receive.

What is your ‘one big thing’?

We support early resolution of complaints as close to them occurring as possible.

Alignment to the Health Quality and Safety Commission National Adverse Events Policy: Healing, learning and improving from harm *Te whakaora, te ako me te whakapai ake i te kino Hohou* where opportunity for early mediation and ate Rongo Restorative hui a whānau process could be considered even for complaints of a more serious nature to enable healing and learning for both the complainant and provider in a timelier manner.



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Topic 1: Supporting better and equitable complaint resolution

1.1: Did we cover the main issues about **supporting better and equitable complaints resolution**?

Yes

1.2: What do you think of our suggestions for **supporting better and equitable complaints resolution**, and what impacts could they have?

We agree with the suggestions. The impact of protracted investigations on Family/ Whanau and staff are significant. As we are implementing the Health Quality and Safety Commission National Adverse Events Policy, we see opportunity for alignment in a more restorative approach and a codesign process for improvement.

The opportunity for us to understand the impact on Family/ Whanau and for them to see immediate response and improvements could provide earlier learning and healing for both parties.

Following a serious complaint, we conduct a full internal investigation and put in place corrective actions which are monitored. Currently, the length of investigation and the lack of opportunity for us to engage with the Family / Whanau through the current system means we are doing this independently of them. They are often only hearing of our response months to years after the event. This is unfair on both parties, so we would be supportive of changes



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which would see a timelier resolution and better opportunities for the parties to engage with each other.

1.3: What other changes, both legislative and non-legislative, should we consider for **supporting better and equitable complaints resolution**?



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Topic 2: Making the Act and Code more effective for, and responsive to, the needs of Māori

2.1: Did we cover the main issues about **making the Act and the Code more effective for, and responsive to, the needs of, Māori?**

2.2: What do you think about our suggestions for **making the Act and the Code more effective for, and responsive to, the needs of Māori**, and what impacts could they have?



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2.3: What other changes, both legislative and non-legislative, should we consider for **making the Act and the Code more effective for, and responsive to, the needs of Māori?**



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Topic 3: Making the Act and the Code work better for tāngata whaikaha | disabled people

3.1: Did we cover the main issues about making the Act and the Code work better for tāngata whaikaha | disabled people?

3.2: What do you think of our suggestions for making the Act and the Code work better for tāngata whaikaha | disabled people, and what impacts could they have?



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3.3: What other changes should we consider (legislative and non-legislative) for making the Act and the Code work better for tāngata whaikaha | disabled people?



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Topic 4: Considering options for a right of appeal of HDC decisions

4.1: Did we cover the main issues about **considering options for a right of appeal of HDC decisions**?

██████ is not supportive of introducing a statutory requirement for review of HDC decisions. The HDC remains best placed to make decisions regarding HDC complaints and it is sufficient that reviews of HDC decisions are at the discretion of the HDC. There is already an option for appeal to the Ombudsman if the HDC refuses to review a decision which ensures suitable oversight. The imposition of a mandatory review requirement on request from a complainant would increase the already substantial workload of the HDC and put strain on resourcing, as well as significantly increasing costs. In addition, it would add further delays to an already slow system and delay resolutions.

██████ also does not support a lower threshold for access to the HRRT for the reasons you have already highlighted in your paper. As noted in your paper, a lower threshold for access to the HRRT would also add delays to the resolution of complaints and create further resourcing issues for both the HDC and HRRT. We re-iterate that we believe the HDC is the body best placed to make decisions regarding HDC complaints.

We are supportive of the HDC strengthening transparency of decision making to reduce the likelihood of complainants or providers challenging the HDC decision however, we do not support the introduction of a statutory requirement for appeal, or a lower threshold for HRRT as a means to achieve this.

4.2: What do you think about our suggestions for **considering options for a right of appeal of HDC decisions**, and what impacts could they have?

As noted above, ██████ does not support a statutory requirement for review. There are already sufficient avenues for rights of appeal under the current regime. We agree with the LDAC guidance included on page 44 of your paper, which notes that where there is already a “specialist statutory office holder such as the HDC empowered to investigate complaints relating to a particular field, they should be replied on, rather than creating new jurisdictions...”.



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4.3: What other **options for a right of appeal of HDC decisions**, both legislative and non-legislative, should we consider?

We believe there are already appropriate avenues for rights of appeal in the current system. Any introduction of new rights of appeal, or new/additional jurisdictions to appeal to, would add unnecessary workload to an already overloaded system, along with increasing costs unnecessarily.

Overall, [REDACTED] is supportive of earlier involvement, earlier intervention, meeting and resolutions. We do not believe additional appeals processes support this objective.

Topic 5: Minor and technical improvements

5.1: What do you think about the issues and suggestions for **minor and technical improvements**, and what impacts could they have?



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5.2: What other **minor and technical improvements**, both legislative and non-legislative, should we consider?

5.3: What are your main concerns about **advancing technology** in relation to the rights of people accessing health and disability services?



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5.4: What changes, both legislative and non-legislative, should we consider to respond to **advancing technology**?

Publishing and data protection



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This section provides important information about the release of your information. **Please read it carefully.**

You can find more information in the Privacy Policy at hdc.org.nz.

Being open about our evidence and insights is important to us. This means there are several ways that we may share the responses we receive through this consultation. These may include:

- **Publishing all, part or a summary of a response** (including the names of respondents and their organisations)
- Releasing information **when we are required to do so by law** (including under the Official Information Act 1982)

Publishing permission

May we publish your submission? (Required)

- ☐ Yes, you may publish any part of my submission
- ☒ **Yes, but please remove my name/my organisation/group's name**
- ☐ No, you may not release my submission, unless required to do by law

Please note any parts of your submission you do not want published:

Reasons to withhold parts of your submission



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HDC is subject to the Official Information Act 1982 (The OIA). This means that when responding to a request made under the OIA, we may be required to disclose information you have provided to us in this consultation.

Please let us know if you think there are any reasons we should not release information you have provided, including personal health information, and in particular:

- which part(s) you think should be withheld, and
- the reason(s) why you think it should be withheld.

We will use this information when preparing our responses to requests for copies of and information on responses to this document under the OIA.

Please note: When preparing OIA responses, we will consider any reasons you have provided here. However, **this does not guarantee that your submission will be withheld**. Valid reasons for withholding official information are specified in the Official Information Act.

☐ Yes, I would like HDC to consider withholding parts of my submission from responses to OIA requests.

I think these parts of my submission should be withheld, for these reasons:

Follow up contact



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If needed, can we contact you to follow up for more detail on your submission? (required)

☒ **Yes, you can contact me**

☐ No, do not contact me

Further updates

Would you like to receive updates about the review?

☐ I'd like to receive updates about the review

☒ **I'd like to receive updates from HDC about this and other mahi**

Thank you

We really appreciate you taking the time to share your thoughts with us. If you have provided your details, we'll keep you updated on progress. If not, feel free to check our consultation website <https://review.hdc.org.nz> for updates or to contact us if you have any questions. We can be reached at review@hdc.org.nz.