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HEALTH & DISABILITY COMMISSIONER
TE TOIHAU HAUORA, HAUĀTANGA

Review of the Code of Rights and the HDC Act

Plain Language Summary

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Transcriber's Notes: The logo on the top of the page is Health and Disability Commissioner | Te Toihau Hauora, Hauātanga.

Notes for the Large Print Reader

Main text is in Arial typeface, 18 point.

Headings are indicated as:

Heading 1

Heading 2

Heading 3

Heading 4

Review of the Code of Rights and the HDC Act

Introduction

The Health and Disability Commissioner (HDC) protects and promotes the rights of people who use health and disability services. The Code of Rights tells people what our rights are. People can complain to us about health and disability services if they feel their rights haven't been respected.

We are separate from the government and also from health and disability providers. The HDC Act gives us powers to make decisions about complaints and speak up when things have gone wrong.

Every five years we must review the Code of Rights and the HDC Act and recommend any changes to the Minister of Health.

This report is about what we heard during our recent review and what we recommended to the Minister.

This is a short summary of the report. You can find the full report here: review.hdc.org.nz. You can find our contact details here: www.hdc.org.nz/contact-us/.

The Minister of Health will read the full report and decide whether to make any changes to the Code of Rights or

HDC's Act. The Minister and the government will decide what those changes are.

About the review

The review is being done to make HDC and the Code of Rights work better for everyone. We asked people what was working and what was not working.

People told us to:

- Make complaints work better for everyone.
- Make the Act and the Code of Rights work better for Māori.
- Make the Act and the Code of Rights work better for tāngata whaikaha | disabled people.

The Health Select Committee also asked us to talk to people about what they would like to happen when they disagree with HDC's decisions.

During the review we wanted to make sure we heard from lots of different people and communities, including Māori, tāngata whaikaha | disabled people and Pacific peoples.

HDC heard from a lot of people during the review:

- 259 written submissions.
- 60 sessions online and in person.
- 7 workshops with Māori, tāngata whaikaha | disabled people, and Pacific peoples.

Our findings and recommendations

What we found

- The Code of Rights and the HDC Act are mostly working well.
- People agreed that there are small changes that would make the Code of Rights and the HDC Act work better for everyone.
- Some changes to the Code of Rights and HDC's Act should be made at the same time as changes to other laws. For example, the review of laws about adult decision-making and mental health.
- There are lots of ways to improve the way we work without changing the law. We would need more funding to make some of these improvements.
- There are lots of ways the government could make the health and disability system better for all people, for example:
 - making sure more people understand supported decision-making
 - making sure new technology is safe and accessible
 - giving disabled people and their family or whānau clear information about what they can expect from disability support services
 - making it easier for people to complain or give feedback about disability support services.

What we heard

Making complaints work better for everyone

People told us:

- Raising a concern or making a complaint should be easier for people.
- There are a lot of reasons that people don't speak up or make complaints now:
 - people don't know that they are allowed to speak up or make complaints
 - people don't know how to speak up or make complaints
 - people don't think they will be treated fairly if they speak up or make complaints
 - people are scared they will be treated differently by health and disability services if they speak up or make complaints
 - people don't think things will get better if they speak up or make complaints
 - some people find making a complaint confusing or complicated.
- Your needs and culture should be respected when you make a complaint.
- People should have more support to make a complaint.

- Everyone agrees complaints should be sorted out as soon as possible. This includes service providers.

Making the Code of Rights and the HDC Act work better for Māori

People told us:

- Respecting te Tiriti o Waitangi the Treaty of Waitangi in the Code of Rights and the HDC Act will make things better for everyone.
- The Code of Rights should protect what is important to Māori. To make these rights real, HDC and others need to:
 - Partner with Māori
 - Make sure some of HDC's leaders are experts in te ao Māori
 - Help service providers understand what the Code of Rights mean for Māori.

Making the Code of Rights and the HDC Act work better for tāngata whaikaha disabled people

People told us:

- Health and disability information and services should be more accessible.
- People should get the support they need to make decisions.
- People want HDC to have more of a focus on disability.

- Some of HDC's leaders need to be experts in disability.
- Tāngata whaikaha disabled people want to know which disability services we can hear complaints about.

Challenging HDC's decisions

People told us:

- People want to be able to challenge HDC's decisions if they are unhappy.
- Challenging decisions should be easy and make people feel safe.
- Most people wanted to be able to ask a different person at HDC to check whether the decision made about their complaint was fair.
- People disagreed about whether another organisation needed to check whether HDC's decision was fair.
- Some people worried that any changes would slow down a complaint or make it unfair.
- Some people thought that HDC changing how we work would make the biggest difference.

The main law changes we asked the Minister to make

Making the complaints process work better for everyone

We asked the Minister to:

- Change the way HDC and providers must respond to complaints, for example, by being accessible.
- Give people the right to:
 - support to make complaints or raise concerns
 - be treated fairly if they make a complaint.
- Give HDC more ways to sort out complaints, including ways that work better for Māori.

Making the Code of Rights and the HDC Act work better for Māori

We asked the Minister to:

- Give people the right to services that respect tikanga
- Make it clear how the HDC Act respects te Tiriti o Waitangi the Treaty of Waitangi, for example:
 - HDC must talk to Māori when doing a review of the Act and the Code of Rights
 - Some of HDC's leaders must be experts in te ao Māori and te Tiriti o Waitangi | the Treaty of Waitangi

Making the Code of Rights and the HDC Act work better for tāngata whaikaha disabled people

We asked the Minister to:

- Make it clear that:
 - people have the right to make their own decisions
 - people have the right to support to make decisions

- people have the right to support to communicate.
- Some of HDC's leaders must be experts in disability rights.

Challenging HDC's decisions

We asked the Minister to:

- Let people who are unhappy with HDC's decision about their complaint get someone else at HDC to check if the decision is fair.

What we can do differently now

We can make changes without changing the law. Some of these changes are:

- Improving how we communicate with people.
- Being more accessible.
- Working more closely with the Advocacy Services.
- Asking the current Advocacy Service to work differently. For example, working more closely with community leaders.
- Making sure we work well for everyone.
- Talking to different communities about their rights.
- Hearing from different communities about their experiences.
- Giving people and service providers more information about:

- People's right to make their own decisions
- People's right to have support to make decisions
- People's right to have support to make complaints
- How to make rights real for different groups
- Which disability services we can hear complaints about.

We are already making some of these changes.

End of Review of the Code of Rights and the HDC Act