

Submission to the Health and Disability Commissioner's Act and Code Review

Gareth Lowndes



18 July 2024

Introduction:

I am writing to provide feedback on the review of the Health and Disability Commissioner's Act 1994 and the Code of Health and Disability Services Consumer's Rights. I believe this review offers a crucial opportunity to modernise these regulations and ensure they effectively safeguard the rights of healthcare consumers in today's evolving landscape.

In addition to reviewing the Act and Code, I urge the HDC to evaluate its internal guidelines and policies. It's essential to adopt a more human-centric approach, prioritising compassion and empathy in communication, especially given the often traumatic experiences that lead to complaints.

My personal experience with the HDC has been one of ongoing frustration. Following my mother's passing at Middlemore Hospital in January 2022 due to complications after an ERCP procedure, I initiated a complaint. It became evident that the HDC is under-resourced and lacks the efficient systems necessary to investigate complaints promptly.

It's unacceptable that both consumers and providers must wait an average of almost 900 days for a resolution. While this may represent a small percentage of cases, such a delay is excessive and detrimental to all parties involved.

The HDC has acknowledged its increased caseload since the COVID-19 pandemic, yet the issue persists. This could be attributed to heightened awareness or reflect broader systemic challenges within the healthcare industry, such as staff shortages and underfunding. Regardless, these challenges do not excuse the lack of compassion and regular updates that I have experienced in my interactions with the HDC.

In my repeated attempts to understand the delays in my complaint investigation, the HDC has consistently cited high caseloads rather than offering solutions. It's crucial for the HDC to identify internal improvement opportunities without relying solely on formal review processes.

However, my intention is not to assign blame to individual HDC team members. While I would have appreciated more empathy and regular updates, it's clear that the HDC is operating under significant constraints. Government budget cuts have deprived the HDC of essential resources, including a modern complaints

management system. It's disheartening that the HDC relies on outdated technology like Lotus Notes to manage cases.

As the sole avenue for the public to seek investigation into healthcare services, the HDC's ability to provide timely resolutions should not be hindered by budget limitations. Ultimately, people's lives are at stake, and access to efficient complaint resolution is paramount.

Specific feedback:

My feedback (focused on Topic 1) emphasises the urgent need for a comprehensive overhaul of the complaints process, ensuring it is accessible, timely, and effectively communicates with complainants.

Timely and Effective Communication: My personal experience highlights the inadequacy of communication within the current system. The promised 10-week updates were never upheld, leaving me to initiate contact and seek information. This lack of communication exacerbates the distress already experienced by complainants.

To address this, the HDC should:

- **Implement a robust communication plan:** Establish clear timelines for updates and adhere to them, even when there are no substantial developments to report. Regular communication, even if just to acknowledge the ongoing process, is crucial for maintaining trust and providing reassurance.
- **Explore online portals:** An online platform where families can receive updates, communicate with the HDC, and track the progress of their complaint would enhance transparency and reduce the burden on both parties. This portal could provide information on each stage of the process, expected timelines, and access to relevant resources.
- **Prioritise empathetic communication:** Recognise the emotional impact of healthcare complaints and ensure all communication is compassionate, supportive, and respectful.

Streamlining Processes and Addressing Systemic Inequities: The excessive delays in complaint resolution are unacceptable and cause further harm to complainants. The HDC must take decisive action to streamline its processes, including:

- **Investing in modern technology:** A modern case management system is essential for efficient tracking, communication, and analysis of complaints.
- **Increasing staffing levels:** Adequate staffing is crucial for timely investigations and resolution.

- **Setting clear timelines:** Each stage of the investigation should have clear timelines, with regular monitoring and reporting to ensure accountability.

In conclusion, achieving better and equitable complaint resolution requires a multi-faceted approach that prioritises accessibility, clear and timely communication, and efficient processes. By implementing these changes, the HDC can fulfil its crucial role in protecting the rights of healthcare consumers and fostering a more just and equitable healthcare system.

Sincerely,

Gareth Lowndes