

7 June 2024

Health & Disability Commissioner

PO Box 1791
Auckland 1140

Via email: review@hdc.org.nz

Tēnā koutou,

Proposed Changes to the Health and Disability Commissioner Act 1994 and the Code of Health and Disability Services Consumers' Rights

Te Poari Kaikorohiti o Aotearoa | the Chiropractic Board (the Board) welcomes the opportunity to provide feedback on the proposed changes to the Health and Disability Commissioner Act (the Act) and the Code of Health and Disability Services Consumers' Rights (the Code). We commend the effort to review these important pieces of legislation to ensure they remain effective in protecting the rights of New Zealanders.

Our submission focuses on three key areas: barriers to the complaint process, timeliness in processing complaints, and the right to appeal.

1. Barriers to the Complaint Process:

Navigating the complaint process can be daunting for both complainants and practitioners alike. From a complainant's perspective, issues such as lack of awareness, accessibility, and cultural sensitivity can present significant barriers. Similarly, practitioners may struggle with understanding the process and their rights within it. Addressing these barriers is crucial to ensuring the complaint process is fair, transparent, and accessible to all parties involved.

From the Complainant's Perspective:

- a. **Lack of Awareness and Accessibility:** Many complainants are unaware of the complaint process or find it difficult to navigate. To address this, we recommend enhanced public awareness campaigns that use diverse media channels, including those targeting non-English speakers and various cultural groups.
- b. **Support and Guidance:** Complainants may require support to articulate their concerns. Providing easy access to advocacy services, clear and simple guides, and translation services could assist in making the process more accessible.
- c. **Cultural Sensitivity:** Complainants from different cultural backgrounds may face additional barriers. Ongoing cultural competency training for staff can ensure the process is respectful and sensitive to all complainants.

From the Practitioner's Perspective:

- a. **Clarity and Fairness:** Practitioners need clear information about the complaint process and their rights within it. This includes detailed guidelines and transparency about the procedures followed during the investigation.

2. Timeliness in Processing Complaints:

Timely resolution of complaints is essential for maintaining trust and confidence in the process, delays lead to frustration, a sense of injustice, prolonged stress, and uncertainty. By establishing clear timelines and allocating sufficient resources, HDC could streamline the complaint process and ensure that all parties receive prompt and fair resolutions to their concerns.

From the Complainant's Perspective:

- a. **Prompt Resolution:** Complainants need timely responses to their concerns to feel heard and to prevent issues from escalating. Establishing clear timelines for each stage of the process and keeping complainants informed can improve their experience.
- b. **Resource Allocation:** Sufficient resources must be allocated to the Commissioner's office to handle complaints efficiently. This can include additional staff and technological investments to streamline processes.

From the Practitioner's Perspective:

- a. **Quick Resolution to Minimise Impact:** Prolonged complaint processes causes significant stress and uncertainty for practitioners. Efficient handling of complaints mitigates this impact, allowing practitioners to focus on their professional responsibilities.
- b. **Transparent Communication:** Keeping practitioners informed about the status of complaints and expected timelines throughout the process will help manage expectations.

From the Regulator Perspective

As a Responsible Authority, our actions regarding complaint matters are constrained by the HPCA Act 2003, which requires us to await the completion of reviews by the HDC before acting.

- a. **Proactive response:** Adopting a proactive approach to the complaint process, particularly for straightforward cases where all parties acknowledge that further HDC review is unnecessary, could expedite the processing of such complaints.
- b. **Communications:** Regular communications and updates on cases, particularly those that require further enquiries, would be appreciated.

3. Right of Appeal:

From the Complainant's Perspective:

- a. **Fairness and Transparency:** A statutory right to appeal decisions provides an additional layer of fairness and accountability. Complainants need clear guidelines on how to lodge an appeal, the grounds for appeal, and the expected timeline for decisions.
- b. **Support During Appeal:** Providing support and guidance during the appeal process, including access to advocacy or legal services, ensures complainants can effectively exercise their right to appeal.

From the Practitioner's Perspective:

- a. **Confidence in the Process:** The ability to appeal a decision enhance practitioners' confidence in the fairness of the complaint resolution process. Clear appeal procedures and transparency about decisions help practitioners feel that their perspectives are considered.
- b. **Balanced Review:** Ensuring the appeals process is balanced and impartial can help practitioners feel that their rights are protected and that the process is aimed at constructive resolution rather than punitive measures.

We appreciate the opportunity to contribute to this review and are confident that these recommendations will help create a more equitable and effective system for all New Zealanders.

Nāku iti noa, nā

Your sincerely



Glenys Sharman
Registrar/General Manager
for te Poari Kaikorohiti o Aotearoa | the Chiropractic Board

This submission was prepared on behalf of the te Poari Kaikorohiti o Aotearoa | Chiropractic Board. All enquiries can be made by email: registrar@chiropracticboard.org.nz.