

Your details

1 What is your name?

Name:

Victoria Broome

2 What is your email address?

Email:

[REDACTED]

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

I am submitting as an individual

4 How did you hear about this consultation?

Select from the following options:

Other (please specify)

If you selected other, please specify below:

[REDACTED]

Questions for individuals

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Share 'one big thing' or upload a file

5 Are you here to tell us your 'one big thing'?

Your one big thing::

I made a complaint to the HDC in 2019 regarding the end of life care for [REDACTED]. You will be able to access all the documentation regarding my complaint.

In order to just be able to make a complaint I first had to supply a copy of his will to show that I was named on his will.

I foolishly had an expectation that I would be spoken to as part of the complaint process in the whole 4 and half year process of having it determined that my complaint would not be investigated and my fathers rights weren't breached I had one phone call with a person from the HDC.

Two years after making a request under the OIA I recently recieved some documents pertaining to information that was gathered about my complaint.

There is a lot of contradictory information that is disconcerting to see and reinforced my decision to write for publication about my 4 and a half year journey to try and get acknowledgement that my fathers rights were breached.

I am encouraged by the recent outcome of the Commission into State Care, not to give up on seeking justice for my Dad. There has been an apology from the Medical Council who sadly acknowledged that they had not acted when they had information about abuse in institutions, many people over many years in positions of power did not act on complaints they received about abuse in state care.

In my work across mental health and older persons health I have received unwavering support from colleagues regarding my concerns about institutional abuse in aged care, the lack of knowledge around end stage dementia and the appalling lack of appropriate palliative care in aged care institutions. The palliative care physician and GP for the aged care facility identified themselves as Christian Doctors against end of life care and their views and values coloured the response of staff to my fathers needs which I represented as his EPOA for welfare, they in fact decided to ignore the EPOA for welfare and without involving my father determined the care they decided he should receive. The HDC and the Ombudsman did not see that ignoring an EPOA for welfare was breaching my fathers rights.

I had to go through a 4 and half year journey to get this response, first I put in my complaint and then waited an awfully long time to get a provisional report that I responded to which I later realised was meaningless, then I got a final report incredibly patronising and dismissive, then I made a complaint to the Ombudsman and was mucked around until finally advised I had to complain to the HDC about their decision, then I was told the case would be reopened and reviewed and I received another letter with a bit more information that the Ultimate Care Group had now received training around EPOA for welfare and advanced care directives but there would be no investigation and my fathers rights weren't breached. The ongoing tone from the HDC was patronising with the implication that I had caused friction and so was responsible for what happened to my father in care.

In the letters I received I was told by that my father received good and appropriate care, there were also incorrect observations which I did point out to no avail, as my Dad would have said I was given "the bum's rush."

As there is no appeal process for HDC decisions I then made a complaint to the Ombudsman, this took 2 and half years, my complaint first went to the early resolution team and then they decided after writing to the HDC that it would do to the investigation team, towards the end of 2023 I received communication from the Ombudsmans office regarding their communication with HDC and again despite having to wait for 2 and a half years was told that there was no need for an investigation, no one has ever been able to explain to me how ignoring an EPOA for welfare, a legal document, was not a breach of my fathers rights.

It was an extraordinarily destructive process, one that I cannot help feel is designed to make people shut down and go away, the power rests with the institutions and medical professionals who I cannot make a complaint about if the HDC decides not to investigate.

It is all done in secret, there is nothing remotely collaborative or transparent about this process, it is medieval in its power imbalance, disturbingly similar to the obfuscations that took place in abuse in state care. You write of needing to become more modern, that must be glaringly obvious now that there is a conversation building momentum around adult decision making capacity law and the report from the commission into state care and the increasing publicity around our increasing population of those living with dementia.

The HDC needs to be facilitating access to early resolution of concerns around breaches of the rights of the vulnerable elderly in care when it mostly seems to be a bureaucracy of legal teams who you, as a complainant, are powerless to engage with, I cannot help but think there is significant unconscious bias operating in regards to my complaint anyway. I realise now I needed a legal team to make my complaint and act for me and my Dad, it is an utterly disempowering process.

When I first became concerned about my dads end of life care there was no clear pathway for me to express my concerns, I was almost immediately ostracised by staff and the GP and palliative care physician and the HDC implied that I was writing about myself and this was a waste of their time they were only concerned with my Dad and yet I was acting for him in a legal capacity which in the end meant nothing.

I remain unsure how my Dad received good care when there was an acknowledgement that his EPOA for welfare was completely ignored despite never going through the family court for a decision that would have taken years anyway.

It is as if the HDC is remote not answerable to anyone for decisions made and it has become quite dissociated from the people it was set up to represent. I didn't experience any sense of humanity or compassion or kindness, I felt dismissed, disrespected and insulted as if I had no right to be raising a complaint about my Dads EPOA for welfare being ignored and him not receiving end of life care appropriate to his needs.

There is no clear process to make a complaint about care in an aged care institution, the behaviour that ensued from the point at which I tried to raise concerns was nasty and dishonest and it caused harm to my Dad and me.

If the HDC sets up a more accessible complaint process in Aged Care Institutions it would need to be independent of the institutions and the clinical navigators/advocates would need to be very skilled at mediation and assessment of older people and adult decision making law. The HDC needs to be more transparent and less secretive with your assessment and resolution process, the clarity of the process is more important than the language you use.

There should be a statutory requirement for the HDC to review decisions.

I am not a lawyer, I am a daughter who held EPOA for welfare for her Dad who was completely disempowered by the aged care institution and medical professionals and then the HDC and Ombudsman. But here is my heart felt response to your request for submissions.

I work as a social worker in primary care mental health and I have worked across mental health and older persons health for 30 years. I have received immeasurable support to continue with my decision to have it acknowledged that my fathers rights were breached. I know now that this will not come via the HDC but I am heartened by the dogged determination of those who never stopped pushing for acknowledgement of abuse in State Care to continue to write about what happened to me and Dad. I have made my submission to the Law Commissions review of adult decision making law and now my submission to the HDC.

6 Upload a file

File upload:

No file uploaded

Not Answered

Topic 1: Supporting better and equitable complaint resolution

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

Please add your response below:

Yes you have covered the main issues good luck with them

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

Please add your response below:

I think the suggestions are good and given my experience as written and which you can access my complaint for further information as you wish I think they are timely and had they been in place I might not have had the destructive traumatic experience I have had

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

1.3 changes - supporting better and equitable complaint resolution:

Stop the secrecy and lack of transparency I cannot see how you consider that to be at all helpful, it just reinforces a bureaucratic destructive process

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

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

Please add your response below:

You did and I wish you well with being able to implement this in the current political climate

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

Please add your response below:

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

Please add your response below:

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?

Please add your response below:

yes but I think there could be more about how to make the act work better for those with dementia who require support with decision making

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?

Please add your response below:

good

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

Please add your response below:

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

4.1 Have we covered the main issues about considering options for a right of appeal of HDC decisions?

Please add your response below:

Yes

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

Please add your response below:

They are useful suggestions

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

Please add your response below:

Topic 5: Minor and technical improvements

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

Please add your response below:

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

Please add your response below:

5.3 What are your main concerns about advancing technology and its impact on the rights of people accessing health and disability services?

Please add your response below:

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

Please add your response below:

Publishing and data protection

May we publish your submission?

Yes, you may publish my submission

Please note any part(s) of your submission you do not want published::

Reasons to withhold parts of your submission

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

No

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

I am happy for you to publish any of it if I have named an organisation you can remove that

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

Yes, you can contact me

Would you like to receive updates about the review?

I'd like to receive updates about the review