

Response ID ANON-C5F6-7WQS-6

Submitted to About the Act and Code Review

Submitted on 2024-08-06 19:06:04

Your details

1 What is your name?

Name:

2 What is your email address?

Email:

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

I am submitting on behalf of an organisation/group

4 How did you hear about this consultation?

Select from the following options:

Through my job

If you selected other, please specify below:

Made aware of the review by multiple avenues

Questions for organisations/groups

1 Name of your organisation or group (if applicable)

Organisation:

2 Type of organisation/group (if applicable)

Organisation - type of organisation/group/ropū :

Other (please specify below)

Please feel free to provide any further detail below:

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, the main issues about supporting better and equitable complaint resolution are covered.

A key issue for consumers, practitioners and regulators is a lack of timeliness in HDC processes and central to the effectiveness of HDC is addressing this. Front end speed of resolution is an important priority.

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:

Yes, to broadening the principles for complaint resolution and suggested wording.

Yes, to incorporating tikanga into the code and the concept of mana.

Yes, to setting expectations of cultural responsiveness

Yes, to clarify the role of whānau

Yes, to update language to be gender-inclusive

Yes, to cultural safety and protection against retaliation

Yes, to simplifying Right 10 to make clearer the expectations for provider complaint processes

Yes, strengthen the role of the Advocacy Service to be a better fit in meeting needs of people & communities and supporting HDC

Yes, definitely utilise the wording facilitated resolution

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:

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:

Yes, amend Right 1 (Respect) to read that every consumer has the right to have their mana upheld.

Yes, consider inclusion of statements on Te Āo Māori and use of tikanga

Yes, introduce formal processes requiring HDC to engage with Māori when reviewing the Code and development of Advocacy Service guidelines.

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:

The code needs to be effective and responsive to all consumers Kaitiaki Hauora.

Improving responsiveness may result in health providers delivering more appropriate culturally safe care and improve access to health and health outcomes.

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. A key core of the complaints our organisation receives relate to ACC decisions and funding.

There is a reluctance of consumers to re-engage with ACC.

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:

Hopefully accessing HDC at the right time and empowering them to speak up with support.

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:

Include a requirement that the original decision-maker is not part of the review or that there is peer involvement.

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:

Yes, update these sections of the Act to make them clearer, reflect a context where we are updating an existing Code rather than developing a new Code, and better align the requirements of reviews of the Act and the Code.

Yes, Increase the maximum fine to \$10,000

Yes, enable the Director of Proceedings to require any person to provide information, up until the Director decides to issue proceedings.

Yes, to the phrase 'the complainant (if any) or the aggrieved person(s) if not the complainant'.

Yes, allow for substituted service

Yes, provision to withhold information where appropriate

Caution - further work (on wording) needs to be done on (g) expanding the requirement for written consent for sedation that is equivalent to anaesthetic.

Caution - further work (on wording) needs to be done on (h) that written consent is required when there is a significant risk of serious adverse effects

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:

For Health providers adoption of an organisational AI charter approved at governance level and aligned to Ministry of Health expectations and policy.

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, but please remove my name/my organisation

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: :

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