

# Submission for Ko te arotake I te Ture me te Tikanga Mōtika | Health and Disability Commission Review of the Act and the Code 2024.

Te Roopu Taurima is a kaupapa Māori service provider, supporting tāngata of all ethnicities with intellectual impairments throughout Te Tai Tokerau, Tāmaki Makaurau, Waikato and Ōtago regions.

With a 25-year history of supporting tāngata whaikaha, Te Roopu Taurima is committed to the Health and Disability Commission (HDC) work and mandate. We tautoko the continuous improvement of the Code and the Act to ensure the rights of people accessing health and disability services remain current and are protected.

We would like to acknowledge all who contributed to this submission including tāngata whaikaha, whānau and kaimahi. Additionally, we want to make special mention of kaimahi who gave voice to tāngata whaikaha, enabling them to contribute to this submission.

Following is a submission from Te Roopu Taurima for Ko te arotake I te Ture me te Tikanga Mōtika, the Health and Disability Commission Review of the Act and the Code 2024.

## Supporting better and equitable complaint resolution.

Te Roopu Taurima agrees with the suggestions provided in the consultation documents to support better and equitable complaint resolution.

We are encouraged by and fully support HDC's commitment to recognise the rights of Māori as tāngata whenua. Including the importance of acknowledging the right of Māori to bring te ao Māori to health and disability services and the incorporation of the concept of mana into the purpose statement. We are highly supportive of the work that has been undertaken already to introduce tikanga into HDC's mahi, including Hui ā-whānau and houho te rongo. We encourage HDC to appropriately resource these initiatives to ensure their success within HDC, and also to influence the use of and engagement with this mahi by providers.

Te Roopu Taurima is concerned that in making Right 10 too prescriptive it may constrain the ability to use tikanga to support resolution of complaints.

Te Roopu Taurima and tāngata whaikaha agree with the proposal to implement a protection and retaliation clause and also the proposed requirement to promote this right to people raising complaints. Tāngata whaikaha identified that HDC should make available resources on unconscious bias as a way to support this work, Te Roopu Taurima tautoko this also.

Te Roopu Taurima would like to see specific requirements for accountability of HDC when undertaking an investigation into a complaint, including timeframes for each stage of the process. Some complaints investigated by HDC take a long time to reach completion. We acknowledge that some complaints require time to investigate, but many are seemingly held up by HDC's own resourcing challenges. This often means that the outcomes can be less meaningful or relevant for parties involved, and can prolong the associated stress on people with a complaint and providers being investigated. Additionally, long delays can mean an investigation is less reliable, as access to information can be difficult, or for some people it may be lost, this includes tāngata whaikaha whose memory recall may be impaired.

We would like to see a complaint pathway which aligns with other legislation such as Ngā Paerewa (Health and Disability Services Standard) and Te Tāhū Houora (Health Quality and Safety Commission) and we request that where possible HDC ensure that all recommendations of the Abuse in Care enquiry are accommodated for in this review.

## Making the Act and the Code more effective for, and responsive to the needs of Māori.

Te Roopu Taurima agrees with the suggestions provided in the consultation documents to make the Act and the Code more effective for, and responsive to the needs of Māori. We unequivocally support the inclusion of Te Tiriti o Waitangi into the Act. For the inclusion of Te Tiriti o Waitangi to be meaningful and ensure equitable outcomes for Māori, there needs to be resourcing of operations to improve the cultural capability of HDC, and ensure Māori access to HDC support. We fully support the appointment of a Deputy Health and Disability Commissioner Māori to give this practical effect.

We have concerns about the interpretation which HDC has given to the Te Tiriti o Waitangi in the 'Words we use in this document' section of the consultation documents. We believe the explanation statement "te Tiriti | the Treaty gave the British Crown the right to govern Aotearoa New Zealand and to represent all New Zealanders' interests, including Māori" is incorrect and should be revised to better reflect the two versions of the treaty documents and differences that are well understood between these. HDC should be more specific as which treaty document HDC is referring to i.e. The Treaty of Waitangi or Te Tiriti o Waitangi.

## Making the Act and the Code work better for tāngata whaikaha (disabled people).

Te Roopu Taurima agrees with the suggestions in the consultation documents to make the Act and the Code work better for tāngata whaikaha.

Te Roopu Taurima has experienced HDC to be more focused on the health aspect of their mandate. We support the suggestions in the consultation document for HDC to strengthen its commitment to its disability mandate and support for tāngata whaikaha.

HDC should develop capability and understanding in the role of disability support providers including providers responsibility to enable and support tāngata whaikaha. We would like to see HDC strengthen its use of the social model of disability and move into a rights-based approach, ensuring alignment to the UNCRPD. We think this is important to remove barriers for tāngata whaikaha accessing HDC services.

## Considering options for a right of appeal of HDC decisions.

Te Roopu Taurima believe that the current provisions for appeal of decisions is adequate, but as outlined above that there is room to improve the complaints resolution process to provide outcomes in a more timely and robust manner.

## Minor and technical improvements.

Tāngata whaikaha advised that HDC should ensure any technological advancements are accessible and tāngata centred. Te Roopu Taurima tautoko this.