

Submitted to About the Act and Code Review
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The first I received about 10 years ago. The complaint was made by the daughter of an elderly woman with dementia that I had been asked to see when covering for a colleague who was away. I received the complaint a year after the alleged breach of the code, delivered by a courier knocking on my door at 7am! There had been no attempt by the complainant nor the HDC to arrange a meeting to discuss her concerns. A quick google of the complainant

revealed about 30,000 references to her on google. She was a serial litigant. After a lot of stress, anger and 10 drafts of my response to the HDC, meetings with a lawyer, the complaint was dismissed. It took 12 months from the time I received the complaint to have it resolved. It seemed to me that there was no attempt by the HDC to assess the credibility of the complainant. Seem to me that the power is all with the complainant and that the subject of the complaint, i.e. me, had to prove beyond reasonable doubt my treatment provided on the day in question was of an acceptable standard. If this has been a court of law I would have had a chance to defend myself and the credibility of the complainant would have been challenged as well. In retrospect I learnt a lot from the experience But it was stressful at the time and seemed very unjust.

I work in age residential care as well as general practice and I know that a lot of my colleagues refuse to work in age residential care because of the complexity of the cases of complaint. The second complaint I received two or three years ago, this time from the wife of an elderly man with multiple medical problems, whom I was looking after in Resthome I primarily look after. The complaint I felt it was extremely unfair. The wife was a very bitter and angry woman who had become estranged from her children. I had in fact handed over the care of this man to a colleague of mine because of conflict with the wife who had been extremely critical of my care in the care of the staff at the Resthome, which I felt was unjustified. I can see that a complaint was probably coming. I tried to arrange a meeting with the wife and others involved in his care to try and resolve complaints before they were escalated to the Hdc. She refused to meet. I felt that her complaints could have and should have been resolved with the help of a mediator.

Again it took at least 12 months for the complaint to be heard and resolved. It was dismissed.

A Colleague of mine who I work with, who is also involved in aged residential care work, is still waiting for the outcome of a complaint that was lodged about her two years ago. She is an extremely hard-working competent doctor and in my view the complaint was unjustified and again should have been resolved with the help of a mediator. Once again, the complainant, the daughter of the patient concerned, was by all accounts a vindictive irrational complainant.

So in summary my experience of the Hdc complaints process is that it takes far too long for complaints to be resolved and, at least in the cases that I have been involved with, could have and should have been resolved with the help of a mediator.

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File upload:

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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:

Currently in my experience the Hdc is failing in all of its intentions of providing

1. a fair (the process is currently unfair in its treatment of doctors),
2. Simple (It is clearly not simple and I suspect that many of the cases could have been resolved at a lower level active advocates/mediators)
3. speedy and efficient . FAIL. And the cases that have been involved with and has taken at least 12 months to resolve the cases, both of which were unjustified I was cleared of breaching the code.

Whilst I accept that people should have a right to complain doctors deserve the right to fair presentation and the complainant's should be assessed on their credibility.

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 have said I think that probably 90% of cases could be resolved with better use of more highly trained advocates/mediators.

In both cases that I have been involved with there was no attempt to try and resolve them by advocacy and mediation. Both Complainants I believe wanted their pound of flesh and if it had been a court of law and the complaints would have been thrown out.

Seems to me that the balance of power is entirely tilted in favour of the complainants.

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:

Anything that achieves faster resolution for both the complainant and the complainer.

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:

I can't comment on this

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:

I can't comment on this, save to ask why the needs of Maori should be given precedence over the needs of Pacifica, Asians and all other races that make up New Zealand

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:

I can't comment on this

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?