



18 July 2024

The Health and Disability Commission
By email review@hdc.org.nz

To whom it may concern

We would like to contribute to the review process that HDC is currently undertaking by sharing a difficult situation that arose at our practice and involved an HDC complaint.

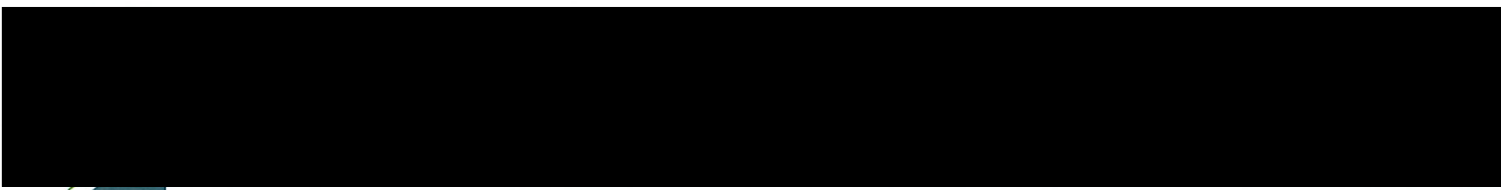
The complaint was initiated by [REDACTED]. Over a period of time, a number of staff had felt intimidated and threatened by [REDACTED]. Incidents that had been documented included:

- yelling and swearing at reception staff from the waiting room;
- making intimidating comments towards a young female doctor during a consultation;
- questioning the qualifications of doctors;
- making belittling comments about healthcare professionals in consultations;
- repeated emails arguing the content of correspondence sent to him; and
- interrupting reception staff to complain about fees and the turnover of doctors while the receptionist was attending to other patients.

His actions resulted in staff feeling very unsafe around him.

Affected staff at our practice advised the manager of their experiences, which resulted in [REDACTED] being sent two warning letters in quick succession regarding his behaviour. The letters requested he treat our staff with courtesy and respect. [REDACTED] then complained to the HDC about the complaints against him. We were advised by your office to arrange a meeting with [REDACTED], including those staff he had interacted with and who had notified management of their experiences. The practice felt the recommendation was most inappropriate, and the affected staff members expressed that they would never feel safe to raise personal safety concerns again if this recommendation was carried through.

A concerning aspect of the complaint process was that the practice was never asked for its view of the issues that were raised by [REDACTED] with the HDC. There appeared to be no balance of fairness or equity in the process and the HDC seemed to be only taking the side of the complainant with no recourse to the practice and the behaviour that had precipitated the letters to [REDACTED]. It was only after representations had been made by the Practice Manager to the HDC, that it accepted that the view of the practice should have been invited as part of its process.



As a clinic, we are required by the Health and Safety at Work Act to maintain a safe work environment for our staff. We believe the HDC recommendation requiring two young female staff to attend a meeting with [REDACTED] because they had notified management of feeling verbally abused and emotionally intimidated by [REDACTED] was inappropriate. While the aim of facilitating dialogue to resolve felt grievances is commendable, we feel a greater level of discretion is in order, especially when the precipitating events involved individuals feeling unsafe in the presence of the complainant, and the HDC recommendation was made without any attempt to seek their input first.

We recognise that the HDC exists to promote the rights of all people in New Zealand who use health and disability services, including the right to be treated with respect (Right 1), the right to fair treatment (Right 2), and the right to dignity and independence (Right 3). We consider that this is best achieved when the above 3 rights are also extended to those who provide health services. We would suggest that information from the medical or disability provider is routinely sought to provide a balanced perspective rather than relying solely on the comments of a complainant. It would be concerning if the HDC was allowed to become a vehicle for intimidation and manipulation due to a lack of nuance in responding to notifications.

Kind regards

