

Response ID ANON-C5F6-7W2R-6

Submitted to About the Act and Code Review

Submitted on 2024-07-30 11:17:04

Your details

1 What is your name?

Name:

[REDACTED]

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 on behalf of an organisation/group

4 How did you hear about this consultation?

Select from the following options:

Word of mouth

If you selected other, please specify below:

Questions for organisations/groups

1 Name of your organisation or group (if applicable)

Organisation:

Disabilities Resource Centre Trust

2 Type of organisation/group (if applicable)

Organisation - type of organisation/group/ropū :

Health and/or disability services provider (please specify below)

Please feel free to provide any further detail below:

We provide Home Care Services, Community Services - Brain Injury Liaison Officer, COPD Liaison Officer, Post-Polio Liaison Officer, Vocational, Supported Independent Living and Disability Information and Advisory Service.

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:

The issues highlighted surrounding supporting better and equitable complaint resolution are important, this is needed to ensure that complaints are dealt with effectively and fairly.

It is important to empower all New Zealanders to speak up for themselves and raise concerns directly with providers. This can be facilitated with the assistance of advocates who can support individuals in navigating the complaints process. It is also important for HDC to prioritise complaints that require immediate attention and to ensure that te Tiriti principles are implemented.

The initiatives that have been introduced, such as Hui ā-whānau, hohou te rongo, clinical navigators, and surveys, are steps in the right direction towards enhancing the complaints resolution process.

By prioritising the needs of individuals, incorporating cultural responsiveness, and upholding the principles outlined in the Code, HDC can ensure that complaints are resolved in a fair, timely, and efficient manner.

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:

We believe that the proposed suggestions for changes to the Act and the Code to support better and equitable complaint resolution for all New Zealanders are incredibly important and necessary.

a) Amending the purpose statement to include a focus on people-centered practice and upholding mana is crucial in ensuring that complaint resolution is not only fair, simple, speedy, and efficient, but also respectful of the individuals involved and their cultural backgrounds. Recognising and incorporating te

ao Māori concepts such as mana can help to create a more inclusive New Zealand.

b) Cultural responsiveness in the Code is essential to ensure that healthcare providers are respectful and considerate of the diverse cultural backgrounds and needs of their clients. Acknowledging the rights of Māori and other marginalised groups to bring their worldviews to healthcare services, we can help to create a more inclusive and understanding healthcare environment.

c) Clarifying the role of whānau in the consumer-provider relationship is also critical in promoting autonomy and support for individuals. Recognising the interdependence people often have with whānau and support networks and ensuring that whānau are involved in the complaint resolution process, is important in providing comprehensive and respectful care.

d) Ensuring gender-inclusive language in the Code is a simple but important change that can help to create a more inclusive and welcoming environment for all individuals.

e) Protecting against retaliation in complaints processes is essential in ensuring that individuals feel safe and empowered to voice their concerns and complaints. Including a non-retaliation clause can help to create a culture of transparency and accountability within healthcare services.

f) Clarifying provider complaints processes and strengthening the Advocacy Service are both important steps in ensuring that individuals have the support they need to navigate the complaint resolution process fairly.

g) Strengthening the Advocacy Service to better meet the needs of people and communities and enhance collaboration with HDC is a valuable opportunity to improve support for individuals who are navigating the complaint resolution process.

h) Improving the language of complaint pathways in the Act is important in creating a more empowering and reflective process for individuals. Changing terms such as 'no further action' to 'no investigative action' and 'mediation conference' to 'facilitated resolution' can help to encourage resolution and support a more respectful and inclusive complaint resolution process.

i) Ensuring that there is clarification if family/whanau members are paid carers.

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:

Ensuring that the complaints are promptly sent to providers and that at times, it could be considered that a phone call to the provider to speed up some of the processes.

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:

There is a lack of engagement with HDC and the Advocacy Service, as well as a lack of promotion reaching Māori communities. Complaint processes and interpretation of rights often do not reflect te ao Māori values and tikanga, and the Treaty is largely absent from the Act and the Code.

The creation of a Director Māori role in leadership, along with a small team, is a step in the right direction to address these issues. Promotion of HDC and the Advocacy Service to reach Māori communities is important. This move will make HDC more responsive to the needs of Māori, help providers to be more responsive, and raise awareness in Māori communities.

It is crucial to involve Māori communities in the decision-making process and ensure that their voices are heard. This may involve implementing culturally appropriate complaint processes and rights interpretation that align with te ao Māori values and tikanga. Additionally, incorporating the principles of te Tiriti into the Act and the Code will help to honour obligations and lead to better outcomes for Māori using health and disability services.

Further training amongst service providers about the process would also assist in this process.

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:

Implementing these steps would help to ensure that Māori are benefiting equitably from the Act and the Code, and that their rights and values are respected within the healthcare system. By involving Māori communities in decision-making processes and incorporating te ao Māori values and tikanga, the Act and the Code can better serve the needs of all individuals. It is important for HDC to continue to work towards greater inclusivity and responsiveness to ensure that all New Zealanders can access quality healthcare services.

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:

Developing stronger partnerships with Māori organisations and communities to ensure that their voices and perspectives are included in the development and implementation of the Act and the Code.

Roll out cultural competency training for organisations to ensure they are equipped to effectively engage with Māori businesses and communities.

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:

Some possible suggestions for improving the Act and the Code to better support tāngata whaikaha could include:

a) Monitor and evaluate the implementation of the revised Code of Rights to assess its impact on Māori health outcomes and experiences and make

adjustments as needed based on feedback from Māori communities.

b) Enhancing the resources and information available to tāngata whaikaha to ensure they are accessible, modern, and culturally appropriate.

c) Consult with Māori health providers, practitioners, and organisations to gain insight into their unique perspectives on health and disability rights.

Overall, it is important to involve tāngata whaikaha | disabled people in the process of reviewing and updating the Act and the Code to ensure that their perspectives and needs are considered.

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:

The updates to disability definitions is important. Using modern, strengths-based language shifts the focus from limitations to empowerment, aligning with the Convention on the Rights of Persons with Disabilities (CRPD). It's important to remove barriers to participation and emphasise accessibility in the Code to ensure services are inclusive for tāngata whaikaha.

Recognising supported decision-making as a right strengthens the autonomy of disabled individuals. By clarifying decision-making capacity and ensuring access to support, we empower tāngata whaikaha to fully exercise their rights, in line with modern human rights standards that prioritise dignity and respect.

Regarding HDC's recommendations on unconsented research, while easing restrictions for low-risk research can lead to progress, strong safeguards are essential to protect our vulnerable community. It's important to include individuals with lived experience of disability in ethics committees to ensure the concerns of tāngata whaikaha shape research practices.

The suggested changes could greatly improve disability services. Revising the Act and Code to reflect the voices of tāngata whaikaha will lead to better services and a society that respects the rights of individuals with disabilities. We look forward to positive developments that enhance the lives of disabled people in our communities.

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:

Legislative changes:

a) Legislative Review Process: Establish a regular review process to assess the effectiveness and relevance of the Act and Code, incorporating feedback from tāngata whaikaha communities.

Non-Legislative Changes:

a) Community Engagement: Foster ongoing engagement with disabled communities in policy development and evaluation processes, ensuring their voices and lived experiences are heard and prioritised.

b) Training: Invest in training programs for government officials, public servants, and organizations on disability awareness, rights, and provisions in the Act and Code.

c) Awareness Campaigns: Implement public awareness campaigns to educate all New Zealanders on disabilities, reduce stigma, and promote inclusion of tāngata whaikaha in all aspects of life.

d) Cross-Sector Collaboration: Foster partnerships between government agencies, non-profit organisations, and the private sector to share best practices and resources aimed at improving the lives of disabled people.

By implementing a combination of these legislative and non-legislative measures, the Act and the Code can better serve the needs of tāngata whaikaha, fostering a more inclusive and supportive environment.

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:

We support the idea of balancing the right to appeal with considerations of efficiency and expertise, by developing a streamlined appeals process that to the existing HDC framework while offering individuals recourse. Strengthening these pathways is essential for fostering trust in the system and ensuring that all parties feel adequately heard throughout the complaint process.

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:

These suggestions have the potential to enhance transparency and accountability within the HDC process, while ensuring that complainants can access a fair review without substantial barriers.

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:

We think the opportunity for review needs to be provided for both parties. If you are considering this option, then it would need to be in place for individuals as well as Providers.

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:

N/A

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

Please add your response below:

N/A

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:

There does need to be referencing around Health IT and how this will impact on service delivery for individuals. Consideration of AI and how this will impact the management of HDC.

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

Please add your response below:

N/A

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: :

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, I'd like to receive updates from the HDC about this and other mahi