

Submitted to About the Act and Code Review
Submitted on 2024-07-31 16:34:16

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 as an individual

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 individuals

[Redacted]

[Redacted]

[Redacted]

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Share ‘one big thing’ or upload a file

5 Are you here to tell us your ‘one big thing’?

Your one big thing::

DECISIONS MADE BY THE HDC MUST BE SUBJECT TO AN APPEALS PROCESS WHICH TERMINATES AT NEW ZEALAND'S SUPREME COURT.

THE FOLLOWING DATA SHOULD ALSO BE MADE PUBLICLY AVAILABLE ON A MONTHLY OR QUARTERLY BASIS:

- 1. TOTAL NUMBER OF COMPLAINTS MADE
- 2. TOTAL NUMBER OF HDC DECISIONS MADE
- 3. STATISTICAL DISTRIBUTION OF WAIT TIMES FOR HDC DECISIONS

4. TOTAL NUMBER OF APPEALS MADE AGAINST THE HDC

5. TOTAL NUMBER OF APPEALS WON AGAINST THE HDC

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Dear HDC management,

Thank you for providing this opportunity for feedback. I believe healthcare justice is the most important kind of justice - and that healthcare malpractice is the most egregious kind of malpractice. This is because health - whether physical or psychological - is the single most consequential aspect of individual wellbeing. It's therefore inconceivable that official decisions regarding healthcare injustice and malpractice are not subject to an appeals process terminating at the Supreme Court of New Zealand.

For example, if a District Court throws out a case of car vandalism, the prosecutor may nonetheless appeal this decision at a High Court or Court of Appeal. If the decision is upheld, the prosecutor may still escalate their case to the Supreme Court of New Zealand. Of course, the Supreme Court is at liberty to also throw their case out - but, nonetheless, the victim of car vandalism has recourse to the highest court in the land.

WHY IS IT THAT A VICTIM OF CAR VANDALISM HAS RECOURSE TO AN APPEALS PROCESS TERMINATING AT THE HIGHEST COURT IN THE LAND, WHEREAS A VICTIM OF EGREGIOUS MEDICAL MALPRACTICE IS SUBJECT TO THE WHIMS OF THE HDC?

The HDC may object that its decisions are not whimsical, however without an appeals process terminating with a higher authority, there is no solid basis on which this claim can stand - for without hard data regarding judicial recourse, how can citizens have confidence in the competence of the HDC? Only if "consumers" have recourse to an appeal process for which the vast majority of appeals are either thrown out or lost, is it possible for citizens to be confident that the HDC is making competent decisions. It's therefore vital that such an appeal process be accessible and transparent, and that its resulting data be publicly available in raw and digestible forms.

In particular, the following data is extremely important: total number of complaints, total number of HDC decisions, statistical distribution of wait times for HDC decisions, total number of appeals against the HDC, total number of appeals won against the HDC. This data should be made publicly available and released on a monthly or quarterly basis.

1. TOTAL NUMBER OF COMPLAINTS

The total number of complaints is important because it is the key factor determining the amount of funding required by the HDC. The HDC is not a retail outlet - it cannot compensate for a lack of resources by setting unrealistic "targets" which compromise the decision making process!

2. TOTAL NUMBER OF HDC DECISIONS MADE

Of course, if the number of decisions made by the HDC doesn't match the total number of complaints, then the HDC is accumulating a backlog - which is a cause for concern.

3. STATISTICAL DISTRIBUTION OF WAIT TIMES FOR HDC DECISIONS

It's not enough to know the median or average wait time. It's critical that "customers" are confident that their case will be processed within a certain period of time. If even one single "customer" has to wait beyond some reasonable period of time, then that's indicative of a problem with the operations of the HDC. If two "customers" have to wait beyond some reasonable period of time, then a problem is very likely. If three "customers" have to, then a problem with HDC operations becomes virtually indisputable.

4. TOTAL NUMBER OF APPEALS MADE AGAINST THE HDC

Even if the vast majority of appeals against the HDC are lost or thrown out, a large number of appeals would nonetheless be indicative of poor, frivolous, or vexatious communication by the HDC - causing frustration, anger, and/or confusion amongst its "customers". If the HDC is going to treat citizens as "customers" then it may also wish to also consider that "the customer is always right". Of course, a customer can take a retail store to court and lose - but this is nonetheless indicative of a breakdown in customer service.

5. TOTAL NUMBER OF APPEALS WON AGAINST THE HDC

Of course, this is by far and away the most important metric for establishing confidence in HDC decision making. A single appeal won against the HDC in a New Zealand court of law establishes that the operations of the HDC are faulty in some major way and need to be fixed - either by changing systems, replacing management, or increasing funding (or perhaps by doing all three).

IF THE HDC IS CONFIDENT THAT ITS DECISION MAKING IS ACCURATE AND EFFICIENT, THEN IT SHOULD EMBRACE THESE IDEAS !

By opening its decisions to an appeals process which tracks into the official court system, the HDC shows that it's confident that its decisions will be upheld. By providing the aforementioned data and metrics, the HDC shows that it's confident that its decision making is generally accurate and efficient. It's my belief that such a corrective is an inevitability - the only question is whether the HDC decides to voluntarily improve itself from within, or whether it's forced to improve from without. For all parties involved, the former path appears preferable.

I trust that the HDC will make the right decision!

Thank you for reading.

6 Upload a file

File upload:
No file uploaded

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:

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:

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:

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?