



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

Act and Code Review consultation questions | Ngā pātai matapakinga

This document contains all the questions we are asking as part of the Act and Code Review consultation. Aside from the required questions, you can answer as many or as few as you'd like. When completed, please either email it to review@hdc.org.nz or post it to us at PO Box 1791, Auckland, 1140.

Please visit <https://review.hdc.org.nz> to answer these questions online.

Your details (required)

It's important for us to know a bit about you so that we understand whose views are being represented in submissions. It helps us to make sure that any changes we recommend will work well for everyone and have an equitable impact.

1. What is your name?

2. What is your email address?

3. Are you submitting as an individual, or on behalf of an organisation or group?

- I am submitting as an individual
I am submitting on behalf of an organisation or group

4. How did you hear about this consultation? (please select)

- HDC website News media Social media Internet
Through my job Word of mouth Other (please specify below)
- _____



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

Please answer the following questions **if you are submitting as an individual**. If you are submitting on behalf of an organisation or group, please go to page 3.

Which of these services do you engage with the most? (Please select all that apply)

- Health services Disability services Mental Health services
 Addiction services Aged Care Services Kaupapa Māori services
 Other services (please specify) _____

What is your gender?

- Female Male
 Another gender (please specify) _____
 I don't want to answer this question

How old are you?

- Under 15 15 - 17 18 - 24 25 - 34 35 – 49
 50 - 64 65+ I don't want to answer this question

What is your ethnicity? (Please choose all that apply)

- NZ European Māori Samoan Cook Island Māori
 Tongan Niuean Chinese Indian
 I don't know my ethnicity I don't want to state my ethnicity
 Other/s (please state): _____



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

Do you identify as having a disability?

Yes No

If you are submitting on behalf of an organisation or group:

What is the name of your organisation or group? Lived Experience Team,

██████████.

What type of organisation/group is it?

- # Consumer organisation/group (please specify below)
- Iwi/ Māori organisation/group (please specify below)
- Health and/or disability services provider (please specify below)
- Central Government
- Local Government
- University/Academic
- Other (please specify below)

Please feel free to provide any further detail: _The Lived Experience Team for Specialist Mental Health at ██████████

██████████



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

Share 'one big thing'

This survey contains structured questions that ask for your feedback on each chapter in our consultation document. If you would prefer to give us your feedback as a whole, by telling us 'one big thing' – you can do so below.

If this is all you want to provide by way of your submission, that's fine by us. We will consider all the submissions we receive.

What is your 'one big thing'? One big thing is that when it comes to placing a complaint and the consumer requires or wants to see their notes about the incident, getting a copy of the notes from the DHB can take some time. Our understanding of retrieving notes from the DHB can be that it can take up to several months. Consumers have commented that it feels like the longer they take getting the notes, lest like that consumers are going to go forward with their complaints.

Often the complaints must go through the DHB first so it can take an unreasonable amount of time for complaints to work their way through the process, in some cases years.

We think as part of the code process there must be strict times lines in place so that complaints do not drag on for years.



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

Topic 1: Supporting better and equitable complaint resolution

1.1: Did we cover the main issues about **supporting better and equitable complaints resolution**?

Mostly apart from the above.



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

1.2: What do you think of our suggestions for **supporting better and equitable complaints resolution**, and what impacts could they have? The implementation of a Hui – Whanau restorative system offers helpful and healthy outcomes for consumers and their family-whanau. It just requires education to non-Māori consumers on how this could work for them.

The introduction of more advocates that represent all sections of our community would also be helpful. The availability of advocates that support consumers all the way through this process must be affirming. However, we have been told that getting a community advocate can be time consuming, especially when one is wanted for support to go to court for Mental health hearings.

As a consumer advisor I have often been often asked to support someone in court, however this is not in my job description and I am unable to do this.

1.3: What other changes, both legislative and non-legislative, should we consider for **supporting better and equitable complaints resolution**?



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

Topic 2: Making the Act and Code more effective for, and responsive to, the needs of Māori



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

2.1: Did we cover the main issues about **making the Act and the Code more effective for, and responsive to, the needs of, Māori?**

Yes. The development of a Director of Maori role with in the HDC can only strengthen the voice of Maori though these processes.

2.2: What do you think about our suggestions for **making the Act and the Code more effective for, and responsive to, the needs of Māori**, and what impacts could they have?



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

2.3: What other changes, both legislative and non-legislative, should we consider for **making the Act and the Code more effective for, and responsive to, the needs of Māori?**



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

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?

We think so. Aligning the act and code with CRPD provide another level of support for this group of consumers, with the 5 (1) with the right to effective communication, we would hope that time spent with Whaikaha consumers to work towards a form of communication to suit them will give them a say in their daily lives.

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?

The biggest changes will be around effective communication and support for Whaikaha consumers or their whanau that wish to make a complaint to the HDC. One assumes that the HDC will investigate non-verbal ways to communicate with this group of consumers, using appropriately trained interpreters. There needs to be a clear understanding what a “Supported decision-making process” looks like, when we are talking about this group of consumers.



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

3.3: What other changes should we consider (legislative and non-legislative) for **making the Act and the Code work better for tāngata whaikaha | disabled people?**

With the Mental Health Act 1992 currently under review, should we be looking at how some of these process relate to that. For example the parts of the code of rights which are influenced under the MHA. Currently there is little explanation around which rights are influence by the use of the MHA.



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

[Empty rectangular box for content]

Topic 4: Considering options for a right of appeal of HDC decisions

4.1: Did we cover the main issues about **considering options for a right of appeal of HDC decisions**?

[Empty rectangular box for content]



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

4.2: What do you think about our suggestions for **considering options for a right of appeal of HDC decisions**, and what impacts could they have?

4.3: What other **options for a right of appeal of HDC decisions**, both legislative and non-legislative, should we consider?



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

A large, empty rectangular box with a black border, intended for a response to the question below.

Topic 5: Minor and technical improvements

5.1: What do you think about the issues and suggestions for **minor and technical improvements**, and what impacts could they have?



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

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

5.3: What are your main concerns about **advancing technology** in relation to the rights of people accessing health and disability services?



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

[Empty rectangular box for content]

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

[Empty rectangular box for content]

Publishing and data protection



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

This section provides important information about the release of your information. **Please read it carefully.**

You can find more information in the Privacy Policy at hdc.org.nz.

Being open about our evidence and insights is important to us. This means there are several ways that we may share the responses we receive through this consultation. These may include:

- **Publishing all, part or a summary of a response** (including the names of respondents and their organisations)
- Releasing information **when we are required to do so by law** (including under the Official Information Act 1982)

Publishing permission

May we publish your submission? (Required)

- #00 Yes, you may publish any part of my submission
- Yes, but please remove my name/my organisation/group's name
- No, you may not release my submission, unless required to do by law

Please note any parts of your submission you do not want published:

Reasons to withhold parts of your submission



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

HDC is subject to the Official Information Act 1982 (The OIA). This means that when responding to a request made under the OIA, we may be required to disclose information you have provided to us in this consultation.

Please let us know if you think there are any reasons we should not release information you have provided, including personal health information, and in particular:

- which part(s) you think should be withheld, and
- the reason(s) why you think it should be withheld.

We will use this information when preparing our responses to requests for copies of and information on responses to this document under the OIA.

Please note: When preparing OIA responses, we will consider any reasons you have provided here. However, **this does not guarantee that your submission will be withheld**. Valid reasons for withholding official information are specified in the Official Information Act.

Yes, I would like HDC to consider withholding parts of my submission from responses to OIA requests.

I think these parts of my submission should be withheld, for these reasons:

Follow up contact



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

If needed, can we contact you to follow up for more detail on your submission? (required)

- 3 Yes, you can contact me
- No, do not contact me

Further updates

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 HDC about this and other mahi

Thank you

We really appreciate you taking the time to share your thoughts with us. If you have provided your details, we'll keep you updated on progress. If not, feel free to check our consultation website <https://review.hdc.org.nz> for updates or to contact us if you have any questions. We can be reached at review@hdc.org.nz.