



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

14 October 2021

Jayson Chilvers

By email: fyi-request-16771-db22fe38@requests.fyi.org.nz

Tēnā koe Mr Chilvers

Re: Information Request
Our ref: E21HDC01862

Thank you for your email of 16 September 2021 requesting information relating to HDC's processes.

I have considered your request under the Official Information Act 1982 and the Privacy Act 2020. The answers to your questions are below.

- 1. When a complaint is made is further input sought from both parties eg complainant and defendant.*

When a complaint is made, our Complaints Assessment Team reads and reviews the complaint. First we confirm whether our Commissioner can act on the complaint – that is whether it is within HDC's jurisdiction. If the complaint is within our jurisdiction there are a range of actions HDC may take including asking for more information from the complainant, provider(s), and/or third parties. This depends on the particulars of the complaint.

Further information about our complaints process is provided at: <https://www.hdc.org.nz/making-a-complaint/complaint-process/>

- 2. Are both sides of the complaint taken into account?*

We take all information available and provided to our Office into account when making a decision including information from complainants, providers and third parties.

- 3. Is there a timeline for a complaint to be resolved? If so what is that timeline?*

There is no set timeline for complaint processes. How long it takes depends on how complex the complaint is, how long it takes to get relevant information and what we

learn during the assessment process. Usually we make a decision about a complaint within six months.

For some complaints we carry out a formal investigation. This is a longer process which may take about two years. Please refer to our website: <https://www.hdc.org.nz/making-a-complaint/complaint-process/>

4. Is it procedure to maintain contact with the complainant during the complaint process?

Our practice is that we normally update complainants on the progress of the complaint about once every 8 - 10 weeks. Our goal is to keep complainants updated and informed about the status of their complaints. Contact can be more frequent depending on the development of the complaint and whether any information is needed from the complainant.

5. When a complaint is received how is it decided which case officer it is assigned to? And can the complainant request for a change to this case officer?

The decision to assign an assessor is made by managers in the Complaints Assessment Team. The assignment of an assessor is discretionary and can be random but can also depend on various factors such as the staff's workload levels. If there was a conflict of interest between the assessor and parties to the complaint the complaint would be reassigned to another assessor. You may ask for a different assessor and HDC would take your concerns into account, but we note that the decision whether to change an assessor is ultimately up to our Office.

6. Who has final say on whether resolution is achieved or not achieved?

The term "resolution" is not used by HDC. Complaints are open or closed. The decision to close a complaint is made by the decision maker on behalf of the Commissioner or by the Commissioner.

7. Is it standard procedure to inform the complainant of the complaint being received and how the complaints process works?

Yes, we acknowledge receipt of a complaint to the complainant. Our process is outlined on our website: <https://www.hdc.org.nz/making-a-complaint/complaint-process/>

8. How are complainants kept informed of the progress of their complaint?

We provide updates by the preferred method of communication. This may be by emails, phone calls and/ or letters.

9. What is the average length of time before a complaint is resolved?

The average time to closure for complaints closed in the 2020/21 year was 4.6 months.

10. What is the expected length of time for resolution to be achieved?

As noted above, we do not use the term “resolution”. Please see our response to the previous question.

11. What happens if resolution isn't achieved?

As noted above HDC does not use the term “resolution”. HDC makes a decision based on all the information available and as stated above at question 1, there are a range of options HDC may take. If the complainant is not satisfied with our decision, they may ask us to review our decision and/or make a complaint with the Office of the Ombudsman.

12. How many complaints have been made to the Ombudsman about your Organisation in the past 5 years about this process have been made and how many were upheld?

I would appreciate if you can please clarify your question. Particularly:

- Are you asking about the number of complaints HDC has received from the Ombudsman or the number of complaints the Ombudsman has received about HDC? If the latter, you will need to contact the Ombudsman directly about this query.
- Please also clarify what ‘process’ are you referring to?

13. How much weight does the feelings of the complainant get given?

When making a decision all relevant information is taken into account, which may include the feelings of the complainant. However, this is considered with other evidence and information available from all parties. It is not possible to quantify the importance of any one factor in advance of a decision.

14. What information is sought from the defendant and does the complainant have access to it? Other than through the Privacy act?

I understand that by “defendant” you mean “provider”. The information sought from providers depends on the nature of the complaint. In the first instance we may simply request information or a response to the complaint. We can request providers send this Office a broad range of evidence such as a copy of their clinical records. We can also pose specific questions for response. We typically advise providers that their responses will be shared with consumers.

15. When a party contacts your Auckland office for an update what is the average and most length of time before a case officer contacts them back? And can it be any case officer?

We do not hold figures on the average or longest length of time to respond to a request for an update. A response would usually be provided by the assessor or investigator involved in the complaint in a timely manner. Accordingly, I refuse this aspect of your request pursuant to section 18(e) of the Official Information Act, as the document alleged to contain the information requested does not exist.

Please note that our Auckland office is currently closed and staff are working remotely and not available by phone.

You may seek a review of this decision from the Office of the Ombudsman.

Nāku iti noa, nā

Nath Lostitmonton
Legal Advisor