



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

18 January 2024

By email: fyi-request-25027-959ecb4a@requests.fyi.org.nz

Tēnā koe

Re: Information request
Our ref: E23HDC01620/ARED

Thank you for your request, through FYI.org.nz, of 5 December 2023 for “all documents, manual, processes, policies, instructions, guidelines, templates and any other information, as to the handling of complaints [involving offences under ss 7-9 of the Health Practitioners Competence Assurance Act 2003 (HPCAA)] by the HDC. If the HDC refers such complaints to another body, then the name of the legislative authority who is required to investigate and hold to account persons who commit offences under sections 7-9 of the Health Practitioners Competence Assurance Act 2003.”

We have considered your request under the Official Information Act 1982. Please find **below** the information requested.

HDC does not have any set manuals, policies or guidelines regarding the handling of complaints involving offences under sections 7 to 9 of the HPCAA. I have outlined our usual process for handling these complaints below.

Manatū Hauora Ministry of Health (MOH) is the authority which administers the HPCAA. If HDC identifies that there is reason to refer a complaint about a provider’s qualifications to practice to the MOH, we usually do so under section 59(4) of the Health and Disability Commissioner Act 1994 (the Act) or, where appropriate, section 34(1)(c) of the Act. We may also refer these complaints to the provider’s regulatory body pursuant to sections 59(4) or 34(1)(a) of the Act.

HDC may continue our usual assessment process following a referral under the above provisions. The decision to do so is made on a case-by-case basis. For example, the complaint may raise other standard of care issues, or we might be asked by the MOH or regulatory authority to pause our assessment in order to allow them to follow their processes first. When HDC does continue to assess the matter, it is open to HDC to investigate the complaint or, if the concerns appear to have been resolved, close the complaint with no further action.

Further information about HDC's referrals under sections 34(1)(a), 34(1)(c) and 59(4) of the Act can be found in our Standard Operating Procedure, which I understand you have a copy of.

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

Nāku iti noa, nā

Caroline Taylor
Legal Advisor