



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

18 November 2024

Rodney Parsons

By email: fyi-request-28989-a7f00433@requests.fyi.org.nz

Tēnā koe Mr Parsons

Re: Information request
Our ref: E24HDC01460/SHO

Thank you for your email (sent via fyi.org.nz) of 30 October 2024 requesting:

“HDC has a system that publishes reports from now over 3000 cases. In those cases are outlined thousands of findings and recommendations.

What system does HDC use to track the findings and recommendations, induce lookback within systems where recurrent issues arise and assess whether recommendations have been effectively implemented?

Provide examples of where HDC has done this, what steps the HDC have taken when recommendations were not implemented and how HDC addresses when multiple issues arise across multiple parts of the health sector- for instance emergency departments.”

We have considered your request under the Official Information Act 1982.

HDC has a recommendations analyst for tracking recommendations and recording the response in our database. Once a response to a recommendation is received, it is reviewed by our team to ensure that the actions taken have met the recommendations. As noted in our Annual Report for 2023/24 [https://www.hdc.org.nz/media/snsao2k2/hdc annual report 2024.pdf](https://www.hdc.org.nz/media/snsao2k2/hdc_annual_report_2024.pdf) page 20 we made 843 recommendations in the year to 30 June 2024 (with a 96% compliance rate).

If a response to the recommendations is not received by the due date these are followed up with the provider by HDC. If a response received is considered inadequate, HDC is also able to request further information from the provider.

In situations where a provider has not complied with a recommendation, there are a number of steps that HDC can take. The Commissioner may at any time, if she considers that it is necessary or desirable in the public interest, refer a matter to any person or authority. The Commissioner may also bring any wider issues occurring

across the sector which the Commissioner has become aware of, to the attention of any appropriate authority. For example, in the context of recommendations: if the Commissioner, or her delegates, consider that a provider's non-compliance with recommendations pose a risk to public health or safety, HDC can refer that matter to an appropriate authority (such as an individual provider's regulatory authority). This power is also used to bring any wider issues occurring across the sector which the Commissioner has become aware of, to the attention of any appropriate authority.

Similarly, if, after a reasonable time after the recommendation is made, no action is taken which the Commissioner considers to be adequate and appropriate, the Commissioner may report this information to the Minister if she sees fit.

Generally speaking, the Commissioner may also refer a complaint, in whole or in part, to an appropriate authority if it appears from the complaint that the competence of a health practitioner or his or her fitness to practise or the appropriateness of his or her conduct may be in doubt. A practitioner's competency might come into doubt if the Commissioner receives multiple complaints about care received about a provider which are of a similar nature. If a practitioner is not cooperative with the HDC's process and has an inappropriate response to complaints made about them, this may also raise concerns around their conduct.

The Commissioner may also decide that it is necessary, in the public interest, to warn the public that a provider is unwilling to remedy deficiencies in their practice. See pages 32-34 of HDC's Naming Policy for more information: <https://www.hdc.org.nz/media/0a1ki1sr/policy-for-naming-providers-in-public-hdc-reports-2023-06-19.pdf>

HDC closely monitors the trends across complaints and escalates systemic and public safety issues to those agencies that can address the issue (such as Health NZ, the Ministry of Disabled People and the Ministry of Health). In these cases, HDC will monitor the action taken by the agency. More information about HDC's system monitoring work can be found in our annual report - https://www.hdc.org.nz/media/snsao2k2/hdc_annual_report_2024.pdf

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

Nāku iti noa, nā

Dr Craig Goodwillie
OIA Team Leader