

29 November 2024

Ms Lauren Doocy

By email: fyi-request-29029-7332f891@requests.fyi.org.nz

Tēnā koe Ms Doocy

Re: Information request
Our ref: E24HDC01474/NRO

Thank you for your email of 2 November 2024 requesting information relating to HDC's processes and policies and information about how complaints can be made against HDC.

We have considered your request under the Official Information Act 1982 and the Privacy Act 2020. Please find **below the questions you have asked and our response.**

Please outline the process that HDC will follow to ensure that an independent review of the [situation](#) is undertaken and consideration is made as to whether HDC breached the HDC Code of Rights.

Unfortunately, due to an administrative error by a receiving staff member, an email was misfiled. This email should have been forwarded directly to the Medical Council of New Zealand (MCNZ) who are best placed to consider concerns about a doctor's conduct. This email has now been sent to MCNZ.

Please be assured that since the time of Ms Madison's complaint, HDC has introduced key process and systems changes around how messages to our mailbox are received and triaged and we are confident this has significantly reduced the likelihood of this kind of error occurring now and in the future.

HDC has undertaken an audit of our emails from this time frame to ensure that no other emails were similarly missed.

The Code of Health and Disability Services Consumer's Rights (the Code), establishes the rights of people using health and disability services and places obligations and duties on providers of health and disability services to comply with the Code. HDC's role is to promote and protect people's rights as set out in the Code, including by assessing and resolving complaints about the quality of care provided by health and disability services.

HDC is an independent Crown entity – independent of Government and service provision. It is important to note that HDC is not a provider of health and disability support services and therefore is not subject to the Code.

Outline how often HDC has concerns raised which is subsequently identified through other means, that HDC has breached the consumer's rights.

HDC is not subject to the Code of Rights. Therefore, we refuse this aspect of your request pursuant to section 18(e) of the Official Information Act, as the information requested does not exist. However, the following information may be of use.

HDC has a closed file review process where complainants/providers can raise procedural concerns about HDC's assessment of their complaint and/or new information. This review process can result in HDC gathering/receiving further information and re-considering the decision made.

Where other concerns are raised about HDC's processes and actions, these concerns are assessed by HDC and, where needed, changes are made to our processes. HDC also regularly conducts complainant and provider experience surveys to assist us to improve our complaints process. These surveys are shared with the Commissioner and the Executive Leadership Team, and are fed into our quality improvement work.

Individuals can also raise concerns with the Office of the Ombudsman who can look into complaints about HDC where they deem it appropriate.

Identify the process undertaken by HDC to determine which of these cases is made public in its online decisions.

We have interpreted this part of your question as relating to cases in which HDC has been found in breach of consumer's rights. As noted in our answer to the question above, HDC is not subject to the Code of Rights. Therefore, we refuse this aspect of your request pursuant to section 18(e) of the Official Information Act, as the information requested does not exist. I hope that you find the following information of assistance.

Under section 14(1)(d) of the HDC Act, a function of HDC is to make public statements and publish reports in relation to matters affecting the rights of health consumers or disability consumers. The purpose of this is educative – to promote people's understanding of the Code. HDC therefore publishes investigation reports on our website where we have found a provider in breach of the Code.

HDC does not generally publicise decisions where we have not found a provider in breach of the Code unless we consider there would be significant educative value in making the decision public.

Outline the HDC's claims processes and how it reimburses people who have raised concerns that it does not appropriately investigate, but then through utilisation of its own funding, identify that a breach has indeed occurred, or some other important matter was raised.

HDC does not have the power to compensate or reimburse people, therefore, we refuse this aspect of your request pursuant to section 18(e) of the Official Information Act, as the information requested does not exist.

Determine what international standards or external audit bodies review HDC's approach and provide a copy of these. Release all relevant internal audit reports from the past five years.

HDC is audited each year by Audit NZ and their reports can be found in our Annual Reports on our website [here](#).

People have the right to complain to the Ombudsman if they are unhappy with HDC decisions or processes.

Lastly, HDC has now moved away from directly answering its phones and is very restrictive in terms of consumer and provider contact. Often HDC responses do not include identifiable details from HDC workers. Provide the SOPs that underlie this approach, any advice HDC has received as to whether this approach is lawful, and HDC's assessment of the impact on consumers, providers and its own workers.

HDC does not have a policy, SOP or legal advice about identifying HDC staff in telephone calls or in correspondence. Therefore, we refuse this aspect of your request pursuant to section 18(e) of the Official Information Act, as the information requested does not exist. I hope that you find the following information of assistance.

Where a complaint is under assessment by HDC, emails will generally be sent from an individual staff member's mailbox and include identifying details. However, HDC has recently streamlined our early resolution process (e.g. where we are referring a complaint to a provider or to the Advocacy Service) to make this process faster and free up staff time to work on older complaints. This includes emails being sent from a generic mailbox, but with the sender's details contained in the sign-off in the email. HDC also has a main mailbox where new complaints as well as other correspondence is received. From time to time, HDC staff will respond to enquiries directly out of this generic mailbox, but with their details included in the sign-off in the email.

People can access HDC via our website, via email and by phone on our National Freephone. Information about how to contact HDC is located [here](#).

HDC's 0800 line is staffed by the Advocacy Service. The Advocacy Service is contracted by HDC to assist people to resolve their concerns, and advocates are extremely knowledgeable about the Code and people's resolution options. While calls directed

to the 0800 line are answered by the advocacy service, callers have the option of requesting a callback from an HDC staff member - and these calls are returned within 3 working days.

The process outlining how the 0800 line is operated is shown in the appendix to this letter.

HDC closely monitors complainant and provider feedback on changes to our process, including via our experience surveys.

We thank you for your feedback which we will take into consideration.

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

Nāku iti noa, nā

A handwritten signature in black ink, appearing to be 'Jane King', written in a cursive style.

Jane King
Associate Commissioner Legal

Appendix A
HDC's 0800 number

Advocacy Phone Message Process

Advocacy will take **all** calls relating to HDC as agents of HDC:

1. **New complaints:** Advocacy should manage through existing processes – **no** calls about making a complaint should be sent to HDC.
2. **Existing HDC complaints:** Advocacy should gather details from the caller about why they are calling (e.g. whether they are generally looking for an update, or have specific questions or information to share). This should then be emailed along with the caller's name and contact number to hdcresponses@hdc.org.nz, with the HDC complaint number clearly marked in the subject line.
 - a. If the caller does not know their complaint number, the consumer's name should be used instead.
3. **General enquiries:** Enquiries should be managed by Advocacy wherever possible.
 - a. If the enquiry is unable to be answered by Advocacy, caller should be directed to email hdc@hdc.org.nz
4. **Wanting to make a complaint about HDC:** Caller directed to either email hdc@hdc.org.nz (including their complaint number, if applicable), or alternatively go to the Ombudsman. If caller is unable to email, Advocacy is to take their name and contact details and email hdcresponses@hdc.org.nz
5. **Trying to contact HDC staff member:** Advocacy to take a message with name and contact information, and send this through to hdcresponses@hdc.org.nz.

Each call note should be sent through to HDC separately, ideally soon after the call is received.

Advocacy can inform callers that HDC will return this call within 3 working days.