

Health and Disability Commission

The Health and Disability Commission was established in 1994 to implement the recommendations of the Cervical Cancer Inquiry Report.

The role of the commission is to promote and protect the rights of health and disability services consumers and resolve complaints in a fair and speedy way.

In 1996 the Code of Rights was passed setting out 10 rights to respect, fairness, dignity, quality of service, understandable information, information on your condition, services provided, staff names and roles, make your own decisions and change your mind, be accompanied by a support person, if involved in research the same rights to apply, and complaints to be taken seriously. In 2012 the office took over the



LEGAL MATTERS

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role of the Mental Health Commissioner, so all issues relating to services provided to mental health consumers are also now dealt with by the Health and Disability Commission.

The complaint process

If you are unhappy or have questions you should first try to discuss these with the person who provided the service or the

appropriate manager.

You can take a support person with you to any meetings.

Support will also be provided from a free advocate who is independent of the health provider and of the Health and Disability Commission. Phone 0800 555 050 for the advocacy service.

If you make a complaint to the Health and Disability Commission, the commissioner can refer the matter to the advocacy service or back to the health provider to see if it can be resolved.

The commissioner can also refer the matter to other agencies or decide to carry out an investigation.

The process of an investigation involves getting the details of your complaint and referring those to the health provider to get their

response. Independent experts might also be involved to advise the commissioner on any technical issues.

The commissioner will advise you of the outcome of the investigation and may refer the matter to the director of proceedings if a breach of your rights has been found.

Only a small number of complaints are referred to the director.

The director can take a case to the Health Practitioners Disciplinary Tribunal or Human Rights Review Tribunal.

If there is a hearing before one of those tribunals, evidence is given by all relevant witnesses and questions of witnesses can be asked by the tribunal and the parties.

The Health and Disability Commission cannot award compensation, but if a case is taken to the Human Rights Review Tribunal, it has the power to award damages.

There is no appeal from the Health and Disability Commission decision.

The commission can take from six to 18 months to complete an investigation, and any disciplinary process would follow that, so the timeframes can be lengthy for more complicated matters.

You are entitled to be represented during the process, but that is at your own cost.

Column courtesy of Rainey Collins Lawyers, phone 0800 733 484. If you have a legal inquiry email aknowsley@raineycollins.co.nz.