



# Advice from Alan

## Health and Disability Commissioner

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As *Regional News* starts its second decade and I start my third year of columns, this edition also marks the start of a series on various bodies that the public can complain to about issues such as insurance, broadcasts, health treatment, and more. This first column is on the Health and Disability Commissioner.

The Health and Disability Commissioner looks into complaints about breaches of patient rights. A neutral investigation may be launched. The commissioner looks at all the evidence before reaching a conclusion and the complainant and provider can provide information to assist the investigation. Both may also be represented during the process.

An investigator will be assigned to look into the matter and gather information relating to the scope of the investigation. That may be narrower or wider than the complaint made. The investigation may also seek advice from experts in the field, and an advocate may be appointed to assist the parties to reach agreement.

The commissioner will issue a provisional opinion on whether a breach of the

code has taken place. Feedback on the provisional opinion is sought before the report is finalised. The finalised report goes to the complainant and relevant registration bodies. Recommendations might be made on how the provider could improve their processes. The commissioner will follow up to make sure any recommendations made have been actioned, e.g. an apology for the breach.

Investigations can take a long time to be concluded due to complexity and the increasing number of complaints being made, which is putting pressure on the office. Delays can be very upsetting both for complainants and for the providers who receive a complaint.

The most serious breaches may be referred to the Director of Proceedings to see whether disciplinary action should be taken, or the matter lodged with the Human Rights Review Tribunal (HRRT). Unfortunately, the HRRT also has long timeframes, so it can be years before matters are resolved. If the Director of Proceedings does not take a claim to the HRRT, the complainant may take a claim there themselves.