



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

Frequently Asked Questions

What are the Act and the Code?

The Act and Code were established to ensure that people are treated as partners in their care and have help to resolve issues and hold people accountable when this doesn't happen. The Health and Disability Commissioner Act 1994 (the Act) sets out what the Health and Disability Commissioner (HDC) can do, including how complaints can be resolved. The Code of Health and Disability Services Consumers' Rights (the Code) sets out people's rights when using health and disability services. Everyone who uses these services has rights and everyone who provides a service must uphold these rights, whether or not these services are paid for.

Why are they being reviewed?

The Health and Disability Commissioner (HDC) is legally required to regularly review the Act and the Code to make sure the Act and the Code remain fit for purpose, and make recommendations to the Minister of Health.

There have been a lot of changes since the Act and the Code were first introduced, including restructures of the health and disability system, changes to our population and advances in technology. Our expectations have also shifted, including changes to the way we understand and provide support for disability, and an enhanced focus on human rights and upholding Te Tiriti o Waitangi | The Treaty of Waitangi.

We think we can make the Act and the Code better by:

- Helping all New Zealanders to speak up for themselves and raise concerns directly with providers, including with the help of advocates;
- Helping HDC to improve the way it does things to meet the needs of all people and concentrate on complaints that need our attention most;
- Making sure te Tiriti o Waitangi | the Treaty of Waitangi is put into action in practical ways, including considering whether tikanga should be incorporated into the Code and what protections for Māori should be built into the Act; and
- Upholding human rights under the United Nations Convention on the Rights of Persons with Disabilities including setting expectations for the accessibility of services and complaints processes and supporting people to make decisions about their care.

What have we done so far?

Over the past year, we've engaged with a range of people and organisations across the motu, to set the scope of the review and develop our suggestions for change. We've focussed on hearing from Māori and tāngata whaikaha | disabled people about how the Act and the Code can honour and align with Te Tiriti o Waitangi | The Treaty of Waitangi and the United Nations Convention on the Rights of Persons with

Disabilities, as well as hearing from consumers, providers and health and disability sector leaders with diverse backgrounds and experiences.

Who can get involved?

Everyone can have a say in the consultation. We need to hear from as many people as possible, to ensure that any changes we recommend are well thought through and work for everybody.

Why should you get involved?

We want to know what you think could make the Act and the Code better. The consultation is your opportunity to shape the Code of Rights, and the way HDC protects and promotes them.

By having your say, you can help make sure these rights and the HDC meet your needs and the needs of your whānau and community. This will contribute to improved service delivery and responses when things go wrong. Ultimately, this will lead to better health and wellbeing outcomes for everyone.

What does the consultation involve?

We want to know how you think we can make the Act and the Code better. You will be able to answer questions on five topics:

- Supporting better and equitable complaint resolution;
- Making the Act and the Code more effective for, and responsive to the needs of, Māori;
- Making the Act and the Code work better for tāngata whaikaha | disabled people;
- Considering options for a right of appeal of HDC decisions; and
- Minor and technical improvements.

You can answer all or some of the questions by completing the survey on our website at www.review.hdc.org.nz.

Alternatively, you can send us your thoughts by email to review@hdc.org.nz or by post to PO Box 1791, Auckland, 1140. [The](#) closing date for feedback is 5pm, Wednesday 31 July 2024.

How are you engaging with Māori?

This review is looking specifically at how the Act and Code can give practical effect to te Tiriti o Waitangi | the Treaty of Waitangi. It is important that Māori are heard. We've been engaging with Māori from the start of the review, to scope the consultation and shape suggestions for public feedback. This has included wānanga with rangatira on tikanga and workshops with Māori leaders in the health and disability sector.

We've made our consultation document available in, and welcome submissions in te reo Māori. These documents will be screen-readable and available in large print. We're offering multiple avenues for engagement so that whānau, hapū, iwi and

other rōpū can engage in whatever way suits best. We're also offering kanohi ki te kanohi opportunities in four regions and will be making other engagements to suit. We'll be promoting opportunities to engage through a range of channels including our existing networks, Māori media, Māori consumer and provider organisations, and iwi and hapū forums.

All engagement with Māori will be overseen by the Director Māori and his team to help ensure that the integrity of what we hear from Māori is maintained in our analysis and the development of recommendations to the Minister.

This is your chance to shape an Act and Code that work better for you and your whānau. If you want to organise an engagement between your hapū, marae, iwi or rōpū and the review team, please contact us at review@hdc.org.nz or by calling or texting 027 283 2219 or 6448975955 if you're using the NZ Relay Service. Depending on the location and timing, this could be arranged online or in person.

How are you engaging with the Disability Community?

This review is looking specifically at how we align with the Convention on the Rights of Persons with Disabilities. We've been engaging with the disability community to help shape the consultation. This has included workshops with tāngata whaikaha | disabled people, people with lived experience of mental distress and harm from substance use and gambling, and whānau.

The accessibility of our consultation process is a priority. Consultation material is available in accessible formats and we are working with Disabled People's Organisations to ensure broad reach and effective engagement. We will be offering face to face opportunities in four regions and will be making other arrangements to suit.

If you want to organise an engagement between your community and the review team, please contact us at review@hdc.org.nz or by calling or texting 027 283 2219 or 6448975955 if you're using the NZ Relay Service. Depending on the location and timing, this could be arranged online or in person.

I'm not Māori or disabled, how are you engaging with me?

This consultation is for everyone. One of the key things we want feedback on is how the Act and Code could work equitably for all people, including better supporting providers to uphold people's rights and respond to people's needs. We've engaged with consumers, providers and health and disability sector leaders from diverse backgrounds and experiences to help shape the consultation. We really want to hear from all communities to make sure the Act and Code work for everyone.

We provide multiple ways for people to engage with the consultation, so you can choose whichever suits you. These can be found at review.hdc.org.nz.

If you want to organise an engagement between your community and the review team, please contact us at review@hdc.org.nz or by calling or texting 027 283 2219 or 6448975955 if you're using the NZ Relay Service. Depending on the location and timing, this could be arranged online or in person.

What happens next?

Your thoughts will help us write a report to the Minister of Health recommending changes to the Act and the Code. Under our Act, the Minister of Health must present a copy of the report to Parliament within 12 working days of receiving it. It's then up to the Minister of Health and the Government to decide if they want to progress our recommendations.

While the consultation is focused on changes to the Act and the Code, your feedback will also help us improve the way we do things at HDC.

Need to know more?

You can learn more about the consultation and upcoming events on our website www.review.hdc.org.nz. If you have any questions or want to arrange a meeting with the review team, you can:

- Email review@hdc.org.nz.
- Call or text 027 283 2219 or 6448975955 if you're using the New Zealand Relay Service www.nzrelay.co.nz.
- Freephone 0800 11 22 33, available Monday to Friday 8:30am-6pm, to arrange for the review team to call you back.

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