



Health and Disability Commissioner  
*Te Toihau Hauora, Hauātanga*

# Storm Proof your Practice

Presentation to New Zealand Women in Medicine Conference  
May 2022



# Overview



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- Common issues in complaints
- The value of early resolution
- HDC's complaints process



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# Purpose of HDC

“To promote and protect the rights of ... consumers and, to that end, to facilitate the fair, simple, speedy, and efficient resolution of complaints”

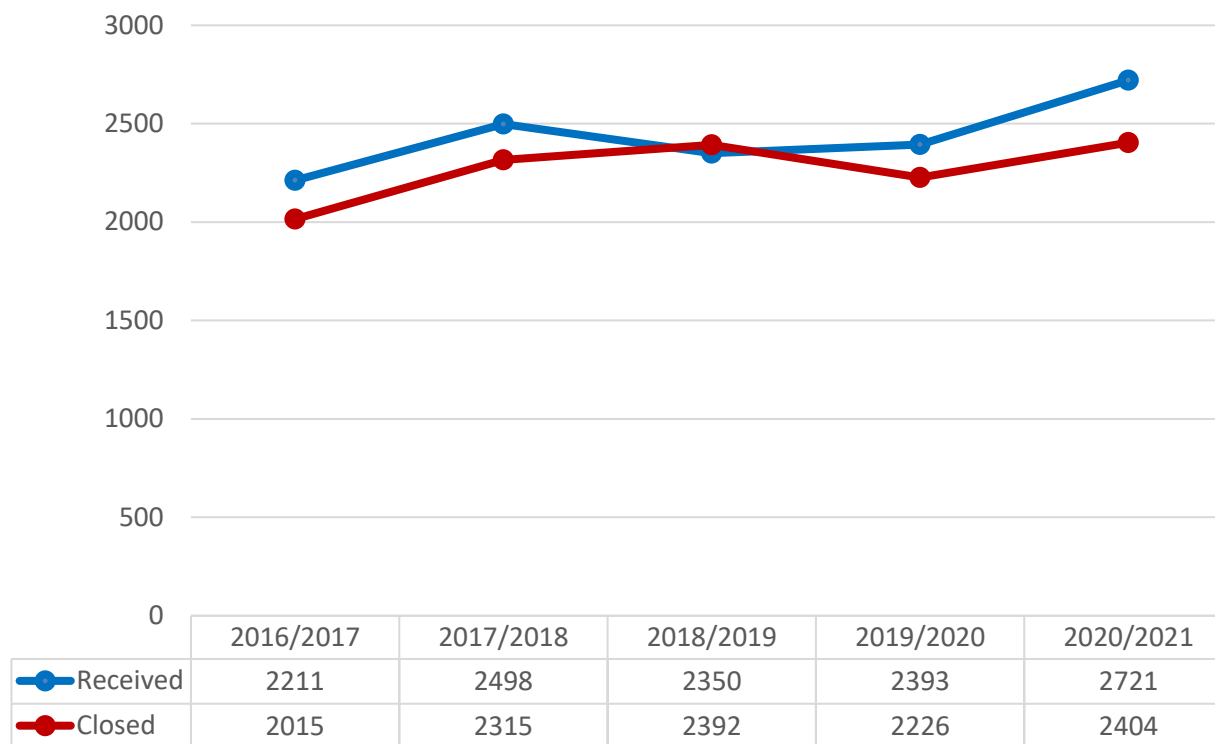
HDC Act 1994



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# What do people complain about

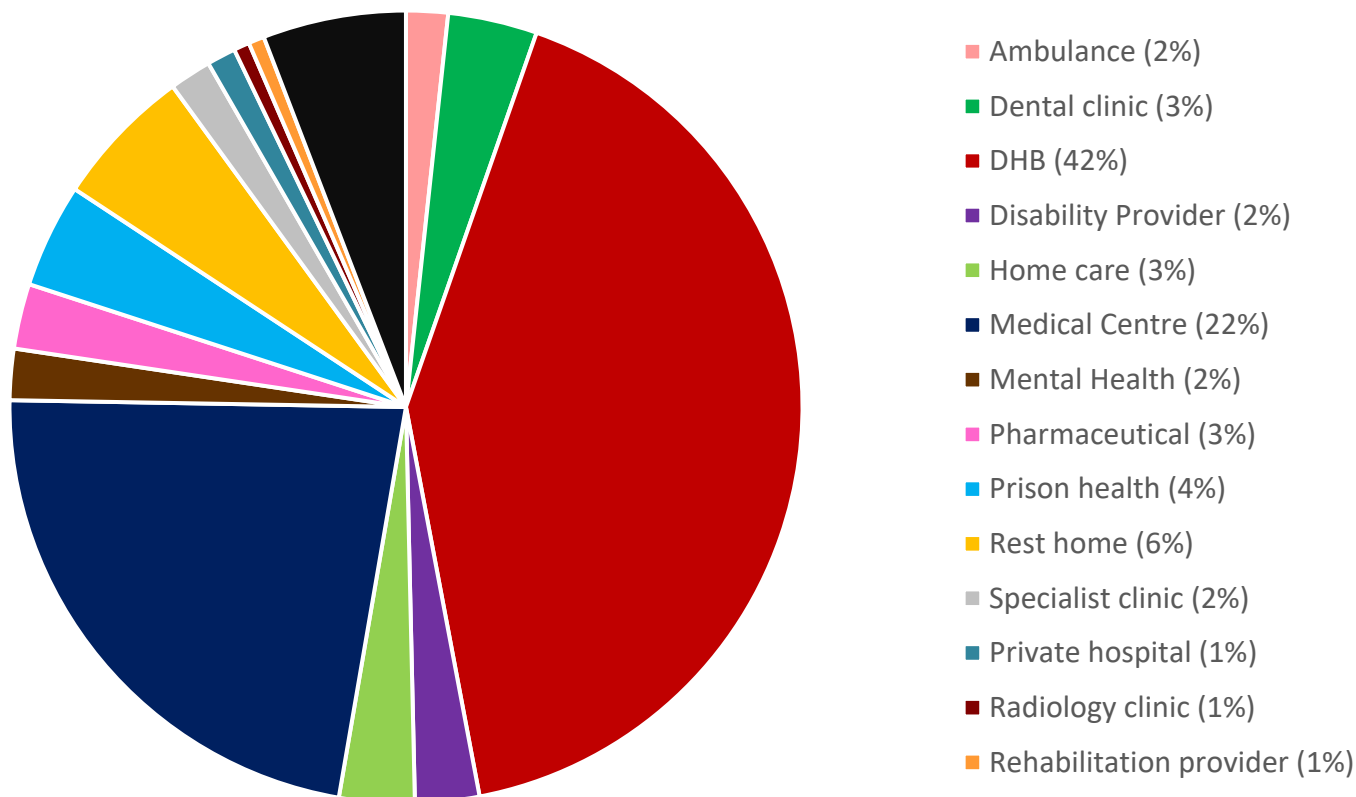
# Complaints received and closed each year





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## Group providers – 2020/2021



# What do people complain about?



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- Failure to communicate effectively with consumer (36%)
- Inadequate/inappropriate clinical treatment (34%)
- Inadequate/inappropriate examination/assessment (28%)
- Delay in treatment (22%)
- Failure to communicate effectively with family (21%)
- Inadequate coordination of care/treatment (19%)
- Disrespectful manner/attitude (18%)
- Inadequate response to complaint (17%)
- Missed/incorrect/delayed diagnosis (17%)

# Recurring themes



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- COVID-19
- Cultural safety
- Informed consent
- Medication error
- Escalation of care
- Documentation
- Follow-up of test results and referral management
- Discharge planning and follow-up





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# **Responding to complaints and the value of early resolution**



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# Why complain?

- People complain to:
  - receive information/explanation
  - receive an apology
  - be taken seriously
  - improve care quality
  - ensure accountability

**Consumers are most satisfied when these resolution outcomes are met directly at the point of service**



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# Barriers to making complaints: What consumers tell us

- Negative impact on service availability/repercussions
- Multiple agencies
- Cultural and generational barriers
- Not being believed
- Complaint pathologised
- Lack of trust
- Discrimination
- Knowledge of rights



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# Barriers to complaint management: What consumers tell us

- Response not timely
- Response did not address all concerns
- Did not feel heard
- An apology was not offered
- Lack of preventative action

# Good complaints management



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- Right 10 – fair, simple speedy and efficient
- Early resolution is win-win
- Have a clear, visible, and accessible complaints process
- Encourage staff to respond positively, proactively and appropriately
- **Clarify people's concerns and what resolution looks like to them**
- Check in – has resolution been achieved?
- Ensure mechanisms to feed complaint information into quality improvement

# The Advocacy service can assist to:

- Manage expectations
- Distil the issues
- Identify resolution options
- Assists in equity issues

# Advocacy



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- The vast majority of complaints managed by the Advocacy Service are resolved or withdrawn
- **81%** of complaints are closed within three months
- **98%** within six months
- More than 90% of consumers and providers indicate that they are satisfied or very satisfied with the service



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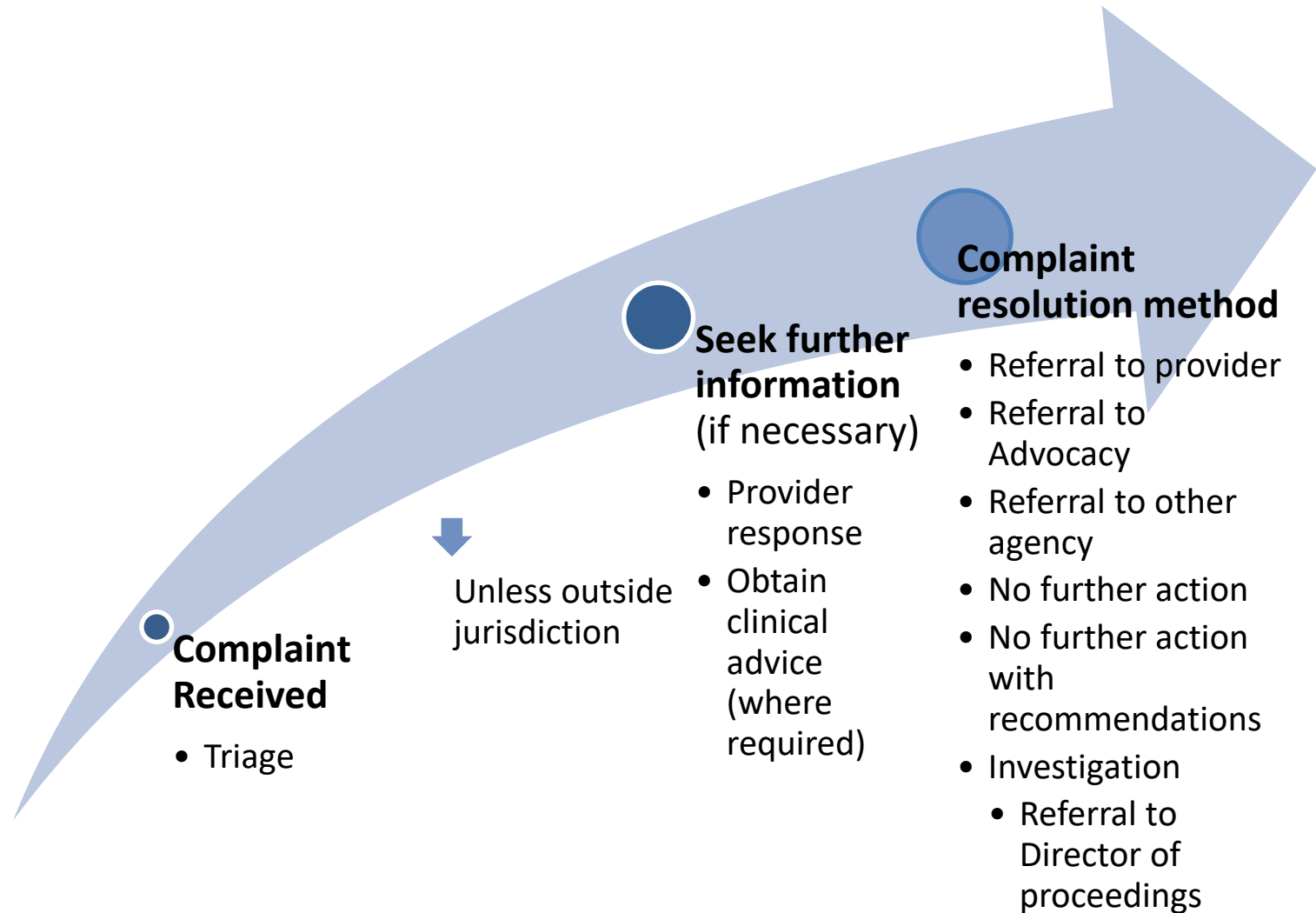
# HDC's complaints process



# HDC's Complaint Process



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# HDC's investigation process

- Inquisitorial not adversarial
- Impartial
- Can examine systems issues
- Information-gathering powers
- Independent advice sought where appropriate
- Cases generally decided 'on the papers'
- Opportunity to respond to provisional opinion before Commissioner forms final opinion

# Responding to HDC



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- Try to address all issues raised in the complaint and answer any questions asked by HDC
- Use of empathetic tone – acknowledge any distress or difficulty. Try not to place blame on the complainant
- Address any information imbalance & clear up any confusion or misunderstanding in an empathetic way
- Open disclosure – express regret/apologise if appropriate
- Explain how the incident has resulted in changes in practice

# Early resolution



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Up to **one third** of complaints are quickly resolved with the provider, sometimes with the help of the Advocacy Service (referral to Advocacy or to the provider – lower level complaints/ongoing relationship/acute need)

Early resolution in this manner has the potential to meet the needs of both providers and consumers. It improves the efficacy of quality/safety measures.



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# Questions?



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[www.hdc.org.nz](http://www.hdc.org.nz)