

Complaints

Whānau Rights as Consumers

The Code of Health and Disability Services Consumers' Rights defines the rights of whānau to be provided with a service which complies with these rights. Tumai Ora recognises whānau consumer rights when receiving services and commits to observing consumer rights at all times. Any whānau member has the right to complain about Tumai Ora in any form appropriate to the consumer. Every complaint must be made to the:

- individual or individuals who provided the services.
- any person authorized to receive complaints about that service provider. Any other appropriate persons including:
- an independent advocate provided under the Health and Disability Commissioner Act 1994
- The Health and Disability Commissioner

Any complaints which are not resolved will be referred to the office of the Health and Disability Commissioner for follow-up.

Obligations

Tumai Ora must facilitate the fair, simple, speedy, and efficient resolution of complaints. A whānau must be informed about progress on the consumer's complaint at intervals of not more than 1 month. Every service provider must comply with all the other relevant rights in the Code when dealing with complaints. Every service provider must follow a complaints procedure that:

- Acknowledges the complaint in writing within 5 working days of receipt, unless it has been resolved to the satisfaction of the consumer within that period,
- Informs the consumer of any relevant internal and external complaints procedures, including the availability of:
- Independent advocates provided under the Health and Disability Commissioner Act 1994
- The Health and Disability Commissioner
- Documents the consumer's complaint and the actions of the provider regarding that complaint.

The consumer receives all information held by the provider that is or may be relevant to the complaint. Within 10 working days of giving written acknowledgement of a complaint, the provider must decide whether the provider:

- Accepts that the complaint is justified, or
- Does not accept that the complaint is justified

If it decides that more time is needed to investigate the complaint:

- Determine how much additional time is needed, and
- If that additional time is more than 20 working days, inform the consumer of that determination and of the reasons for it.

As soon as practicable after a provider decides whether or not it accepts that a complaint is justified, the provider must inform the consumer of:

- The reasons for the decision,
 - Any actions the provider proposes to take, and
 - Any appeal procedure the provider has in place.
- Providing Consumers with Information on Rights Tumai Ora must:
- Treat all complaints in a consistent and fair manner
 - Place copies of the Code of Health and Disability Services Consumers' Rights and information about the local Consumer Advocacy Service of Health and Disability Services in all waiting rooms.
 - Display information on the Code in all reception areas, with a notice alerting patients to the availability of information on the practice's Complaints Procedure.
 - Ensure that staff knows how to help patients to access health advocates. Designate one or more staff members to manage clinical and service complaints.
 - All kaimahi who receive a whānau consumer complaint must take the complaint seriously, and personally ensure that the complaint can be resolved quickly.

Tumai Ora is committed to providing quality customer service. This complaints policy and procedure requires Tumai Ora to:

- Provide whānau consumers with information on their rights, and how to make a complaint,
- Manage whānau consumer complaints so that they can be resolved, and
- Use consumer feedback to improve services to whānau in the Tumai Ora rohe.

Managing Complaints

Policy

Tumai Ora is committed to ensuring client/ whānau needs are met at all times. However, every client/ whānau has the right to complain about Tumai Ora in any form appropriate to the client/ whānau. Tumai Ora therefore has a complaint management system that is accessible and complies with legislation. The right of the whānau to make a complaint is understood, respected and upheld.

Consumer Complaints Procedure

Tumai Ora enables whānau or whānau members and other people to make complaints through a written and implemented procedure for the identification and management of complaints. This procedure meets the Health and Disability Code requirements and also ensures that:

- the complaints procedures is easily understandable by whānau
- all parties have the right to be heard
- the person heading the complaint is impartial and acts fairly
- complaints are handled at the level appropriate to the complexity or gravity of the complaint.

Any corrective action required following a complaint is undertaken and it sets out the various complaints to whom complaints may be made and the process. Whānau will further be advised of their right to direct their complaint to the Health and Disability Commissioner and any other relevant body, particularly in the event of non-resolution of a complaint.

Complaints are handled sensitively with due consideration of culture or other values. Whānau will have access to a Māori advocate to support them during the complaints process. Consumers who complain, or on whose behalf whānau complain, shall continue to receive services which meet all contractual requirements. Complaints are regularly monitored by the management of the service and trends identified in order to improve service delivery and is consistent with any complaints policy.

Responding to Complaints

Every complaint is taken seriously. The prescribed complaint procedure for Tumai Ora is followed. Confidentiality of every complaint is maintained. Both parties in the complaint procedure are given full and fair hearing. A clear and accurate record of the complaint is kept along with a record of subsequent action and relevant information is made available on request.

About Complaints

Any person (or group of persons) who alleges a breach of their rights or believe they have not been treated appropriately may pursue a complaint under one or more of the following procedures.

Informal Complaint Procedure

- approach the Tumai Ora Office Manager to seek support and assistance with the procedure for complaints under the policy;
- make an informal approach to the Tumai Ora Onsite Manager.
- approach the Tumai Ora Onsite Manager to request mediation.
- approach an external party e.g. a mediator / mediation service for assistance and/or advice as to options or procedures available to the complainant

Formal Complaint Procedure (Internal)

If the respondent is a client / whānau, to make a formal written complaint to the Tumai Ora Onsite Manager. If the respondent is filing a complaint against a member of the Tumai Ora Steering Committee they can choose whether to send the formal complaint to the Tumai Ora Onsite Manager or to a nominated external entity and request support through that avenue.

If the respondent is a member of the Tumai Ora community, then a formal written complaint should be forwarded to the Tumai Ora Onsite Manager.

Formal Complaint Procedure (External) Alternative options available to a complainant who wishes to make a formal complaint outside of the organisation. Other options may be available to a complainant depending on the specific circumstances of their case. In the case of grievance by a staff member, submit a personal grievance under the procedures set out in the First Schedule to the Employment Contracts Act 1991. In the case of discrimination, sexual harassment or racial harassment make a complaint to the Human Rights Commission under the Human Rights Act 1993. In the case of criminal behaviour, such as theft, rape or assault, make a complaint to the police.

Indirect Breach of Policy

A member of the Tumai Ora community, or a group of members of the Tumai Ora community, may consider that they have been subjected to behaviour that contravenes the general principles of the policy even though the behaviour was not directed at them specifically. Any member of the Tumai Ora community may access the Tumai Ora informal complaint procedure for indirect breaches to the policy.

Encouragement to Advise

A member of the Tumai Ora community on becoming aware of a situation which is a breach of one or more of the general principles of the policy is encouraged to advise the complainant of the availability of a mediator to review options and procedures available under the policy.

Protection of Parties to a Complaint

No member of the Tumai Ora community may deny (or threaten to deny) any benefit, or cause (or threaten to cause) any detriment to or create a hostile environment for any person as a result of any complaint which has or may be made under the provisions of the policy. If any person party to a complaint fears retaliation or hostility, providing details of the temporary protection measures sought can make a request for a temporary protection measure. The Tumai Ora Onsite Manager will consider the request provided that the Tumai Ora Manager is not a party to the complaint.

In the event that the Tumai Ora Onsite Manager is the respondent, the Tumai Ora Onsite Manager's immediate superior will consider the request. A formal complaint of victimisation can be made directly to the Disciplinary Committee/ Board. Any party has a right to be accompanied by a support person at any stage of the procedure.

Confidentiality

A member of the Tumai Ora community making an informal approach to a Tumai Ora contact person, or a mediator may request that the matter be treated as confidential. Any communication between a Tumai Ora contact person and the mediator will be in confidence.

Making a Complaint – Steps

You may inform any staff member, or The Tumai Ora Onsite Manager (phone 03 465 7651), or KTKO Ltd Remote Manager (phone 03 477-0071) either verbally or in writing of any complaint or concern you may have, including any issues relating to your rights under the Code of Health and Disabilities, your privacy, or health and safety concerns about our premises.

How to Make Informal Complaint

You should approach the Tumai Ora office Manager directly and discuss your concern or complaint in the hope that a resolution can be found by direct communication. All verbal complaints will be documented with all relevant

details and facts checked for accuracy by the person laying the complaint. If the office Manager is unavailable and the complaint is made to a staff member, then that staff member must forward details of the complaint to the office Manager before the close of the working day.

Formal Complaint

If you wish to take your complaint further, or it is serious and cannot be easily fixed, there is a Complaint Form (attached) you can complete, or if you prefer, you may write a letter instead. Formal complaints must be in writing and state the nature of the complaint and what you think should be done to resolve the situation.

Whānau may use Form C13 on Page 132 of this manual. Send completed and signed Complaint Form or letter to:

Tumai Ora Audit Committee C/- KTKO Remote Manager PO Box 446
Dunedin

(Mark the envelope "Private and Confidential")

If you prefer, you may leave the completed and signed Complaint Form (or letter) at the Tumai Ora office at 203 Main Road, (PO Box 18), Waikouaiti and it will be forwarded on for you.

Anonymous Complaint

Complaints made anonymously will be actioned, but will not receive a response.

How Long Does It Take To Resolve Complaint?

We will acknowledge receipt of your complaint in writing within 5 working days of receiving your complaint. We will keep you up to date with progress and advise you of any outcomes in writing. Within 10 working days of having acknowledged your complaint, Tumai Ora Audit Committee (in collaboration with KTKO Ltd Remote Manager), will advise whether we consider:

The complaint is justified, or

We do not accept that the complaint is justified, or

We need more time to investigate the complaint.

We will then inform you of our decision and supply the reasons for that decision and any actions we propose to take. Where extensive investigations are required, you will be kept informed in writing at monthly or at agreed intervals until the complaint is resolved.

What If I am Still Unhappy?

If you are not satisfied with our suggested solution or we are both incapable of reaching an agreed resolution, then we will refer you to a mediator/mediation service for assistance and/or advice as to the options or procedures available.

With your consent, all the written correspondence and any notes regarding meetings and phone conversations will be provided to the mediator for review and consideration.

Appeals

You may appeal the outcome of any complaint, in which case we will help you find an independent advocate to assist you.

Independent Advocates Available

We appreciate it may be difficult to complain. At any stage in the complaints process, you are entitled to access the services of an independent advocate provided under the Health and Disability Commissioner Act 1994. An independent advocate supports you in the actions you take to resolve your concerns.

Complaints May Be Made to the Health and Disability Commissioner

If there is no resolution of the complaint you may take your concerns to the Health and Disability Commissioner
Contact details:

Health and Disability Commissioner Freephone: 0800 11 22 33

The Health and Disability Commissioners "Consumer Guide" and "HDC Consumer Advocacy Service" pamphlets are available from our collection of pamphlets in the waiting room, or any staff member can give you a copy.

Ethical Review

Should Tumai Ora wish to conduct research and innovative procedures or treatments policies and procedures for seeking ethical review will be written and advice from a Health and Disability Ethics Committee in accordance with the current "National Standard for Ethics Committees" (or any replacement publication. Whānau will be consulted with and approval will be sought from whānau for any research or innovative procedures or treatment which will impact on whānau.

Tumai Ora Informal Complaint Procedure

The contact person's role is threefold:

- To provide support and listen to the person with a complaint;
- Make appropriate referrals; and
- When appropriate, if the complainant so wishes, act as a support person for the complainant.
- When appropriate, contact persons are encouraged to consult with a mediator to provide assistance with the procedure to a complaint.

Informal Approach to the Tumai Ora Mediator or to Part-Time Mediator

When an informal approach is made to a mediator, that person will review the nature of the complaint and explain to the complainant the options available under the policy.

When either party to a complaint requests mediation, the mediator will assist in resolving the complaint either by facilitating a meeting between the parties or by meeting with each party separately.

When mediation has not resulted in an agreement or there has been a withdrawal from mediation, the complainant may seek a further resolution of the complaint under Tumai Ora's formal complaint procedure.

Informal Approach to Tumai Ora Onsite Manager

The purpose of the informal approach to the Tumai Ora Onsite Manager is to provide the Tumai Ora Onsite Manager with an opportunity to resolve the complaint with the cooperation of the parties.

The Tumai Ora Onsite Manager shall confirm with the complainant that the complainant wishes the complaint to be dealt with informally.

When receiving an informal complaint, the Tumai Ora Onsite Manager shall first determine whether on the evidence provided by the complainant, there has been a possible breach of the policy.

Where the Tumai Ora Onsite Manager has established that there is sufficient evidence of a possible breach of the policy, the Tumai Ora Onsite Manager shall discuss the matter with the respondent and shall endeavor to facilitate an agreed solution of the concerns raised by the parties.

With the help of the Tumai Ora Onsite Manager, the parties may resolve their difference by entering into an agreed resolution. If the parties are incapable of reaching an agreed resolution or the Tumai Ora Onsite Manager has refused to investigate, the complainant may seek a further resolution of the complaint by pursuing any other option available under the policy.

If the Tumai Ora Onsite Manager after receiving an informal complaint considers that he/she is unable to make an impartial and neutral assessment of the complaint, the Tumai Ora Onsite Manager may refer the complainant to a mediator for assistance or advice as to options available under the policy.

Tumai Ora Formal Complaint Procedure

When the Respondent is a client / whānau or visitor

The complainant may file a written complaint to the Tumai Ora Remote Manager where a complainant chooses not to use the Tumai Ora's informal complaint procedure or the informal procedure has failed to resolve the complaint. The formal written complaint should contain the following details:

- The name of the respondent as well as sufficient details outlining the breach of the policy;
- The name of any person who may have witnessed the breach of the policy or to whom the complaint was first reported.
- The expected remedy;
- The fear of retaliation if applicable and proposed interim measures.
- The complaint must be signed and dated by the complainant;

The Tumai Ora Remote Manager governs the procedure and remedies for a formal written complaint against a client / whānau or visitor. A complainant and a respondent shall have all the rights of appeal as provided by the Board.

When the Respondent is a Member of the Tumai Ora Community

The complainant may file a formal written complaint when a complainant chooses not to use the Tumai Ora informal complaint procedure or the informal procedure has failed to resolve the complaint. A formal written complaint shall be directed to the Tumai Ora Remote Manager. When the Tumai Ora Remote Manager is involved the respondent may wish to direct the formal written complaint to a nominated external entity. A formal written complaint should contain the following information:

- The name of the respondent as well as sufficient details outlining the breach of the policy;
- The name of any person who may have witnessed the breach of the policy or to whom the complaint was first reported;

- The expected remedy;
- The fear of retaliation if applicable and proposed interim measures.
- The complaint must be signed and dated by the complainant;
- The failure to include information in the formal written complaint does not nullify the complaint.

The complainant shall be available for an interview for clarification of the formal written complaint if considered necessary by the person receiving the complaint.

If a person receiving the formal written complaint considers that there is sufficient evidence to support a complaint then the full copy of the formal written complaint and any record of the interview with the complainant should be made available to the respondent for comments. There is no time limit for the making of a formal complaint. The person receiving the complaint and investigating the complaint must respect the principles of natural justice. The respondent is entitled:

- To be advised of the details of the formal complaint and any record of the complaint;
- To be given an opportunity to provide an explanation and make representations, including having their witnesses heard;
- To be represented by the person of their choice; and To have the matter assessed by an impartial person.

Breaches of Policy (Group Actions)

If a complainant, or group of complainants, reports a breach of the policy by one or more respondents, the Tumai Ora Remote Manager may recommend that the issue be handled with the respondents as a group rather than treated as separate instances of breaches of the policy.

Extraordinary Procedure

In order to uphold the objects of the policy a mediator may make a recommendation in writing to the Tumai Ora Remote Manager to investigate matters relating to this policy.