

PRIVATE &
CONFIDENTIAL



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

3 October 2013

AUCKLAND CITY 10

Dear Mr [REDACTED]

Complaint: [REDACTED] (Waitemata District Health Board)

Our ref: C11HDC [REDACTED]

Thank you for your letter dated 5 August 2013, which was received by email that day, and also by post on 12 August. I understand that you remain disappointed with the Deputy Commissioner's decision to take no further action on your complaint.

Your concerns

In your most recent correspondence you have raised the following concerns:

- The information released to you by this Office under the Official Information Act shows that there has been "absolutely insufficient consideration to important points and evidence" that you have raised.
- This Office has not contacted other parties to confirm the evidence you have presented or to obtain further information relevant to your complaint.
- You have received information from the Addiction Practitioners' Association Aotearoa New Zealand (DAPAANZ) which shows that DAPAANZ was biased and unreasonable in responding to your complaint about clinicians [REDACTED] and I [REDACTED].

You ask for "a review of the initial assessment, the investigation and the final decision" in relation to your complaint to this Office.

My response

Your file and the decisions made on your complaint have already been reviewed on multiple occasions. Following your most recent correspondence, your file has again been reviewed. Having considered all relevant information, I am of the view that the Deputy Commissioner's decision to take no further action on your complaint remains appropriate.

Please note that your complaint was not formally investigated. As you will appreciate, it is for the Commissioner and Deputy Commissioners to determine whether to

formally investigate a complaint, and only a small proportion of the complaints received each year proceed to formal investigation. The Health and Disability Commissioner Act 1994 provides a number of other resolution options, including the option to take no further action under section 38(1). This option is exercised only after careful assessment of all relevant information at the initial complaints assessment stage. This is what occurred in relation to your complaint. I am satisfied that all relevant information has been taken into account in reaching that decision.

I note that your concerns about the process and decision of DAPAANZ's Professional Standards Committee are outside the jurisdiction of this Office as DAPAANZ was not providing a health or disability service to you. I suggest that you raise your concerns about DAPAANZ's process directly with that organisation.

Given the above, your complaint will remain closed. I understand that this is not the outcome you were hoping for. However, I do not consider that further consideration of the same matters raised in your initial complaint would be productive.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Katie Elkin', written in a cursive style.

Katie Elkin
Associate Commissioner
Legal and Strategic Relations