

31 August 2020

██████████
Waikato Reporter
NZME

Email: ██████████

Dear ██████████

Official Information Act Request for 'Patient Complaints, Complaints to HDC, and PGs against DHBs'

I write in response to your Official Information Act request received by us 22 July 2020, requesting the following information:

1. **I am writing to request the number of patient complaints made to the DHB in the past five years, broken down by each year, 2015 to 2019.**
2. **Please state what number of the complaints was either upheld or disciplinary action or corrective measures were taken/ introduced as a result of the complaints.**
3. **Please state how many complaints in the same time frame were made to the HDC about the DHB or its employees, each year?**
 - a. **How many complaints resulted in the DHB being found in breach of The Code of patient rights?**
4. **Please also state how many PGs (personal grievances) were taken against the DHB in the same time frame, broken down by year.**
5. **Please state how much was paid out to staff who took PGs each year. And please note which types of staff took the PGs - e.g. doctor, nurse, allied health etc.**

For context, Counties Manukau Health (CM Health) employs over 7,500 staff and provides health and support services to people living in the Counties Manukau region (approx. 569,400 people). We see over 118,000 people in our Emergency Department each year, and over 2,000 visitors come to Middlemore Hospital daily.

Our services are delivered via hospital, outpatient, ambulatory and community-based models of care. We provide regional and supra-regional specialist services i.e. for orthopaedics, plastics, burns and spinal services. There are also several specialist services provided including tertiary surgical services, medical services, mental health and addiction services.

Counties Manukau DHB Response

- **I am writing to request the number of patient complaints made to the DHB in the past five years, broken down by each year, 2015 to 2019.**

Below is the number of patient complaints made to CM Health per year from 2015-2019.

All Complaints from Members of the Public 2015-2019 (on any matter/topic)	
Submission Year	Total
2015	694
2016	816
2017	857
2018	934
2019	1,028

Table 1: Data Source Feedback Central as at 31/12/2019

All complaints received by Feedback Central are logged and acknowledged. The matters raised are always investigated and responded to by the services related to the complaint. This will include noting any actions taken to reduce a recurrence of any adverse events.

- **Please state what number of the complaints were either upheld, or disciplinary action or corrective measures were taken/ introduced as a result of the complaints.**

From the Feedback Central systems, we are not able to report on the outcomes of complaints, other than they have been investigated and a response provided. They are then considered to be closed. Details as to whether the matters were upheld, or whether any disciplinary action or corrective measures were required are held by the services.

We believe it is in the public interest that complaints are dealt with in a confidential manner. We do not wish to deter people from raising concerns or feedback on their experience of our services, now or in future, from raising concerns on these potentially sensitive matters, without the assurance of ongoing confidentiality and natural justice. We encourage reporting of all such feedback, so that this can be fully investigated and support provided, both immediately, and as part of agreed response provided to the complainant outlining resolutions with all affected parties.

The details of information related to complaints involving health practitioners (and material relating to the complaint(s) investigation, and the products of those investigations such as disciplinary action), are also considered to be personal information, and the associated privacy interests are likely very high. Further, the privacy interests arising out of any employment situation are likely high. Generally matters between employer and employee are confidential to the employment relationship.

We are declining this part of your request, noting that not all complaints noted in table 1 will contain matters related to employees, or require disciplinary action. It would require very substantial manual review of the complaints received to identify those that were in scope from the total

received, and then to search and retrieve individual personnel files and records to identify the numbers. We decline under section 18(f) – *substantial collation and research*.

We note that any complaints (and also incident reporting by our employees) related to a serious adverse event, clinical procedure will trigger a Serious Adverse Event process and full investigation. These adverse events are regularly flagged (anonymous detail) to the DHB governance groups and Board, as well as being confidentially shared with the Health Quality and Safety Commission, Annually a summary report of SAE 1 events – including details of the investigation findings, outcomes and recommendations, remediation or corrective actions is published by the DHB.

- **Please state how many complaints in the same timeframe were made to the HDC about the DHB or its employees, each year?**
 - **How many complaints resulted in the DHB being found in breach of The Code of patient rights?**

Below are the complaints made to Health and Disability Commission (HDC) about CM Health per year and those deemed a breach - from 2015-2019.

Submission Date Year	Total	Breach complaints	Comment
2015	59	-	
2016	95	2	1 breach & referral 1 breach
2017	85	2	2 breach
2018	89	-	
2019	87	-	

Table 2 – Complaints advised by the HDC for CM Health (noting this may relate to matters in prior years).

- **Please also state how many PGs (personal grievances) were taken against the DHB in the same time frame, broken down by year.**

Submission date year	Personal Grievance
2015	-
2016	1
2017	-
2018	6
2019	5

Table 3: Data Source Feedback Central as at 31/12/2019

- **Please state how much was paid out to staff who took PGs each year.**
 - **And please note which types of staff took the PGs - e.g. doctor, nurse, allied health etc.**

As noted above, employment details related to grievances by employees is personal information, and the associated privacy interests are likely very high. Generally matters between employer and employee are confidential to the employment relationship.

Given the small number of cases each year, and the likely particular circumstances that will apply to each case, providing further details has the real potential for others to be able to identify the individuals involved in these cases. Many of these are no longer employed by the DHB, and may have genuine concerns at any release of details.

We are therefore declining this part of your request. These matters are personal, and we choose to maintain the confidentiality, safety and privacy of all involved. We are declining this element of the request under section 9(2)(a) of the Act – *to protect the privacy of natural persons*.

You are entitled to seek a review of the response by the Ombudsman under section 28(3) of the Official Information Act. Information about how to make a complaint is available at www.ombudsman.parliament.nz or Freephone 0800 802 602.

Please note that this response or an edited version of this may be published on the Counties Manukau DHB website.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Fepulea'i Margie Apa', written in a cursive style.

Fepulea'i Margie Apa
Chief Executive Officer
Counties Manukau Health