

NZAO Conference 2015

**Making communication work
for you, not against you**

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This presentation will cover:

- An overview of the background to the Health and Disability Commissioner (HDC) Act
- The role of an advocate and how that differs from that of the Office of the HDC
- A discussion based around Right 6 of the Code of Health and Disability Services Consumers' Rights (COR) on effective communication



“Unfortunate experiment” at National Women’s Hospital

1987 *Metro* magazine



Pre-cancerous condition:
was it a separate condition
or the beginnings of invasive
cancer?

Some women treated,
others observed



Cartwright Inquiry



Cervical Cancer Inquiry led to:

- change in public attitudes
- legislation recognizing consumers' rights
- Ethics committees

Dame Silvia Cartwright



HDC legislation...



- Protects the rights of consumers of health and disability services
- Sets out consumer rights and provider responsibilities in the COR
- Enables resolution of complaints about services through Advocacy & HDC



The Code – 10 rights



1. Respect
2. Freedom from discrimination, coercion, harassment & exploitation
3. Dignity and independence
4. Appropriate standards of care
5. Effective communication

The Code – 10 rights



6. Adequate & appropriate information
7. Choice and informed consent
8. Support
9. Participation in teaching & research
10. Right to complain

Right 5 – Right to Effective Communication...

in a form, language and manner that enables the consumer to understand the information provided. Where necessary and reasonably practicable, this includes the right to a competent interpreter

- and the right to an environment that enables both consumer and provider to communicate openly, honestly and effectively.

This means...

- Tone of voice
- Volume of voice
- Language used
- Facial expression and body language
- Appropriate eye contact
- Listening and responding
- Congruence with what is said and body language

And in a place

- That is appropriate i.e. private if necessary
- Fit for the purpose i.e. not a corridor
- That facilitates communication i.e. not a storage cupboard
- N.B. this includes not assuming consumers are happy for discussions to take place in front of other family members, being sensitive to consumers who would like the opportunity to have a private discussion



Things that can go wrong

- Assuming prior knowledge of the situation i.e. from a third party or previous situation
- Prejudging a situation
- Not listening closely
- Not responding appropriately e.g. ESOL, escalating a situation
- Not allowing sufficient time
- Allowing interruptions e.g. taking phone calls
- Not creating an environment where people feel respected and safe

When things go well

- People feel listened to and respected
- Trust is built
- “Bad news” can be given in a way that people can accept if they feel they have been part of the discussion, i.e. agree to disagree
- Both parties learn something from the exchange
- Both parties are clear about what is to happen next and when

Letters, faxes, emails, texts

- Respond to these promptly but professionally, don't be led into informality
- Be aware that emails and texts may be forwarded on out of context
- Be aware that if concerns are raised this becomes a complaint, whether or not that word is used, and the timeframes in Right 10 must be observed i.e. a written acknowledgment within 5 working days is required

Other tips

- Be aware that consumers are entitled to a written summary of every health or disability appointment, on request (Right 6 (4))
- Be aware that consumers are entitled to have a support person or persons, the numerical limitation is on the grounds of safety
- Some consumers may record conversations not necessarily with your knowledge or consent

Remember

- You are obliged under Right 6 to provide full information including answers to questions, recommendations etc.
- You are not obliged to give a personal opinion
- The threshold of the HDC in any investigation is “was what you did reasonable in the circumstances?”
- If you feel uneasy about an exchange with someone say so and clear it up then and there



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Ngā Kaitautoko

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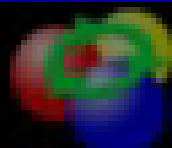
Email advocacy@hdc.org.nz – details on
advocacy offices throughout NZ

HDC website www.hdc.org.nz –
complaint details by year and
occupation, a great resource!



Summary and Final Questions

Evaluation



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