

21st January 2022

[REDACTED]

[REDACTED]

[REDACTED]

Official Information Act Request for – DHB Formal Apologies

I write in response to your Official Information Act request received by us 26th November 2021, you requested the following information:

Under the Official Information Act, please provide information, including but not limited to emails, applications, reports, meeting minutes, memos, data, audiovisual materials and correspondence to/from the DHB about:

- **The number of formal apologies, including apologies in writing, offered by senior management, including but not limited to the chief executive, deputy chief executive(s), executive managers and board members to:**
- **Any DHB staff member**
- **Any former DHB staff member**
- **Anyone employed, contracted, or working in any capacity for the DHB**
- **Any patient**
- **Any former patient**
- **Any family of a patient or former patient**
- **Any member(s) of the public**
- **Any other government agency**
- **No date range – please provide information as far back as is reasonably practicable.**

On the 1st December 2021, the Technical Advisory Service (TAS) advised us that they would contact you on behalf of DHBs to further narrow the scope of your request. While we awaited their advice, we contacted you on 7th December 2021 to ask you to narrow the scope as your request because, as it stood, we would need to decline your current request under 18(f) of the Official Information Act due to substantial collation and research.

We advised that all the information you had requested required the manual review of records across several areas of the DHB, as there is no single electronic database which collates this data. We asked if we could work with you on narrowing the scope of your request. You responded the same day requesting:

- **I'll amend this one to the last 5 years.**

- If it's helpful, I do not need information from, for instance, what we might call "auto-generated" apologies. By that, I mean if for example when someone complains on social media and the DHB replies with "Sorry for the inconvenience" type messages. That's not what I'm interested in.
- I am interested in more serious cases, in which for example, a chief executive or senior manager has apologised to staff, former staff, or a member of the public, or another government agency, for any mistake or wrongdoing.

Amended OIA December 7 2021:

Under the Official Information Act, please provide information, including but not limited to emails, applications, reports, meeting minutes, memos, data, audiovisual materials and correspondence to/from the DHB about:

1. The number of formal apologies, including apologies in writing, offered by senior management, including but not limited to the chief executive, deputy chief executive(s), executive managers and board members relating to:
2. Health and Disability Commission (HDC), Privacy Commission and Ombudsman's complaints over the past 5 years
 - Any DHB staff member
 - Any former DHB staff member
 - Anyone employed, contracted, or working in any capacity for the DHB
 - Any patient
 - Any former patient
 - Any family of a patient or former patient
 - Any member(s) of the public
 - Any other government agency

As we considered this still too wide in scope for us to provide a response we asked TAS to provide further advice on re-scoping the request. On the 15th December 2021, TAS notified us that they had spoken with you the day before and you confirmed that you did not wish to further narrow the scope of your request.

Counties Manukau Health Response:

For context Counties Manukau Health (CM Health) employs over 8,500 staff and provides health and support services to people living in the Counties Manukau region (approx. 601,490 people). We see over 118,000 people in our Emergency Department each year, and over 2,000 visitors come through 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.

In response to your request, we are able to provide the following information:

As previously outlined by TAS on our behalf, the scope of your request is still too wide to make it manageable to answer your specific questions. Our database does not generate automated data on the number of apologies provided. Checking which complaints received a formal apology would require the manual review of all individual records. Due to the sensitivity of this information, multiple staff members would need to review individual files which would take them away from their usual work and prejudice our ability to provide core services at a time when our clinicians, managers and staff are focussed on efforts on continuing to manage the Covid-19 outbreak in our region.

We have considered whether employing and contractor, charging or extending the timeframe for responding to this aspect of your request would assist us in managing this work and have concluded it would not. We have, therefore, determined to decline this element of your request under Section 18(f) of the Official Information Act due to substantial collation and research.

However, rather than decline your request in full we are providing information that is manageable to collate and is readily accessible:

- 1. The number of formal apologies, including apologies in writing, offered by senior management, including but not limited to the chief executive, deputy chief executive(s), executive managers and board members relating to any DHB staff member, any former DHB staff member, anyone employed, contracted, or working in any capacity for the DHB, any patient, any former patient, any family of a patient or former patient, any member(s) of the public, any other government agency**

We have asked all of our Executive Leadership Team in relation to your request and CMDHB do not believe that any formal apologies have been issued to any of the persons listed in your question above aside from those which you have referred to as “auto-generated” responses. Of course our usual practice is to acknowledge and apologise to any patients or users of our services or facilities when their experience does not meet their expectations. We view complaints as opportunities for improvement to services and care we deliver.

As previously mentioned, we are unable to provide further information due to the manual review of individual records required to provide this information. We are, therefore, declining this aspect of the request under section 18(f) of the Official Information Act due to substantial collation and research.

There are no formal apologies from Board members as the role of the Board is one of governance and is not operational. By law, all operational matters are delegated to the Chief Executive Officer.

- 2. Health and Disability Commission (HDC), Privacy Commission and Ombudsman’s complaints over the past 5 years**

Health and Disability Commission Complaints

The numbers in the table below are complaints received from the Health and Disability Commission to Counties Manukau DHB requiring formal responses.

We require the consent of individuals to release any personal information. This also includes staff who are named in our responses. Information on HDC investigation outcomes is publicly available at <https://www.hdc.org.nz/decisions/>.

Health and Disability Commission Complaints	
Year	Number
2017	78
2018	81
2019	86
2020	71
2021	96
Grand Total	412

Data Sourced: Safety First

There was a total of nine (9) complaints over the past 5 years, that were formally investigated by the Health and Disability Commissioner where CM Health was asked to provide a formal written apology.

Privacy Commissioner Complaints

The table below reflects the Privacy Commissioner complaints CMDHB has received in the last five years.

Privacy Commissioner Complaints	
Year	Number
2017	1
2018	0
2019	0
2020	1
2021	1
Grand Total	3

Data Sourced: Safety First / Risk & Privacy Manager

CMDHB has not issued any formal apologies related to the complaints in years 2017 and 2020. The complaint received in 2021 is linked to a Human Resources Employment Relations matter which is currently still ongoing.

Ombudsman Complaints

We have conducted a search and to the best of our knowledge we have not made any formal apologies as a result of an Ombudsman complaint.

I trust this information answers your request. 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 Health website. If you consider there are good reasons why this response should not be made publicly available, we will be happy to consider this.

Yours sincerely



Fepulea'i Margie Apa
Chief Executive Officer
Counties Manukau Health