



Occupational Therapy Board of New Zealand

TE POARI WHAKAORA NGANGAHAU O AOTEAROA

FOSTERING FAITH AND CONFIDENCE IN THE PROFESSION

What happens if someone makes a complaint about me?

Advice for practitioners who are going through the notifications process

Many practitioners may be the subject of a notification to Te Poari Whakaora Ngangahau o Aotearoa Occupational Therapy Board of New Zealand (Te Poari) at some stage in their career. We use the term 'notifications' to include things like complaints, competence, and health issues. A notification may take the form of:

- A complaint to te Poari about the services you have provided to a person.
- A notification to te Poari for competence reasons
- A notification from the Courts if you have received a conviction
- A notification if your health is preventing you from practising as an occupational therapist
- Any other information that te Poari receives which suggests your ability to practice safely may be compromised.

The role of te Poari in receiving and investigating notifications is to protect the public, rather than to punish practitioners.

Referral to the [Health and Disability Commissioner \(HDC\)](#)

When we receive a notification which involves a health consumer, we are required by law to refer the matter to the HDC. The HDC assesses the notification against [The Code of Health and Disability Services Consumers' Rights](#). While the matter is with the HDC we do not take any action unless the matter is serious and poses a risk to the public.

It may take some time for the HDC to consider the matter. If they take no action, then the matter will be referred back to te Poari.

What can I expect if a notification is made about me to te Poari?

Te Poari is required to make further enquiries about any notifications it receives under the Health Practitioners Competence Assurance Act 2003 (HPCAA).

You will receive a phone call from the Registrar (or Deputy) explaining what we have received and our process.

You will be given an opportunity to see the notification and tell your side of the story as a part of our enquiries. Information to support our enquiry can take some time to collect from all those involved. It is helpful if you engage with te Poari as soon as possible so that relevant information can be collected and assessed as quickly as possible.

You will be kept updated about the process as information is collected and assessed.

Support and advice

Receiving a notification can be stressful. Your supervisor, workplace, whānau, or other colleagues may be able to help with supporting you during this process. [Occupational Therapy New Zealand Whakaora Ngangahau Aotearoa \(OTNZ-WNA\)](#) may also be able to offer support.

It is important to keep your employer informed of what is happening.

Indemnity insurance providers may require you to advise them if you receive a complaint or notification. Your insurer may refer you to a lawyer that they use.

Other sources of help include:

- [Community Law Centers](#) which are located across New Zealand
- [Citizens Advice Bureau](#)

Some processes that te Poari may use as part of an investigation include:

Referral to the Health and Disability Commissioner (HDC)

The HPCAA requires te Poari to refer all complaints affecting a health consumer to the [HDC](#). They examine the complaint to determine if the rights of the client have been affected. You will be advised if the HDC is going to take any further action. The HDC uses the [Code of Rights](#) when assessing complaints.

Referral to the Notification Assessment Committee (NAC)

The NAC assesses the initial information collected and determines what further action is appropriate. This may include taking no further action on the notification. The NAC consists of 2 members of te Poari, the Registrar, and the Kaitohutuhu Ngaio Professional Advisor.

Referral to a Professional Conduct Committee (PCC)

Te Poari may refer a conduct issue to a PCC. This is a committee made up of two practitioners and one layperson who will independently investigate the issue. The committee has its own legal advisor and may also appoint an investigator.

Referral to a health professional for assessment

Te Poari may refer you for a health assessment to establish if your health is affecting your ability to practice. The cost of this assessment is met by te Poari. You will have an opportunity to make comments on the health professional undertaking the assessment. You will also have an opportunity to read and make comments on the report.

Voluntary agreement

Te Poari may propose that you sign a voluntary agreement to establish and monitor your practice. This may include a period of close supervision and reporting.

Conditions or suspension

Under the HPCAA, te Poari has the power to apply conditions to your scope of practice while an investigation is occurring. Suspension of your registration or practising certificate would occur only as a last resort.

When investigating a notification, te Poari operates under several principles:

Natural justice

Te Poari will keep an open mind about the investigation and keep you as informed as possible. This includes providing you with a copy of any complaint or notification made, and the opportunity for you to respond. It is important that the matter is managed fairly without bias.

Right-touch regulation

Te Poari will collect and review all relevant information about the notification before making a decision. All decisions made are related to the level of the notification and the circumstances and context of your practice. Right-touch regulation is made up of the following principles:

- Action is proportionate to notification
- Consistent approach
- Action is targeted
- Transparent in our processes (no surprises)
- Accountable
- Agile

Confidentiality

Personal information received as a part of the notification is securely stored, and only shared with others for the purposes of enquiry or investigation. Information is stored according to our privacy [policy](#).

Transparency

Information about the process and reasons for decisions will be shared with you.

Alternative resolution options

Te Poari operates a [facilitated resolution policy](#) which enables alternate methods of resolution, such as mediation. Culturally appropriate options are also available.