Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

9 November 2023

[redacted]

Re: **Information request**
Our ref: **E23HDC01672**

Thank you for your email and letter of 12 October 2023 requesting:

> "The information I am seeking is for all consumer complaints regarding the following (and associated Code of Health and Disability Services Consumers' Rights[2]):
>
> (i) not fully informed (Right 6), lack of informed choice and consent (Right 7) and coercion and harassment (Right 2) regarding administration of the COVID-19 vaccine
>
> (ii) lack of respect and acknowledgement (Rights 1 and 5) and provision of inadequate/inappropriate/incorrect health assessment, diagnosis, treatment and care relating to COVID-19 vaccine injury (Right 4).

My requests are for the period March 2021 to September 2023 ("the period"). Please kindly provide the following information:

1. How many complaints for each of complaint items (i) and (ii) were received by HDC during the period? How many complaints were closed?
2. How many complaints for each of complaint items (i) and (ii) were received by the Advocacy Service during the period? How many complaints were closed?
3. How many complaints received by HDC in the period for each of complaint items (i) and (ii) were considered outside of HDC's jurisdiction?
4. How many complaints received by HDC in the period for each of complaint items (i) and (ii) were directed to the Advocacy Service for resolution?

[1] COVID-19 concerns and complaints — Health & Disability Commissioner (hdc.org.nz)

[2] Code of Health and Disability Services Consumers' Rights — Health & Disability Commissioner (hdc.org.nz)

5. How many complaints received in the period for each of complaint items (i) and (ii) were directed to the provider for resolution?
6. How many complaints received in the period for each of complaint items (i) and (ii) were directed to another government agency?
7. How many complaints received in the period for each of complaint items (i) and (ii) were subject to a formal investigation?
8. How many complaints received in the period for each of complaint items (i) and (ii) were resolved with No Further Action recommended
9. How many complaints received in the period for each of complaint items (i) and (ii) were resolved with No Further Action and recommendations for change and educational comment provided?
10. How many complaints received in the period for each of complaint items (i) and (ii) were upheld, with breaches of the Code of Rights identified?
11. Further to item (10), what are the type and corresponding number of Rights that were breached?"

We have considered your request under the Official Information Act 1982. Please find **enclosed** the information requested.

Question 1

We have provided you with information about all complaints received by HDC between 1 March 2021 to 30 September 2023 that have been categorised as primarily involving an informed consent issue related to the COVID-19 vaccine or involving an adverse reaction following the COVID-19 vaccine. Please note that complaint issues are categorised according to what was articulated by the complainant in their complaint to HDC and it does not necessarily follow that these issues were clinically or factually substantiated.

Between 1 March 2021 and 30 September 2023 HDC received:

(i) **90** complaints which primarily involved an informed consent issue related to the COVID-19 vaccine. 79 of these complaints have been closed.

(ii) **58** complaints which related primarily to an adverse reaction following the COVID-19 vaccine. 41 of these complaints have been closed.

Questions 2-11

We have provided you with a breakdown of the complaint outcomes for these complaints in Table 1 and Table 2 below. Please note that 28 complaints remain under assessment by HDC. At any time during an assessment a complaint may become a formal investigation. Therefore, some of the 'non-investigations' under assessment may become investigations at a later date.

Please note that while 11 investigations have found a provider in breach of the Code, 10 of these investigations relate to the same provider.

Please note that complaints which were assessed as being outside the jurisdiction of HDC in the following tables generally related to decisions made by Government agencies.

Table 1. *Outcomes of complaints received between 1 March 2021 and 30 September 2023 primarily related to informed consent for the COVID-19 vaccine*

Outcome	Number of complaints
Investigation	***13***
Breach finding	11
No breach finding with adverse comment and recommendations	1
Currently under assessment by HDC	1
Other resolution following assessment	***70***
Referred to regulatory authority	2
No further action with recommendations/ educational comment	5
No further action	38
Referred to the Advocacy Service	2
Referred to the provider	8
Withdrawn by the complainant	5
Currently under assessment by HDC	10
Outside jurisdiction	***7***

Table 2. *Outcomes of complaints received between 1 March 2021 and 30 September 2023 primarily related to an adverse reaction following the COVID-19 vaccine*

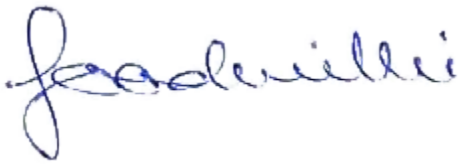
Outcome	Number of complaints
Investigation	***2***
Currently under assessment by HDC	2
Other resolution following assessment	***53***
No further action	13
Referred to the Advocacy Service	9
Referred to the provider	14
Withdrawn by the complainant	2
Currently under assessment by HDC	15
Outside jurisdiction	***3***

A link to decisions where a provider was found in breach of the Code is provided below. These decisions provide information as to which rights were breached in each case.

https://www.hdc.org.nz/decisions/search-decisions/2022/21hdc01972/
https://www.hdc.org.nz/decisions/search-decisions/2023/21hdc02706/

You may seek a review of this decision from the Office of the Ombudsman.

Nāku iti noa, nā



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