

Doing the right thing when things go wrong

Information about Facilitated Resolution

The Occupational Therapy Board of New Zealand (OTBNZ) has developed a policy of Facilitated Resolution to enable suitable complaints and concerns to be resolved in a way that allows all parties to be heard.



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What happens when I make a complaint?

When a health consumer makes a complaint about an occupational therapist the OTBNZ is required by law to refer the complaint for investigation to the Health and Disability Commissioner (HDC). The HDC may decide to refer the complaint back for consideration by the OTBNZ. There are several things the OTBNZ can do.

The OTBNZ may:

1. Refer the occupational therapist for a competence review, or
2. refer the occupational therapist to a Professional Conduct Committee, or
3. refer the complaint for facilitated resolution, or
4. take no further action.

Options 1 and 2 are more formal, legal processes that the Board can take. These processes are set by law (The Health Practitioners Competency Assurance Act 2003) and run by the OTBNZ. The law sets what outcomes are allowed to happen.

The OTBNZ has developed a Facilitated Resolution Policy. The goal of this policy is to resolve complaints or concerns about an occupational therapist's conduct or competence in a way that is fair and respectful to all parties, satisfies the right and need for justice and tikanga, prevents repetition and enables occupational therapists to learn from past mistakes and improve the quality of future practice.

This process is more inclusive of the views and wishes of both parties, as well as allowing outcomes that are not permissible in options 1 or 2 above.

What you can expect from the process:

Participation is voluntary. You can choose if you want to take part in a facilitated resolution process.

Both parties will be asked to tell their story, and will have their views respected.

You will be asked what you would like to happen. Please note that monetary settlements are specifically excluded.

You may be asked if you would like to meet with the occupational therapist together with a neutral, qualified mediator or restorative justice facilitator.

The emphasis is on repair instead of punishment, and ensuring that changes are made so mistakes won't happen again.

We aim for an agreement to be reached between you and the occupational therapist about what steps will be taken to resolve the complaint. The agreement can be private if you wish.

Where to go for more information

Health and Disability Commissioner
www.hdc.org.nz

Advocacy service
www.advocacy.hdc.org.nz

The Occupational Therapy Board of New Zealand
www.otboard.org.nz

Code of rights
www.hdc.org.nz/utilities/your-rights

