
In the mid 1990s the government of the day addressed the problem of the many consumers who had been treated unfairly in their interactions with health or disability services because of their disability by developing the Consumer Code of Rights. There were also cases of complaints being made that had not been addressed properly or not addressed at all. In October 1994 the Health and Disability Commissioner Act became law. There are 10 rights with which you need to be familiar.

As a provider of health and disability (home and community support) services in New Zealand, Access has a legal obligation to protect the rights of consumers who use our services. Total Care Health has the same obligations. The legislation from which this obligation is derived is the Code of Health and Disability Consumer Rights Act 1 July 1996. The role of promoting and protecting those consumer rights is the responsibility of the Health and Disability Commissioner.

Some definitions you may find helpful

1. Advocate:
Is a preferred person (might be a family member or independent person) whose role is to support and promote the rights of the client if they need or would like that support. Advocacy services are available through the Health and Disability Commission.
2. Advance directive:
May be written or oral where the consumer makes a choice about a possible future health care procedure, and which is intended to be effective only when the consumer is not competent.
3. Choice:
Means a decision to a) receive services, b) not to receive services, c) to withdraw consent to services. Informed choice means that the risks of receiving or not receiving services have been effectively communicated to the consumer in the same way as informed consent.
4. Informed consent:
Right 5 of the Code entitles every consumer to effective communication in a form, language and manner that enables the consumer to understand the information provided to them. Where necessary and reasonably practicable, this includes the right to an interpreter. Further, every consumer has the right to an environment that enables both consumer and provider to communicate openly, honestly and effectively.
5. Discrimination:
Is the unjust or prejudicial treatment of different categories of people, especially on the grounds of race, age, or sex.

The 10 Consumer Rights

1. The right to be treated with respect
2. The right to freedom from discrimination, coercion, harassment and exploitation
3. The right to dignity and Independence
4. The right to services of an appropriate standard
5. The right to effective communication
6. The right to be fully informed
7. The right to make an informed choice and give informed consent
8. The right to support
9. Rights in respect of teaching or research
10. The right to complain.

Over the page are some examples of the way that you are probably already ensuring that client rights are being addressed.

-
1. The right to be treated with respect –this involves recognising culture, values, beliefs, religion, social or ethnic grouping. Example: Your client, who is Maori, may wish you to remove your shoes before you enter their home. You are respecting their culture and values by doing so.
 2. The right to freedom from discrimination, coercion , harassment and exploitation
All clients should be treated with the same respect no matter their cultural, religious or sexual representations. No undue pressure should be put on them to comply with a particular treatment – any concerns they have should be fully discussed with them
 3. The right to dignity and Independence
Irrespective of the abilities of the client you need to support them to do as much as they can for themselves, in the way they choose to do it.
 4. The right to services of an appropriate standard
Nurses have a responsibility to ensure they are following best clinical practice and are utilising up to date and informed knowledge when planning and undertaking treatment for all clients. They should never perform tasks they are not competent to do.
 5. The right to effective communication
For clients where English is an unfamiliar language and so they cannot understand what is being said to them interpreting services should always be offered. If an interpreter is required make sure this is noted in the client alerts. Family members may be used as interpreters. The Code of Rights is printed in other languages on the Commission website.
 6. The right to be fully informed
Although the client should already be fully informed about the services they are receiving from TCHS, they may forget – you have a support plan for each client and you can talk to them about the treatment or cares they are receiving.
 7. The right to make an informed choice and give informed consent.
The client needs to know and understand what services are proposed to be provided and if there are any risks involved. Once they have all the information they require and have received answers to any questions they may have, then the client may decide if they want the service or not. This should always have been discussed at the first visit. However, if at any stage the client wants to change the support or stop receiving it, or maybe change provider then suggest to them it would be appropriate to discuss this with the a Clinical Nurse Leader, when appropriate you might offer to get the CNL to call them.
 8. The right to support
If the client indicates they would like a support person present during their care when a nurse is present – ensure that the support person is also treated with the same respect you would offer the client. You should confirm with the client that it is their choice to have that person/people present and their presence should be documented in the clinical notes.
 9. Rights in respect of teaching or research
Though not a routine situation there are times when TCHS will want to trial new products on clients or more often a client will be visited as part of a new nurses orientation to TCHS Clients should consent to this before it occurs and they must not be coerced into participation if they do not wish to be involved. This right is closely linked to Right 3 and Right 7.
 10. The right to complain.
All clients have a right to complain about any aspect of the service they are receiving. A Complaints Form must be supplied to every client with explanation at first visit and be supplied if requested by the client. All staff need to be familiar with the Complaints Policy and understand that a client does not need to put a complaint in writing for it to be actioned. It may be also that a client will ask for a nurses assistance to complete a complaint form.