

12 May 2022

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Re: Official Information Act request – Records of Investigations of Staff Assaults on Patients - ADHB
Ref: 20220301-1199

I refer to your Official Information Act request dated 11 March 2022, transferred to Auckland DHB by the Ministry of Health 11 April requesting the following information:

“Can ministry of health please email me aggregated staff investigations of assaults on patients ie staff fired, investigated and resigning before being fired / criminal charges being laid / withdrawn by victim?”

Your request was clarified on 1 April 2022 for:

“All DHB records and records before DHBs set-up.”

We would have been unable to provide you with all records as requested due to substantial collation. We therefore wrote to you on 20 March to clarify your request and to suggest focusing the scope on a period for which we hold records (2018-2022). However, you did not agree to the revised scope in any of your further correspondence with our OIA Manager.

Response

As we were unable to clarify your request, we are providing the below information from the period for which we have data, from 2019 to 19 April 2022. We are refusing your request for all DHB records and records before DHBs were set up. We are unable to provide the information requested as it would require the review of individual clinical records of patients over the many decades that records exist for the publicly funded health services in Auckland that predate Auckland DHB.

Due to the sensitivity of this information, Human Resources staff would need to review individual files over the course of decades and because of their sensitivity it would not be appropriate to use a contractor to review those records. This would take the frontline staff away from their administrative work and prejudice our ability to provide core administrative services.

We have considered whether 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 refuse this element of your request under Section 18(f) of the Official Information Act due to substantial collation and research.

However, as noted we can provide the following information, which is a table of alleged incidents of physical assault by a staff member on a patient that were investigated by HR, along with a summary of the outcomes.

Year	Number of investigations of alleged assault of patients by staff	Outcome of investigation <small>(Informal actions: letters of expectations, training, coaching or other similar actions)</small>
2019	1	Closed. Upheld. Informal actions.
2019	1	Closed. Not upheld at level of misconduct. Informal actions.
2020	1	Closed. Not upheld.
2020	1	Closed. Upheld. Informal actions.
2021	1	Closed. Upheld. Formal warning.
2021	1	Investigation ongoing
2021	1	Closed. Upheld. Employee resigned before final outcome issued.
2021	1	Closed. Not upheld at level of misconduct. Informal actions.
2021	1	Investigation on-going
2022	1	Closed. Upheld. Informal actions.

I trust you find this information useful.

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 response, may be published on the Auckland DHB website.

Yours sincerely,



Ailsa Claire, OBE
Chief Executive