

# DO PEOPLE WHO ARE DETAINED IN NZ EXPERIENCE WORSE HEALTHCARE THAN NON-DETAINED PEOPLE?

A preliminary investigation

# HEALTHCARE AND HEALTH EQUITY

- “Health equity is the absence of unfair, avoidable or remediable differences between groups of people, whether these groups are defined socially, economically, demographically or geographically, or by any other dimensions of inequality...”

W.H.O

# HEALTH IS A FUNDAMENTAL HUMAN RIGHT

- Article 12 ICESR
- Article 7, 9 10 and 26 ICCPR
- NZBORA 1990 ss.19,22,23
- Corrections Act 2004 s.75(2) healthcare available to prisoners must be “reasonably equivalent” to the standard of healthcare available to the public
- HDC Code breaches

# ARC

THERE IS NO STATUTORY GUARANTEE OF AN EQUIVALENT LEVEL OF HEALTHCARE FOR THOSE IN ARC.

This is probably because there is no statutory recognition of detention in ARC in NZ.

# Other legal protections for those detained

Crimes Act 1961, s.2 Vulnerable adult.

s.151 Duty to provide necessaries and  
protect from injury.

s. 195A Failure to protect child or  
vulnerable adult.

# Mental Health Detainees

Mental health detainees are excluded from this study because they are usually detained on approved wards and units in the public hospital system.

# DETENTION

- A detained person is confined to a place for a period of time and cannot leave when they want to.
- A detained person is under the complete and effective control of those detaining him/her.
- If the person leaves the police will be called and asked to find them and bring them back.

# Medication Errors as markers of standard of care

- In hospitals and ARC most people will receive medication.
- Medication is administered by staff, usually nurses.
- The HDC database includes decisions released in a 5 year period 2019-2024.
- Medication errors are listed as a distinct category of complaints.
- Occur in all three populations
- Health Quality and Safety Commission uses medication errors as an indicator of care standards across the health and disability sector.

# The Populations

Public Hospitals

Prisons

ARC

# Detained Populations

- PRISONERS, both on remand and serving sentences.  
20,000 people may move through the system each year.
- 0.2% of total population
  
- AGED RESIDENTIAL CARE (ARC) Dementia and psychogeriatric and hospital level community units.  
Average stay 2 years in hospital level and 18 months in dementia units. About 0.37% of total population.

# Non-Detained Populations

- PUBLIC HOSPITAL ADMISSIONS
- There were 1.3 million admissions to public hospitals in NZ in 2020/2021
- Not 1.3 million people, as some are readmitted as part of ongoing treatment, either planned or unplanned.
- Birth usually results in two admissions

# Hospitals

- Most patients have mental capacity
- Doctor-led service
- Resident doctors
- Senior medical staff on call from home
- 33% of patients over the age of 65
- Fluid population with rapid turnover of bed occupancy
- Run by Ministry of Health

# ARC

- Nurse led
- No resident doctors
- GP visits on a regular basis
- GP might be available at home or via out of hours service
- Almost all patients over the age of 65.
- High level of physical illness and disability
- Static group, relatively slow turnover of bed occupancy
- Run by Ministry of Health via contracts with Health New Zealand/DHB

# Prisons

- Nurse led
- Visits by GPs
- No resident doctors
- Mostly male (94%)
- 51% Māori
- Mostly under age 60 (6.9% 60 or over)
- High levels of mental health and addiction problems
- Run by Dept of Corrections

# Results 219-2024

Category	Total	Hospitals	ARC	Prisons
Overall complaints	225	177	35	13
Medication error complaints	14	7	3	4
%age of total complaints	6.2%	3.9%	9%	30.7%

# Comment

- Those detained either in ARC or prisons suffer a higher level of medication errors than those in public hospitals
- Being detained is a factor in medication errors.
- It is probably an underestimate since those in ARC by reason of mental incapacity or lack of advocacy less likely to complain, or to be able to tell anyone they have the wrong medication. Those in prison not encouraged to complain. Their complaints are usually made post release.
- Other factors are age and cognitive impairment.
- Standards of medical care are generally lower in detained populations