

Health and Disability Services (Safety) Act 2001: Section 31 Reporting Guidelines for providers

Section 31 of the Health and Disability Services (Safety) Act 2001 (the Act) requires all certified providers¹ to promptly notify the Director-General of sub sections 1-5, as detailed below.

Sub-sections (1) - (4)

- The name, address, and contact number of a person who should be contacted about the service/s and any changes to this information.
- Location at which the services are being/will be provided and any changes to the location.
- Any change in the membership of the governing body², partners or trustees of the service provider.

Sub-section (5)

- Any incident or situation that puts at risk (or potentially could put at risk) the health or safety of the people for whom the service is being provided.
- Any investigation commenced by a member of the police into any aspects of the service or any premises in which they were provided.
- Any death of a person to whom you have provided services or occurring in any premises in which services are provided, that is required to be reported to a coroner³ under the Coroners Act 2006.

Further reporting considerations

- The culture within the organisation enables consumers, their whānau, and staff to report events without the fear of retribution.
- Events that are reported must be investigated with a focus on determining the underlying system failures and appropriate mitigations, not blaming or punishing individuals nor diminishing consumer's experience.
- Incidents that involve a criminal act or substance abuse by the health practitioner, a deliberate unsafe act, or deliberate consumer harm should be notified as a Section 31 notification. Please also refer to relevant regulatory authorities as needed.

¹ Certified provider means a person for the time being certified under section 26(1) of the Act.

² Health New Zealand – Te Whatu Ora is exempt from this requirement.

³ Subsection (6) of the Act states a coroner includes an associated coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006.

Common themes and examples* for reporting a Section 31 may include:

Buildings and Governance⁴	The Elements	People	Infectious Outbreaks
Changes in the facility contact name, address, or telephone numbers	Power outage	Assault of any kind	Norovirus
	Earthquake damage	Intruders, trespassers, or harassment	Gastroenteritis
Changes in the governing body, partners or trustees	Flood damage	Missing medicines	Respiratory (RSV)
	Wind damage	Theft of any kind	Influenza
Any new fixed building	Fire damage	A missing resident	COVID-19
	Call bell failure	A police investigation	Scabies
	No services available (eg, internet, phone, water)	A coroner's investigation	Multidrug resistant organisms (MDRO)
		Staff shortage ⁵	

***These are examples and not an exhaustive list of incidents for Section 31 reporting.**

***HealthCERT are only required to be notified of incidents or situations when they meet the criteria under Section 31(5) of the Act. Please consider if an incident or situation meets this intention.**

Note:

- Section 31 reporting does not replace other mandatory reporting for other agencies.
- Refer to the HealthCERT website for the relevant forms for the Section 31 notification- [Notifying an incident under section 31 | Ministry of Health NZ](#) and [Notifying a change of governance | Ministry of Health NZ](#). Please send completed Section 31 notification forms to certification@health.govt.nz.
- Only falls related to health and safety that may impact the people for whom the service is being provided are to be reported as a Section 31 notification (eg, falls related to clinical events do not need to be notified).
- For notification of pressure injuries that also meet Severity Assessment Code (SAC) 2 criteria⁶, providers do not need to submit a separate Section 31 notification as HealthCERT obtain this information via Te Tāhū Hauora Health Quality & Safety Commission (Te Tāhū Hauora)⁷.

⁴ Other notifications may be required as per your Schedule (eg, change in Clinical or Facility Manager)- [Notifying a change of clinical or facility manager | Ministry of Health NZ](#).

⁵ A separate Section 31 notification form for registered nurse shortage is to be completed for this incident.

⁶ This includes all Stage 3 and 4, unstageable, suspected deep tissue injury, and mucosal pressure injuries.

⁷ This process took effect on 1 July 2024.