

25 August 2022

9(2)(a)



RE Official information request ChChD 10935

I refer to your email dated 1 August 2022 requesting the following information under the Official Information Act from Waitaha Canterbury. Specifically:

I see that you are not allowing visitors who won't or can't wear a face mask. I fully support this.

- 1. How does this apply with the legality/ discrimination against those who have gained an official face covering exemption for a medical reason or disability.**

My request is for any legal opinions used by the CDHB in making this decision. I am wanting this information for my own research into this matter.

I attach as **Appendix 1**, the response from the Legal Team at Te Whatu Ora | Waitaha Canterbury.

I have printed the following webpages and attached as **Appendix 2**.

<https://www.cdhb.health.nz/your-health/hospital-services-in-canterbury/>

<https://www.cdhb.health.nz/media-release/te-whatu-ora-waitaha-canterbury-makes-changes-to-visitor-policy-to-protect-vulnerable-patients/>

The printouts are dated 23 August 2022. As these webpages are updated frequently, you may like to click the links when you receive this response. This ensures you have the latest up to date advice.

I trust that this satisfies your interest in this matter.

Please note that this response, or an edited version of this response, may be published on the Waitaha Canterbury website after your receipt of this response.

Ngā mihi / Yours sincerely,



Ralph La Salle
Senior Manager, OIAs
Waitaha Canterbury / Te Tai o Poutini West Coast.

The 19 July 2022 decision of Te Whatu Ora Waitaha Canterbury, Health New Zealand (previously the Canterbury District Health Board) to require all hospital visitors to wear masks from 20 July 2022 was made following:

1. A clinical assessment of risks.
2. A review of the COVID 19 Hospital and Clinic Patient Visiting National Guidelines.
3. An assessment of Maori and equity perspectives.
4. Legal input.

We cover each in turn.

1. Clinical Assessment of Risk

Te Whatu Ora Waitaha Canterbury has a standing advisory group of clinical experts on COVID related matters – the Technical Advisory Group (TAG).

TAG recommended compulsory mask use by visitors following the recent (and ongoing) spike in patients admitted with COVID 19 and other illnesses, including influenza, who were particularly vulnerable. There were also large numbers of staff ill with or isolating due to COVID and other illnesses. Patient admissions and staff illness had combined to place significant stresses on our Hospitals.

The TAG recommendation noted that there had been a series of cases where patients had developed COVID during their hospital stay and the most likely source had been a visitor who was positive (unknown at the time of visit).

The TAG general concern during our climb up the second wave of Omicron was the risk of COVID transmission from visitors to patients. This was due to the high community case numbers of COVID. The risk was also not just to the loved one being visited but to other patients (especially those accommodated in multi-bed rooms).

Further to this we have had the instance where family members introduced COVID to their family member and another patient of the Respiratory ward (a very vulnerable population).

Another factor considered by TAG was increasing aggression shown by some visitors to our staff, which was causing distress and distraction.

As part of the above, TAG considered the Code of Health and Disability Services Consumers' Rights

Right 8 - Right to support

Every consumer has the right to have one or more support persons of his or her choice present, except where safety may be compromised or another consumer's rights may be unreasonably infringed.

2. National Guidelines

The April 2022 National Guidelines (since updated) are **attached**. These reflect that DHB's (as they then were) could take steps following a risk assessment, including requiring mask wearing at all times and/or restricting movement within the hospital.

3. Maori and Equity

As noted in the above Guidelines, all staff will work with Maori and Pacific health teams/leaders to ensure cultural supports and aspects of care are considered. It was accepted that mask wearing can be difficult, tiresome and even a nuisance to some. However, the issue of exercising tino rangatiratanga is a collective one not an individual one. That is to say that whānau, hapū and iwi may collectively decide to do things that are not necessarily unanimously supported but are agreed by consensus because they protect the collective. Masks is such a case.

It is accepted that there are individuals who do not like wearing them for various reasons, but it is considered that the protection of whānau and communities is more important than an individual's dislike or discomfort with masks. This aligns with a number of Tiriti principles, particularly tino rangatiratanga, equity and active protection.

4. Legal Advice

No formal legal opinion was provided but decision makers met and discussed the proposal with our corporate solicitor who supported the recommendation noting that there was a balance between obligations to mitigate the identified risk to staff, patients and visitors, and the right of patients to receive support from visitors, including those with mask exemptions. Given the risks identified by TAG, the balance was in favour of mask wearing by all, with that decision being reviewed as the risk is re-assessed.

It was relevant that unions representing staff had contacted the organisation supporting the mask restriction.

The current visitor information for Canterbury Hospitals and Health Centres is [here](#)

Changes were announced on 19 July, taking effect at 7am on 20 July 2022. The media release announcing the changes can be found [here](#)

Visiting hospital services in Canterbury (including attending outpatient appointments)

Unable to visit someone in hospital? We can help you stay connected.

Email your message/pictures to patientlink@cdhb.health.nz stating who it is from, who it is for and which hospital/ward they are in. Our volunteers will make sure your message gets to them.

Visitor restrictions (including people attending outpatient appointments)

For visitors to all facilities effective from Wednesday 20 July 2022

With the recent resurgence in cases in Canterbury, largely due to the Omicron BA.5 subvariant we are seeing an increase in demand right across the health system. Presentations to our Christchurch ED and Ashburton's AAU are higher than ever and admission rates are high, which means we have a shortage of resourced beds.

Recently, we have seen too many unwell people coming to visit someone in hospital and too many that cannot or will not wear a medical mask. This increases the risk to vulnerable people in hospital. For these reasons we need to do everything we can to minimise these risks.

We have therefore tightened visitor restrictions for all Te Whatu Ora Waitaha Canterbury hospitals and health facilities.

Kia whakahaumaru te whānau, me ngā iwi katoa – this is to keep everybody safe:

One visitor per patient in the hospital at any given time, except where stated otherwise in the 'exceptions' section below.

No visitors under 16 to any part of our facilities.

No visitors to COVID +ve patients other than in exceptional circumstances.

No eating or drinking at the bedside or anywhere other than cafes or areas designated for eating/drinking, as taking your mask off puts patients at risk.

Visitors or support people must not visit our facilities if they are unwell with cold or flu-like symptoms (even if they have tested negative) or have had a recent tummy bug.

Do not visit if you are COVID +ve or a household contact of someone who has tested positive

Surgical/medical masks must be worn at all times at all sites and will be provided if people don't have them. Mask exemptions do not apply in our facilities – people who cannot tolerate a mask cannot visit at this time.

Hand sanitiser stations are visible and must be used.

By sticking to the rules above, you help keep our patients, staff, other visitors and yourself safe. We thank you in advance for your patience and understanding as our staff work hard to protect and care for some of the most vulnerable in our community.

Exceptions to the 'one visitor' policy

Exceptions can apply in some circumstances where trusted whānau members provide assistance, reassurance and other support for therapeutic care or on compassionate grounds – please talk to the ward's Charge Nurse to discuss this **before** you come to hospital to visit. For whānau with an essential support role as a Partner in Care – again, please check with the ward's Charge Nurse before you come to hospital to visit.

People attending Christchurch ED or Ashburton AAU can have one support person with them.

Women in labour and in the birthing suite can have two named support people + their community LMC/midwife if they have one – for the duration of the birth only. All other women on the Maternity Ward are allowed one support person for the duration of their stay in our facilities at Christchurch Women's Hospital and other maternity units. Only one support person can be with each woman in the maternity ward, and one support person for maternity clinic appointments. No under 16s are allowed to visit or attend appointments.

Parents/caregivers can be with their baby in NICU.

Parents/caregivers are able to be with their child in hospital (Except Children's Haematology and Oncology Day patients where only one parent or caregiver is permitted).

People requiring support when attending an appointment can have one support person. Please let the relevant service know if you need this so they are able to accommodate your request.

Visiting patients with COVID-19

To avoid them becoming infected with COVID-19 and passing it on, visitors to COVID-19 positive patients will not be allowed except in extenuating circumstances – by prior agreement with the Charge Nurse Manager only, and wearing an N95 mask.

Other methods of communication will be facilitated e.g. phone, facetime, zoom etc.

You must NOT visit the hospital if you

are a household contact of a COVID-19 positive case

are COVID-19 positive

Have a cold or flu/COVID-19-like symptoms (even if you are testing negative for COVID-19)

Exceptions for people with disabilities

An exception will be made for people with disabilities who are in hospital or have to attend an outpatient appointment – where they need a support person to access health services. For example, a sign language interpreter, support person for someone with a learning disability, or someone to assist with mobility. The support person is in addition to the one permitted visitor.

Everyone visiting our facilities must wear a mask, no exceptions

While we appreciate that some people have legitimate reasons for being exempt from wearing a mask and may even have an official card to confirm this, people who cannot or will not wear a mask cannot visit someone in hospital or attend hospital, **other than to access healthcare treatment***. This is another measure to minimise the risk to vulnerable patients.

***healthcare treatment includes:** Emergency Department care, outpatient appointments, surgery or a procedure.

See the message at the top of the page, which is one way you can stay in touch during these exceptional circumstances.

Expand All

Canterbury DHB-operated Aged Residential Care facilities

Christchurch Hospital

Christchurch Hospital Shuttle Bus from the Deans Avenue Car Park

Christchurch Outpatients

Burwood Hospital

Specialist Mental Health Services at Hillmorton campus & The Princess Margaret Hospital site

One visitor per patient at a time – no visitors under 16, no exceptions to the requirement to wear a mask. Under 16s and people without masks cannot visit at this time.

One support person by pre-arrangement for community appointments (contact the team or case manager prior to confirm).

Parents/caregivers are able to visit in support of a child.

Additional people will be considered by the Clinical/Charge Nurse Manager or Duty Nurse Manager (after hours). This must be by prior arrangement to ensure that we can meet physical distancing requirements.

Kaikoura Health Te Ha o te Ora

Ashburton Hospital

Hospital Café and shop restrictions

Released under the Official Information Act

Te Whatu Ora Waitaha Canterbury makes changes to visitor policy to protect vulnerable patients

Tuesday 19 July 2022

Media release

6 minutes to read



Te Whatu Ora Waitaha Canterbury makes changes to visitor policy to protect vulnerable patients

To ease pressure on the health system and protect vulnerable and older patients, from tomorrow morning, 7am 20 July, temporary changes to Te Whatu Ora Waitaha Canterbury's visitor policy take effect at the district's hospitals and health centres.

During the past two weeks, there has been a significant increase in COVID-19 cases on top of other respiratory illnesses – resulting in a larger proportion of our population and health workforce unwell or looking after whānau at home. While this isn't unexpected in winter, we are seeing a far greater impact, earlier than usual, across hospitals and primary care.

Becky Hickmott, Incident Management Controller for the Omicron outbreak says that to protect our vulnerable patients, we are tightening our visitor restrictions and enforcing a 'no mask, no entry' policy.

"Children and young people under the age of 16 will not be allowed into Te Whatu Ora Waitaha Canterbury facilities, unless the visit is prearranged on compassionate grounds. This is because medical masks are less likely to fit under 16s well and children are less likely to be able to wear them correctly for the duration of a visit. Anyone who looks like they might be under 16, but isn't, should bring some photo ID with them as proof of age.

"From tomorrow morning you will need to mask up and keep your mask on at all times while inside any of our facilities, and we have increased the minimum age of visitors to one person aged 16 or over to visit each patient," Ms Hickmott says.

Visiting hours for Christchurch Hospital are also being reduced to between 3 and 8pm to allow patients more time to rest and recover and ease pressure on health workers, with a significant proportion of the workforce currently unwell or looking after whānau at home due to COVID-19 and other respiratory illnesses. Entry to Canterbury hospitals and health centres will be via main entrances only.

"Given we expect sustained pressure on health services to continue throughout winter, it will help if everyone does their bit to help us get through the cooler months. Our best protection this winter is to be up to date with influenza and COVID-19 vaccinations, which can help reduce the need for hospitalisation, along with the other precautions of staying home when sick, getting tested when you have flu-like symptoms, wearing masks as directed, and regularly washing hands."

Visitor guidelines

One visitor at a time may visit a patient in our facilities. Visitors must be aged 16 or over.

Please phone and talk to the ward's Charge Nurse to discuss any exceptions to this on compassionate grounds **before** you come to hospital to visit.

No eating or drinking while visiting a patient (i.e. you need to keep your mask on at all times when in our hospitals and health centres, except in cafes and areas designated for eating/drinking)

Mask wearing

Surgical/medical masks must be worn at all times inside all of our facilities and are provided at the front entrance if people don't have them.

Note that the need to wear a mask at all times in our facilities also applies to people with mask exemptions as the health and safety of our patients is our top priority.

Even if you have a mask exemption, you won't be able to enter any Te Whatu Ora facilities without a mask. If you are unable to visit, please call the Charge Nurse of the ward you want to visit, and staff will do their best to facilitate a phone or video call as an alternative.

As is the case now, on some wards, you will be required to wear an N95 mask to enter.

No visiting patients with COVID-19

COVID-19 positive patients cannot be visited other than on exceptional compassionate grounds agreed by the Charge Nurse Manager. Please phone the ward to arrange a phone or video call as an alternative.

You must NOT visit our facilities if you

are a household contact of a COVID-19 positive case

are COVID-19 positive

are unwell. Please stay home if you have a tummy bug or cold or flu/COVID-19-like symptoms (even if you've tested negative for COVID-19).

Full details of the new visitors' rules, including exceptions, will be published on our website at midnight tonight.

A reminder to everyone that you can now pick up supplies of free RATs and masks from community testing centres and participating pharmacies. You don't need to have symptoms to get free RATs. Wherever possible please order online at <https://requestrats.covid19.health.nz/> or by calling 0800 222 478.

Please check [Healthpoint](#) for a list of participating pharmacies as not all pharmacies can distribute free RATs. You can find your nearest community based testing/RAT and mask collection centres [here](#) P2/N95 masks are available for people who are at higher risk of hospitalisation if they get COVID-19.

More COVID-19 vaccine options

For adults aged 18 and over who wish to have a different COVID-19 booster vaccine option, Novavax and AstraZeneca are now available to book as a second booster at least six months after a first booster.

While Pfizer continues to be the preferred vaccine, the alternative boosters will be available from 14 July for priority groups. You can find the eligibility criteria here: <https://www.health.govt.nz/covid-19-novel-coronavirus/covid-19-vaccines/covid-19-vaccine-boosters>. Second boosters are free and are important for our most vulnerable people as we go through winter. Staying up to date with the recommended COVID-19 vaccinations will continue to protect you from the risk of serious illness, hospitalisation or death from COVID-19.

Check out <https://vaccinatecanterburywestcoast.nz/> to see where you can receive these vaccines. AstraZeneca boosters require a prescription and you can get this for free either from a GP or from a participating vaccination centre.

It's also time to see if you are winter ready and ensure your other vaccinations are up to date such as flu and MMR (measles). Your family doctor can help, and many vaccinations can be done at your local pharmacy.

If you're in Christchurch, join us at our community vaccination events and stay for kai, colouring competitions and spot prizes. You can get both COVID-19 and MMR vaccinations if you need them. Free flu vaccinations are also available for those in the eligible groups. Check if you're eligible here: <https://www.health.govt.nz/your-health/conditions-and-treatments/diseases-and-illnesses/influenza/flu-influenza-vaccines/getting-flu-jab>

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