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| Victorian Institute of Forensic Mental Health (Forensicare) |
| Board Director Position Description |
| OFFICIAL |

The board and the individual directors of a health service board have formal duties and responsibilities to the Minister for Mental Health (the Minister), the Secretary of the Department of Health (the department) and the public.

# Forensicare

Forensicare, also known as the Victorian Institute of Forensic Mental Health, is the state-wide provider of forensic mental health services. Forensic mental health is a specialist area of the mental health system that provides a range of mental health services across the spectrum of criminal justice including assessment and treatment of mentally ill offenders, people with a mental disorder and a history of criminal offending or those who are at risk of offending. It also provides treatment services for people found not guilty of an offence on the grounds of mental impairment.

The primary focus of Forensicare is the provision of clinical services which are provided in hospital, community, and prison settings -

* *Thomas Embling Hospital* - a136 bed secure hospital providing acute, subacute, and continuing care units, a dedicated psychiatric intensive care unit and a dedicated Women’s Unit. Patients are subject to compulsory treatment under the Mental Health Act 2014 and are many are also subject to an order made by the court following a mental impairment finding under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* or transferred from the prison system. Work is currently underway to implement the recommendations from the Royal Commission into Victoria’s Mental Health System, which includes refurbishing existing beds and expanding the number of beds at the Thomas Embling Hospital. This will provide an additional 127 beds to meet the needs of individuals living with a serious mental illness and who require care and treatment within a forensic hospital setting.
* *Community Forensic Mental Health Service* – specialist assessment and multi-disciplinary treatment to high-risk clients referred from area mental health services, correctional services, courts, the Adult Parole Board, Thomas Embling Hospital, prison services, government agencies and private practitioners. Services include the Community Integration Program, the Problem Behaviour Program, the Mental Health Court Liaison Service, Non-Custodial Supervision Order Consultation and Liaison (for people subject to the Crimes *(Mental*

*Impairment and Unfitness to be Tried) Act 1997*), the Forensicare Serious Offender Consultation Service, Court Report Services, Forensic Clinical Specialist Coordination, Youth Justice Mental Health Coordination and, a Mental Health Community Corrections Screening pilot.

* *Prison Services* – funded through the Department of Justice and Community Safety. In the men’s prison system, we operate prison based forensic mental health services and rehabilitation. Ravenhall Correctional Centre includes a 75-prisoner capacity mental health service. Forensicare also provide specialist clinics, outpatient services and assessment programs within prison facilities across Victoria. Forensicare partners with public health services and public hospitals, mental health services and broader community organisations to ensure patients and consumers are well supported in their recovery trajectory.

Forensicare have a formal link with Swinburne University of Technology through their research arm, the Centre for Forensic Behavioural Science and established links with other tertiary organisations to support ongoing commitment to promote knowledge and training in forensic mental health.

## Equal Opportunity and Diversity

The department is committed to ensuring that health boards and committees reflect the rich diversity of the Victorian community.

The department encourages applications from women, people of all ages, Aboriginal and / or Torres Strait Islander people, people with disability, people from culturally and linguistically diverse backgrounds and from lesbian, gay, bisexual, trans, gender diverse, intersex and queer (LGBTIQ+) people. We will provide reasonable adjustments to the recruitment process upon request.

## Legislative framework

Forensicare has its own board of directors that is responsible for the effective and efficient governance of Forensicare.

The board must ensure Forensicare is compliant with the requirements of the *Mental Health Act 2014 (Vic*) (MHA). The board ensures the Minister, and the Secretary are advised about significant board decisions and are informed in a timely manner of any issues of public concern or risks that affect or may affect the health service.

Directors on the board of a public health entity are considered a public official under section 4 of the *Public Administration Act 2004 (Vic).* As such directors are bound by the legislated requirements of the Victorian public sector values and the Directors’ Code of Conduct.

The *Financial Management Act 1994 (Vic)* also applies to the financial administration of Forensicare relating to the accounting and reporting of public money and public property.

## Role of the Board

The role of Forensicare is to oversee the performance of the organisation and ensure that it is meeting the policy and strategic objectives of the Minister and government of the day. The board is held to be ultimately responsible for all aspects of the health service’s activities. This includes, among other things:

* setting the vision, strategy, and direction of the organisation, in line with government priorities
* having ultimate accountability for the delivery of safe and quality care, including cultural safety
* leadership succession planning and performance management of the Chief Executive Officer
* overall oversight of the performance and delivery of key policy priorities
* ensuring the ongoing financial viability of the organisation.

The functions of the board are varied and cover accountability to stakeholders and leadership both internally and externally, now and into the longer term. Collectively, the board is responsible for creating a governance environment that acts in the best interests of the entity, the broader health system and its people.

## Role of the directors

Board directors are an integral part of Victoria’s health system and our health services cannot operate without them. Appointed by the Minister with advice from the Chairperson, the department and Boards Ministerial Advisory Committee, directors are Australian citizens or permanent residents and preferably members of the Victorian public. Directors are selected for their capabilities, encompassing personal and professional attributes, skills, knowledge and experience, and which they will continue to develop while on the board.

Board directors are expected to:

* Commit to the delivery of safe, high quality, culturally safe, person-centred care – a genuine interest in the fundamental purpose of the organisation and its role in the health care service system.
* Have integrity and be accountable – dedication to fulfilling a director’s duties and responsibilities, putting the organisation’s interests before personal interests and acting ethically.
* Provide constructive challenge and oversight - the curiosity to ask questions and the courage to persist in asking, and to challenge management and fellow board directors, where necessary and in a respectful manner.
* Use and interpret complex information – understanding the need for information on which to base decisions.
* Be aware of the Mental *Health Act 2014 (Vic)* and other applicable legislation and regulations.
* Commit the time required to fully exercise the duties required of the position (approx. 16 hours per month to prepare for and attend board and committee meetings). Time is needed to:
	+ Attend, as a minimum, 75 percent of the approximately 11 board meetings per year (these are usually held during the day). Meetings may be attended in person or on-line however some in-person commitments may be required.
	+ participate on sub-committees of the board and serve on one or more ad-hoc committees as necessary. The chairperson will ask that their directors serve on a number of sub-committees (including, but not limited to, audit and risk, finance, clinical governance and quality, remuneration and succession planning, research and strategic planning and oversight). Subcommittees, depending on the category of sub-committee, may meet every month, every two months or quarterly;
	+ review agenda items and board papers in anticipation of an upcoming board/sub-committee meeting;
	+ review the most recent board/sub-committee meeting minutes to confirm what was discussed and agreed; and
	+ attend events where the health service requires representation, which includes fundraising and other community events. Board directors should also be prepared to attend board strategy days, open access board meetings, Annual General Meetings and other nominated events which may be part of the board’s calendar. This expectation applies to all board directors regardless of their residential location
* Develop a full understanding of the organisation’s finances, scope of service, strategic context and legal framework.
* Adhere to the relevant obligations and duties set out in the Victorian Public Sector Commission’s (VPSC) Directors’ Code of Conduct[[1]](#footnote-2) and the department’s Director’s Toolkit[[2]](#footnote-3) (namely the ‘conduct, ethics and fiduciary duties’ and ‘statutory duties’ chapters). As well as bring any actual, potential or perceived conflicts of interest or conflicts of duty to the attention of the board chairperson.
* Undertake Board Induction training and any other professional development required to fully discharge their responsibilities.

## Indemnification and remuneration

The health service indemnifies board directors so that they are not personally liable for anything done, or omitted to be done, **in good faith,** when carrying out their duties. Any liability resulting from an act or omission attaches instead to the health service.

Directors are also entitled to remuneration for their services as a director of a public board. Forensicare is classified as a Class A Band 4 board. The 2022-23 remuneration rate for a director for Forensicare is $19,043.49 per annum.

## Key Selection Criteria

### Minimum individual capabilities

All applicants are required to demonstrate a basic knowledge and understanding of the following concepts that will equip them to perform the role of a director, and which will be developed further if appointed:

* 1. Corporate governance – the role of the board, its relationship to management and the accountability mechanisms for the public health service, including the board’s ultimate accountability to the Minister.
	2. Clinical governance – mechanisms to ensure the delivery of safe, high quality, culturally safe services (noting that all new directors will be provided training in the Victorian Clinical Governance Framework).
	3. Financial literacy – the ability to understand and interpret financial reports, including the audited financial statement in the organisation’s Annual Report, to determine the financial health of the organisation.
	4. Legal literacy – the ability to understand the legal framework within which a public health service board operates, including its primary obligations under the Mental Health Act.

### Board capabilities

Ideally, boards are required to cover all capabilities outlined below. The department has currently identified 13 capabilities which are grouped into two tiers:

* Tier 1 – the necessary capabilities that a board requires to set the strategic priorities that a Victorian health board would be expected to address in the normal course of its duties; and
* Tier 2 – important capabilities that are desirable for a board, and the extent of the requirement can be dependent on the strategic plans of the entity.

In ensuring that these capabilities are present on the board, applicants are asked to nominate and provide supporting information on their three primary capabilities. Applicants will be on a spectrum of capability, with boards seeking applicants based on current gaps and future needs to manage succession planning. Applicants will also be able to indicate secondary capabilities. These are additional capabilities that an applicant will possess in addition to their three primary capabilities.

Applicants should demonstrate in their application the knowledge and experience they will bring to the role in the areas identified as their key capabilities.

#### Tier 1 – Capabilities necessary for a board

1. Audit and risk management
2. Clinical governance
3. Corporate governance
4. Financial management and accounting
5. Law
6. Patient (user) experience and consumer engagement
7. Registered clinician
8. Strategic leadership / Executive management

#### Tier 2 – Capabilities important for a board

1. Asset management
2. Communications and stakeholder engagement
3. Community Services
4. Human resources management
5. ICT strategy and governance

### Board Director Capability Framework

The department has developed the Board Director Capability Framework (the framework) to enable a more consistent definition of the capabilities currently identified for health service boards. Capabilities have three different levels of proficiency – foundational, proficient, and advanced.

Directors appointed to a board are preferred to be proficient in the primary capabilities they nominate and are expected to attain the foundation capability level on all remaining capabilities within their first year after appointment.

The framework provides more information on the capabilities. The information supplied by applicants will be used to make an assessment.

For further information about the framework refer to <https://www.health.vic.gov.au/applying-for-board-director-positions>

### Specific capability

### Mental Health sector knowledge

* Has professional knowledge and experience in the delivery of mental health services. This might include experience working in senior management, executive or on the board of a not-for-profit community service agency and/or working directly with clients of mental health services.
* Experience advocating for people with a lived experience of mental illness is an advantage and/or experience assisting people experiencing mental illness.

## Data and Privacy

When collecting and using personal information, the Department of Health acts in accordance with the Victorian Government Privacy Statement, and the *Privacy and Data Protection Act 2014 (Vic)* which contains the Information Privacy Principles (IPPs).

Individuals do not have to disclose any personal information if they do not want to, but it can help the board and the department to understand how people can be supported through the recruitment process and beyond.

The department invites all applicants, directors and chairs to tell us if they identify as Aboriginal and / or Torres Strait Islander, a person with disability, from a culturally or linguistically diverse background, LGBTIQ+ or a young person, aged 25 years old or less.

The department welcomes the opportunity to discuss support that can be provided with any person who identifies as any of the above through the recruitment process and/or post appointment. A discussion can be arranged by contacting healthservicegovernance@health.vic.gov.au.

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1. Available from: <https://vpsc.vic.gov.au/resources/code-of-conduct-for-directors/> [↑](#footnote-ref-2)
2. [↑](#footnote-ref-3)