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

The Victorian Institute of Forensic Mental Health, known as Forensicare, is the state-wide provider of specialist forensic mental health services in Victoria. The board and the individual board directors of Forensicare have formal duties and responsibilities to the Minister for Mental Health (the Minister), the Secretary of the Department of Health (the department) and Victorian communities. Forensicare is a statutory body established in 1998, with functions and responsibilities set out in the *Mental Health and Wellbeing Act 2022* (Vic) as well as obligations under the *Crimes* (*Mental Impairment and Unfitness to be Tried) Act 1997* (Vic).

## Forensicare

Forensicare delivers a range of forensic mental health services based on a recovery-oriented mental health framework for people living with mental illness. Services are tailored to different stages of recovery and range from assessment, early intervention and prevention, inpatient care, rehabilitation, and community transition support. Forensicare’s primary consumers are individuals with a mental illness at risk of, or involved in, the criminal justice system; and individuals who have carried out a criminal offence but who have been found not guilty, or unfit to be tried, under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (Vic).

Forensicare provides services in a range of settings:

* Thomas Embling Hospital – a 136 bed secure hospital providing intensive, acute, subacute, and extended rehabilitation for consumers, with a dedicated women’s unit. Patients are admitted to the hospital from the justice system under certain Acts, but they can also be admitted from the general mental health system.
* Community Forensic Mental Health Service – specialist assessment, consultation 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.
* Prisons – Forensicare provides specialist forensic mental health services in 12 out of 14 prisons in Victoria.

Forensicare has 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 breadth and richness the diverse voices of Victorian communities.

The department encourages applications from women, people of all ages, Aboriginal and / or Torres Strait Islander people, people of all abilities, people from culturally and linguistically diverse backgrounds and from lesbian, gay, bisexual, trans, gender diverse, intersex, asexual and queer (LGBTIQA+) communities.

## Legislative framework

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

The board is responsible for the performance of Forensicare including compliance with the requirements of the *Mental Health and Wellbeing Act 2022* (Vic). The board are to advise the Minister and the Secretary about significant board decisions and 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

Forensicare has an established, diverse and well-functioning board. The role of the Forensicare board 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 also supports the Chief Executive Officer and senior Forensicare staff to lead and manage the work of the organisation.

The board is held to be ultimately responsible for all aspects of the organisation’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 and freedom from discrimination, harassment, and bullying
* oversight of the performance and delivery of key policy priorities
* ensuring the ongoing financial viability of the organisation
* recruitment, support and monitoring of the Chief Executive Officer.

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 Victorian communities.

## Role of the directors

Board directors are an integral part of Victoria’s health system, and health services cannot operate without them. Directors are expected to work alongside the Chair and the other Board Directors in a cooperative way to acquit the collective responsibilities of the Board. Directors are selected for their capabilities, encompassing personal and professional attributes, skills, knowledge and experience, which they are expected to share in service to 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.
* Demonstrate a commitment to Forensicare’s mission of empowering recovery for all Victorians living with mental illness who are at risk of entering, or have entered the justice system, to lead safe and meaningful lives free from offending.
* 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 challenge, where necessary, in a respectful manner.
* Use and interpret complex information – understanding the need for information on which to base decisions.
* Adhere to the relevant obligations and duties set out in the Victorian Public Sector Commission’s (VPSC) website, including the Directors’ Code of Conduct[[1]](#footnote-2) and Government board duties and responsibilities[[2]](#footnote-3).
* Be aware of the *Mental Health and Wellbeing Act 2022 (Vic)* and other applicable legislation and regulations.
* Commit the time required to fully exercise the duties required of the position (approximately 16 hours per month to prepare for and attend board and committee meetings). Time is needed to:
	+ Attend, at a minimum, 75 percent of the approximately 11 board meetings per year which are usually held during the day. While meetings may be attended in person or online, it is important that all board directors attend some meetings in person and onsite of the health service.
	+ Participate on two or more standing and ad-hoc committees of the board (there are a minimum of three committees, dedicated to audit and risk, finance and quality and safety).
	+ Review agenda items, papers and minutes of board and subcommittee meetings.
	+ Attend events where the health service requires representation. These are usually in person events such as the Annual General Meeting, strategy or planning days.
* Develop a full understanding of the organisation’s finances, scope of service, strategic context, and legal framework.
* Bring any actual, potential or perceived conflicts of interest or conflicts of duty to the attention of the board chairperson.
* Undertake Board Induction and Clinical Governance 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 rather than individuals.

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 2023-24 remuneration rate for a director for Forensicare is $19,620 per annum.

Remuneration rates are reviewed annually and are published for each board on the department website [www.health.vic.gov.au/board-applications](http://www.health.vic.gov.au/board-applications).

## Key Selection Criteria

While Victorian public health boards are based on capabilities, the boards are more effective when these capabilities also represent the breadth and richness of the diverse voices of Victorian communities. The department encourages boards to consider how to strengthen their boardroom safety and competence to respond to people’s diverse identities, needs and preferences in terms of Aboriginality, cultural, ethnic, linguistic, and religious backgrounds, age, sex and gender identity, sexuality, ability, and other factors to ensure every person has the best possible experience in accessing healthcare.

### Board Director Capability Framework

The Board Director Capability Framework (the Framework) has been developed by the department to enable board directors and chairs to have a clear expectation of what’s important to building an effective board to oversee the Victorian public health services.

To support and strengthen public health service boards, the department has outlined key attributes and capabilities. While some capabilities are necessary, all the attributes are necessary for the effective governance of a public health service. Some capabilities will depend upon the strategic outlook of the organisation and may be prioritised by a board based on its strategic focus.

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

For further information about the framework refer to [www.health.vic.gov.au/board-applications](http://www.health.vic.gov.au/board-applications).

### 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 or living experience of mental illness is an advantage and/or experience assisting people experiencing mental illness.

### Board capabilities

Board directors are expected, collectively as a board, to cover the range of necessary capabilities to ensure good governance and a culture of inclusiveness, integrity, and safety.

The department has outlined 13 capabilities which are grouped into two tiers:

* Tier 1 – the necessary capabilities that support effective governance
* Tier 2 – important capabilities that will depend upon the strategic outlook of the organisation and may be prioritised by a board based on its strategic focus.

In ensuring these capabilities are present on the board, applicants are asked to nominate and provide supporting information on their three primary capabilities. Applicants will also be able to nominate and provide supporting information on up to three secondary capabilities.

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

Audit and risk management

Clinical governance

Corporate governance

Financial management and accounting

Law

Patient (user) experience and consumer engagement

Registered clinician

Strategic leadership

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

Asset management

Communications and stakeholder engagement

Community Services

Human resources management

ICT strategy and governance

## 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.

Applicants should read the Privacy and Consent Statement available at [www.health.vic.gov.au/board-applications](http://www.health.vic.gov.au/board-applications).

The department welcomes the opportunity to discuss reasonable adjustment or support that can be provided throughout 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. Available from [Duties and responsibilities of boards and board directors | boards.vic.gov.au](https://www.boards.vic.gov.au/duties-and-responsibilities-boards-and-board-directors) [↑](#footnote-ref-3)