



Forensicare

Governance Framework

2023



About this Framework

This framework describes the systems, policies, processes, rules and relationships in place that support effective, efficient, transparent and accountable decision making aligned with the achievement of Forensicare’s vision, purpose and strategic directions, including provision of safe and quality care to consumers.

Governance encompasses processes by which public entities are directed, controlled and held to account. It includes the processes whereby decisions important to the future of a public entity are taken, communicated, monitored and assessed. It enables public entities to perform efficiently and effectively and to respond strategically to changing demands.

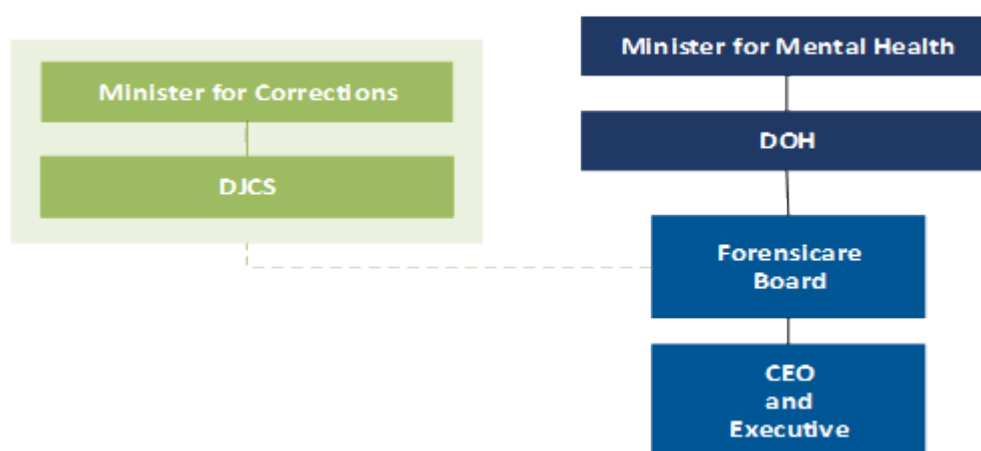
Governance arrangements in the public sector reflect the sector’s unique accountability obligations compared to the private sector, with departments, agencies and entities responsible through their Ministers to the Parliament and ultimately to the people.

Victorian Public Sector Commission

Forensicare Overview

The Victorian Institute of Forensic Mental Health (**Forensicare**) is a statutory body established in 1998 under the *Mental Health Act 1986* and continued under sections 610 and 777 of the *Mental Health and Wellbeing Act 2022* (the **MHW Act**). Forensicare is governed by an independent Board, reporting to the Minister for Mental Health (**Minister**).

The governance of Forensicare operates within a broader public sector accountability framework. In this framework, the Minister is accountable to Parliament and the community for Forensicare's performance, and the Board is accountable to the Minister. The Secretary of the Department of Health provides the Minister with advice and assists the Minister in accounting to Parliament.



Forensicare is the state wide provider of specialist forensic mental health services in Victoria. Forensicare delivers a range of forensic mental health services based on a recovery-oriented mental health framework for people living with mental illness. Forensicare 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;
- individuals who have carried out a criminal offence but who have been found not guilty because of mental impairment or unfit to be tried under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 (CMIA)*; and
- individuals within the community at risk of offending and/or who pose a risk to themselves or others.

Forensicare delivers the following four core services:

- community reintegration: we supervise, connect and support people in recovery as they reintegrate into the community;
- care coordination and treatment: we offer comprehensive care and treatment for people requiring specialist forensic mental health treatment, and partner with a range of services to ensure holistic care;



- advice and consultation: we play a critical role supporting the practice of Area Mental Health and Wellbeing Services, justice agencies, and the Victorian Courts through assessments and primary and secondary consultations;
- research education and innovation: we work in partnership with Swinburne University of Technology through the Centre for Forensic Behavioural Science (CFBS) to deliver a comprehensive program of forensic mental health research, innovation, specialist training and ongoing professional education to support not only Forensicare, but the wider mental health community.

These services are delivered:

- at Thomas Embling Hospital;
- across 12 of Victoria's prisons; and
- through the Community Forensic Mental Health Service.

Forensicare recognises that all consumers have rights under the MHW Act, the CMIA, the *Victorian Charter of Human Rights and Responsibilities Act 2006* (the **Charter**), and the Australian charter of healthcare rights in Victoria.

Forensicare Vision

Meaningful lives led safely

Hope in recovery

Connected care.

Forensicare Purpose

Empower 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.

Strategic Directions

Strategic Direction 1: Consumer Recovery pathways

Consumers, families, carers, and their supporters have pathways to recovery that:

- support hope, empowerment, and connections to the community
- recognise the importance of holistic care-uphold human right
- recognise, and are responsive to, the impact of trauma, including the experience of coercion and compulsory treatment
- are responsive to their diverse backgrounds, cultures, orientation, experiences, and abilities
- facilitate safe, positive challenges and learning
- enable personal responsibility and self-determination

Strategic Direction 2: Connections and Partnerships

We develop and maintain strong and collaborative connections and partnerships that support the recovery of consumers, families, carers and supporters.

Prompt Doc No: FOR0091566 v7.0 (Do not alter this table – the information automatically populates when uploaded on PROMPT)		
First Issued: 02/10/2018	Page 3 of 23	Last Reviewed: 13/09/2023
Version Changed: 13/09/2023	Uncontrolled when downloaded	Review By: 13/09/2024

Strategic Direction 2: Workplace of choice

We are a workplace of choice for people with lived experience, mental health clinicians and corporate service leaders.

Strategic Direction 4: Research, education and Innovation

We are trusted thought leaders who lead innovation in understanding the interface between mental illness and offending behaviour recovery.

Our values

Respect	Integrity	Accountability	Human Rights
Behaviours that bring these values to life			
We are self-disciplined and take responsibility to improve the things we can.			
We seek clarity for our role and commit to doing 'our best' work			
We take the time to listen to diverse opinions and seek to understand before responding.			
We courageously 'call out' behaviour and language that is hurtful.			
We recognise the achievement of others.			
We view consumers, families, and carers as experts in their recovery.			
We care for others regardless of what they have done.			
We work together with our community and others, to achieve the best care.			
We spend time and effort on solutions rather than looking for someone to blame.			

Forensicare Functions

Forensicare has the following statutory functions under the MHW Act¹:

- (a) to provide, promote and assist in the provision of forensic mental health and wellbeing services and related services in Victoria;
- (b) to provide clinical assessment services to courts, the Adult Parole Board and other relevant government agencies;
- (c) to provide inpatient and community forensic mental health and wellbeing services and specialist assessment and treatment services;
- (d) to provide community education in relation to the services provided by Forensicare and forensic mental health and wellbeing generally;

¹ Section 613, *Mental Health and Wellbeing Act 2022*.



- (e) to provide, promote and assist in undergraduate and postgraduate education and training of professionals in the field of forensic mental health and wellbeing;
- (f) to provide, promote and assist in the teaching of, and training in, clinical forensic mental health and wellbeing within medical, legal, general health and other education programs;
- (g) to conduct research in the fields of forensic mental health and wellbeing, forensic health, forensic behavioural science and associated fields;
- (h) to promote continuous improvement in the quality and safety of forensic mental health and wellbeing services and related services provided in Victoria;
- (i) to promote innovations in the provision of forensic mental health and wellbeing services and related services in Victoria; and
- (j) to perform any other functions conferred on Forensicare under the MHW Act or any other Act.

Forensicare Powers

Under section 614 of the MHW Act, Forensicare has power to do all things that are necessary or convenient to be done for, or in connection with, or as incidental to, the performance of its functions, including:

- (a) enter into arrangements for services provided by Forensicare;
- (b) impose fees and charges for the provision of services; and
- (c) seek and accept funds from any person for the purposes of performing its functions.

In performing its functions and exercising its powers, Forensicare must have regard to:

- (a) the needs and views of:
 - i. persons receiving mental health and wellbeing services and related services provided by Forensicare; and
 - ii. the communities served by Forensicare; and
 - iii. providers of mental health and wellbeing services and related services; and
 - iv. any other relevant parties; and
- (b) the need to ensure that Forensicare uses its resources in an effective and efficient manner;
- (c) the need to ensure that it continuously strives to improve the quality and safety of the services it provides and to promote innovation; and

In performing its functions and exercising its powers, Forensicare must comply with the duty of candour set out in Part 14.4 of the MHW Act.

Management and oversight

Forensicare Board

Appointment to the Board

The Board of Forensicare comprises up to ten (10) people appointed by the Governor in Council for terms not exceeding three years on the recommendation of the Minister for Mental Health. Directors may apply for reappointment but may not serve more than three terms on the Board.

Prompt Doc No: FOR0091566 v7.0 (Do not alter this table – the information automatically populates when uploaded on PROMPT)		
First Issued: 02/10/2018	Page 5 of 23	Last Reviewed: 13/09/2023
Version Changed: 13/09/2023	Uncontrolled when downloaded	Review By: 13/09/2024



The Board includes a nominee of the Attorney-General, a nominee of the Minister administering the *Corrections Act 1986*, and at least four other members but not more than eight, of whom at least one is a person who identifies as experiencing, or has having experienced, mental illness or psychological distress, at least one is a person who identifies as caring for or supporting, or having cared for or supported, a person with mental illness or psychological distress, and at least one has knowledge of, or experience in, accountancy or financial management.

The Minister may appoint up to two (2) delegates to the Board, if the Minister considers that such an appointment will assist the Board to improve the performance of Forensicare. A delegate is not a Director of the Board.

Board Role and Functions

Responsible party	Responsibilities
Board	<ul style="list-style-type: none"> • Establishing this governance framework for Forensicare to perform its functions and exercise its powers and monitoring compliance with it. • Accountable to the Minister for Mental Health for the performance of Forensicare and must comply with any direction issued by the Minister or the Health Secretary under the MHW Act.² • The Board notifies the Minister and the Health Secretary as soon as practicable after the Board becomes aware of any issue of public concern or risk that may affect Forensicare.³ • Setting the strategic direction. • Must prepare and submit to the Minister a strategic plan for the operation of Forensicare⁴, at a frequency determined by the Minister and in accordance with guidelines determined by the Minister. • Required to advise the Minister if it intends to exercise its functions in a manner that is inconsistent with the most recently approved strategic plan.⁵ • Must prepare a proposed statement of priorities, in consultation with the Health Secretary each financial year.⁶ The statement of priorities must specify: <ul style="list-style-type: none"> > the services to be provided by Forensicare and the funds to be provided to Forensicare; > the objectives, priorities and key performance outcomes to be met; and > the performance indicators, targets or other measures against which Forensicare is assessed and monitored; and

² Sections 631 and 632 of the MHW Act respectively.

³ Section 635 of the MHW Act.

⁴ Section 633 of the MHW Act.

⁵ Section 633(4) of the MHW Act.

⁶ Section 634 of the MHW Act.



Responsible party	Responsibilities
	<p>> how and when Forensicare must report to the Minister and the Health Secretary in relation to the specified objectives, priorities and key performance outcomes.</p> <p>The statement of priorities may be varied at any time if the Board and Minister agree. ⁷</p> <ul style="list-style-type: none"> • Subject to the Secretary’s approval, the Board appoints the Chief Executive Officer (CEO) of Forensicare and determines the CEO’s remuneration and the terms and conditions of their appointment.⁸ • In addition, the MHW Act prescribes the following functions of the Forensicare Board⁹: <ul style="list-style-type: none"> a) to develop financial and business plans, strategies and budgets to ensure the accountable and efficient performance of the functions of Forensicare, and the long-term financial viability of Forensicare; and <ul style="list-style-type: none"> i. it operates within its approved budget; and ii. audit and accounting systems accurately reflect the financial position and viability of the organisation; and iii. it adheres to: <ul style="list-style-type: none"> A. its financial and business plans; and B. its strategic plan; and C. its statement of priorities; and iv. effective and accountable risk management systems are in place; and v. effective and accountable systems are in place to monitor and improve quality, safety and effectiveness of mental health and wellbeing services provided by Forensicare; and vi. any problems identified with the quality, safety or effectiveness of the mental health and wellbeing services provided by Forensicare are addressed in a timely manner; and vii. continuously strives to improve the quality and safety of the mental health and wellbeing services it provides and to promote innovation; and viii. Board Committees established operate effectively. b) during each financial year, to monitor the performance of the Chief Executive Officer of Forensicare (including at least one formal assessment in relation to that financial year), having regard to the

⁷ Section 634(5) of the MHW Act.

⁸ Section 629(1) of the MHW Act.

⁹ Section 617 of the MHW Act



Responsible party	Responsibilities
	<p>objectives, priorities and key performance outcomes specified in Forensicare’s statement of priorities;</p> <ul style="list-style-type: none"> c) to develop arrangements with other relevant agencies and service providers to enable effective and efficient service delivery and continuity of care; d) to establish a Finance committee, an Audit and Risk Committee and a Quality and Safety Committee; and e) to provide appropriate training for directors. <ul style="list-style-type: none"> • Approves the Charter for each Board Committee annually and remains accountable for the work and decisions of the Board Committees. • Approves the membership of the Board Committees. • Delegates powers to the CEO and Executive. The Board approves its Delegations of Authority Manual (the Delegations), which includes a full list of powers and functions (including financial limits) that have been delegated by the Board to the CEO and Management. • Approves Forensicare’s Clinical Governance Framework and performs the roles assigned to the Board in that Clinical Governance Framework. • Approves the Risk Management Framework and performs the roles assigned to the Board in that Risk Management Framework. • Determines the procedure of the Board¹⁰. • Complies with any guidelines relating to the role and procedure of the Board and how it may carry out its functions published by the Minister from time to time. • Evaluates its own performance annually to identify areas of improvement and to provide development for the Directors’ and the Board.
Board Chair	<ul style="list-style-type: none"> • The the Governor in Council, on the recommendation of the Minister, must appoint one of the Directors to be the chairperson of the Board¹¹. • Leads the Board and develops its members as an effective team. The Chair has a particular role to play in relation to effective Board operation. This includes effective, efficient and constructive chairing of meetings and managing the evaluation of the CEO and Board.¹² • Responsible for ensuring Board evaluation occurs regularly, ideally as an annual process.

¹⁰ Section 624 of the MHW Act

¹¹ Section 619(2) of the MHW Act

¹² For further information, see VPSC, [Public Entity Roles and Other Stakeholders](#).



Responsible party	Responsibilities
	<ul style="list-style-type: none"> A Director is eligible for reappointment to the Board but must not serve on the Board for more than three terms.¹³
Quality & Safety Committee	<ul style="list-style-type: none"> Provides assurance to the Board that effective and accountable systems are in place to monitor and improve the quality, safety and effectiveness of mental health and wellbeing services provided by Forensicare and to ensure that any problems identified with the quality, safety or effectiveness of the mental health and wellbeing services provided are addressed in a timely manner. Endorses to Board for approval, Forensicare’s Clinical Governance Framework and performs the roles assigned to it in that Clinical Governance Framework. Reports significant issues to the Board for discussion and decision-making. Review their performance annually and provide recommendations to the Board of any actions that should be taken to improve the Committee’s performance and effectiveness.
Audit & Risk Committee¹⁴	<ul style="list-style-type: none"> Assist the Board to fulfil its corporate governance and oversight responsibilities in relation to Forensicare’s financial reporting, internal control structure, legal and regulatory compliance, risk management systems, security and the internal and external audit functions. Endorses to Board for approval, Forensicare’s Risk Management Framework and performs the roles assigned to it in that Risk Management Framework. Reports significant issues to the Board for discussion and decision-making. Review their performance annually and provide recommendations to the Board of any actions that should be taken to improve the Committee’s performance and effectiveness.
Finance Committee ¹⁵	<ul style="list-style-type: none"> Assist the Board to fulfil its financial governance responsibilities, including budgeting, financial management and performance, capital expenditure and progress off major capital works, investment management and finance policies and procedures. Reports significant issues to the Board for discussion and decision-making. Review their performance annually and provide recommendations to the Board of any actions that should be taken to improve the Committee’s performance and effectiveness.

¹³ Section 620(3) of the MHW Act.

¹⁴ This Committee is a requirement under the Standing Directions of the *Financial Management Act 1994* (Vic) as well as the MHW Act.

¹⁵ This Committee is a requirement under the Standing Directions of the *Financial Management Act 1994* (Vic) as well as the MHW Act.



Responsible party	Responsibilities
<p>People & Remuneration Committee</p>	<ul style="list-style-type: none"> • Oversees and advises the Board on the effectiveness of Forensicare’s people-related policies, frameworks and strategies to ensure the health, safety and wellbeing of employees. • Reviews the performance and remuneration of the Chief Executive Officer and notes the remuneration of the CEO’s direct reports, in line with the Department of Health’s Health Executive Employment and Remuneration Policy.. It also provides support to the Board in determining Board Committee memberships and succession planning for the Executive. • Reports significant issues to the Board for discussion and decision-making. • Review their performance annually and provide recommendations to the Board of any actions that should be taken to improve the Committee’s performance and effectiveness.

Management Role and Functions

Responsible party	Responsibilities
<p>CEO</p>	<p>The CEO is subject to the direction of the Board in controlling and managing Forensicare.¹⁶</p> <p>The functions of the CEO are:</p> <ul style="list-style-type: none"> (a) to prepare material for consideration by the Board, including the Error! Reference source not found. and Error! Reference source not found.; (b) to ensure that Forensicare uses its resources effectively and efficiently; (c) to implement service development and planning; (d) to implement effective and accountable systems to monitor and improve the services provided by Forensicare; (e) to ensure that any problem in relation to the quality, safety or effectiveness of services provided by Forensicare are addressed in a timely manner; (f) to ensure that Forensicare continuously strives: <ul style="list-style-type: none"> i. to improve the quality and safety of the services it provides; and ii. to promote innovation; (g) to manage Forensicare in accordance with: <ul style="list-style-type: none"> i. the financial and business plans, strategies and budgets developed by the Board; and ii. the instructions of the Board;

¹⁶ Section 629(4) of the MHW Act.



Responsible party	Responsibilities
	<ul style="list-style-type: none"> (h) to ensure the Board and the committees established or appointed by the Board are assisted and provided with relevant information to enable them to perform their functions effectively and efficiently; (i) to ensure that the Board’s decisions are implemented effectively and efficiently throughout Forensicare; (j) to inform the Board in a timely manner of any issues of public concern or risks that affect or may affect Forensicare; (k) to inform the Board, the Health Secretary and the Minister without delay of any significant issues of public concern or significant risks affecting Forensicare; and (l) any other functions specified by the Board.¹⁷ <p>The CEO has the power to do all things that are necessary or convenience to be done to perform the CEO’s functions¹⁸.</p> <p>The CEO is the accountable officer for Forensicare under section 42 of the <i>Financial Management Act 1994 (FMA)</i>. As the accountable officer, the CEO must:</p> <ul style="list-style-type: none"> (a) promote and regularly review the proper use and management of public resources for which Forensicare is responsible;¹⁹ (b) establish and maintain an effective internal control system;²⁰ (c) identify and manage Forensicare’s risks;²¹ (d) manage Forensicare’s financial information;²² (e) ensure Forensicare plans and manages performance to achieve financial sustainability;²³ (f) ensure Forensicare’s financial management compliance;²⁴ (g) meet internal and external reporting and information provision requirements;²⁵ (h) provide assurance to Forensicare’s Audit and Risk Committee on: <ul style="list-style-type: none"> (i) the integrity of information relevant to financial management, performance and sustainability in the Annual Report; and

¹⁷ Section 629(2) of the MHW Act.

¹⁸ Section 629(3) of the MHW Act

¹⁹ See Standing Directions 3, 4 and 5.

²⁰ See Standing Direction 3, 4.

²¹ See Standing Direction 3.7.

²² See Standing Direction 3.9

²³ See Standing Direction 4.1.

²⁴ See Standing Direction 5.1.

²⁵ See Standing Directions 4.3 and 5.2.



Responsible party	Responsibilities
	<ul style="list-style-type: none"> (ii) compliance with relevant legislation, standards and government requirements for attesting in the Annual Report;²⁶ (i) consult with the Board in relation to the appointment or the dismissal of the CFO; (j) provide assurance to the Audit and Risk Committee on the integrity of Forensicare's: <ul style="list-style-type: none"> (i) budgets and financial projections;²⁷ and (ii) financial and performance reports; (k) provide the CFO, Audit and Risk Committee and internal audit function with access to the CEO, to enable those positions to carry out their responsibilities;²⁸ and (l) ensure that exemptions from the Directions and Instructions are sought and dealt with appropriately.²⁹
CFO	<p>Responsible for Forensicare's financial accounting and financial reporting, the effectiveness of Forensicare's audit arrangements and the efficient and effective use of resources. The CFO is responsible to the CEO for ensuring that proper accounting records and systems and other records are maintained in accordance with the relevant regulations and standing directions.</p> <p>The CFO must:</p> <ul style="list-style-type: none"> (a) prepare accurate information relevant to financial management, performance and sustainability; (b) establish and review accounting and financial information systems, governance and internal controls to safeguard Forensicare's resources; (c) provide assurance to the Audit and Risk Committee and the CEO that: <ul style="list-style-type: none"> (i) financial reports (estimates and actuals) present fairly, and in accordance with applicable Australian Accounting Standards and the FMA, Forensicare's financial position and operating results; (ii) financial reports (estimates and actuals) are founded on a sound system of risk management and internal compliance and control that implements the policies adopted by Forensicare; and (iii) Forensicare's systems and controls for financial management, performance and sustainability are operating efficiently and effectively in all material respects;

²⁶ See Standing Directions 5.1 and 4.3.

²⁷ See Standing also Direction 4.1.1(b) and Direction 5.3.2.

²⁸ See Standing Directions 2.4.1, 3.2.1.3 and 3.2.2.1.

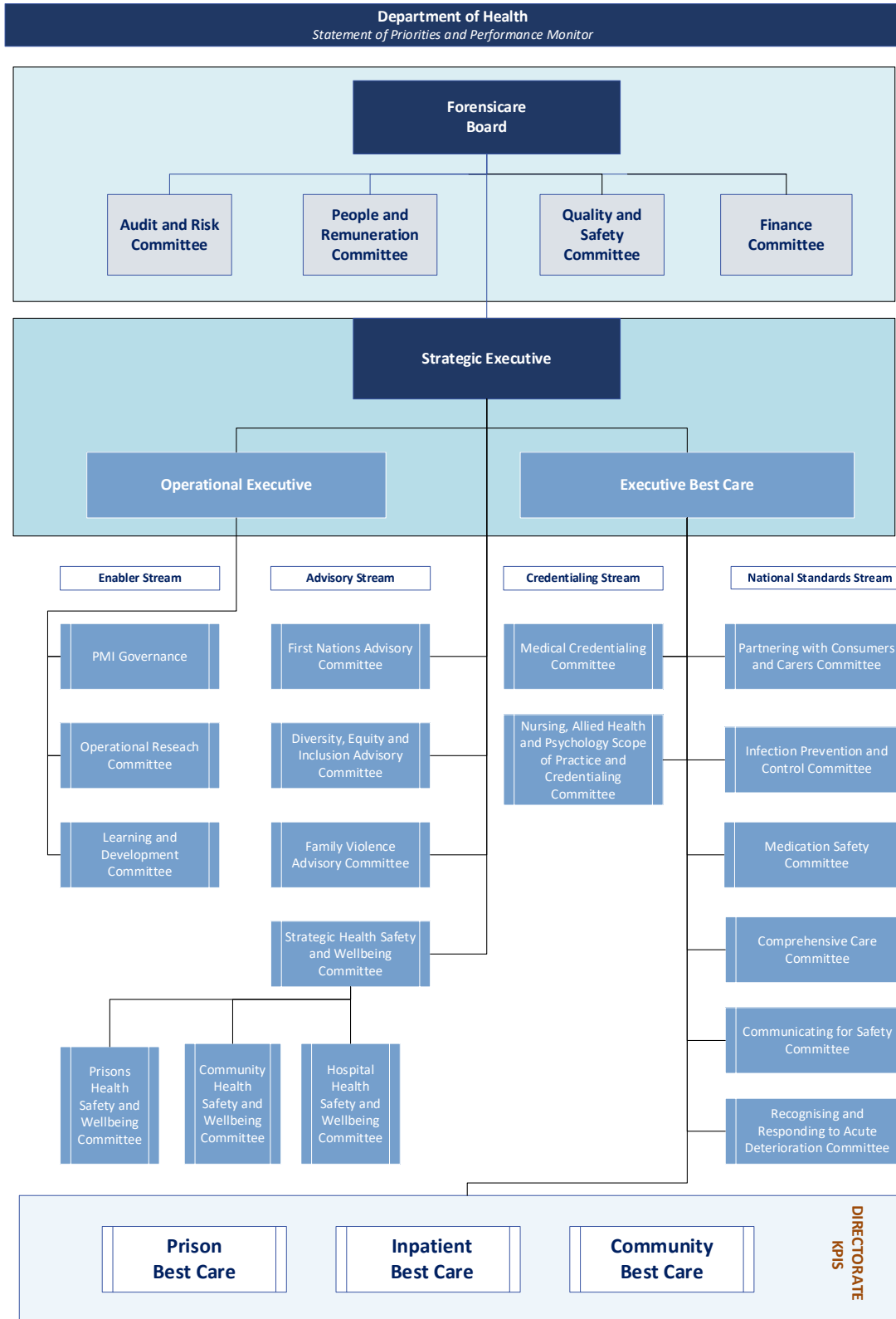
²⁹ See Standing Direction 1.5.



Responsible party	Responsibilities
	<p>(d) provide strategic advice and options to support informed decision making and organisation strategy concerning Forensicare's:</p> <ul style="list-style-type: none"> (i) financial implications of, and risks associated with, current and projected services and assets; and (ii) future financial sustainability; <p>(e) develop Forensicare's financial management capability; and</p> <p>(f) maintain a constructive relationship within the Agency, and with the Victorian Auditor-General's Office and other CFOs in related Ministerial portfolios.</p>
Executive	<p>Responsible for the day to day running of Forensicare, in accordance with the law, the decisions of the Board and government policies. The Executive is responsible for formulating policy and procedure that are consistent with Forensicare's obligations and promoting Forensicare's. The Executive is made up of a Strategic Executive, responsible for overseeing the day to day delivery of our strategy and the Operational Executive, which is focused on overseeing the day to day delivery of services.</p>
Chief Legal Officer	<p>Accountable for the efficient and effective governance conduct of the Board and all Board Committees.</p>



Forensicare governance structure





Clinical Governance – our structure to achieve the delivery of safe, effective, person centred and connected care

Clinical Governance at Forensicare is defined as ‘the integrated systems, processes, leadership, and culture that are at the core of providing safe, effective, connected and person-centred mental healthcare underpinned by continuous improvement’ (adapted from Victorian Clinical Governance Framework). Clinical governance is an integral part of Forensicare’s overarching Governance Framework, providing the link between our objectives, strategic priorities and service quality and outcomes for people with lived experience of mental illness. It ensures our consumers and community can be confident that we have the systems in place to deliver “Best Care” - safe, effective, connected, and person-centred forensic mental health care in a framework of continuous improvement.

The Forensicare Clinical Governance Framework provides Forensicare staff with the comprehensive quality and safety management systems and processes to achieve the delivery of ‘best care’ which is safe, connected, effective and person centred. Forensicare’s Clinical Governance Framework is consistent with the Victorian Clinical Governance Framework 2017, a component of this overarching Governance Framework, and supports the Strategic Plan, Risk Management Framework, Quality Improvement Plan and the National Safety and Quality Health Service Standards (NSQHS Standards) and Justice Health Standards.

The Clinical Governance Framework supports and enables responsibility and accountability for improving quality and safety through building relationships with our Board, executive, managers, workforce, consumers and carers to create an environment where we provide the ‘best care’ to every person, every time. It is organised into five domains, reflecting the Victorian Clinical Governance Framework, and is underpinned by continuous monitoring, evaluating and improving care and services. These five domains support the delivery of ‘Best Care.’

The Clinical Governance Framework is reviewed annually by the Quality & Safety Board Sub-committee and endorsed to the full Board for approval.

Integrity, Transparency and Accountability

Director’s Duties and the Directors Code of Conduct

Forensicare Board Directors are subject to the *Public Administration Act 2004 (PAA)* in respect of their office as a Director³⁰. In particular, the duties and values required of Directors are prescribed in section 79 of the PAA. The Code of Conduct for Directors of Victorian Public Entities is issued by the Victorian Public Sector Commission under the PAA³¹ and is also binding on Directors. The code of conduct reflects the special role of the Board, Chairperson and Directors, and the behaviours that exemplify the duties and values contained in the PAA. The Directors’ code of conduct is based on the same set of public sector values that apply to all public officials, including employees.

A Forensicare director must:

- > Act with **honesty and integrity**. Directors comply with laws, policies and generally accepted standards of behaviour. Are open and transparent in their dealings. Directors give proper consideration to matters before the Board and express their views genuinely, clearly and

³⁰ Section 620(1) MHW Act

³¹ Section 61.

Prompt Doc No: FOR0091566 v7.0 (Do not alter this table – the information automatically populates when uploaded on PROMPT)		
First Issued: 02/10/2018	Page 15 of 23	Last Reviewed: 13/09/2023
Version Changed: 13/09/2023	Uncontrolled when downloaded	Review By: 13/09/2024



without ambiguity. Directors speak up when a decision or advice is being considered that may be detrimental to the public interest and vote to record their view.

- > Act in **good faith** and in the **best interests of Forensicare**. Directors are active members of the Board and professional in all dealings with fellow Directors. Directors do not allow their personal or professional interests or relationships to influence their judgement (see **Conflict of Interests** section below). This impartiality means they are objective when participating in Board discussions and decisions. Directors behave in a way that reflects well on their standing as a Director and the reputation of Forensicare.
- > Act **fairly and impartially**. When participating in Board deliberations and decisions or when resolving disputes between Directors, they behave in a manner that is free of favouritism, self-interest, bias or discrimination. Directors are courteous to others. They respect human rights and foster a culture this is free of intimidation and bullying.
- > **Use information appropriately**. Directors must use information they gain in the course of their Board duties only for its intended purpose. They do not use the information, including privileged information or commercially sensitive information, to obtain an advantage for themselves or another person or to cause detriment to Forensicare. Ensure information gained as a director is only applied to proper purposes and is kept confidential.
- > **Use their position appropriately**. Directors must use their position to promote the best interests of the public entity and not use their position to seek an advantage for themselves or another person or to cause detriment to Forensicare. Directors must not seek gifts or favours for themselves, members of their family or other close personal or business associates and must decline gifts or favors that may cast doubt on their ability to apply independent judgment as a Forensicare Board member.
- > Act in a **financially responsible** manner. Directors exercise care in relation to public funds and assets and comply with the Standing Directions of the Minister for Finance issues under the *Financial Management Act 1994* (See Corporate and Financial Management section below). Directors demonstrate due diligence through active monitoring of Forensicare's financial accounts and financial position and regularly review financial statements and management reports and actively inquire into this material.
- > Exercise their powers with a reasonable degree of **care, diligence and skill**. Directors must understand the business of Forensicare and the role of the Board and act responsibly, drawing on any knowledge they possess when considering matters before the Board. Directors regularly attend Board meetings, are actively involved in matters before the Board and consider the financial, strategic and other implications of decisions.
- > **Comply with the establishing legislation and Board policies**. Directors must act within the powers and for the functions set out in the *Mental Health Act 2014*. They must also comply with any government policies and priorities or any ministerial directions that affect the public entity.
- > Demonstrate **leadership and stewardship**. Directors must promote the public sector values through exemplary behaviour and encourage a strong culture of accountability where issues are raised early, Board decisions are implemented quickly and people operate within their delegated authority and cooperate with one another.
- > Manage **Conflicts of Interest and Duty** in accordance with Board policy. Wherever possible Directors avoid any real, potential or perceived conflicts. Directors declare any financial or other outside interests in an annual declaration of private interests and update this declaration when

Prompt Doc No: FOR0091566 v7.0 (Do not alter this table – the information automatically populates when uploaded on PROMPT)		
First Issued: 02/10/2018	Page 16 of 23	Last Reviewed: 13/09/2023
Version Changed: 13/09/2023	Uncontrolled when downloaded	Review By: 13/09/2024

they are appointed to a new role, their circumstances change or before they consider particular matters. At the start of each Board meeting, Directors must confirm that their entries in the register of interests are complete and correct and disclose any interests that relate to agenda items. In addition Directors must complete a declaration of private interests on an annual basis.

Corporate and Financial Governance

Forensicare is subject to the *Financial Management Act 1994* (Vic) (the **FMA**) which places a number of requirements on the Board, including keeping proper financial accounts, risk management, audit arrangements, financial reporting, annual reporting to Parliament and responding to Ministerial requests for information.

Forensicare's Financial Management Governance and Compliance Policy outlines the principles adopted to ensure probity of financial management and compliance with the requirements of the Standing Directions of the Minister for Finance (the **Standing Directions**). The Public Sector Financial Management Compliance Framework is used to assist in the compliance with the Standing Directions.

In addition, the following processes support the Board in discharging its obligations under the FMA:

- > **Delegations of Authority Manual:** Is the approved record of all responsibilities and financial authorisations the Board of Directors has delegated to persons/groups of persons listed within the manual. The specific delegations pertaining to each role are made to ensure the most efficient and effective conduct of the organisation. The nominated staff cannot further delegate their delegations. Where delegations have not been made, responsibility remains with the Board.
- > **Attestation:** The Chief Executive Officer and Chief Financial Officer make formal representations to:
 - the Board of Directors in relation to the preparation of the annual consolidated financial reports; and
 - the Chair of the Audit & Risk Committee in relation to the annual Financial Management Compliance Report.

The Board makes attestations in respect of compliance with the FMA and Standing Directions annually following endorsement from the Audit & Risk Committee.

- > **External Audit:** The Victorian Auditor General (by its appointed agents) undertakes and independent audit of Forensicare's annual financial report and reports to the Board (via the annual joint meeting of the Audit & Risk Committee and Finance Committee) on audit findings and recommendations. Forensicare's Chief Executive Officer and Chief Financial Officer make formal representations to the external auditor as to the validity of the financial report in respect of the audit.
- > **Internal Audit:** The Audit & Risk Committee has responsibility for, among other things, overseeing the internal audit function and providing assurance to the Board in respect of internal audit. The primary purpose of the internal audit function is to provide independent and objective assurance to the Audit & Risk Committee and Board of Directors that financial and non-financial controls are operating in a compliant, efficient, effective, economical and ethical manner and assist Management improve business performance.



- > The Chief Executive Officer and Chief Financial Officer report to the Finance Committee and the Board on matters concerning Forensicare’s financial management, performance and sustainability, including detailed operating statement, balance sheet and cash flow reports.

Other Legal Obligations

The Board ensures that Forensicare complies with all relevant legislation. In addition to the requirements in Chapter 14 of the MHW Act, Forensicare’s other legislative obligations include:

- > the remaining provisions of the MHW Act, including provisions relating to the safety and rights of consumers, such as the use of restrictive interventions;
- > the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 (CMIA)*;
- > Legislation relating to financial management and reporting obligations such as the FMA;
- > Legislation relating to the administration of employee and consumer information, such as the *Health Records Act 2001*, *Privacy and Data Protection Act 2014* and the *Public Records Act 1973*;
- > Legislation relating to accountability and transparency requirements, such as the *Freedom of Information Act 1982*, the *Public Interest Disclosures Act 2012*, the *Independent Broad-based Anti-Corruption Commission Act 2011* and the *Ombudsman Act 1973*; and
- > Legislation to improve the safety and protect the rights of employees, such as the *Occupational Health and Safety Act 2004* and the *Equal Opportunity Act 2010*.

The Board oversees legislative compliance on an annual basis via reporting from management to the Audit and Risk Committee.

Risk Management

The Board has legislative and regulatory responsibilities and must attest in its annual report that Forensicare has fully complied with Standing Direction 3.7.1 – Risk Management Framework and Processes. The following processes support the Board in discharging this obligation:

Risk Management Framework: Forensicare’s Risk Management Framework (RMF) details Forensicare’s approach to risk management, to ensure that risk is identified and managed effectively and efficiently, consistent with the Victorian Government Risk Management Framework and International Standard ISO31000:2018, to support the achievement of Forensicare’s strategic objectives. The RMF is reviewed annually and approved by the Board, following endorsement from the Audit & Risk Committee.

Risk Appetite: Forensicare’s risk appetite is set by the Board through approval of risk appetite statements, which are determined by reference to Forensicare’s strategic objectives. Risk appetite is reviewed on an annual basis and any changes are endorsed by the Audit & Risk Committee for Board approval. In accordance with Forensicare’s Escalation Framework, any approved risk appetite statement that moves outside the Board’s risk tolerance, is reported to the Board monthly through the CEO’s report to Board.

Quarterly Reporting: Management reports quarterly to the Audit & Risk Committee on Forensicare’s enterprise risk profile, with any changes endorsed to Board for approval. This report is supported by Executive meeting on risk that considers updates provided by each risk owner, the status of risk treatment plans and consideration of any emerging risks.

Senior Risk Advisor: Forensicare has a dedicated Senior Risk Advisor, who provides strategic direction on the RMF and its implementation to support Forensicare’s achievement of its strategic objectives. The Senior Risk Advisor is responsible for supporting the effective implementation of the

Prompt Doc No: FOR0091566 v7.0 (Do not alter this table – the information automatically populates when uploaded on PROMPT)		
First Issued: 02/10/2018	Page 18 of 23	Last Reviewed: 13/09/2023
Version Changed: 13/09/2023	Uncontrolled when downloaded	Review By: 13/09/2024

RMF, including regularly reviewing all risk registers, including the status of risk treatments with risk owners.

Key Stakeholders

Relationships with other Ministers and Government Departments

Due to Forensicare’s role in both the mental health and criminal justice systems, we work with both the Department of Health and the Department of Justice and Community Safety to ensure that we operate in a manner consistent with Government policy. Forensicare has contractual obligations to the Department of Justice and Community Safety.

In recognition of these obligations and Forensicare’s role in the criminal justice system, we consult closely with the Department of Justice and Community Safety in setting our strategic directions and Statement of Priorities and report to the Minister for Corrections on our performance.

External regulatory and monitoring framework

Forensicare is subject to regulation and oversight from a number of external bodies:

External agency	Role
Australian Council on Healthcare Standards (ACHS)	<p>Accredit Forensicare according to the standards set by the Australian Commission on Safety and Quality in Health Care (ACSQHC). These standards, referred to as the National Safety and Quality Health Service (NSQHS) Standards, help protect the public from harm, and improve the quality of health care in Australia. These standards provide nationally consistent statements about the level of care consumers can expect from health services. They provide a quality assurance mechanism that tests whether relevant systems are in place to ensure minimum standards of quality and safety are met and a quality improvement mechanism that allows health services to realise aspirational or developmental goals.</p> <p>Accreditation is part of the national regulatory framework that informs government and the community that systems are present in health services to assure the provision of safe and high-quality services with a focus on continual improvement. The accreditation process is a formal process of external review based on a series of standards of care and processes to determine the level of congruence between practice and quality standards. Health services are all required to be accredited by certain approved accrediting agencies.</p>
Safer Care Victoria	<p>Safer Care Victoria is the peak state authority for leading quality and safety improvement in healthcare. Safer Care Victoria oversees and supports health services to provide safe, high-quality care to patients every time, everywhere, including through its Mental Health Improvement Program which is supported by the Chief Mental Health Nurse .</p>



External agency	Role
Chief Officer for Mental Health and Wellbeing	A role established under the MHW Act ³² to, among other things be the steward and manager of the mental health and wellbeing system, including plan, develop, fund, provide and promote a comprehensive range of mental health and wellbeing services and promote the objectives of the MHW Act.
Chief Psychiatrist	A role established under the MHW Act ³³ to provide clinical leadership and expert clinical advice and to promote continuous improvement in the quality and safety of mental health services. This includes promoting the rights of people receiving mental health treatment in public mental health services.
Mental Health and Wellbeing Commission	An independent specialist statutory body established under the MHW Act ³⁴ to ensure the government is accountable for the performance, quality and safety of the mental health and wellbeing system and ensuring the mental health and wellbeing system supports and promotes the health and wellbeing of consumers, families, carers and supporters and the mental health and wellbeing workforce. The jurisdiction of the Commission extends to all mental health and wellbeing service providers ³⁵ . The Commission also takes on responsibility for complaints ³⁶ (previously within the purview of the Mental Health Complaints Commissioner).
Health Complaints Commissioner	An independent statutory authority established to receive and resolve complaints about health services. The HCC also handles complaints about disclosure of health information and access to health information.
Victorian Ombudsman	An independent officer of the Victorian Parliament who investigates complaints about state government departments, most statutory authorities and local government. The Ombudsman investigates complaints about administrative actions and decisions taken by government authorities and about the conduct or behaviour of their staff.
Victorian Agency for Health Information (VAHI), Department of Health	Analyses and shares information across Victoria's public healthcare system to provide an accurate picture of hospital and health service performance.
Victorian Auditor General	An independent officer providing auditing services to the Victorian Parliament and Victorian public sector agencies and authorities.

³² Section 260 of the MHW Act

³³ Section 265 of the MHW Act

³⁴ Section 411 of the MHW Act

³⁵ Chapter 9 of the MHW Act

³⁶ Section 413 of the MHW Act



External agency	Role
	The role of the Victorian Auditor-General is to examine and report to Parliament and the community on the efficient and effective management of public sector resources and provide assurance on the financial integrity of Victoria's system of government.
Independent Broad-based Anti-corruption Commission (IBAC)	IBAC is Victoria's anti-corruption agency, which receives complaints and notifications of public sector corrupt conduct and misconduct in public office, and informs the public sector and community about the risks and impacts of corruption and ways it can be protected.
Coroner's Court of Victoria	The Coroners Court of Victoria is a specialist court established to investigate certain types of deaths and fires. The purpose of these investigations is to consider ways that similar deaths may be prevented in the future. The Coroner can comment or make recommendations about public health or safety aimed at helping prevent similar deaths from occurring.
WorkSafe Victoria	WorkSafe enforces Victoria's Occupational Health and Safety laws and promotes the avoidance of workplace injuries.
Office of the Victorian Information Commissioner (OVIC)	The Office of the Victorian Information Commissioner oversees the practices of organisations, including Forensicare, with respect to information held by the organisation.

External Reporting

Report	Purpose
Annual Report	Forensicare provides an annual report to Parliament each year that complies with the requirements of the FMA, the and the Financial reporting directions. The annual report includes a report on the operations of Forensicare, as well as the financial reporting obligations.
Statement of Priorities	Forensicare reports on the performance measures outlined in the Statement of Priorities on an annual basis through its annual report.
Performance Reporting	Forensicare reports on clinical events to the Department of Health as determined by the Government and is subject to data submission, quarterly reporting and monitoring as outlined within the Policy and Funding Guidelines, the Performance Monitoring Framework and the Mental Health Performance and Accountability Framework.
Modern Slavery Statement	The <i>Modern Slavery Act 2018</i> establishes a national modern slavery reporting requirement for large entities, including Forensicare. It requires entities to identify and address modern slavery risks and maintain responsible and transparent supply chains.



Report	Purpose
Gender Equality	Under the <i>Gender Equality Act 2020</i> Forensicare must submit a Gender Equality Action Plan every four (4) years.
Protective Data Security Standards	Under the <i>Privacy and Data Protection Act 2014</i> Forensicare is required to annually attest to the progress of its activities identified in its Protective Data Security Plan (PDSP) submitted to OVIC and submit a PDSP to OVIC at least every two year or upon significant change.