

FINAL TERMS OF REFERENCE

CONFIDENTIAL FORUM FOR FORMER IN-PATIENTS OF PSYCHIATRIC HOSPITALS

Purpose

1. The purpose of the Confidential Forum for Former In-patients of Psychiatric Hospitals is to:
 - a. provide an accessible, confidential environment where a former psychiatric hospital inpatient may voluntarily describe his or her experiences in a psychiatric hospital (negative or positive), in complete confidence, to an informed, caring, receptive and non-critical Panel, concerning their treatment and experiences while an inpatient of a psychiatric hospital.
 - b. assist the former psychiatric inpatient at the discretion of the Panel by providing information on available services and referring them (and facilitating access via the Department of Internal Affairs, DIA) to appropriate services and agencies which may be able to provide counselling or other assistance and assist, where appropriate, with costs associated with counselling.
 - c. Allow family members of former in-patients who were in psychiatric institutions before 1 November 1992, and former staff members to describe their experiences to the panel.
2. The Confidential Forum for Former In-patients of Psychiatric Hospitals is not designed or intended to:
 - a. require or compel anyone to attend a Forum
 - b. determine liability nor the truth of the Participants' experiences or stories
 - c. make diagnoses of mental illnesses
 - d. recommend a particular course of treatment
 - e. pay, or recommend the payment of, compensation
 - f. judge Participants or anyone mentioned by a Participant, or to reach a conclusion about what might or might not have happened
 - g. in any way attempt to resolve differences of views
 - h. share or make public any information relating to the stories it hears or make any public comment about anything presented to it
 - i. allow Participants to have legal representation at Forums.

Panels and Meetings

3. One or more Panels of appropriately qualified individuals are appointed by the Government to meet in Forums with Participants and to hear their stories. One panel will be appointed initially. Further panels may be appointed if needed.
4. Panels will normally comprise three members
5. Membership of Panels will include:

- a. a person who is familiar with New Zealand's mental health service from a consumer's perspective (such as a member of a recognised mental health group),
 - b. a person who thoroughly understands the mental health system,
 - c. a person with a significant and respected community profile, and
 - d. a gender mix.
6. Each Panel will have a chairperson.
 7. A Forum may be held with two Panel members if necessary, and in circumstances where a Participant prefers to tell their story to only one individual, that may be permitted if the Panel agree.
 8. A member of the first Panel will also be appointed as Chair of the Forum and be the person responsible for overall leadership of the Forum.

Processes and Consultation

9. The Chair of the Forum will
 - a. consult with mental health consumer representatives over proposed Confidential Forum processes, administration and accessibility, including sitting locations and assistance with travel costs for Participants.
 - b. ensure that the Confidential Forum determine its own processes and operations, within the parameters of these terms of reference.
 - c. Be the spokesperson for the Forum in the media to the extent that any media liaison is necessary or desirable to give effect to the terms of reference and is not inconsistent with the terms of reference.

Access by Participants

10. The Chair of the Forum will:
 - a. publicly call for participation by eligible people once systems are in place
 - b. arrange for Forums to be held in locations and at times determined by the Chair of the Forum that are reasonable and accessible for Participants
 - c. arrange for Participants to be assisted, if necessary, with actual and reasonable transport costs in attending Forums (and other necessary costs in special circumstances), all assistance to be determined at the discretion of the Panel within specified parameters.
 - d. arrange to hear stories of the families of former psychiatric in-patients and former staff in the same manner as the Panel hears the stories of Participants.
 - e. permit Participants to be accompanied by up to two support people to the Forum (but not legal representation), noting that support people will not have speaking rights except with the permission of the Panel.
 - f. permit Participants to bring to the Forum any documentary material that assists them.

Forum Environment, Confidentiality and Process

11. The Panel will:

- a. arrange to hear a Participant's experiences and stories in a comfortable, confidential and private setting, where the Participants can be confident of being heard in an appropriate manner.
- b. ensure adequate processes and systems are established to maintain complete confidentiality.
- c. advise each participant that they participate on the basis that what is said at a forum will be treated as strictly confidential and that all information will be retained confidentially and none of it will be used in any other Forum.
- d. listen in an appropriately non-critical, non-judgmental, receptive and constructive manner.

Counselling and Support

12. The Panel will:

- a. advise the Participant of any current services, such as counselling services, the ACC, the Health and Disability Commissioner or other services as may be appropriate to provide additional treatment, support, assistance or management of any claims; including, if appropriate, referral of the Participant to the Police.
- b. pay for an initial assessment for Participants who wish to attend counselling and if that assessment indicates that counselling is required, pay for up to ten counselling sessions with an approved counsellor (recognised by the Ministry of Health).
- c. To the extent permissible within the bounds of the terms of reference, assist the Participant to come to terms with their experience and to achieve closure, as far as is reasonable within the context of the Forum.

Reporting

13. The Panel will:

- a. report quarterly through the Department of Internal Affairs to interested Ministers (especially the Attorney-General and Ministers of Health, Justice, Treasury and Internal Affairs) on the numbers of Participants heard, the type and amount of information about existing agencies provided to Participants, and the Panel's impressions of how useful the process was to Participants and expenditure against budget.
- b. provide a final report to the Government through the Department of Internal Affairs once the role of the Confidential Forum has been completed, detailing the matters in 13(a) above.

Administration and Support

14. The Department of Internal Affairs will provide administration and support of the Forum services.

15. The Panel(s) will work with the Department of Internal Affairs to establish initial and on-going administrative and financial services and support that will facilitate the operation of the Panel(s) and ready access by Participants, including when necessary the assistance of kaumatua, kuia and mental health experts.

A handwritten signature in black ink, appearing to read 'M. Cullen', with a long horizontal stroke extending to the right.

Hon Dr Michael Cullen
Attorney-General

2 March 2005