

Family Violence Death Review Committee

Terms of Reference

The Role of the Committee

1. The Family Violence Death Review Committee (“the Committee”) is a ministerial committee established under sections 11 and 18 of the New Zealand Public Health and Disability Act 2000 (“the NZPHD Act”).
2. The Committee is appointed by, and accountable to, the Minister of Health (“the Minister”).

The Functions of the Committee

3. The Committee’s functions are to:
 - 3.1 review and report to the Minister on family violence deaths, with a view to reducing the numbers of family violence deaths, and to continuous quality improvement through the promotion of ongoing quality assurance programmes
 - 3.2 develop strategic plans and methodologies that are designed to reduce family violence morbidity and mortality, and are relevant to the Committee’s functions
 - 3.3 advise on any other matters related to family violence deaths that the Minister specifies.¹
4. In order to fulfill its functions, the Committee will:
 - 4.1 report and make recommendations at a local and national level on system, policy and practice improvements to contribute to the reduction of family violence deaths
 - 4.2 monitor the number, categories and demographics of family violence deaths
 - 4.3 identify patterns and trends in family violence deaths over time
 - 4.4 make available to researchers information about family violence deaths within the privacy and confidentiality restrictions on the Committee
 - 4.5 liaise with any other mortality review committees appointed by the Minister to assist, on mutual agreement, with reviews of deaths that are within the scope of those other committees.

¹ Paragraphs 3 – 3.3 of ‘The Functions of the Committee’ are derived from section 18 of the NZPHD Act.

5. In order to perform its functions, the Family Violence Death Review Committee will:
 - 5.1 collect data and information from relevant sources on circumstances leading up to and surrounding family violence deaths
 - 5.2 review the circumstances surrounding family violence deaths, including system and agency practice interventions/processes
 - 5.3 conduct specific reviews/investigations into clusters/subgroups of family violence deaths
 - 5.4 undertake and/or support local family violence death reviews.

Guiding Principles

6. The overarching goal of the Committee is to contribute to the prevention of family violence and family violence deaths.
7. In addition, when undertaking its functions, the Committee will:
 - 7.1 be sensitive to, and respectful of, victims and their families, and minimise the revictimisation and trauma that death reviews may cause
 - 7.2 keep information and data secure, and protect confidentiality
 - 7.3 operate in a culturally appropriate, sensitive, and responsive manner
 - 7.4 be objective, impartial and have a systemic focus on learning in order to improve/enhance current and future systems, policy and practice
 - 7.5 develop, enhance and foster interagency collaboration, trust and networking in the family violence sector
 - 7.6 formulate clear, meaningful and practical recommendations, developed from a 'non-blaming' perspective
 - 7.7 support and protect individual and agency death review participants
 - 7.8 ensure that local family violence death review processes are undertaken in accordance with the values and principles set out in these Terms of Reference.

Definition of Family Violence Death

8. For the purposes of these Terms of Reference, a family violence death is:

- 8.1 the unnatural death of a person (adult or child) where the suspected perpetrator is a family or extended family member², caregiver³, intimate partner, previous partner of the victim, or previous partner of the victim's current partner.
9. The following categories of deaths are initially excluded from this definition:
 - 9.1 suicides
 - 9.2 assisted suicide (based on pact)
 - 9.3 deaths from chronic illness resulting from sustained violence
 - 9.4 accidental deaths related to family violence incidents.

Definition of Family Violence Death Review

10. For the purposes of these Terms of Reference, a family violence death review is:
 - 10.1 a systematic analysis of the lives of victims, perpetrators, and their families, and events leading up to and factors surrounding death(s), by a combination of agencies and disciplines in a confidential and culturally safe environment.
11. The purpose of the review is to identify changes or enhancements to, systems, policies, and services that may contribute to the prevention of family violence and family violence deaths.

Composition of the Committee

12. The Committee will have a maximum of 8 members appointed by the Minister.
13. All members will have knowledge of, or expertise in, family violence issues.
14. The Committee's membership may include:
 - 14.1 members with expertise in mortality review systems
 - 14.2 members with expertise in social science and/or health research
 - 14.3 members with experience as a social worker or a family violence case worker

² 'Family or extended family member' is used in the broadest sense and includes whānau, hapū, mother, father, child, sibling, grandparent, aunt, uncle, step-parent, foster-parent etc.

³ 'Caregiver' refers to a person living in a 'domestic' relationship with, and providing care for, the victim.

- 14.4 members with knowledge of, or experience in, service provision or operational policy in the social sector
 - 14.5 members who are experts in the field of child abuse and protection issues
 - 14.6 members who are registered health practitioners or registered clinical psychologists
 - 14.7 members who are lawyers with expertise in family violence law
 - 14.8 members with knowledge of family violence issues from a service user/family perspective
 - 14.9 Māori members with knowledge of family violence issues, or experience in working with Māori families affected by family violence
 - 14.10 members of other ethnic groups with knowledge of family violence issues, or experience in working with families affected by family violence.
15. The Committee will be assisted by six Government advisors. This will enable those departments' information, expertise and advice to be available to the Committee, so that the Committee's discussions and debates are fully informed. The advisors are accountable to their department, and are not members of the Committee. The advisors will be nominated by the Chief Executive, or their equivalent, from the following agencies:
- 15.1 the Chief Coroner's Office
 - 15.2 the Ministry of Health
 - 15.3 the Ministry of Social Development
 - 15.4 the Ministry of Justice
 - 15.5 the New Zealand Police
 - 15.6 the Office of the Children's Commissioner.
16. The Committee may appoint sub-groups or establish working parties relevant to its agreed workplan and it may co-opt expertise as necessary to assist any sub-groups, within its budget.
17. The Committee may appoint 'agents' to assist it to collect information relevant to the performance of any of the Committee's functions.

Terms and Conditions of Appointment

18. Members of the Committee are appointed by the Minister for a term of office of up to three years. The terms of office of members of the Committee will be staggered to ensure continuity of membership. Members may be reappointed from time to time.
19. Unless exceptional circumstances are identified and these agreed upon by the Committee and by the Minister, no member may hold office for more than six consecutive years. Such circumstances include an exceptional need for continuity of knowledge and skills, for example, if three or more members are leaving the committee at the same time. In such circumstances, a member's term may be extended for up to one year.
20. Unless a person sooner vacates their office, every appointed member of the Committee shall continue in office until their successor comes into office.
21. Any member of the Committee may at any time resign as a member by advising the Minister in writing.
22. The Minister may, by written notice, terminate the appointment of a member or Chairperson of the Committee.
23. The Minister may from time to time alter or reconstitute the Committee, or discharge any member of the Committee, or appoint new members to the Committee for the purpose of decreasing or increasing the membership or filling any vacancies.

Chairperson and Deputy Chairperson

24. The Minister will appoint a member of the Committee to be its Chairperson. The Chairperson will preside at every meeting of the Committee at which they are present.
25. The Chair of the Committee is likely to be appointed as a member of the National Health Epidemiology and Quality Assurance Advisory Committee. The Chair, therefore, should be aware that an approximate six days of meetings in Wellington would be required as part of that commitment.
26. The Committee may appoint one of its members to be Deputy Chairperson.

Duties and Responsibilities of a Member

27. The following sections set out the Minister's expectations regarding the duties and responsibilities of a person appointed as a member of the Committee. This is intended to aid members of the Committee by providing them with a common set of principles for appropriate conduct and behaviour and serves to protect the Committee and its members.

28. As an independent statutory body, the Committee has an obligation to conduct its activities in an open, ethical, and responsible manner within the parameters of its functions as set out in these Terms of Reference.

General

29. The Committee members should have a commitment to work towards reducing family violence and family violence deaths.
30. Members are expected to make every effort to attend all Committee meetings and devote sufficient time to become familiar with the affairs of the Committee and the wider environment within which it operates.
31. Members have a duty to act responsibly with regard to the effective and efficient administration of the Committee and the use of Committee funds.
32. Members attend meetings and undertake committee activities as independent persons responsible to the Committee as a whole. Members are not appointed as representatives of professional organisations and or particular community bodies. The Committee should not, therefore, assume that a particular group's interests have been taken into account because a member is associated with that group.

Conflicts of Interest

33. Members must perform their functions in good faith, honestly and impartially and avoid situations that might compromise their integrity or otherwise lead to conflicts of interest. Proper observation of these principles will protect the Committee and its members and will ensure that it retains public confidence.
34. When members believe they have a conflict of interest on a subject that will prevent them from reaching an impartial decision or undertaking an activity consistent with the Committee's functions, they must declare that conflict of interest and withdraw themselves from the discussion and/or activity.

Confidentiality

35. The maintenance of confidentiality is crucial to the functioning of the Committee.
36. Members must note the statutory requirements in section 18(7) of the NZPHD Act, which prevents disclosure of "information" as it is defined in clause 3 of schedule 5 of the NZPHD Act. Under that clause, information means any information:

36.1 that is personal information within the meaning of section 2(1) of the Privacy Act 1993; and

36.2 that became known to any member or executive officer or agent of a Mortality Review Committee only because of the Committee's functions being carried out (for example, because it is contained in a document created, and made available to the member or executive officer or agent, only because of those functions being carried out), whether or not the carrying out of those functions is completed.

37. The Committee is not subject to the Official Information Act 1982.

Meetings of the Committee

38. Meetings will be held at such times and places as the Committee or the Chairperson of the Committee decides.

39. When the Committee has eight members, at least five members must be present to constitute a majority. When the number of appointed members is less than eight, a quorum is the number of members constituting a majority.

40. Every question before any meeting will generally be determined by consensus decision-making. Where a consensus cannot be reached a majority vote will apply. In the case of equality of votes on an issue, including the Chair's own vote, the Chairperson may choose to exercise a casting vote.

41. Subject to the provisions set out above, the Committee may regulate its own procedures.

Performance Measures

42. The Committee will be performing effectively when it provides relevant and timely advice to the Minister based on research, analysis and consultation with appropriate groups and organisations.

43. The Committee must:

43.1 agree in advance to a work programme with the Minister

43.2 achieve its agreed work programme

43.3 stay within its allocated budget.

Reporting Requirements

44. The Committee is required to:

44.1 keep minutes, within the privacy and confidentiality restrictions on the Committee, of all Committee meetings that outline the issues discussed and include a clear record of any decisions or recommendations made

- 44.2 provide the Minister with a report, on an annual basis or as otherwise required by the Minister, on its progress in carrying out its functions. The report will set out the Committee's activities, compare its performance to its agreed work programme, and summarise any advice it has given to the Minister. The report will be tabled by the Minister in the House of Representatives pursuant to section 18 (4) of the NZPHD Act.

Servicing of the Committee

45. The Ministry of Health will employ staff to service the Committee, sufficient to meet the Committee's statutory requirements, out of the Committee's allocated budget.

Fees and Allowances

46. Members of the Committee are entitled to be paid fees for attendance at meetings. The level of attendance fees are set in accordance with the State Services Commission's framework for fees for statutory bodies (2006) and the Cabinet Office Circular CO (06) 08.
47. The Chairperson will receive payment consistent with Group 4 Level 2 of the Cabinet Office Circular CO (06) 08, \$450 (GST exclusive), per day working for the Committee (plus half a day's preparation fee for any Committee meetings). The Chairperson is entitled to an allowance of two extra days per month to cover additional work undertaken by the Chairperson.
48. The attendance fee for members is consistent with Group 4 Level 2 of the Cabinet Office Circular CO (06) 08, \$320 (GST exclusive), per day working for the Committee (plus half a day's preparation fee for each meeting).
49. The attendance fee for full Committee teleconferences and sub-committee meetings is calculated on a pro rata basis (the hourly rate will be calculated at one seventh the daily rate).
50. Actual and reasonable travel and accommodation expenses of the Committee, while on Committee business, will be met from the Committee's budget.

Establishment Issues

51. During its first year of operation, the Committee must address establishment issues including:
- 51.1 developing mechanisms and protocols for family violence death reviews
 - 51.2 determining the availability, reliability and validity of existing data collection processes

- 51.3 determining what, if any, additional data could reasonably be collected from whom, and for what purposes, in order that the Committee can undertake its functions
- 51.4 deciding on definitions to be used for each piece of data during collection, analysing and reporting
- 51.5 establishing functional relationships with:
 - 51.5.1 the National Health Epidemiology and Quality Assurance Advisory Committee
 - 51.5.2 the Child and Youth Mortality Review Committee and the Perinatal and Maternal Mortality Review Committee
 - 51.5.3 new and existing local non-statutory mortality review committees
 - 51.5.4 other agencies who conduct family violence mortality reviews
 - 51.5.5 the Family Violence Interagency Response System
 - 51.5.6 other key stakeholders in the family violence sector
- 51.6 establishing processes to ensure security of “information” as that term is defined in clause 3 of Schedule 5 of the NZPHD Act
- 51.7 determining how the Committee will operate in a culturally appropriate, sensitive and responsive manner
- 51.8 due to the potentially distressing nature of some of the material to be considered by the Committee, establish processes to ensure Committee members will be well supported, such as offering opportunities for confidential counselling.

Review of the Committee

- 52. A formal review and evaluation of the Committee and these Terms of Reference will be undertaken by the Ministry of Health three years from the date of establishment. The aim of the evaluation will be to ensure alignment between principles, purpose and processes of the Committee and to identify potential improvements. In particular, the definition of ‘family violence death’ should be reassessed, with a view to broadening the definition to include those deaths currently excluded under section 9 of these Terms of Reference.

Approved by Hon David Cunliffe, Minister of Health.

April 2008.