

**Terms of Reference**

**Committee Purpose:**

The Rights Committee's role is to act as a resource to CLFFD to safeguard the human, civil, and legal rights of all individuals who receive support from Community Living Fort Frances and District (CLFFD). Where rights have been restricted, the committee will review the reasons for the restrictions, the time frames for the restrictions, and the plans set out to enable the individual to regain his or her rights. The committee will then decide whether or not to support the restriction.

**Committee Activities:**

**1. Reviewing and supporting appropriate restrictions that are placed on a person's rights:**

- a. The reason for the restriction must be clear
- b. There needs to be a specific time frame for the duration of the restriction (this will be dependent on each individual situation).
- c. The supports that are in place to make the restriction the least restrictive possible must be identified, as well as the written plans that will support the person in obtaining the skills or knowledge necessary for them to regain their right.
- d. Every step possible should be taken to ensure that the person understands that a restriction has been placed on their right, and the reason for it.
- e. If restrictions cannot be lifted during the specified time frame, they will be brought back to the committee for review and a time extension approval.

**2. Reviewing behavioural interventions, protocols and any type of restraint:**

The committee will ensure that behavioural interventions are the least restrictive possible, and that they are appropriate and well-monitored. They will review interventions and verify the following information:

- Did the individual &/or legal guardian participate in the development of this intervention? Have they consented?
- Who developed and/or approved this intervention?
- Who is reviewing and evaluating the effectiveness of this intervention? What specialists have been involved, e.g. behaviourist, psychologist, etc.?
- How often is this intervention reviewed?

- < How long has this intervention been used?
- < Is this the least restrictive approach?
- < What else has been explored and tried and what were the results?
- < How do we plan to reduce or remove the need to use this intervention?

### **3. Reviewing psychoactive medications (both daily and PRN):**

Psychoactive medications include the following families of medications: Neuroleptics, Antipsychotics, Benzodiazepines, Mood Stabilizers, Antidepressants, and Beta Blockers.

Psychoactive medications are aimed at treating underlying mental health illnesses, and as a result often help reduce challenging behaviours.

The committee will review psychoactive medications by verifying the following information:

- What medication is the person taking?
- Why are they on the medication?
- Has the person been told why they need the medication?
- Has the person and/or legal guardian weighed the risk vs. the benefit related to this medication?
- Is it the individual's informed decision to be on this medication?
- Are the reasons for starting on the medication still relevant today? (e.g. has the person's situation changed such that the medication might not be needed anymore?)
- How long have they been taking this medication?
- Who prescribed? (G.P. or psychiatrist)
- Who monitors? (G.P. or psychiatrist)
- How often are the medications reviewed?
- What are the side effects? (short and long-term)
- Have the side effects been explained to the individual and/or legal guardian?
- What other intervention strategies have been considered?
- Why do you feel that this is the most appropriate intervention?

### **Committee Representation:**

The committee should have as a majority, community members who are not employed with the CLFFD. The following people are recommended options for the committee:

- a parent, guardian or natural support person
- a medical professional (pharmacist, doctor, nurse; with psychiatric background if possible)
- a legal professional (with knowledge on human and civil rights if possible)
- a person from the education sector
- a priest, minister, etc.
- a self-advocate
- a mental health professional
- one agency staff person who has received Personal Outcome Measures training

- a person with past experience in the field of developmental services
- a person with experience in law enforcement

### **Committee Membership**

The committee will be made up of four to six voting members, plus up to three non-voting agency resource people.

Recommendations for membership on the committee will be brought to the CLFFD Board of Directors for its approval.

Members will be required to sign a Confidentiality Statement prior to starting their duties.

If a Committee member misses three consecutive meetings, the Chairperson or designate will discuss continued membership on the Committee with that Committee member.

Upon resigning from the Committee, the departing member will provide notice to the Chairperson.

### **Conflict of Interest:**

A verbal conflict of interest disclosure must be made to the Committee chairperson in advance of hearing a rights restriction, when applicable.

### **Sensitivity for the Individual:**

The individual will be given the names of the committee members prior to having their restriction(s) reviewed. Should the individual have a personal or working relationship with any member of the committee and feel uncomfortable, they can request that this person not review the restriction.

### **Compensation for Committee Members:**

Members shall serve on the Rights Committee without remuneration, but may be reimbursed for reasonable expenses incurred in the performance of their duties (e.g. lunch, travel, training).

### **Meetings:**

1. The committee will meet an average of once a month as required.
2. A quorum shall consist of three voting members.
3. All matters shall be decided by consensus.
4. Chair person shall be determined by the Committee each November.

### **Accessing the Rights Committee:**

Community Living Fort Frances and District (CLFFD) believes in treating people fairly and is committed to providing people with due process.

The Rights Committee will act as a resource to CLFFD to safeguard and support the human, civil and legal rights as well as the daily personal freedoms of all individuals who receive support from CLFFD. This will be done in accordance with Canadian and Ontario laws as well as policies established by CLFFD.

The Rights Committee will review all perceived rights restrictions that are imposed by CLFFD on people who receive residential supports from CLFFD, and will ensure that support plans are developed to enable individuals to regain their rights.

### **Requesting a Review of a Rights Restriction:**

1. A review is requested by sending a referral package to the Executive Director or designate.
2. The review may be a simple review by the Rights Committee of the written submissions of all parties, or if requested, may also include an oral review with all parties present.
3. The referral package must have the written consent of the individual for disclosure of any relevant material by CLFFD to the Rights Committee.
4. The referral package should include the following information:
  - a. *Referral for Review of Rights Restriction*
  - b. *Individual Profile*
  - c. *Rights Restriction Proposal, or Behavioural Intervention Proposal, or Psychoactive Medication Proposal*
5. The Executive Director or designate will arrange with the service user and/or his or her representative for the restriction to be reviewed within sixty days of receiving the referral package.

### **Representation for the Individual:**

The person and/or legal guardian may be present at the review, and/or be represented by someone of their choice (e.g. support staff, family member, non-CLFFD advocate).

### **Disclosure of Documents:**

1. A person who is having a rights restriction reviewed, and his/her representative, has the right to review and obtain copies of all material provided to the Rights Committee pertaining to that review, other than material that is confidential because it pertains to another person who is supported by CLFFD.
2. The chair person shall ensure that any material that directly pertains to another person supported by the CLFFD is kept strictly confidential.

### **Disposition of the Review:**

1. The Rights Committee shall confer after the conclusion of a review and make recommendation to the Executive Director of CLFFD or designate. The recommendation may agree with the imposition of the rights restriction in whole or in part, or disagree with the rights restriction in whole or in part, or propose alternate or

- additional actions or methods regarding the rights restriction, or determine that the perceived restriction is not a restriction but a support to the person. The Executive Director will make a final determination and forward the decision to the service user.
2. When the Committee's recommendation is to remove a restriction, employees will be given a time line to develop a plan regarding how to remove the restriction.
  3. A recommendation that does not propose complete removal of a rights restriction shall contain a provision for the review of the rights restriction within a period of not more than two (2) years.
  4. In the event the person is not satisfied with the recommendation of the Rights Committee, the person and/or legal guardian may appeal the recommendation to the Board of Directors of CLFFD in writing within sixty (60) days of the date of receiving the recommendation.

**Documentation:**

All agency copies of documentation pertaining to the restriction review and the Committee recommendations shall be maintained in the individual's agency file. All materials containing sensitive information supplied to the Rights Committee for their consideration shall be maintained in each Committee member's binder, kept in a secure place, and returned to the Executive Director or designate upon retirement from duties as a Committee member.