

TERMS OF REFERENCE

Committee Name: Rights Restriction Review Committee (RRRC)

Original Draft: December 14, 2018

Updated: Nov 2023

Preamble:

In order to remain an objective, external and accessible due process review body, the Rights Restriction Review Committee is hosted by a non-service provider organization – Inclusion Winnipeg. If in the future, Inclusion Winnipeg is unable to continue hosting this committee they will ensure the transfer of hosting responsibility to an appropriate alternative organization.

Purpose:

The Rights Restriction Review Committee reviews Rights Restrictions voluntarily referred by Service Providers in Manitoba. The RRRC provides an objective, external analysis of the validity of the proposed restriction and recommends strategies for reducing / eliminating the restriction over time.

This committee is managed and supported by Inclusion Winnipeg in collaboration with the Service Providers electing to refer matters for review.

Principal Functions:

- To support and promote the rights and freedoms of people supported through service providers in Manitoba guided by the UN Convention on the Rights of Persons with Disabilities, the Canadian Human Rights Act, Manitoba Human Rights Code, the Vulnerable Persons Act and the Accessibility for Manitobans Act.
- To ensure that due process is available to people who may experience Rights Restrictions by providing voluntary, objective third party review of proposed / implemented Rights Restrictions referred by Service Providers in Manitoba.
- To provide feedback and recommendations to Service Providers regarding the validity (or not) of the proposed / implemented Rights Restriction and the reasons for the finding.

- To provide annual aggregate summary reports outlining the types of Rights Restrictions reviewed and recommendations made to participating Service Providers.
- To monitor, inform and lead advocacy regarding system-imposed rights restrictions.
- To remain aware of current trends and issues related to Rights and Rights Restrictions
- To develop / expand the capacity of the Committee to eventually accept referrals directly from people receiving services and/or their families / support networks.

Membership:

The committee will be comprised of at least 12 volunteer members from (at minimum) the following stakeholder groups:

- People with lived experience of disability
- Family members of people with lived experience of disability
- People with direct support provider experience

It would be beneficial to have expertise on the committee from the following areas (in an ad hoc capacity even if not full members):

- Law/Justice
- Pharmacology
- Physical / Mental Health care
- Education
- Psychology / Positive Behavior Support

The composition of the committee should reflect diverse backgrounds and life experiences. Committee members should be able to:

- Work effectively in a group
- Analyze information
- Engage in creative brainstorming
- Demonstrate compassion
- Focus on protecting and promoting individual rights.

All committee members will receive an orientation regarding relevant Federal & Provincial legislation, Human Rights law, guiding principle & values and review procedures prior to participating in committee business. All committee members will sign and adhere to an oath of confidentiality.

A subset of committee members (referred to as a panel) will be convened to review individual referrals as required. Panels will generally be comprised of either three (3) or five (5) members.

Chairperson:

A chairperson will be appointed by the members of the committee for a two year term with eligibility for one re-appointment.

A co-chair may also be appointed if necessary.

The chair will be responsible for selecting the review panels and scheduling the review meetings as needed based on referrals.

Selection of the panel will take into consideration the potential for bias, conflict of interest as well as the experience and knowledge that will benefit the review.

Recorder/Secretary:

The Chairperson will identify a panel Lead to be responsible for taking minutes during the review meeting and recording the decisions and recommendation made by the panel.

The minutes / decision / recommendations summary will be reviewed & initialled by all panel members as well as the RRRC Chair.

Products/Reports:

The committee will produce an annual report that will include (but is not limited to):

- Number of rights restriction referrals
- Number of rights restrictions determined to be valid
- Number of rights restrictions determined to be invalid
- Number of annual renewals of rights restrictions
- Analysis of any trends noted
- The results of a survey of participating agencies on the number of system imposed rights restrictions

Review Panels will produce a Panel Outcome Report to be shared back to the referring Service Provider / referral source (with consideration for appropriate

Decision Making:

Panel determinations regarding the validity / invalidity of rights restrictions and the supporting rationale and recommendations are generally made by consensus of the panel members.

When consensus cannot be achieved, the determination will reflect the majority opinion of the panel (panels will always be an odd number to prevent ties). However, agreement must be achieved on how the dissenting points of view will be captured in the Panel Outcome Report.

The Rights Restriction Review Committee acts in a consultative capacity and does not have authority over referring Service Providers. Decisions regarding the implementation of panel recommendations rest with the referring Service Provider.

Reports To:

- Exec. Dir – Inclusion Winnipeg

Financial Authority:

While the Committee has no budget nor financial authority, expenses resulting from Committee activities will be tracked and approved by the Executive Director, Inclusion Winnipeg and invoiced to the Service Providers submitting referrals.

Frequency of Meetings:

The Committee will meet three times a year to deal with the business of the committee, recruit members, review decisions, discuss issues and concerns and to receive training.

Rights Restriction Review Panels will be convened as needed depending upon referral volumes.

Effective Date: TBD

Original draft - December 1st, 2018
~revised April 29th, 2019
~revised July 23rd, 2019
~revised January 20, 2020
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