

Minutes for Justice Health and Forensic Mental Health Network (JHFMHN) Board Meeting

11/08/2022 | 11:00 AM - 05:00 PM - AEST

Justice Health Olympic Park and Microsoft Teams

Agenda

The Chair, Professor Denis King, declared the meeting open at 11.01am and that a quorum was present.

ITEM 1: Acknowledgment of Country

The Chair acknowledged the Wangal and Burramattagal Clans off the Eora Nation as the traditional custodians of the land the Board were meeting on. He paid his respects to Elders past, present and emerging and extended that respect to Aboriginal peoples in attendance.

ITEM 2: Patient Story

The Board received the presentation on assisting patients to access National Disability Insurance Scheme (NDIS) from the Coordinator of Cognitive Disability Services.

ACTION 39/22: Board Chair to send a letter of thanks to Melinda Smith, Coordinator of Cognitive Disability Services for her presentation to the Board on assisting patients to access the National Disability Insurance Scheme. (Assignee(s): Executive Support Officer; Due Date: 30/08/2022)

ITEM 3: Welcome

3.1 Attendance

Members:

Prof Denis King OAM, Board Chair

The Hon. Jillian Skinner, Deputy Chair

A/Prof Penny Abbott, Board Member

Mr Roger Downs, Board Member

Mr Peter Dwyer, Board Member

Dr Robyn Shields AM, Board Member

Dr Jonathan Phillips AM, Board Member

Dr Kath McFarlane, Board Member

Mr Paul Knight, Board Member (MS Teams)

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A/Prof Carolyn Quadrio, Board Member (MS Teams)

In Attendance:

Ms Wendy Hoey, A/Chief Executive

Mr Rajiv Anand, Executive Director Corporate Services

Dr Stephen Hampton, Executive Medical Director

Ms Joanne Holden, Executive Director Performance and Planning

Ms Michelle Eason, A/Executive Director Clinical Operations

Ms Rose Lougheed, A/Director Corporate and Clinical Governance/ Secretariat

Dr Joanne Grimsdale, Chair - Medical Staff Council

Ms Angela Twist, Board Consultant

Dr Anna Farrar, Chair – Mental Health Medical Staff Council

Ms Tracey Flanagan, Executive Officer

Ms Hannah Kenyon, Health Management Intern

Ms Abby Ballard, Communications Officer (MS Teams)

Ms Melanie Gill, A/Events & Marketing Manager (MS Teams)

Dr Vindya Nanayakkara, Co- Director – Forensic Mental Health Services

Ms Chrisa Dsouza, Executive Support Officer (minutes)

In attendance for item 2

Ms Melinda Smith, Coordinator – Cognitive Disability Services

In attendance for item 5.1.3

Mr Paul O'Reilly, Executive Director Youth Justice (MS Teams)

In attendance for item 6.4

Dr Leigh Haysom, Director Medical Services

Dr John Kasinathan, Clinical Director – Adolescent Mental Health

3.2 Apologies

Mr Kevin Corcoran, Commissioner Corrective Services NSW and Dr Robert Reznik, Chair Mental Health Medical Staff Council were apologies for this meeting.

3.3 Declarations of Interests

There were no declarations of interests.

ITEM 4: Business from the last meeting

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The Hon. Jillian Skinner
Deputy Board Chair

4.1 Confirmation of Minutes – 23 June 2022

The minutes of the JHFMHN board meeting held on 23 June 2022 were adopted as a true and accurate record.

4.2 Actions Items Arising

The Board noted the action items arising and progress reports. In regards to action items:

- 20/22 – the risk strategy will be referred to the Audit and Risk Committee with the inclusion of a risk workshop into the Board calendar. Further discussion will occur regarding the committee structure. The Social Determinants Program will be discussed with the Health Minister.

ACTION 40/22: Executive Support Officer to include date completed and ‘outcome’ into the action log. (Assignee(s): Executive Support Officer; Due Date: 30/08/2022)

4.3 Resolutions Register

The Board noted the creation of a resolutions register which will be provided for future meetings.

ITEM 5: Standing Items

5.1 Board Updates

5.1.1 Board Chair Report

The Board received the verbal update from the Board Chair noting:

- The current recruitment of the Chief Executive position which aims to be concluded by 30 August 2022
- The relationship building occurring across JHFMHN and with external partners and stakeholders which will continue to grow
- The presentation scheduled for the October Senior Executive Forum on the JHFMHN strategic plan by the Acting Chief Executive.

The Board Chair advised he will be on leave until 20 October at which time the Deputy Chair will act as Chair.

5.1.2 Chief Executive Report

The Board noted the A/Chief Executive report who further highlighted:

- A key recommendation from the Coroner from a recent case to work closely with the Aboriginal and Community Controlled Organisations which JHFMHN are keen to do.
- There were three deaths in custody since the June report

- The opportunity to be involved in an international grant application with the National Health and Medical Research Council's (NHMRC) on mortality after release from incarceration.
- The workforce risk which has been raised to extreme due to staff shortages. Funding has been granted provided the fulfilment of vacant positions.

The Board queried the mitigation strategies for resolving the workforce issues. The Acting Chief Executive advised:

- KPMG have been engaged to look at branding and talent management
- A review of how to accelerate the recruitment process and possible wage disparity across NSW Health.
- The creation of a workforce strategy following the strategic plan.

The Board queried about the drug and alcohol strategy being underfunded for psychological interventions. A/CE advised:

- Corrections are funded for psychological and health for biological interventions and that funding is required for psychological intervention for Justice Health NSW through Justice.
- There is a need to develop a joint drug and alcohol strategy with Corrective Services based on the National Drug Strategy.

The Board confirmed the final report on the deliverables from the risk engagement with Inconsult is to be tabled at a Board meeting for discussion.

ACTION 41/22: Executive Director Planning and Performance to provide the deliverables report from the Inconsult Management Review to the Board. (Assignee(s): EDPP; Due Date: 02/12/2022)

ACTION 42/22: Revisit allocation of responsibility for drug and alcohol interventions and psychology services between Justice Health NSW and CSNSW in 12 months. (Assignee(s): Chief Executive; Due Date: 30/08/2023)

5.1.3 Youth Justice NSW (Verbal update)

Mr Paul O'Reilly, Executive Director Youth Justice provided a verbal update on the work being undertaken by Youth Justice NSW with the Board commending the progress. The Executive Director highlighted:

- The notable increase in bail refusals since March and April has disproportionately impacted Aboriginal young people across the state.

- The drop in custody numbers has coincided with an increase of concentration and complexity driven by trauma, experience of violence, children exposed and getting involved in violence. The goal is to develop intervention for children with disabilities by understanding their behaviour, gaining access to assessments, and determining whether there is a chance to make contact with them in order to establish a diagnosis and a plan. The psychiatrist will also need to make the necessary contacts with the NDIS
- Incidents of self-harm in custody have reduced significantly due to changes implemented in response to self-harm and a close partnership with the nursing teams at the centres and the Forensic Hospital.
- The significant work to reduce staff assaults which has seen an improvement from 189 incidents in 2018 to just 89 incidents in 2021.
- The implementation of x-ray scanners at two locations to reduce the need for more invasive searches with additional machines to be rolled out.

5.2 Board Committee Reports

5.2.1 Finance and Workforce Performance Committee (FWPC)

The Board received the report and the minutes from the meeting held on 19 July 2022. The Committee Chair noted the need for improved management of expenditure through the financial year.

5.2.2 Audit and Risk Committee (ARC)

The Board discussed the reviews on the risk management and governance structures which are currently underway and the ongoing discussions around Public Private Partnerships.

The Board queried the current recommendations related to asthma treatment and were advised that recommendations were received from the Coroner and are being reported through the Audit and Risk Committee.

5.2.3 Patient Safety and Clinical Quality Committee (PSCQC)

The Board noted there has been no PSCQC meeting since the last Board Meeting. A verbal report was provided at the June Board Meeting along with the draft minutes. Next PSCQC meeting is on 23 August 2022.

ACTION 43/22: Executive Director Clinical Operations to provide an update on the Asthma Internal Audit recommendations and related work to the PSCQC meeting. (Assignee(s): EDCO; Due Date: 30/08/2022)

5.2.4 Research Advisory Committee (RAC)

The Board received the report and draft minutes from the meeting held 4 August noting the Committee will review the approval process for access to data and the creation of a low and negligible risk committee.

The Board discussed the decision to cease the inmate health survey and reduce the tenure of the data collection from 5 years to 2 years.

5.3 Network Performance Reports

5.3.1 Key Performance Indicators

The Board received the report noting the Performance and Planning Directorate to continue to monitor and improve the presentation of data visually. A review of key performance indicators (KPI's) will be as part of the service agreement and strategic plan ensuring that they are fit for purpose demonstrating outcomes and values.

ITEM 6: For Decision / Approval

6.1 Medicare for People in Custody

The Board received the report noting the extensive work undertaken by Dr Stephen Hampton, Executive Medical Director and Dr Penny Abbott, Board Member in this space. The Board discussed the matter at length, noting:

- People in custody are deemed to be ineligible for Medicare entitlements as professional services are “not payable in respect of a professional service that has been rendered by, or on behalf of, or under an arrangement with a ... State”.
- The significant challenge frequently recognised for the care of prisoners is the smooth transition into the community. There is evidence that planning on release improves health in mental health and addiction management and reduces recidivism, and that poor release planning has an adverse effect on outcomes.
- With specific Medicare item numbers created (including specific items numbers for Aboriginal people in custody) there would be improved ability of clinicians to provide

continuity of care for people leaving custody. This is likely to decrease poor outcomes post release.

RESOLUTION 2022/01: The Board agreed to write to the relevant Minister/s for with the following recommendations:

1. That the recommendations from The Medicare Benefits Schedule Review Taskforce Report from the General Practice and Primary Care Clinical Committee: Phase 2 August 2018 in relation to prisoner access to Health Assessments be adopted.
2. That a Ministerial exemption be granted for the use of Case Conferencing item numbers for people in prison.
3. That Aboriginal people in custody are granted access to Medicare Item Numbers for Health Assessments for Aboriginal and Torres Strait Islander People and Follow-up Allied Health Services for people of Aboriginal or Torres Strait Islander descent.

6.2 Strategic Plan 2023-2032 & Organisational Development Progress Report

The Board received a presentation from the Executive Director Planning and Performance (EDPP) on the 'Together for Healthier Tomorrows' Strategic Plan 2023-32, which provides a catalyst to transform JHFMHN for the future. It provides a strong health-aligned direction and purpose, bridging the present with future.

The Board discussed the order of 'community, inpatient and custodial settings' in the vision noting the principal care is provided in custodial setting, though agreed to remain as is.

RESOLUTION 2022/02: The Board approved the 'Together for Healthier Tomorrows' Strategic Plan:

1. Consultation Insights Report including the proposed vision, values and pillars
2. Communications Strategy included the visual identity and rebrand from 'Network' to Justice Health NSW'
3. Adoption of the NSW Health Values.
4. Next step and proposed timeline.

6.3 Research Collaboration with Swinburne University of Technology

The Board received the report provided noting the 2021 Health Literacy Study: People in NSW Prisons and a Forensic Mental Health Setting Report has been released. The study was the first stage in a proposed program of research focusing on health literacy.

A meeting was held on the 25 July 2022 to discuss the proposed collaboration with Swinburne University of Technology and the next steps in the program of research. In-principle support to proceed was given at the meeting.

RESOLUTION 2022/03: The Board endorsed the collaborative research partnership and undertaking the program of research with the Centre for Global Health and Equity, Swinburne University.

6.4 JHFMHN Position Statement on Age of Criminal Responsibility

The Board received the presentation from the Director of Medical Services and Clinical Director of Adolescent Mental Health on the need to raise the age of criminal responsibility. A draft position statement was provided for the Board's consideration. Key points included:

- At just 10, Australia has one of the lowest ages of criminal responsibility in the developed world, and has been strongly criticised by the United Nations Convention on the Rights of the Child.
- Contact with the criminal justice system at this age is strongly associated with re-offending and is considered criminogenic.
- Children under 14 years of age are not mature enough to be considered criminally responsible.
- Each year in Australia there are more than 600 children under 14 years of age who are sentenced or remanded to custody, and most of these are extremely disadvantaged children with complex neurocognitive and mental health concerns.

RESOLUTION 2022/04: The Board supported the Position Statement on raising the Minimum Age of Criminal Responsibility (MACR) internally, and agreed to discuss with the Health Minister.

ITEM 7: For Discussion

There were no items for discussion.

ITEM 8: For Information / Noting

8.1 Service Agreement

The Board noted the report.

8.2 Budget Update

The Board received the budget update.

8.3 Clinical Governance Attestation Statement

The Board noted the signed Attestation.

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8.4 Delegations Manual

The Board received the progress report on the delegations manual which will progress through the Audit and Risk Committee.

8.5 Supporting Documents for item 6.1

For information.

8.6 Monitoring Conflicts of Interest

Report was taken as read. The next steps are to confirm with Crown Solicitor's Office that John Maroney Correctional Centre is not a 'managed centre' and that monitoring does not need to occur.

ITEM 9: New Business

There was no new business.

ITEM 10: Business without Notice

There was no business without notice.

ITEM 11: Closure of General Meeting

There being no further business, the Chair closed the meeting at 3.30pm.

A handwritten signature in black ink that reads "Jillian Skinner". The signature is written in a cursive style with a large, looping initial 'J'.