



Board Minutes

21 April 2021
1.40pm to 4.15pm

Conference Room
Reiby Youth Justice Centre
5 Briar Road
AIRDS NSW 2560

1. Acknowledgement of Country

The Chair made formal acknowledgement of country and to this meeting being held on Aboriginal land and paid respect to elders past, present and emerging.

2. Present

Mr C Puplick – Chair
Mr K Barker
Dr P Abbott
Mr I Gillespie
Mr S Loveday
Mr P Dwyer
Ms M Eason
A/Prof J Phillips
A/Prof C Quadrio
Dr K McFarlane
Ms A Churchill

Invited Attendees

Mr Gary Forrest – Chief Executive
Mr C Scasserra – Representing Corrective Services NSW *
Mr P O'Reilly – Representing Youth Justice NSW

In Attendance

Mr R Anand
Ms B Gillard
Ms W Hoey
Dr G Nicholls
Mr I Crawford
Ms T Fuller

3. Apologies

Dr R Shields
Dr SJ Spencer
Dr S Hampton
Ms L Willing

* Attended the meeting externally via Teleconference.

The meeting was preceded by an “in-camera” session for Board members only to discuss results of the Chair’s recent survey of Board members opinions on a number of Board operational issues.

The Chair provided thanks to Mr O’Reilly for hosting the Board meeting today.

Presentation

There was no presentation for this meeting as some Board members met directly with the detainees and provided feedback to the Board.

4. Confirmation of Minutes

The minutes of 11 February 2021 were confirmed as a true and accurate record of the meeting.

5. Declaration of Interests

There were no new changes to the declaration of interests declared at this meeting.

6. Business Arising

7.1 Actions arising from 21 February 2021 Board meeting

The action list was taken as read.

7.1.1 Network Conference

Preparation for the Network Conference is nearing conclusion for the upcoming two day event. There will be a good mix of topics on men’s, women and youth health across the program.

Youth Justice affairs will be included on the program with guest speakers including Dr Kelvin Kong - ENT Surgeon, Hearing loss in Aboriginal Youth, Dr Rosalie Martin - Speech Pathologist, Speech pathology for speech and learning as well as Dr Dana Slape - Aboriginal dermatologist.

Action: Completed

7.1.2 Court Diversion

A meeting with the Judicial Commission is re-scheduled for June 2021.

Action: Completed

7.1.3 Mental Health Taskforce

The Chief Executive advised Ms Hoey is now a representative on the group.

Action: Completed

7.1.4 Expected Deaths in Custody

Clarification was sought whether all deaths in custody will be subject to a Coronial review. All Aboriginal deaths in custody both expected and unexpected are subject to a full coronial review. Non Aboriginal expected deaths in custody will not receive a coronial review unless deemed of suitable interest.

Action: Completed

7.1.5 COVID-19 Vaccination

A long discussion took place on this agenda item.

Ms Hoey provided an update on vaccinations for Network staff, patients and CSNSW staff.

Current vaccination coverage figures show 1,819 adults have received AZ.

7.1.6 Review of Deaths in Custody

An in-depth review was conducted into all deaths in custody in the 2020 calendar year by members of the Governance Unit on behalf of the Health Care Quality Committee. Both a briefing paper and the review paper were presented and discussed at this Board meeting.

It was noted that the HCQC would discuss this paper at its next meeting on 4 May 2021, and would take account of the Board's discussion and recommendations. In summary, it was noted and recommended:

- Exploring publication of this review in a relevant journal
- Further analysis will take place that considers whether out-of-home-care, the contribution of family and other relationships and missed mental health medications contribute to deaths in custody.

7. Strategic Items

8.1 Board Strategic Directions

8.1.1 Aboriginal Justice and Health Committee report

Mr Dwyer took his report as being read and emphasised the wide range of relevant issues currently before the working party including the recently released NSW Parliamentary Inquiry, yet to be formally considered by the working party.

- Mr Dwyer also emphasised how the subject matter brought to mind the 1990 *Royal Commission into Deaths in Custody* and the more recent *Royal Commission Inquiry into the Incarceration Rate of Aboriginal & Torres Strait Islander Peoples* release in 2017 and now we have the 2021 NSW Parliamentary Inquiry released in April 2021.
- Mr Dwyer re-emphasised the importance of urgent consideration of *Court Diversion* generally and appropriate action.

The Chair referenced two articles:

- Jacinta Nampijinpa Price, published in *The Australian* on 26 April 2021 entitled "*Indigenous Australians and the prison of selective outrage*".
- *BOCSAR Media Release* on 23 March 2021 entitled "*What factors influence Police and Court Bail decisions?*"

8.1.2 Aged Care and Community Re-integration Committee Report and Terms of Reference

Mr Gillespie took his report as being read and provided thanks to the Community Reintegration workshop facilitator – Ms Kath Jones and Ms Hoey and her team as well as Ms Churchill for her presentation. The

workshop held on 5 March 2021 was most successful and was attended by approximately 25 persons, including some Board members.

A powerful presentation was given by Mr Andrew Padayachi of his personal experience as firstly a patient and then the challenges he faced in reintegrating back into the community. Mr Padayachi is now a valued peer worker with the Forensic Hospital.

Action: Invite Mr Padayachi to a future Board meeting

9. Standing Business Items

9.1 Board Chair Report

The Chair took his report as being read and spoke to the following items.

- The Chair expects to be advised of Board Chair and member replacements shortly.
- Correspondence has been received from MOH, in response to recent and repeated representations by the Chair, to advise they are working on the Forensic Mental Health Strategic Plan and consultation should be completed by the end of June.
- There are ongoing discussions with Corrective Services NSW and St Vincent's regarding effective monitoring of privately-run facilities. This item will be discussed in more details at item 9.2.
- A letter was received from the Royal Australian and New Zealand College of Psychiatrists drawing our attention to a number of matters including involuntary treatment in custody and the use of restrictive practices. Representatives from the College have been invited to visit the Network on 11 May 2021 to discuss their letter and submissions to the Network as well as participate in a tour of the Forensic Hospital and Long Bay facilities.
- Research from Bureau of Crime Statistics has identified that in NSW Aboriginal women are 8.3% less likely to be granted bail by Police than non-Aboriginal women.
- The Chair advised of an interesting BOSCAR report "Impact of COVID-19 on young people in the criminal justice system".

9.2 Chief Executive Report

Mr Forrest took the CE report as being read and highlighted the following items.

- Patient numbers are stable.
- An outcome on the value engagement for Freshwater Unit is expected in the near future.
- The CE has written to the Federal Health Minister to seek intervention regarding patient Medicare numbers.
- There is ongoing risk around continued funding of the Buidal program and this is being addressed through our purchase negotiations with the Ministry.
- The Network is about to host its third conference. The Roundtable of National Custodial Health Leaders continues to meet quarterly.
- Inquiry into the over-representation of First Nations' people in custody and Aboriginal deaths in custody – The Network is responding to NSW Health regarding recommendations from this inquiry.

- The Network is working with CSNSW to discuss legislative changes to provide clarity around the Network's role of monitoring.
- HIV Strategy which the Network was consulted, for noting.

The Chair advised that the Board asked in its "In Camera" session today for Ms Churchill to head up a Board sub-committee to establish a JHFMHN equivalent Consumer Council as is the case with other LHD's.

Action: The Chief Executive will co-ordinate the process of establishing a Board sub-committee with the Governance Unit.

9.2 Corrective Services NSW update

Mr Scasserra provided an update on Corrective Service NSW matters related to the Network. Priorities continue around avoiding DIC with removing obvious hanging points and cell placement of at risk people as a focus.

9.3 Youth Justice update

An update on Youth Justice matters related to the Network was provided by Mr O'Reilly.

Ms Churchill and Dr Abbott met with two young people at the Reiby centre today to discuss health matters. Mr O'Reilly was grateful for the update and will take these matters on notice to assist with improvement of services.

10 General Business

10.1 Board Sub-Committee Reports

10.1.1 Finance and Performance Committee (F&PC)

Mr Barker took the report as being read and highlighted the following:

- The Network is favourable after March 2021.
- The Network is hopeful the construction of Freshwater Unit will commence before 30 June 2021.

Mr Anand provided an update on progress to date of the Freshwater Unit.

- There are a number of workers compensation incidents in the Forensic Hospital.
- The Network is expected to receive information from the NSW government and the Ministry in June on the upcoming budget for 2021/2022.
- The Network has to date received \$345,000 in patient fees.

10.1.2 Health Care Quality Committee (HCQC)

Mr Loveday advised the postponed 2 February HCQC meeting had been held 24 February 2021. A summary of the papers were provided to the 11 February 2021 Board meeting and the draft minutes had been circulated prior to this Board meeting.

The summary provided in the papers for today's meeting is an overview of key items of focus for the HCQC and major activities since that meeting.

- The "deep dive" analysis of deaths in custody during 2020 (discussed elsewhere in this meeting) will be discussed further at

the next HCQC meeting on 4 May 2021, and the potential for journal publication of that analysis will be considered.

- Mr Loveday attended the meeting of Chairs of all Safety and Quality committees of the NSW LHD's and Speciality Networks on 3 March 2021.

The focus was on the revised incident management directive, safety and quality and risk management and system wide management reporting. All Chairs were invited to comment on the draft CEC Strategic Plan 2021 to 2024.

10.1.3 Research Advisory Committee (RAC)

Dr Abbott took her report as being read and advised the Research Strategy Operational Committee will meet this week.

10.1.4 Audit and Risk Committee (ARC)

The ARC met on 15 April 2021 and the main purpose of the meeting was to endorse the early close financial statements as at 31 March 2021. Mr Gillespie advised the quality of the financial statements was excellent.

The Board Chair sought advice from Ms Hoey regarding the current difficulties associated with Asthma and future pathways.

Action: Report on asthma pathways to be provided at Jun 21 meeting

10.1.5 Medical and Dental Appointments Advisory Committee (MDAAC)

Mr Dwyer advised there has been declining numbers attending the meetings. The Chief Executive has sent an email to all members regarding their attendance at future MDAAC meetings.

10.1.6 Medical Staff Council (MSC)

- Dr Nicholls advised the MSC has had discussions around COVID-19, the vaccination program and resources required and how the MSC can assist in the roll out of the program.
- The MSC has been working with Ms Hoey and team on the Clinical Services Plan.
- Staff are looking forward to the roll out of the eMeds project which will hopefully assist with prescribing.
- Item 5 of the MSC report is information regarding the State-wide Mental Health Medical Staff Councils across LHD's and speciality Networks.

10.1.7 Clinical Council (CC)

Ms Hoey took the CC report as being read. Post Graduate courses in custodial settings are being offered to nurses and the Clinical Services plan is on track. There is Aboriginal representation on the Clinical Council.

11. Network Performance Reports

The reports were provided for information.

11.1 Enterprise Wide Risk report

The Chief Executive advised the report is monitored closely by the Network's Audit and Risk Committee.

- This report has now evolved from a table based report to a graphic report.
- The Network has recently met with the Risk branch at the Ministry around the escalation of risks up to a state-wide level in line with the new three tier approach being taken by the Ministry.
- The Ministry was impressed with the level of Governance that the Network had put in place with monthly risk meetings at Executive level and reporting up to the ARC and the Board.

11.2 Clinical Performance report

The report was provided for information. The Chief Executive and Ms Hoey provided an overview of progress to the report provided.

11.3 Aboriginal Health report

The Chief Executive provided an overview on the status and strategies to be taken to increase the Aboriginal workforce.

11.4 2021-2022 Clinical Services Plan

The Chair has provided the Chief Executive with suggested amendments to the Plan. Board members were requested to provide comments to the Chief Executive by 30 April 2021.

This is the first plan in a number of years and this plan will not replace the Strategic Plan, it is an annual document to check on the Network's progress from a clinical perspective for delivering on strategy.

Action: Comments to be provided to the Chief Executive by 30 April 2021.

11.5 2021-2022 Strategic Plan deliverables

A short discussion took place on the number of medication errors and how they could be reduced with the introduction of electronic prescriptions to be delivered by the end of this calendar year.

11.6 2021-2022 Budget update

Mr Barker advised more information will be available in June 2021.

11.7 Directors Remuneration Q3 – January to March 2021

Provided for information.

11.8 Aboriginal Stakeholder Engagement

A list of stakeholder engagement was emailed to Board members.

12. Minutes of Committee Papers emailed to members 5 and 14 February 2021

- 12.1 Finance and Performance Committee – 27 January 2021
- 12.2 Clinical Council – 28 January and 25 February 2021
- 12.3 Audit and Risk Committee – 4 February 2021
- 12.4 Health Care Quality Committee (DRAFT) – 24 February 2021
- 12.5 Papers emailed to Board members between 5 and 14 February 2021
 - What it is like to be diagnosed with cancer in prison
 - 2021 NSW Health Board Members' Conference

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- Performance Audit – Access to health services in custody
- IDMH NSW NDIS Residual Functions Program Interim Report March 2021
- Letters of response between Board Chair and Health secretary regarding the Forensic Mental Health Strategic Plan
- US prisons and COVID-19 prevalence

13. Business without Notice

Mr Loveday advised a webinar will take place tomorrow by NDARC at UNSW featuring Don Weatherburn regarding the long term effect of NSW Drug Court on recidivism.

14. General Information

14.1 Adult population update – week ending 4 April 2021

14.2 Youth Justice Population update - There was no report for this meeting

14.3 Review of Deaths in Custody – January to December 2020

14.4 NSW HIV Strategy 2021 – 2025

- The Chair congratulated all the people on the remarkable effort involved in the HIV strategy going back to the mid 1980's.

15. 2021 Meeting Dates

11 February 2021	Justice Health Administration Centre – Malabar
21 April 2021	Reiby Juvenile Centre
10 June 2021	Justice Health Administration Centre – Malabar
12 August 2021	JHOP – Sydney Olympic Park – Board Education Day
14 October 2021	TBA
9 December 2021	Justice Health Administration Centre – Malabar followed by APM