

Australian Capital Territory

Corrections Management (Access to Health Care) Policy 2019

Notifiable instrument NI2019-850

made under the

Corrections Management Act 2007, s14 (Corrections policies and operating procedures)

1 Name of instrument

This instrument is the *Corrections Management (Access to Health Care) Policy 2019*.

2 Commencement

This instrument commences on the day after its notification day.

3 Policy

I make this policy to facilitate the effective and efficient management of correctional services.

4 Revocation

This policy revokes the *Corrections Management (Access to Health Care) Policy 2009* [NI2009-118].



Jon Peach
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ACT Corrective Services
19 December 2019

ACCESS TO HEALTH CARE

POLICY NO. D33

ACT CORRECTIVE SERVICES



ACT
Government

Justice and Community

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1 PURPOSE

ACT Corrective Services (ACTCS) is committed to ensuring that detainees are provided with quality health care to a standard equivalent to that available in the community. ACTCS works in cooperation with Justice Health Services to ensure that the health care needs of all detainees are identified and timely support is provided.

This policy outlines the provision of health care services in correctional centres.

2 SCOPE

This policy applies to all correctional centres in the ACT.

Where required, the General Manager Custodial Operations will establish operational procedures under this policy.

3 DEFINITIONS

Health facility

Means a hospital or health facility where health services are provided.

4 PRINCIPLES

- 4.1 The health and wellbeing of detainees is actively identified and supported in collaboration with health agencies providing services to detainees in a correctional centre.
- 4.2 Detainees have access to interdisciplinary health services, including mental health expertise, acting with full clinical independence from ACTCS.
- 4.3 Health services are consistent with professional and ethical standards in the community.
- 4.4 Indigenous-specific holistic health services are available in a correctional centre.
- 4.5 ACTCS and Justice Health Services work together to promote good health and wellbeing in correctional centres and support improved health outcomes for detainees.
- 4.6 The prevention of suicide and self-harm is managed as a priority and through collaboration and appropriate information sharing to ensure responsive support and services to detainees.

- 4.7 Staff must notify Justice Health Services where a detainee appears to be unwell, regardless of whether the detainee has a specific complaint.
- 4.8 Detainees have access to a range of programs that address Alcohol and Other Drug misuse, mental health and/or wellbeing (*Compendium of Programs*).
- 4.9 Female detainees may request to be treated by a female Doctor or Registered Nurse. A detainee's preference will not take priority over the security and good order of a correctional centre, or in emergency circumstances requiring urgent treatment.
- 4.10 In accordance with the *Health Insurance Act 1973 (Cth)*, Medicare benefits are not available to detainees.

5 CONFIDENTIALITY AND INFORMATION SHARING

- 5.1 Detainee clinical records are the property of Canberra Health Services or Winnunga Nimmityjah Aboriginal Health and Community Services (WNAHCS) and remain confidential in accordance with the *Health Records (Privacy and Access) Act 1997*.
- 5.2 Information related to a detainee's health condition and needs may be shared between ACTCS and Justice Health Services in accordance with *An Arrangement between Director-General, ACT Justice and Community Safety Directorate and Director-General, ACT Health for the Delivery of Health Services for Detainees* where required to ensure the health and safety of the detainee and any other person in a correctional centre.

6 HEALTH CARE SERVICES

- 6.1 Detainees are provided with health care services including, but not limited to:
- a. a full health assessment by Justice Health Services on admission to a correctional centre (*Admission Policy*);
 - b. regular health checks;
 - c. timely or urgent treatment as required; and
 - d. specialist health services as appropriate.
- 6.2 All detainees are considered clients of Justice Health Services on admission to a correctional centre.
- 6.3 Detainees can request to see a health professional by:
- a. speaking with custodial officers or health staff;

- b. submitting a *Health Centre Request*; or
 - c. submitting a *Detainee Request Form*.
- 6.4 All requests for an appointment under section 6.3 are triaged by Justice Health Services or WNAHCS.
- 6.5 Where a request has been made under section 6.3, Justice Health Services or WNAHCS will inform the detainee of the outcome of their request and time of appointment where available.
- 6.6 Detainees will not be notified in advance of the date or time of external medical appointments.
- 6.7 Justice Health Services manages the Health Centre in a correctional centre. The Health Centre provides detainees with access to services to meet clinically assessed health needs including, but not limited to:
 - a. primary health care professionals;
 - b. WNAHCS services for detainees who are clients of that service;
 - c. dentists;
 - d. forensic psychiatrists; and
 - e. optometrists.
- 6.8 Justice Health Services and WNAHCS professionals will be escorted by custodial officers when transporting medications outside of the Health Centre.
- 6.9 Detainees who require emergency, inpatient or specialist health care, will be transferred to a health facility in accordance with the recommendation of a Justice Health Services professional.

Access to WNAHCS

- 6.10 Aboriginal and Torres Strait Islander detainees can submit a *Winnunga AMC Clinic Registration Form* to transfer the management of their health care to WNAHCS.
- 6.11 WNAHCS may also accept non-Aboriginal and Torres Strait Islander detainees as clients on a case by case basis where a *Winnunga AMC Clinic Registration Form* has been submitted.
- 6.12 Justice Health Services will still provide access to the following health services for any detainee who is a client of WNAHCS:
 - a. dental care;
 - b. assessment for opioid therapy;
 - c. mental health assessment;

- d. triage or booking of escorts to a health facility;
- e. assessment after segregation or separate confinement (Management of Segregation and Separate Confinement Policy);
- f. assessment following a use of force in accordance with the (Use of Force and Restraint Policy);
- g. assessment following an at-risk referral, or suicide or self-harm attempt (Management of At-Risk Detainees Policy);
- h. assessment and recording of P and S risk alerts (Risk Alerts Policy); and
- i. 'code pink' responses (Code Pink Operating Procedure).

6.13 Where any of the following occurs for a detainee, they will automatically be transferred from WNAHCS to become a client of Justice Health Services:

- a. commences using Justice Health Services alcohol and other drug services;
- b. commences using Justice Health Services women's health trauma counselling;
- c. commences opioid maintenance/replacement therapy;
- d. receives a P or S rating under the Risk Alerts Policy; or
- e. is managed under the Mental Health Act 2015 (ACT).

6.14 On completion or resolution of any activity under section 6.13, a detainee who was transferred from WNAHCS will be offered the opportunity to resubmit a Winnunga AMC Clinic Registration Form.

6.15 Detainees can elect to transfer their health care management to/from WNAHCS or Justice Health Services once every three (3) months, unless otherwise agreed to between WNAHCS and Justice Health Services.

Mental health care

6.16 Appropriate mental health care is provided to detainees by Justice Health Services.

6.17 Where a detainee is assessed by Justice Health Services to require inpatient mental health care not available in a correctional centre, they will be transferred to the most appropriate facility determined by Justice Health Services as approved by the Deputy General Manager Custodial Operations or above under the Transfer to a Secure Mental Health Facility Policy.

Pregnancy and childbirth

- 6.18 Justice Health Services are responsible for providing female detainees with access to gynaecological and obstetric services.
- 6.19 Where specific cultural practices have been identified in relation to a pregnant female detainee, the General Manager Custodial Operations will give full consideration to providing for same as far as practicable within a correctional centre.
- 6.20 The Head of Sentence Management will ensure that a pregnant detainee's Sentence Management Officer reviews their needs at least once every two (2) weeks commencing eight (8) weeks prior to the expected due date and continuing for as long as required after the birth.

Miscarriage

- 6.21 The General Manager Custodial Operations and Head of Sentence Management will ensure that adequate emotional, cultural and/or religious support is provided to a detainee who has miscarried while in custody.

Breastfeeding

- 6.22 Justice Health Services will be informed if a female detainee indicates they were breastfeeding prior to entering custody.
- 6.23 As far as practicable, the General Manager Custodial Operations will make provisions for a detainee to breastfeed and/or express milk for their child while in custody. All arrangements will be made in consultation with the detainee and will be based on the best interests of the child, the detainee, and operational requirements. Flexible feeding times and location will also be considered.

7 ISSUE OF MEDICATION

- 7.1 Medications will be issued to detainees in approved locations under the supervision of custodial officers to prevent against the diversion or trafficking of prescription medications between detainees (*Management of Medication Operating Procedure*).
- 7.2 Detainees may be provided with medications to self-administer in accordance with Justice Health Services or WNAHCS procedures.

8 TRANSFER TO A HEALTH FACILITY

8.1 A detainee may be escorted to a health facility under the Escorted Absences Policy for routine health care or pre-arranged appointments.

Transfer direction

8.2 The Deputy General Manager Custodial Operations or above may direct that a detainee be transferred to a health facility under section 54 of the Corrections Management Act 2007 (ACT):

- a. where the detainee's health care needs cannot be met at a correctional centre; and
- b. in consultation with Justice Health Services.

8.3 Necessary health information will be shared for transfers to a health facility in accordance with section 5.2.

8.4 The admission of a detainee to a health facility must be treated as a notifiable incident under the Incident Reporting, Notifications and Debriefs Policy and the detainee's nominated next of kin notified.

8.5 Detainees transferred to a health facility, except under the Transfer to a Secure Mental Health Facility Policy, remain in ACTCS custody under escort (Escorted Absences Policy).

8.6 All decisions related to escort arrangements and the security of the detainee under section 8.2 remain with ACTCS (Escorted Absences Policy).

8.7 A detainee may be discharged from a health facility and returned to a correctional centre where:

- a. the health practitioner in charge of the detainee's care approves the discharge; or
- b. in consultation with Justice Health Services, the General Manager Custodial Operations or above directs that the detainee be returned to the correctional centre.

8.8 The Deputy General Manager Custodial Operations and higher must be notified as soon as practicable of the intention to discharge a detainee under section 8.7(a).

Transfer to a mental health facility

8.9 Where a Justice Health Services professional identifies that a detainee requires treatment at a mental health facility, they will submit a risk assessment to the

Deputy General Manager Custodial Operations or above for a decision on transferring the detainee.

8.10 Where approved, the detainee will be escorted to the mental health facility in accordance with the *Escorted Absences Policy*.

8.11 Canberra Health Services will liaise with the Deputy General Manager Custodial Operations or above regarding the detainee's management in the mental health facility.

9 ORDERS UNDER THE MENTAL HEALTH ACT

9.1 Canberra Health Services will notify ACTCS of any order under the *Mental Health Act 2015 (ACT)* relating to a detainee, including the details of any requirements or limitations on the detainee's management, treatment and/or care.

9.2 The General Manager Custodial Operations will provide Canberra Health Services with any information or concerns relating to a detainee being placed under a Mental Health Order.

9.3 All requirements under the *Corrections Management Act 2007 (ACT)* continue to apply to a detainee under section 9.1, and any concerns or incompatibilities must be raised with the General Manager Custodial Operations or above as soon as practicable.

10 RELATED DOCUMENTS

- A – Winnunga AMC Clinic Registration Form
- B – Escorted Absences Policy
- C – Transfer to a Secure Mental Health Facility Policy
- D – Management of Segregation and Separate Confinement Policy
- E – Use of Force and Restraints Policy
- F – Management of At-Risk Detainees Policy
- G – Risk Alerts Policy
- H – Admission Policy
- I – Incident Reporting, Notifications and Debriefs Policy
- J – Management of Medication Operating Procedure
- K – Code Pink Operating Procedure
- L – Compendium of Programs
- M – Detainee Request Form



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19 December 2019

Document details

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