



Government of **Western Australia**
Department of **Justice**

Response to the review:

Prisoners access to secure mental health treatment

The Department of Justice welcomes the review into Prisoners access to secure mental health treatment and acknowledges the finding that custodial and clinical staff are making the system work as best they can despite severe limitations.

The Department also agrees that there are not enough secure mental health beds to effectively manage the identified needs of Western Australian prisoners and would support an increase to the number of these beds.

The Department has reviewed the report and noted a level of acceptance against the 15 recommendations.

Appendix A contains comments for your attention and consideration.

Response to Recommendations

1 Government to commit funding to increase the number of secure forensic mental health beds.

Response:

Justice Health Services introduced a Psychiatric Ratings system in September 2017. Prisoners with a potential risk or previous history of mental illness are assigned a psychiatric risk rating:

- P1 – serious psychiatric condition requiring intensive and/or immediate care;
- P2 – significant ongoing psychiatric condition requiring psychiatric treatment;
- P3 – stable psychiatric condition requiring appointment or continuing treatment;
- PA – suspected psychiatric condition requiring assessment.

The risk rating system is not a clinical diagnosis; it is intended to highlight high-level mental health needs. The P1-PA rating system has been implemented in all publicly- and privately-operated prisons. Demand for specialist mental health beds has been modelled on the basis that prisoners with a P1 rating require a specialist inpatient mental health bed. P2 classified patients may also require a specialist mental health bed, either inpatient or sub-acute.

The snapshot of WA custodial facilities consistently shows that on average each month there are over 170 individuals (adults and child & youth) that require access to a forensic mental health bed, either acute or sub-acute. There are no mental health facilities (acute and/or sub-acute) within WA custodial facilities and only 30 in-patient beds at the North Metropolitan Health Service (NMHS) State Forensic Mental Health Service (SFMHS) Inpatient Unit, the Frankland Centre. The Department has recently been notified that the 8-bed SFMHS sub-acute unit, Hutchinson Ward, has closed further decreasing access to secure forensic mental health beds. People in custody experience significant delays in accessing, or no access to, appropriate mental health care due to the shortage of secure forensic mental health beds in Western Australia.

The Department would support an increase to the number of secure forensic mental health beds.

Responsible Agency: Mental Health Commission, Department of Health

Level of Acceptance: Supported in Principle, dependant on funding

2 Department of Justice to work with judicial officers and the Department of Health to make arrangements to allow non-serious offenders on hospital orders to be diverted to other authorised hospitals and not just the Frankland Centre.

Response:

The Department of Justice supports this recommendation. Currently, Hospital Orders are prioritised for access to a bed at the Frankland Centre instead of a prioritisation based on clinical acuity resulting in those that most in need have delayed or no access to the necessary inpatient mental health care that they require. The Department will participate in discussions with the Mental Health Commission and WA Health System in relation to the diversion of non-serious adult and youth offenders on hospital orders to other authorised hospitals.

Responsible Business Area: Court and Tribunal Services

Proposed Completion Date: 31/03/2019

Level of Acceptance: Supported in Principle

3 Department of Justice to make arrangements with health and mental health agencies to provide acute clinical care for prisoners in facilities other than the Frankland Centre.

Response:

The Department supports this recommendation in principle, noting this recommendation cannot be actioned by the Department. Decisions regarding inpatient mental health facilities are determined by the Mental Health Commission and the WA Health system and written into their Service Level Agreements. A comprehensive project would be required bringing all stakeholders together from WA Health, the Mental Health Commission and the Department.

Responsible Agency: Mental Health Commission

Level of Acceptance: Supported in Principle

4 Department of Justice to notify the Chief Psychiatrist of all referrals of prisoners to an authorised hospital and the outcome of the referral.

Response:

The Department supports this recommendation in principle and acknowledges that the Office of the Chief Psychiatrist should have oversight of referrals and outcomes as per the requirements under the MHA 2014. A Form 1A is a request for psychiatric assessment. All Form 1a are sent through to the appropriate WA Health facility, including the Frankland Centre, who capture this data. The WA Health system report this data to the Office of the Chief Psychiatrist within the Assertive Mental Health Bed Management Program for civil patients. The Department supports the inclusion of forensic patients on this reporting which would meet this requirement. The Department currently does not capture this information in a way that can be easily collated or reported.

Responsible Business Area: Offender Management - Health Services

Proposed Completion Date: 31/03/2019

Level of Acceptance: Supported in Principle

5 Government support the establishment of the subacute unit in Bandyup Women's Prison with the intention of expanding subacute care into men's facilities.

Response:

The Department supports this recommendation for all the reasons stated against Recommendation 1. The Department has submitted a proposal and model of care for a 29 bed sub-acute service at Bandyup Women's Prison to the Mental Health Commission for

consideration. The Department is also currently considering a sub-acute facility in the proposed 512 Casuarina expansion.

Responsible Business Area: Offender Management - Health Services
Proposed Completion Date: 31/12/2019
Level of Acceptance: Supported in Principle, dependant on funding

6 Department of Justice work with Department of Health to increase in-reach services to meet need.

Response:

The Department supports this recommendation in principle and will continue to work with the Mental Health Commission, the WA Government agency responsible for commissioning public mental health services. In addition, the Department employs mental health nurses in all metropolitan custodial facilities and larger regional facilities. The Sainsbury Centre for Mental Health estimates that providing mental health services to sentenced males would require 11 fulltime specialist mental health staff per 550 prisoners. For women's prisons and remand centres, the ratio would be higher (Boardman, J. & Parsonage, M. [2007] Delivering the Governments Mental Health Policies).

Responsible Business Area: Offender Management - Health Services
Proposed Completion Date: 31/03/2019
Level of Acceptance: Supported in Principle

7 Department of Justice to establish policy based on the Western Australian Chief Psychiatrist's Standards of Clinical Care, to guide the management of prisoners who are awaiting transfer to an authorised hospital.

Response:

The Department supports this recommendation and will continue to develop policies and processes that support the national standards. The Department will seek opportunities to engage with the Office of the Chief Psychiatrist to audit custodial health services against the Office of the Chief Psychiatrist standards. The Department has already commenced implementation of the WA Health State-wide Standardised Clinical Documentation (SSCD) for mental health services introduced in 2014 following the "Review of admission or referral to and the discharge and transfer practices of public mental health facilities/services in Western Australia" (Stokes, July 2012). The SSCD enable the consistent recording, retrieval and sharing of medical record information at all points of care for the consumer from triage through to discharge. The primary goal is to improve mental health consumer health outcomes by enhancing the clinical information available to inform care decisions.

Responsible Business Area: Offender Management - Health Services
Proposed Completion Date: 31/03/2019
Level of Acceptance: Supported – existing Departmental initiative

8 Department of Justice to ensure all prisoners returning from the Frankland Centre are placed on either the At-Risk Management System (ARMS) or Support and Monitoring System (SAMS).

Response:

The Department supports this recommendation and can confirm this is current Justice Health policy. Compliance with the policy will be reviewed and action taken as required to remind or educate staff as to the requirements.

This will also be included in the respective Policy Directive to inform operational staff.

Responsible Business Area: Offender Management - Health Services

Proposed Completion Date: 31/03/2019

Level of Acceptance: Supported

9 Department of Justice to improve information access for staff managing people with mental health conditions.

Response:

The Department support this recommendation and will improve the SAMS module to ensure the custodial Care Plan includes mental health input.

Responsible Business Area: Offender Management - Health Services

Proposed Completion Date: 31/03/2019

Level of Acceptance: Supported

10 Department of Justice to ensure medical information is accurately captured to provide the ability to track outcomes and allocate resources.

Response:

The Department supports this recommendation. Justice Health is currently working on establishing appropriate KPIs to measure health outcomes, including mental health outcomes.

The Department also agrees that an appropriate software solution for Justice Health needs to be identified and then considered within budgetary constraints.

Responsible Business Area: Offender Management - Health Services

Proposed Completion Date: 31/03/2019

Level of Acceptance: Supported

11 Department of Justice to ensure records about transfers to and from the Frankland Centre are recorded accurately and consistently.

Response:

The Department has an ongoing focus on accurate record keeping and acknowledges the transfer information has not been consistently recorded resulting in inconsistent information being reported. The Department also acknowledges the inherent limitations of administrative data when used for research purposes, which is further complicated when constructing a data set that can account for movements/transfer data without the presence of unique person identifiers in the Department's data holdings.

Staff will be reminded to ensure appropriate recording of these transfers have occurred in TOMS and will also be provided with the necessary guidance to ensure consistency.

Responsible Business Area: Adult Justice Services

Proposed Completion Date: 31/03/2019

Level of Acceptance: Supported

12 Department of Justice to ensure staff treat mental illness with the same seriousness as physical illness and do not delay treatment for the purposes of punishment.

Response:

The Department supports this recommendation. As part of the implementation of this recommendation, consideration will be given to the development of a mechanism that Visiting Justices are informed should the prisoner's mental health have influenced current charges.

This will also be included in the respective Policy Directive to inform operational staff.

Responsible Business Area: Regulation and Operational Services

Proposed Completion Date: 31/03/2019

Level of Acceptance: Supported

13 Department of Justice to include the person's psychological state in fitness to travel assessments.

Response:

The Department supports this recommendation and will enhance awareness of the "Fitness for Travel" processes to ensure that mental health issues are considered in both the approval for travel and the type of vehicle to be used.

Responsible Business Area: Offender Management - Health Services

Proposed Completion Date: 31/03/2019

Level of Acceptance: Supported

14 Department of Justice to ensure that mental health transports are prioritised and timely, and amend the Court Security and Custodial Services contract if necessary.

Response:

Prison Health Centres do not all operate 24 hours, and for those that do there is no mental health nurse on duty overnight. Not all WA mental health in-patient units have staffing capacity to receive admissions and discharges out of hours. The Department supports transfers taking place that prioritise the wellbeing of the prisoner.

A contract variation will be considered to allow the Contractor to prioritise movements to Frankland Centre. Subject to approval by the Commissioner, a Variation Order would need to be drafted together with identifying the quantum of these service requests.

Responsible Business Area: Regulation and Operational Services

Proposed Completion Date: 31/03/2019

Level of Acceptance: Supported

15 Department of Justice to ensure next of kin are notified when a person in custody is transferred to hospital and that these notifications are recorded.

Response:

The Department supports this recommendation and believes, in consideration of security constraints, that Health services would be the most appropriate area to contact next of kin regarding health related emergency transfers to external health services. It should be noted that this currently occurs in other Australian jurisdictions.

Relevant policy documents will be updated to reflect this arrangement once agreed upon.

Responsible Business Area: Offender Management – Health Services

Proposed Completion Date: 31/03/2019

Level of Acceptance: Supported