Justice Health and
Forensic Mental Health Network

Justice Health NSW Policy

Mandatory Notification for Life Limiting Illness and Permanent Disability

Issue Date: 16 June 2022

Together for
Healthier Tomorrows

Mandatory Notification for Life Limiting Illness and Permanent Disability

Policy Number 1.170

Policy Function Continuum of Care

Issue Date 16 June 2022

Next Review Date 16 June 2025

Risk Rating High

Summary This policy outlines the requirement and obligation of Justice Health and Forensic Mental Health Network (the Network) staff to report to CSNSW any Life-Limiting Illness or Permanent Disability to Corrective Services NSW (CSNSW).

Responsible Officer General Manager, Primary Care

Applies to
- ☐ Administration Centres
- ☐ Community Sites and programs
- ☒ Health Centres - Adult Correctional Centres or Police Cells
- ☒ Health Centres - Youth Justice Centres
- ☒ Long Bay Hospital
- ☐ Forensic Hospital

CM Reference POLJH/1170

Change summary
- Title Change
- Some changes to titles and roles and changes to all applications for early release being coordinated via the Nurse Manager Operations, Access and Demand Management and correspondence sent to CSNSW from the Executive Director Clinical Operations.
- Update on process within the Adolescent Health.
- Reinforcement of Justice Health requirements and obligations under clause 285 of the CAS Regulation to report to CSNSW any opinion they form that because of illness, a patient will not survive sentence or is totally and permanently unfit for correctional centre discipline.

Authorised by Chair, Policy Steering Committee

Revision History

#	Issue Date	Number and Name	Change Summary
8	June 2022	1.170 Mandatory Notification for Life Limiting Illness and Permanent Disability	• Title Change • Some changes to titles and roles and changes to all applications for early release being coordinated via the Nurse Manager Operations, Access and Demand Management and correspondence sent to CSNSW from the Executive Director Clinical Operations. • Update on process within the Adolescent Health. • Reinforcement of Justice Health requirements and obligations under clause 285 of the CAS Regulation to report to CSNSW any opinion they form that because of illness, a patient will not survive sentence or is totally and permanently unfit for correctional centre discipline.
7	March 2019	1.170 Early Release for Health Related Reasons	• Some changes to titles and roles and changes to all applications for early release being coordinated via the Clinical Business Unit. • Update on process within the adolescent setting.
6	April 2016	1.170 Early Release for Health Related Reasons	• Revised to incorporate JH&FMHN responsibilities relaing to subclauses 285 (b) and (c) of the Crimes (Administration of Sentences) Regulation
5	September 2012	1.170 Early Release for Health Related Reaons	• Inclusion of Care Navigation Support Program in discharge planning
4	February 2009	1.170 Early Release for Health Related Reasons	• Title Change • Minor updates
3	December 2005	1.170 Early Release on Medical Grounds	• Clarifications in terminology and process.
2	June 2005	1.170 Early Release on Medical Grounds	• Minor updates
1	September 2000	1.170 Early Release on Medical Grounds	• New policy

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Printed copies of this document, or parts thereof, must not be relied on as a current reference document.

Always refer to the electronic copy for the latest version.

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Table of Contents

1. Preface 6
2. Policy Content 6
   2.1 Mandatory Requirements 6
   2.2 Implementation – Roles and Responsibilities 7
3. Procedure Content 7
   3.1 Obtaining Consent for Release of Health Information 7
   3.2 Early Release Applications – Sentenced/Unsentenced Patients 7
   3.3 Early Release Applications – Information Requests from CSNSW 7
4. Definitions 7
5. Related Documents 8
Appendix 1 9

1. Preface

Section 160 of the *Crimes (Administration of Sentences) Act 1999* provides that the State Parole Authority may make an order directing the release of an adult person on parole who is not otherwise eligible for release on parole if the person is dying or if there are exceptional extenuating circumstances. Section 160 does not apply to persons serving a sentence for life. Similarly, s47 of *Children (Detention Centres) Act 1987* applies for adolescent patients.

2. Policy Content

2.1 Mandatory Requirements

Pursuant to s285, *Crimes (Administration of Sentences) Regulation 2014*, in respect of adult patients, and s131, *Children (Detention Centres) Regulations 2015*, in respect of adolescent patients;

As soon as practicable after forming an opinion that:

(a) that the mental or physical condition of an inmate constitutes a risk to the life of the inmate or to the life, health or welfare of any other person, or

(b) that the life of an inmate will be at risk if the inmate continues to be detained in a correctional centre, or

(c) that, because of illness, an inmate will not survive sentence or is totally and permanently unfit for correctional centre discipline, or

(d) that an inmate should not, on medical grounds, be employed at work of a particular nature, or

(e) that, because of an inmate's medical condition, the inmate is unfit to travel or should only travel by particular means.

a *prescribed health officer* **must** report that he or she has formed the opinion, and the grounds for the opinion, to a prescribed CSNSW officer.

A *prescribed health officer* is:

(a) The Network Chief Executive (CE), or

(b) a Medical Officer or other member of staff of Justice Health and Forensic Mental Health Network authorised by the Chief Executive, Justice Health and Forensic Mental Health Network, to exercise the functions of a prescribed health officer for the purposes of the provision. The requirements of clause 285 apply to both sentenced and unsentenced patients.

Justice Health and Forensic Mental Health Network (the Network) staff must proactively identify patients who appear to fall within the definition of this provision. Refer to local escalation/reporting pathway to Manager/s.

Appropriate notifications must be sent via Executive Director Clinical Operations to the Commissioner, Corrective Services NSW (CSNSW) for patients in CSNSW Correctional Centres or to the Executive Director, Youth Justice NSW (YJNSW) for patients in YJNSW Centres. The Nurse Manager Operations Access and Demand Management (NMOADM) will facilitate and support this procedure.

2.2 Implementation – Roles and Responsibilities

For patients in adult locations including Long Bay Hospital, Youth Justice locations and external NSW Health facilities; Network managers must contact the NMOADM to provide details of the patient's medical condition. The NMOADM is responsible for liaising with Network staff to facilitate provision of any necessary information to support the notification.

3. Procedure Content

3.1 Obtaining Consent for Release of Health Information

The Network has an obligation to provide Mandatory Notification for Life Limiting Illness and Permanent Disability. Obtaining Consent for Release of Health Information is not required.

3.2 Early Release Applications – Sentenced/Unsentenced Patients

For both sentenced and unsentenced patients; the NMOADM will complete a Brief to the EDCO attaching a draft letter from the EDCO to the Commissioner, CSNSW or Executive Director, YJNSW (using the approved template/s) accompanied by the medical report(s). The medical report is completed by the Clinical Director (stream) or delegate. Additional medical report(s) from External Medical Officers may also be utilised. (refer to medical report template at Appendix 2)

Following approval, the Letter to the Commissioner, CSNSW is forwarded via the Senior Project Officer, Sentence Administration for adults, or to the Executive Director YJNSW for adolescents.

The NMOADM is responsible for collating all documentation relating to the application for early release in TRIM and JHeHS (eProgress Notes).

If the patient's condition deteriorates, health staff must immediately contact the NMOADM as it will be necessary to provide updated advice to CSNSW or YJNSW.

3.3 Early Release Applications – Information Requests from CSNSW

In the event that health information is requested from Senior Project Office, Sentence Administration, CSNSW to support application early release; the NMOADM will coordinate all information aligned with section 3.2.

4. Definitions

Must

Indicates a mandatory action to be complied with.

Should

Indicates a recommended action to be complied with unless there are sound reasons for taking a different course of action.

Sentenced

Sentenced means the court has imposed a custodial sentence upon the patient following the conclusion of their matters before the court.

Unsentenced

Unsentenced means that the patient has outstanding matters before the court, has been remanded into custody and is yet to be sentenced.

5. Related Documents

Legislations	*Crimes (Administration of Sentences) Act 1999* *Children (Detention Centres) Act 1987* *Crimes (Administration of Sentences) Regulation 2014* *Children (Detention Centres) Regulations 2015*
Justice Health NSW Policies, Guidelines and Procedures	9.047 *Requesting and Disclosing Health Information*
Justice Health NSW Forms	
NSW Health Policy Directives and Guidelines	
Other documents and resources	

Appendix 1

TRIM Ref: DGXXXXX/XX

Re: [Name DOB: xx/xx/xxxx MIN: xxxxxx]

[The Network uses the Plain English Foundation's CREDO® structure for its letter template. The acronym, outlined below, guides the order of your content. Overall, aim to write short sentences (≤15 words); and avoid jargon, acronyms and needless detail. Letters should be left justified and limited to one page where possible.] Please delete

Medical report should give consideration to the provisions of s285 Crimes (Administration of Sentences) Regulations 2014, as set out at 2.1 of this policy.

I write this medical report from the Network regarding the above inmate to be considered for early release from custody.

I advise that this report has been prepared on the basis of Network medical review and multidisciplinary discussions with [insert patient's name] treating team.

Medical condition/diagnosis

Prognosis (If possible please indicate weeks/months/years)

Mobility

Future living scenario (Would release plan be to home? hospice? hospital?)

Can the necessary treatment be provided to the patient in custody? (If no, provide further details in extenuating or exceptional circumstances below)

Are there any extenuating or exceptional circumstances? (If yes, please elaborate)

For further information please contact [insert name], [insert position] on [insert telephone number, including area code (02) xxxx xxxx].

Yours sincerely

[Insert signee's name]

[Insert signee's position]

Month 20XX [insert date. Day should be handwritten at the time of signing.]