

Authorised By: DirOH		Policy No: HS-15
Issue Date: June 2013	Review Date: September 2013	Version No: 0.1
Health Centre Manager Legal Responsibilities		

1. Authority for Policy

[The Corrections Act 2004](#)

[The Corrections Regulations 2005](#)

2. Purpose

This policy sets out the legal responsibilities and associated duties for health centre managers.

3. Scope

This policy applies to all Health Centre Managers.

4. Objective

To ensure that Health Centre Managers are aware, and have an understanding, of their legal responsibilities in relation to the Corrections Act 2004 and Corrections Regulations 2005 for the health care of prisoners.

5. Responsibilities under the Corrections Act 2004 (The Act)

5.1 Health Centre Managers - Section 19

Under Section 19 of the Act, the Chief Executive must appoint a Health Centre Manager at every prison. It is a requirement that a Health Centre Manager is a medical practitioner or a registered nurse. The Health Centre Manager is responsible for providing health care and treatment of prisoners.

5.2 Segregation for Purpose of Medical Oversight - Section 60

The Health Centre Manager can recommend that a prisoner be segregated from other prisoners for the purposes of assessing their physical or mental health (including the risk of self-harm). In these circumstances a Health Centre Manager can recommend that a prisoner's interaction with other prisoners be restricted or completely denied.

The Prison Manager cannot revoke any segregation restriction made by the Health Centre Manager. The Health Centre Manager is responsible for deciding when the segregation order can be stopped and the prisoner is fit to mix with other prisoners.

The Health Centre Manager is required to make a decision on how often they believe a segregated prisoner should be visited by a health professional. If no particular direction is made by the Health Centre Manager, the Health Centre Manager must ensure that the segregated prisoner is visited at least once a day by a health professional. For prisoners at risk of self-harm they must be visited twice a day.

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In certain circumstances the threshold for visiting a prisoner must exceed the minimum of one visit a day.

The Prison Operations Manual (POM) also refers to the management of segregated prisoners for medical oversight:

[M.01.04.06 Medical oversight \(section 60\)](#) (to be updated).

5.3 Diet – Section 72

A Health Centre Manager (or a medical officer) may prescribe a diet for a particular prisoner if required for health reasons.

The [Health Services Medical Diet Policy and Procedure](#) set outs when a special diet is required for medical or health requirements.

Nurses can also carry out the tasks set out in this Section.

5.4 Health Records – Section 165

The Health Centre Manager is responsible for the management of a prisoner's health record. The Act sets out that the following tasks must be undertaken:

- an adequate record of the health care treatment provided to a prisoner is maintained
- a full record (including dental records) are kept securely
- the health record or any prisoner or former prisoner is not treated as part of the custodial prison record.

The [Health Information Policies and Procedures](#) further sets out the management of prisoner information.

6. Responsibilities under the Corrections Regulations 2005 (the Regulations)

6.1 Health Centre Manager to be Notified of Certain Segregation Duties - Regulation 55

The Health Centre Manager will be informed by the Prison Manager when a prisoner is segregated and denied the opportunity to associate with other prisoners. The Prison Manager (or delegate) must inform the Health Centre Manager when a prisoner is placed on segregation.

When a Health Centre Manager is notified that a prisoner has been placed on segregation then a review of the prisoner's history must occur to decide if an assessment of the prisoner is needed. The decision must be recorded on the prisoner's health record.

The Prison Operations Manual (POM) also refers to the management of segregated prisoners:

[M.01.03 Segregation of prisoners - standard requirements](#)

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6.2 Prisoners At Risk of Self-Harm – Regulation 63

For prisoners assessed as at risk of self-harm there are number of responsibilities the Health Centre Manager has in relation to the management of the prisoner. The Health Centre Manager must:

- Visit the prisoner and prepare a report on the prisoner within 24 hours after the segregation direction takes effect (unless the health centre manager has already prepared a report in relation to that segregation direction).
- Record any recommendation or advice relating to the segregation of prisoner who may be at-risk of suicide or self-harm.
- Arrange for a copy of any report prepared regarding the prisoner's self-harm status and segregation to be placed on the prisoner's health file.
- Recommend to the prison manager – after visiting the prisoner – whether they should be denied any access to the prisoner's minimum entitlements. The minimum entitlements are set out in [Section 69 of the Act](#).
- Advise the prison manager whether or not the prisoner should be denied any access to any item, e.g. clothing.
- Record the recommendations about minimum entitlements and other items on the prisoner's **custodial record**. It is important for custodial staff to know the decision making in relation to health advice regarding minimum entitlements and other items.

Nurses can also carry out the tasks set out in this Regulation. Health Centre Managers must make a decision as to when, what and how they would like decisions communicated to them under this Regulation.

The POM also refers to the management of prisoners at risk of self-harm:

[M.05 Prisoners at risk of self-harm](#)

6.3 Prisoners Suspected of Concealing Unauthorised items – Regulation 64

A Health Centre Manager must be advised by a Medical Officer – in writing – as soon as the Medical Officer believes that there is no longer a justification for segregating a prisoner.

On receipt of advice from a Medical Officer, the Health Centre Manager must provide this information – in writing - to the Prison Manager as soon as is practicable.

The Health Centre Manager must also inform the Prison Manager if they believe there is no longer any justification for keeping the prisoner segregated from other prisoners.

The Health Centre Manager must also:

- Ensure that a registered health professional visits – unless a medical officer directs otherwise – the prisoner concerned at least once per day
- Record any recommendation or advice to prisoner on their health record.

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The Health Services policy provides health staff with guidance on the clinical management related to internal concealment: [Internal Concealment Policy and Procedure January 2012](#) (to be updated).

The POM also refers to the management of prisoners suspected of concealing unauthorised items:

[S.01.Res.13 Management of prisoners suspected of internally concealing unauthorised item\(s\)](#) (to be updated).

6.4 Physical Appearance of Prisoners Detained in Prison – Regulation 70

A Health Centre Manager can direct on the grounds of health, safety or cleanliness that a prisoner change their hairstyle, beard or moustache.

Nurses can also carry out the task set out in this Regulation.

6.5 Duties of a Health Centre Manager – Regulation 73

A Health Centre Manager is responsible for managing and maintaining the overall physical and mental health care of prisoners to a satisfactory standard. This includes the administration of medicine in accordance with the prisoner's medical needs. Health Centre Managers are also responsible for the overall management and efficient running of prison health centres.

A Health Centre Manager must advise the Chief Executive* of the following:

- if a prisoner requires special treatment or attention by staff members
- if a modification is required for custodial management of the prisoner
- of any equipment, supplies, facilities and personnel required to equip and operate the health centre adequately
- any health and safety issues affecting any prisoner, classes of prisoner or all prisoners
- of any provisions under [Section 20 of the Misuse of Drugs Act](#). This part of the Act refers to notification of people that are prescribed controlled drugs.

*Health Centre Managers will not advise the Chief Executive of the matters set out in this Regulation. The Health Centre Manager must decide who is the appropriate contact, for example, Manager Regional Health or the Prison Manager.

6.6 Certain Prisoners At Risk or Seriously Ill – Regulation 76

For prisoners who are at risk of self-harm or seriously ill the Health Centre Manager must advise the Chief Executive in writing of the following:

- If they believe a prisoner is at risk of self-harm, recommendations should be made as the health centre manager sees fit

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- If they believe the physical or mental health of a prisoner has been or likely to be injuriously affected by continued detention or any conditions of detention
- If they believe a sick prisoner will not survive his or her sentence or is totally or permanently unfit for detention
- If they believe that a prisoner should be transferred to hospital or a psychiatric hospital or secure facility.

A Health Centre Manager must also ensure that special attention is paid to any prisoner who is:

- Denied the opportunity to associate with other prisoners as a consequence of a segregation direction
- Placed in a cell under a penalty of cell confinement.

Nurses can also carry out the tasks set out in this Regulation. Health Centre Managers must make a decision as to when, what and how they would like decisions communicated to them under this Regulation.

6.7 Referrals to a Health Service Provider – Regulation 77

Health Centre Managers and Medical Officers have the authority to refer prisoners to external health care providers.

Health Centre Managers and Medical Officers can refer prisoners to external health care providers if they believe the treatment is necessary.

Health service providers are required to report to the Health Centre Manager or a Medical Officer after a consultation has been completed for a prisoner.

If a Health Centre Manager or Medical Officer does not believe a referral to a health service provider is required, a prisoner may choose to pay for their treatment. Referrals can be made in these instances if the Prison Manager believes there is no security risk.

Nurses can also carry out the tasks set out in this Regulation.

6.8 Duty to Notify the Medical Officer in Certain Cases – Regulation 80

A Health Centre Manager must ensure that a Medical Officer is notified if a prisoner's physical or mental health appears to require the attention of the Medical Officer.

6.9 Dental Services – Regulation 81

Health Centre Managers (or medical officers) are able to approve dental examinations and other dental treatment that meet the emergency and immediate needs criteria.

The [Health Services Dental and Oral Policy and Procedure](#) provides further information on eligibility criteria and management of dental services (to be updated).

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6.10 Notification of a Prisoner's Cell Confinement – Regulation 155

Health Centre Managers are to be notified, by custodial staff, after a prisoner has been placed under a penalty of cell confinement.

When a Health Centre Manager is notified that a prisoner has been placed on cell confinement a review of the prisoner's history must occur to decide if an assessment of the prisoner is needed. The decision must be recorded on the prisoner's health record.

The POM also refers to penalty of cell confinement:

[MC.01.Sch.02 Schedule of penalties](#)

6.11 Physical appearance of prisoners awaiting trial – Regulation 188

A Health Centre Manager can direct a prisoner's hairstyle or facial hair be cut or shaved if there are grounds of health, safety or cleanliness.

Nurses can also carry out the task set out in this Regulation.

7. Scope of Practice

Duties and expertise of Health Centre Managers are to be provided within the realm of their expertise and scope of practice. Scope of practice has the same meaning as in Section 5(1) of the [Health Practitioners Competence Assurance Act 2003](#).

A Medical Officer or other health professional must be consulted before a Health Centre Manager makes a recommendation in any of the above matters, which relates to a matter outside his or her scope of practice.