

20 November 2023

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Committee Chair
Portfolio Committee No. 2 – Health
Parliament of New South Wales
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Sydney NSW 2000

Submitted via email: portfoliocommittee2@parliament.nsw.gov.au

Dear Dr Cohn,

APS response to question on notice – Public Hearing into the Equity, accessibility and appropriate delivery of outpatient and community mental health care in New South Wales

The Australian Psychological Society (APS) welcomed the opportunity to provide evidence at the public hearing into the *Equity, accessibility and appropriate delivery of outpatient and community mental health care in New South Wales* on Monday 16 October 2023. During the public hearing the APS was asked to provide further details regarding the provision of relevant file information to external mental health professionals from the Department of Community and Justice (DCJ). Our response to this question on notice is provided below.

Background:

Forensic clients may remain in the community on judicial orders or be released to the community to serve the remainder of their sentences. Offence related treatment is often included in those orders. Unfortunately, offence related treatment does not meet the criteria for psychology services under the Medicare Better Access initiative. This means offenders are often required to pay significant fees for their treatment, or risk breaching their orders. While there are some NGOs who provide offence related treatment, most have significant waiting lists. Private practitioners who do offence related treatment are rare, and even rarer are those who are willing to provide a sliding scale of fees for their services. Even when an offender can find or is referred to an available service provider, it is often difficult, if not impossible, for the treatment provider to gain the requisite information to conduct the required offence related treatment.

The need to share information:

DCJ maintains offender related documentation, both internally generated (such as presentence reports, psychiatric or psychological reports, program completion summaries) as well as externally generated (such as Statements of Fact, NSW Police Criminal Histories, Judge's sentencing remarks). Releasing and sharing this information (critical for offence related treatment) is problematic. Concerns have been raised by DCJ around releasing externally generated information, and additional internal barriers exist (for example, offender information is siloed, which means that caseworkers referring clients do not have access to psychological or psychiatric documentation). Unfortunately, these issues have further reduced the willingness of the already limited treatment providers to provide offence-based treatment.

The University of NSW (UNSW) MPsychol (Forensic) program runs a two-year graduate psychology program, that includes foundational training at the UNSW Forensic Psychology Clinic (UFPC). It is relevant to note that this program is the last standing forensic program in NSW (the only other MPsychol (Forensic) program being in Victoria).

The UFPC sees forensic clients for a small fee for assessment and treatment. Clients are seen by provisional psychologists/students under the supervision of senior forensic psychologists. Many of the referrals come from DCJ, both adults and adolescents, who require offence related treatment, or adjunct treatment to services provided by DCJ. (For example, DCJ offers community adult sex offender treatment, but does not provide treatment for issues ancillary to offending behaviour, such as depression, anxiety, or substance use issues.) As the Clinic Director of the UFPC, part of my work is to advocate for the clinic to be able to access relevant information to aid in the training of students in best practice for the treatment of offending behaviour.

Efforts to address this issue over the past decade or so have included:

- Working closely with District Managers to advocate and educate regarding offence related treatment,
- Providing regular informational sessions to metro offices, and
- Having high level discussions with the DCJ principal psychologist, and the Assistant Commissioner (Strategies) in order to move towards a resolution to the releasing and sharing of information relevant to offence related treatment.

Options involving access to the Offender Information Management System (OIMS) maintained by DCJ in the UFPC clinic have been explored but to date have not been successful. In addition, this provides a site-specific solution only and would not benefit other psychologists providing offence related treatment in NSW.

In addition to the challenges noted above, there are complex issues associated with accessing the required offence related information:

- A lack of understanding on the part of DCJ staff regarding offence-based treatment, and the requirement to have access to relevant information,
- Forensic clients being referred to private psychologists working under Better Access (which means that either psychologists are providing treatment that is not rebated through Medicare and can be costly for clients, or psychologists are *not* undertaking offence-based treatment), and
- DCJ staff being directed to not share externally generated documentation.

Conclusion:

Forensic clients with specific risks and needs require intervention; their needs are often complex (as noted in our submission), and resources are extremely limited. It is easy to overlook forensic clients - for their offence histories, for their lack of access to resources, for their complex needs. Providing appropriate and adequate offence related treatment is necessary; not only for the clients themselves, but for the safety of our communities, now and in the future. Easing the burden of those psychologists who are willing and able to provide offence-based treatment by providing the necessary offence related documentation would (at minimum), aid in the pursuit of the goals of a just society and contribute to a reduction in recidivism.

If any further information is required, please contact the APS National Office at (03) 8662 3300 or by email at policy@psychology.org.au

Yours sincerely,

Dr Anita McGregor
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