

Applying for leave

Information for families
and carers of forensic patients

What is off-ground leave?

Off-ground leave (also just called 'leave') allows forensic patients to go outside Thomas Embling Hospital for a short period to take part in an activity to help their rehabilitation. Leave might be used to:

- attend a medical appointment
- exercise
- go shopping
- visit family or friends
- attend a TAFE course or educational activity
- go to a place of worship.

If a forensic patient wants leave, they need to apply to the **Forensic Leave Panel**.

What is the Forensic Leave Panel?

The Forensic Leave Panel is an independent tribunal made up of a judge, the Chief Psychiatrist (or their representative), a psychiatrist who does not work for Forensicare and a community member. The panel makes decisions about leave for forensic patients.

Who can apply for leave?

A **forensic patient** can apply for leave. A forensic patient is someone who is at Thomas Embling Hospital on an order under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997*. This can include a patient who is on a custodial supervision order or a patient on a non-custodial supervision order who has been apprehended.

Sometimes, a person can be a forensic patient even if they are on another type of order. You can ask a staff member at Thomas Embling Hospital to help you find out.

How does a patient apply for leave?

The patient will need to fill out an application form. The application form tells the panel:

- what leave the patient wants
- why the patient wants the leave
- how the leave will help the patient's rehabilitation and recovery.

Patients can also ask family or carers to help them with the application or to write something in support of their application to the panel.

What leave should a patient apply for?

A patient can ask for leave to take part in a range of leave activities to help their rehabilitation and recovery. If successful, the patient will start with a small amount of leave to attend an appointment or to do an activity. As they progress through treatment and after they have shown that they can successfully manage leave over a period of time, the panel may increase the locations a patient can visit on leave, increase the length of time or reduce their supervision while on leave.

Does a patient need to be supervised by staff when on leave?

When a patient is first granted leave, they will be supervised by two or three staff. Staff will support them and monitor their progress. As the patient progresses, they can ask to go on leave accompanied by someone other than staff, such as a support worker, family member or carer. They can also ask to go on leave by themselves. This is called unescorted leave.

The patient needs to show the panel that they can successfully and safely manage taking leave supervised by staff or others over a period of time before they are granted unescorted leave.

Can a patient go on leave with family or carers?

Yes. A patient can apply for leave to do an activity with you – for example to meet you at a café or a park, or to visit your home.

Although each patient's progress is different, leave with family or carers is usually granted later in the program, following progress in treatment and after they have successfully managed other types of leave activities, such as personal shopping and recreation leave.

If a patient asks for you to be included in leave, a member of the treating team will contact you to discuss this.

Can patients go on leave at any time of day?

Patients can ask to go on leave between 6.00 am and 9.00 pm.

Patients can also ask to go on leave after 9.00 pm (including for overnight stays), but they cannot do this more than three times in a seven-day period.

When a patient first goes on leave, it will usually be for a short amount of time during the day. As they progress, they may be able to go on leave for a few hours, the whole day or overnight.

What happens after the leave application is made?

The treating team and Leave Review Committee will write a report for the panel about the patient's progress in treatment and make a recommendation about whether they think leave should be approved. This report will include information about any discussions between the treating team and any family and carers who have been asked to participate in leave. The Leave Review Committee is a meeting of senior psychiatrists, nurses and other treating staff at Thomas Embling Hospital.

The panel will have a meeting (also called a hearing) with the patient and their treating team to decide if the patient can have leave. The hearing will be held at Thomas Embling Hospital. A patient has a right to be represented at the hearing by a lawyer, or another person such as a family member or carer. It can take up to six weeks from the time a patient applies for leave to have a hearing.

Can family or carers go to the hearing?

Yes, you can attend the hearing if the patient would like. A patient can ask you to come along to the hearing for support, or to represent them.

Will I get any information before the hearing?

Patients will be given a copy of any documents about them that the panel will consider. The patient will get these documents at least 24 hours before the hearing. It is up to the patient whether to share these documents with you.

Sometimes, the panel might decide that a patient cannot look at a document due to safety, privacy or confidentiality reasons. The panel may still let the patient's representative read the documents.

How will the Forensic Leave Panel make its decision?

There are two legal tests that the panel must consider before they can grant leave. The panel will only grant leave if they think that it will:

- help the patient's rehabilitation
- not seriously endanger the patient's safety, or the safety of someone else.

Where can I get more information?

If you would like more information you can speak with:

- Forensicare's Family and Carer Consultant
- the patient's treating team
- the Executive Officer of the Forensic Leave Panel (**1800 222 987**)
- a lawyer (Victoria Legal Aid: **1300 792 387**)
- an advocate (Independent Mental Health Advocacy: **1300 947 820**).

These organisations can provide information to help you understand the leave process. However, they cannot provide advice about an individual patient and they cannot advocate on your behalf.

To receive this publication
in an accessible format,
email flp@health.vic.gov.au

Authorised and published by the Victorian
Government, 1 Treasury Place, Melbourne.

©State of Victoria, February 2021.

ISBN 978-1-76096-300-2 (Print)

ISBN 978-1-76096-301-9 (pdf/online/MS word)

(2012857)