

Forensic Leave Panel hearings

Information for forensic patients



This booklet provides information about Forensic Leave Panel hearings.

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 Thomas Embling Hospital and a community member.

The panel hears applications for forensic leave (also just called 'leave'). Leave allows you to go outside Thomas Embling Hospital for a short period to take part in an activity.

What is a Forensic Leave Panel hearing?

After you apply for leave, the panel will have a hearing to decide whether you can have leave.

The hearing is a meeting between you, your treating team and the panel. The panel will talk to you and your treating team about your application. The hearing will be held at Thomas Embling Hospital.

When will my hearing be?

The panel will send you a letter telling you when your hearing will be. Your hearing can be up to six weeks from when you apply for leave.

Will I get any information before my hearing?

Yes. Before your hearing, your treating team and the Leave Review Committee will write some reports about your application. The Leave Review Committee is a meeting of psychiatrists, nurses and other treating staff at Thomas Embling Hospital.

Your treating team must give you a copy of these documents at least 24 hours before your hearing. If you have a representative, the panel will send them these documents as well. A representative is someone who you have asked to advocate for you at your hearing, such as a lawyer, a family member or carer.

Sometimes, the panel might decide you cannot look at a document. The panel will only stop you looking at a document if it thinks reading the document would cause serious harm to your health or the health or safety of someone else.

It may also decide you cannot look at a document if it has private information about someone else or if it was provided to the panel on the condition that it be kept confidential. The panel can allow your representative to look at the documents.

What if I need an interpreter?

If you need an interpreter to help you prepare for your hearing, or to come to your hearing, you should write this on your application form or ask a member of your treating team about this. If you request it ahead of time, the panel will make sure there is an interpreter at your hearing.

Do I need to go to my hearing?

You are encouraged to go to your hearing. It is your chance to tell the panel why you should be given leave.

Sometimes, your treating team might say that you cannot go to your hearing. This might happen if you are unwell on the day of your hearing. If this happens, you can ask for your application to be heard on another day, or for it to be decided without you there.

Can someone come with me to my hearing?

Yes. You can ask a representative, such as your lawyer or family member or carer, to come to your hearing to advocate for you. You might also want someone to come along to support you. You could ask a family member, carer or your support worker. If you want someone to come to your hearing, you can call them or ask a member of staff to help you contact them.

You should let the panel know who is coming to your hearing by writing this on your application form or by calling the panel sometime before your hearing.

How do I prepare for my hearing?

It is a good idea to read your leave application and the reports from your treating team and the Leave Review Committee before your hearing. The reports can be hard to understand, so you can ask a member of staff, your representative or support person for help if you have any questions.

You might like to plan what you will say to the panel. You might want to tell them about:

- why you would like to have leave
- how your leave has been going so far.

How will the Forensic Leave Panel make its decision?

The panel will read your application and the reports provided by your treating team and the Leave Review Committee. The panel will have a discussion with you, your representative and support people and your treating team. They will ask you about your views and preferences.

The panel will only grant you leave if they think it will:

- help your rehabilitation
- not seriously endanger your safety, or the safety of someone else.

How will I know if my leave is approved?

The panel will tell you if they have approved or refused your leave application. They might approve some of the leave activities you have applied for, but not others. They will give you a copy of the decision in writing. This is called a determination.

The determination will also include any conditions that you must follow when you go on leave. For example, a condition might say that you cannot go to a certain place while you are on leave.

What if my leave is refused?

If the panel does not approve a leave activity you have applied for, you cannot go on that leave.

The panel will tell you why the leave was refused. You might want to talk to your treating team about why the leave was refused after your hearing. They may be able to help you make a new application for leave that the panel is more likely to grant. You can apply to the panel at any time, but you may need to wait up to six weeks while a new hearing is organised.

Can I get a copy of the reasons for the decision?

If you want written reasons for the panel's decision, you can ask them at your hearing or contact the panel after the hearing. The panel will send you written reasons within 14 days.

If my leave is granted, when can I go on leave?

You need to talk to your treating team when you want to use leave.

Your treating team will do some assessments to make sure it is OK for you to go on leave. If your treating team think it is not a good idea for you to go on leave on that day, they might withhold leave. This means you cannot go out at that time but could still go on leave on another day. If your leave needs to be supervised by staff, taking that leave will also depend on staff being available to come with you on the day.

Where can I get more information?

If you want more information about the panel process, you can speak with:

- your treating team
- the Executive Officer of the Forensic Leave Panel: **1800 222 987**
- a lawyer (Victoria Legal Aid: **1300 792 387**, 8.00 am to 6.00 pm Monday to Friday)
- an advocate (Independent Mental Health Advocacy: **1300 947 820**, 9.30 am to 4.30 pm Monday to Friday).

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