

Applying for leave

Information for forensic residents

Can I apply for leave?

If you are a forensic resident of a Residential Treatment Facility (RTF) under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 you can apply to the Mental Health Tribunal for leave.

The Tribunal is independent and is not part of Forensic Disability Services. We will give you a fair hearing.

What can I do on leave?

Limited off-ground leave (leave) allows you to go outside the RTF for a short period of time to do something that helps your rehabilitation.

You might use leave to:

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

Residents usually start with a small amount of leave supervised by 2 staff.

Staff will support you on leave and monitor your progress.

As you progress through your treatment you may be able to have additional leave and leave with less supervision.

How to apply for leave

Ask your supporting team for an application form to start the process.

Can someone help me apply for leave?

Yes. You can nominate a family member, carer, advocate, lawyer or other person to help you apply and attend the Tribunal hearing with you.

What will happen after I apply for leave?

1. **After you apply for leave your supporting team will help you create a leave plan** including:

- what you want to do on leave
- how much supervision you should have
- whether you will take leave during the day or overnight.

If you prefer, you can ask for a family member, carer, advocate, lawyer or other person to help you complete the leave plan.

2. **Your supporting team will decide whether they support the leave.** Your supporting team will talk to you about your leave plan and let you know whether they support it. They will add their opinion and a recommendation to the leave plan. You can still apply for leave if they don't support it.
3. **The Tribunal will schedule a hearing** with you and your supporting team to decide whether to approve your application. If you nominated a family member, carer, advocate, lawyer or other person in your application, the Tribunal will notify them of the hearing and ask them to contact you.

What will happen at the Tribunal hearing

At your hearing, 3 Tribunal members will read:

- the application
- leave plan
- a profile your supporting team has written about you.

Then we have a discussion with you and your supporting team. We ask why you want the leave and how your treatment is going.

Then we decide whether to grant leave.

The 3 Tribunal members are:

- a legal member
- a psychiatrist member
- a community member.

The hearing will be online and you can participate at the RTF.

What exactly does the Tribunal decide?

The Tribunal decides whether to grant leave using criteria in the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997. The Tribunal can grant leave if they think it will:

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

If the Tribunal grants leave, it also decides:

- the level of supervision during leave
- the types of reasons you can take leave
- whether leave will only be allowed between 6am and 9pm
- any other conditions the Tribunal chooses to make
- the duration of the grant of leave up to a maximum of 6 months.

Usually, the Tribunal won't decide exactly when, where or how often you will go on leave, or for how long. Your supporting team will talk to you and decide those details after the Tribunal grants leave.

Do I have to go to my hearing?

You don't have to go to your hearing but it is your chance to tell the Tribunal why you should be given leave.

Sometimes, your supporting 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.

How long will it take to have my hearing?

It can take up to six weeks to get your hearing from the time you apply for leave.

If you need leave urgently for a one-off event such as medical treatment, you should apply for special leave. You can ask a member of staff for an application form for special leave. A delegate of the Secretary of the Department of Families, Fairness and Housing will decide whether you can have special leave.

Get help

If you want to talk to someone about your application, you can ask:

- your Disability Justice Coordinator, Clinician or Unit Manager
- your lawyer, nominated person or other support person
- the Mental Health Tribunal - 1800 242 703.

If you want to a lawyer you could contact:

- Victoria Legal Aid - 1300 792 387
- Victorian Aboriginal Legal Services - (03) 9418 5920.

If you need an interpreter, let us know on your application form.