

Specialist Victims Support Service

Fact sheet: Forensic patients and leave

If a **forensic patient** is granted leave while they are being detained, this means they will have access to a place (or places) outside of where they are detained. This may be necessary for things such as:

- court appearances or other hearings,
- medical investigations or treatment in another hospital, or
- rehabilitative or other activities (such as work or attending a funeral).

How can a forensic patient be granted leave?

If a forensic patient is detained in a correctional centre, mental health facility or other place, the forensic patient or their treating team can make an application for leave. The Mental Health Review Tribunal (**the Tribunal**) will hold a hearing to consider the application. The Tribunal may grant the forensic patient leave if it is satisfied that this will not put the community or the forensic patient in danger of serious harm.

What can I do if I am concerned about my safety?

If you are a victim/survivor and the Tribunal is considering a forensic patient's application for leave, you can ask the Tribunal to impose one (or both) of the following conditions on the forensic patient's grant of leave:

Non-association condition

The forensic patient is **not allowed to contact certain people** (for example, you or members of your family)

Place restriction condition

The forensic patient is **not allowed to go to particular areas** (for example, the suburb where you live or work)

► For information about how you can apply for one of these conditions, see the [Submissions](#) fact sheet.

If the Tribunal grants a forensic patient leave, are they allowed in the community without supervision?

This will depend on the type of leave that the Tribunal has granted the forensic patient. The following categories are used to describe the level of supervision that a forensic patient will need if they are granted leave:

Escorted

The forensic patient will be closely supervised by at least one **staff member** of the treating team where they are being detained (for example, a case worker or nurse)

Supervised

The forensic patient will be closely supervised by a **responsible adult** who is not a staff member of the treating team where they are being detained (for example, an approved family member or friend)

Unsupervised

The forensic patient is not accompanied by an escort (staff member) or supervisor (family member or friend)

Where can a forensic patient go if they are granted leave?

Type of leave	Where they can go	Level of supervision needed	Example
Escorted day leave	Outside of facility/hospital grounds	Direct supervision by staff member	The forensic patient can leave the hospital for medical appointments at another hospital with a nurse from their treating team
Supervised day leave	Outside of facility/hospital grounds	Close supervision by approved family member or friend who has been assessed by the treating team and approved by the Tribunal	The forensic patient can go out for dinner with their mother (approved by the Tribunal) but must return to the hospital to sleep
Supervised overnight leave	Outside of facility/hospital grounds at approved location overnight	Close supervision by approved family member or friend who has been assessed by the treating team and approved by the Tribunal	The forensic patient can go out for dinner with their mother (approved by the Tribunal) and stay at their mother's home overnight
Unsupervised day leave	Outside of facility/hospital grounds	No supervision but may be subject to conditions	The forensic patient can go to work for the day but must return to the hospital to sleep
Unsupervised overnight leave	Outside of facility/hospital grounds at an approved location overnight	No supervision but may be subject to conditions	The forensic patient can go to work and stay at their mother's (approved by Tribunal) home overnight

When can a forensic patient use leave that has been granted?

Once the Tribunal has granted a forensic patient a **type of leave**, the forensic patient can use this leave at any time that their treating team approves, within the restrictions of the order. For example, if the Tribunal has granted supervised day leave to a forensic patient, the forensic patient will not need to apply to the Tribunal each time they would like to use supervised day leave (unless the leave has been granted for a specific occasion only, such as Christmas). The forensic patient will only need approval from their treating team when they want to use this leave.

► For examples of the kinds of orders that the Tribunal can make in relation to a forensic patient and leave, see the [Role of the Mental Health Review Tribunal regarding forensic patients](#) fact sheet.

Please feel welcome to contact our team at the Specialist Victims Support Service if you have any questions:

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