



Northern  
Ireland  
Office

Mentally Disordered Offenders

# Victim Information Scheme

information  
for victims

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# Information Scheme for Victims

## Introduction

As part of the increased effort to place victims of crime at the heart of the criminal justice system a number of Victim Information Schemes have been introduced to provide information for victims of prisoners and offenders who have been placed on probation.

The Mentally Disordered Offenders Victim Information Scheme will see this service extended to victims of offences committed by mentally disordered offenders. This leaflet informs victims how they can be involved in the Scheme and the type of information they may receive about mentally disordered offenders.

The Scheme is administered by the Northern Ireland Office.

## Who is eligible for the Scheme?

A person may be eligible to participate in the Scheme if:

- He or she is the victim of the offence for which the mentally disordered offender has been detained;
- He/she is not the victim but is a close family member if the actual victim has died; or
- He/she is acting on behalf of the victim when the person is unable to act on their own behalf.

Full details about eligibility and requirements are available from the Mentally Disordered Offenders Unit.

## Mentally disordered offenders

The Scheme will only apply in cases where the court dealing with the offender makes them the subject of a hospital order with a restriction order; or where an offender is given a transfer direction and a restriction direction while he/she is serving a sentence of imprisonment in respect of an offence. Legislative descriptions are provided at Annex A.

The Scheme will apply only to mentally disordered offenders sentenced in Northern Ireland.

## What information can be made available?

Under the Scheme, victims of mentally disordered offenders, who wish to, will receive information about:

- The granting of leave of absence to the offender;
- The discharge, conditional or absolute of the offender; and
- Any relevant conditions which the offender is subject to.

## What representation will the victim have?

### Discharge

There are two types of discharge – conditional and absolute.

Conditional discharge is where a restricted patient is discharged from hospital with the restriction order still in place. The offender is liable to recall under this order. Sometimes conditions might be attached to such a discharge. Absolute discharge is where neither conditions nor liability to recall exist.

When an offender is being considered for discharge victims will be given the opportunity to provide their views in writing to the Secretary of State for consideration by the Mental Health Review Tribunal on the conditions which the offender might be subject to upon release. These views will focus on the effect the offender's discharge may have on the victim's safety or well being. The Northern Ireland Office Mentally Disordered Offenders Unit will notify the victim of the outcome of the Tribunal hearing, including any relevant conditions attached to any discharge.

## Granting leave of absence

Leave of absence for restricted patients is granted for a number of reasons. It may form part of a patient's rehabilitation or may be on compassionate grounds. Victims will now have the opportunity to contribute to the consideration of the granting of leave of absence.

If a victim chooses to receive information they will be notified when a leave of absence is being considered. They will be given the opportunity to submit views in writing on whether the mentally disordered offender should be subject to any conditions; and to make representations on the effect that the offender's leave would have if it were to threaten their safety or adversely affect their well being. The victim will be notified of the outcome by the Northern Ireland Office Mentally Disordered Offenders Unit.

It should be noted that it may not always be possible to provide information in advance of an offender's leave of absence. On occasion, urgent applications may need to be considered on compassionate grounds. In such circumstances and where appropriate victims who are part of the Scheme will be notified as soon as is practicable.

## Safety considerations

Before a victim can register to receive information about a mentally disordered offender there are certain safety considerations which must be taken into account. To comply with these requirements the victim's details will be confirmed with the police or prosecutor involved in the case.

If the information on their records is insufficient to validate the application the victim may be asked to provide more details as to their interest in the case and perhaps some additional form of identification. Applicants will be notified if further details are required.

If it is determined that giving information to either the victim or the offender will raise safety concerns the information will not be shared.

Participation in the Mentally Disordered Offender Information Scheme is entirely voluntary. It is for the victim to choose if they wish to obtain information about an offender and/or contribute to the process of granting leave of absence and discharge. Victims will not receive information that they do not want to know. Victims can change their mind and opt out of the Scheme at any time. Other than being offered access to the Scheme, victims will not be sent unsolicited information.

## How do I apply?

If, after having read this leaflet, you feel you would like to receive information or make representations about a mentally disordered offender, you should contact the Northern Ireland Office Mentally Disordered Offenders Unit. You can do so by contacting the Unit on 0845 602 5488. They will be glad to provide further advice.

If you do not wish to participate in the Scheme there is no need for any further action.

If a victim applies, the Unit will notify him/her of the outcome of their application. If eligible the Unit will contact the victim regarding any periods of leave or the discharge of the offender. It is therefore important that victims continue to keep the Unit informed of any change in contact details for future reference.

Tel: 0845 602 5488

[www.nio.gov.uk](http://www.nio.gov.uk)

## Legislative description

### Hospital order with restriction order

Under Article 44 of the Mental Health (Northern Ireland) Order 1986, the Crown Court or court of summary jurisdiction may, where an offender is suffering from one of the defined forms of mental disorder, and the court thinks it appropriate to do so, order their admission to and detention in a hospital for treatment. When the court makes a hospital order in respect of any person, it may further order that the person shall be subject to a restriction order under Article 47 of the 1986 Order. The court will make this decision if it appears to the court, having regard to the nature of the offence, the antecedents of the person and the risk of them committing further offences if set at large, that it is necessary to protect the public from serious harm.

The main effect of this restriction order is that the patient may not be allowed leave outside the hospital or be transferred to another hospital without the authority of the Secretary of State, and they may not be discharged from hospital except by the Secretary of State or a Mental Health Review Tribunal.

A hospital order with restriction order may also be made in respect of a person charged with an offence before the Crown Court who is found unfit to plead the charge or not guilty by reason of insanity.

## Persons admitted to hospital following a transfer direction and restriction direction

If, in the case of a person serving a sentence of imprisonment, the Secretary of State, having regard to the public interest is satisfied that the person is suffering from a mental disorder of a nature or degree which warrants detention in hospital for treatment, he may direct that the person is transferred to hospital under Article 53 of the 1986 Order. In such cases the Secretary of State may further direct that the person be subject to a restriction direction under Article 55 of the 1986 Order which shall have the same effect as a restriction order. The restriction direction will expire at the end of the person's sentence.





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