

**What is section 117 aftercare?**

Some people who have been detained under the Mental Health Act are entitled to free support after they leave hospital. The law that gives this right is section 117 of the Mental Health Act and it is often referred to as “section 117 aftercare” (one-one-seven) aftercare.

**Key Points**

- ✓ “Aftercare” means the help you get when you leave hospital
- ✓ You are entitled to section 117 aftercare if you have been in hospital under sections 3, 37, 45A, 47 or 48, or are under a Community Treatment Order (CTO)
- ✓ Section 117 after care is free
- ✓ The NHS and social services will give you aftercare
- ✓ Section 117 aftercare is put in place to meet your needs around your mental health condition
- ✓ An aim of aftercare services is to reduce the risk of your mental health becoming worse and being readmitted to hospital
- ✓ Your aftercare might be organised under the Care Programme Approach (CPA)
- ✓ Your after care should only stop when you no longer need it in order to stay well

**Who will arrange my aftercare?**

It is the duty of the following organisations to arrange your aftercare:

- The local NHS “integrated care board” (ICB)
- The local authority (usually the local authority in the area you lived before you were detained).

Sometimes there are disputes between different ICB’s and local authorities about who should pay for your aftercare services. Even if this happens your care planning and discharge should not be delayed.

**What services can I receive under section 117 aftercare?**

The Mental Health Act Code of Practice gives examples of the types of services available under s117.

These include:

- Healthcare
- Social care and employment services

- Supported accommodation
- Services to meet your social, cultural and spiritual needs, as long as these meet a need arising from or related to your mental health condition and help reduce the risk of your mental health becoming worse
- Free prescriptions for medication to treat your mental health condition which caused you to be detained

### **What is the Care Programme Approach (CPA)?**

Most people who are entitled to section 117 aftercare should get help under CPA.

CPA is a package of care, where different health professionals work together to meet your needs. Under CPA you will have a care plan and a care co-ordinator.

A care co-ordinator is the person who will coordinate and monitor your care.

CPA aims to support your mental health recovery by helping you to understand your:

- Strengths
- Goals
- Support needs

Please see our CPA self-help resource for more information.

### **How long will my section 117 aftercare last for?**

The ICB and local authority have to give you aftercare as long as you need it. Even if you are doing well when you are discharged from hospital, you may still need aftercare services to help you to stay well.

Ending section 117 is called being “discharged” from section 117. To be discharged the ICB and local authority must decide that you no longer need aftercare services. They should not discharge you when you are still getting the services you need.

The Mental Health Act Code of Practice says that you should be fully involved in any decisions to end your aftercare. The code of practice also says that section 117 should not end because:

- You have been discharged from specialist mental health services, such as the community mental health team (CMHT)
- A certain period of time has passed since you were discharged from hospital
- You have agreed to go back to hospital as an informal patient or detained under section 2
- You are no longer on a community treatment order (CTO) or on section 17 leave
- You refuse aftercare services

If you are discharged from section 117 and your mental health starts to get worse then the services should be put back in place to stop your condition from further deteriorating.

You should have regular section 117 reviews. Sometimes these are completed as a “joint review” between the local authority and the ICB, if you are receiving services commissioned by the local authority. Your community care team will be involved and any other services who are supporting you.

You may be entitled to an advocate to support you in your review. This could be a Care Act Advocate if it is a joint review, an Independent Mental Health Act Advocate (IMHA) if you are detained in hospital or under a CTO, or a Community Mental Health Act Advocate.

### **What can I do if I have issues with my section 117 aftercare?**

ICB's and local authorities have a legal duty to provide aftercare services under section 117, although they have a choice as to exactly what services are provided.

If you have problems with the services provided, think about the following to try and sort out the issue:

- Talk to your care co-ordinator
- Talk to the manager of your care team
- Ask for an advocate or friend to help you to talk to professionals
- Make a formal complaint

If you still remain unsatisfied you can:

- Complain to an Ombudsman service i.e., Parliamentary & Health Service Ombudsman (PHSO) who deal with NHS complaints or the Local Government and Social Care Ombudsman who investigate complaints about the local authority and social services.
- Ask for legal advice from a solicitor
- Tell your local Member of Parliament (MP)

### **Other Information:**

#### **Direct Payments**

Direct payments are when you are given the money to arrange and pay for your own support. This means you can choose how you get the support you need.

You can ask for direct payments if you are an adult and:

- You must have the mental capacity to manage them. “Mental capacity” means being able to make decisions for yourself.
- If you want to act on your behalf, they must agree to this

- The local authority must be in agreement that you or anyone acting on your behalf are able to manage the direct payments, if necessary, with help from others, such as family members
- The local authority agrees that making direct payments is an appropriate way of meeting your needs for care and support

## **Housing**

The rules about what housing you can get for free under section 117 are complicated. You will probably not be provided with ordinary housing such as a housing association flat.

However, you may be given free specialist accommodation if:

- It meets needs that you have because of the mental health condition that caused you to be detained and
- Reduces the chance of your condition getting worse, so you don't have to go back to hospital

The law is not clear about who will be able to get free housing under section 117. If your local authority says you are not entitled, make sure you challenge as soon as possible.

## **Personal Health Budgets**

A personal health budget (PHB) is an amount of money to support someone to recover from mental illness. It can be used to buy an item, service or membership that isn't available through existing support networks. People who are struggling with their mental health can talk about the option of a PHB with their clinician when they are discussing ways to help them get and stay well.

## **Advocacy**

An advocate is someone who is independent and on your side. You can talk through your options with an advocate. They can support you to prepare for and speak up in meetings.



Scan me for information about IMHA  
You can contact an advocate on 01925 246 888