



# What is Section 117 Aftercare?

## SELF HELP TOOLKIT

Supporting you to be listened to





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# What is 117 aftercare?

Section 117 of the Mental Health Act provides free aftercare services for people who have been detained under certain sections of the Act. Aftercare is in place to help people who have been in a mental health hospital stay well after leaving hospital. Aftercare is aimed at meeting a need which is a result of a person's mental health condition. It aims to reduce the risk of the person returning to hospital and becoming unwell again.

## Who can get section 117 aftercare?

A person can get Section 117 aftercare if they have been in hospital under the following sections of the Mental Health Act: 3, 37, 45A, 47, and 48.

Section 117 aftercare starts when the person leaves hospital. If the person goes on leave from the hospital (for example to stay overnight at a placement they might live), they can get aftercare if they are on one of the above sections.

If the person needs to go back into hospital, they are still able to get aftercare, even if they are under a different section or an informal patient.

If the person is on a Community Treatment Order (CTO), they will be able to have aftercare.

## WHO PROVIDES AFTERCARE?

The local social care service (part of the local authority) and Integrated Care Boards (ICB) have a joint duty to provide mental health aftercare services. They often provide these with other organisations to help meet the person's needs. The local social services authority is in the area where the person usually lived before they went into hospital.

Sometimes, local authorities and ICBs can disagree on who should pay for or fund aftercare services for a person. If this happens, the person's care planning and discharge should not be delayed.

# Who arranges aftercare?

Aftercare can be arranged by the local authority or ICB, or this can be arranged by the person. Instead of paying for the services themselves, the local authority or ICB can give the person the money and they can then choose how to get the support they need if they have the mental capacity to manage this. Someone else can manage this for the person, if this is agreed by the local authority and/or the ICB. There are companies that can support but this may cost money.

When the local authority gives the person money to arrange and pay for care to meet social care needs, this is called **direct payments**.

When the ICB gives the person the money to arrange and pay for their care to meet healthcare needs, this is called a **personal health budget**.

Both direct payments and personal health budgets can only be used to pay for care that meets the person's assessed needs.

## What services are covered?

Aftercare can cover a wide range of services, including healthcare, social care and employment services. It can also include supported accommodation and wider social, cultural and spiritual needs (if these arise directly from, or are related to the person's mental health condition). These services are meant to meet needs arising from, or related to, the person's mental health and reduce the risk of the person's mental health becoming poor again.

This is a broad range of services; the Mental Health Act is not specific in which services fall under this.



# What can aftercare pay for?

## WHAT CAN AFTERCARE PAY FOR?

Section 117 aftercare funding can cover many types of support services, which are provided to help a person live in the community after discharge from a mental health hospital.

## THIS MAY INCLUDE:

- Healthcare, such as mental health support, medical treatment and therapies. Medication can fall under aftercare services; this means it may be provided for free. This includes paying for a carer to support them with medication.
- Social care, such as support with daily living tasks. This can only be funded if not having support would lead to their mental health becoming worse.
- Supported accommodations, such as a care home or supported living.
- Employment services, such as help finding and staying in a job.
- Services to meet a person's wider social, cultural and spiritual needs.



# What can aftercare not pay for?

## WHAT CAN AFTERCARE NOT PAY FOR?

Section 117 aftercare may cover the costs of accommodation in certain circumstances, but not the costs of ordinary housing such as a rented flat.

There have been many cases taken to court about this. Judge Mostyn explained that the need for accommodation is a direct result of the reason the person was detained. That the need is for “enhanced specialised accommodation” to meet needs directly arising from their mental health condition. Or the person is placed in accommodation involuntarily (they lack capacity to decide) and this is as a result of their mental health condition. You can read more about this case here: [www.39essex.com/information-hub/case/r-afework-v-london-borough-camden](http://www.39essex.com/information-hub/case/r-afework-v-london-borough-camden)

The Local Government and Social Care Ombudsman (LGSCO) wrote a report which explained more about what enhanced specialised accommodation is. It said that this would have extra features. These features arise from, or meet a need from the person's mental health condition. Examples might be: 24-hour on-site staff, CCTV, welfare checks and organised activities. All of these have the purpose of checking a person's mental wellbeing. They have the aim of reducing the risk of the person's mental health becoming worse. You can read the report here: [www.lgo.org.uk/decisions/adult-care-services/assessment-and-care-plan/19-002-160](http://www.lgo.org.uk/decisions/adult-care-services/assessment-and-care-plan/19-002-160)

There must be a clear connection between the mental health condition and the aftercare service. The services must be in place to support a person with a mental health condition. This means that general wellbeing or physical health problems may not be eligible for aftercare.

# How long does aftercare last?

## HOW LONG DOES AFTERCARE LAST?

Aftercare services continue until the ICB and the local authority feel that the person is no longer in need of such services. The person receiving aftercare services should be fully involved in the decision to end aftercare services.

Aftercare services should not be taken away because the person is deprived of their liberty (under the Mental Capacity Act). Or if the person has returned to hospital as an informal patient or on a different section. They should also not be removed if the person no longer needs to receive care from specialist mental health services, or is no longer on a Community Treatment Order (CTO).

If aftercare services were taken away, and the person's mental health starts to decline, aftercare services should be put back in place to try and stop this worsening and try to prevent the person from returning to hospital.

There is not a clear rule in the Mental Health Act for when aftercare services should end. Section 117 of the Act says that it is up to the health and social care services who are funding aftercare to make a joint decision. They must be able to explain the reason for their decision and the person's needs must be reassessed before it is ended. This is to see how the person will be able to manage without aftercare and how their mental health will be without the services.

# Section 117 reviews

Eligibility for Section 117 should be reviewed within six weeks of discharge from the hospital and then annually, or sooner if things change. The person's care coordinator is responsible for arranging these reviews and involving the person and other relevant people. During these reviews, the person's needs can be reassessed, and aftercare can be adjusted as the person's needs change.

## CARE PROGRAMME APPROACH (CPA)

Many people who receive aftercare have support under the CPA. This is where different people work together to help meet the person's needs. The CPA aims to support the person's mental wellbeing and help identify strengths, goals, support needs and any difficulties the person may have. The CPA will make a plan and review this regularly to check it is working.

## What to expect from section 117 reviews

During a Section 117 review, the person will be asked to discuss their current needs and any changes. The person can have the support of a carer, family member or friend in these meetings if they wish. The review will assess whether the current aftercare services are meeting the person's needs and whether any changes are required.

If the person's care and support needs are being assessed, planned or reviewed, they may be able to have the support of an independent advocate under the Care Act. The eligibility for this is if they have substantial difficulty in being involved in this process and there is no one else who can support them.



# What if there are problems with the person's aftercare?

**If the person has problems with their aftercare, they can:**

- Speak to their care coordinator, they might be able to help.
- If the problem is social care related, the person can follow their complaints procedure.
- If the problem is healthcare related, the person can follow their complaints procedure.
- If the person is still not happy, they might be able to get some legal advice to see if there is anything else which can be done.



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A photograph of two women in a professional setting. The woman on the left has long, wavy red hair and is wearing a white shirt. The woman on the right has short brown hair, wears glasses, and a patterned jacket. They are both smiling and looking at each other. The background is a bright, out-of-focus office space.

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# Notes

Space for notes, drawing or things you want to remember.



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Space for notes, drawing or things you want to remember.