

Section 117 aftercare funding

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What is section 117 after-care?

Some people who have been detained in hospital under the Mental Health Act can get free after-care services once they leave hospital. The law that gives this right is section 117 of the Mental Health Act. It applies to people of all ages, including children and young people.

Section 117 places a duty on Clinical Commissioning Groups and Local Social Services Authorities, to provide (or arrange for the provision of) free after-care services to anyone who the section applies to.

Who can get section 117 after-care?

A patient becomes eligible for after-care under Section 117 when they cease to be detained on one of the following sections and leave hospital;

- section 3
- section 37
- 45A
- 47 or 48

Although entitlement to aftercare begins on discharge from detention and leaving hospital, it extends to a patient who goes on leave of absence under Section 17, a patient going onto a Community Treatment Order (CTO) or a restricted patient who is conditionally discharged.

What kinds of services are covered?

As soon as someone is detained under Mental Health Act planning for their discharge should begin. Health and social care assessments should be undertaken to identify the after-care services necessary to meet their needs. In addition to patients themselves, the care planning process may involve carers and a wide range of professionals.

After-care services can encompass healthcare, social care and employment services, supported accommodation and services to meet the person's wider social, cultural and spiritual needs, however the services provided must:

- meet a need that arises directly from or is related to the particular patient's mental disorder, and
- reduces the risk of deterioration in the patient's mental condition.

When will free after-care end?

The duty to provide after-care exists until both the CCG and Local Authority agree that the patient is no longer in need of any after-care services. The CCG and the LA should fully involve the patient and (if indicated) their carer and/or advocate in plans to discharge them from after-care, it should not end solely on the grounds that:

- The patient been discharged from specialist mental health services, such as a community mental health team (CMHT)
- a certain length of time has passed since they left hospital
- they go back to hospital voluntarily or under section 2
- their community treatment order (CTO) has ended
- they refuse after-care services

Further information is available at:

www.gov.uk/government/publications/code-of-practice-mental-health-act-1983

www.rethink.org/advice-and-information/rights-restrictions/mental-health-laws/section-117-aftercare/

If you need further information, please contact York Carers Centre.

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