Hampshire County Council

Section 117 Aftercare
Contents
Definition of Section 117 Aftercare ................................................................. 4
Who does Aftercare apply to? ........................................................... 5
Assessments ......................................................................................... 5
   New clients ...................................................................................... 6
   Existing clients ............................................................................... 6
Possible non-aftercare needs ............................................................ 7
Section 117 reviews ............................................................................ 7
Discharge from s117 ............................................................................ 8
Discharge guidance ............................................................................ 8
   Current needs .................................................................................. 8
   Return to hospital/relapse ................................................................. 8
Future care plan .................................................................................. 9
Code of Practice guidance ............................................................... 9
Ordinary Residence ............................................................................. 10
   Disputes .......................................................................................... 10
   Responsibilities for Carers .............................................................. 10
Re-detention ......................................................................................... 10
Discharge from Services and s117 ..................................................... 11
Definition of Section 117 Aftercare

Section 117 has been amended by the Care Act 2014 to include a definition of aftercare services, as follows:

- meeting a need arising from or related to the patient’s mental disorder; and

- reducing the risk of a deterioration of the patient’s mental condition (and, accordingly, reducing the risk of the patient requiring admission to hospital again for treatment of their mental disorder).

Section 117 relates **only** to the mental disorder for which the patient was detained in hospital and not to subsequent new or different mental health needs the patient may develop in the future.

Link to [Section 75 of the Care Act which amends the MH Act](#)
Who does Aftercare apply to?

s117 of the Act requires Clinical Commissioning Groups (CCGs) and local authorities, in co-operation with voluntary agencies, to provide or arrange for the provision of aftercare to patients detained in hospital for treatment under section 3, 37 (hospital order only), 45A, 47 or 48 of the Act who then cease to be detained and leave hospital.

It applies to people of all ages, including children and young people

This includes patients granted leave of absence under s17 and patients on community treatment orders (CTOs).
Assessments

New clients

As part of the discharge planning arrangements, prior to the patient leaving hospital, a full assessment of their health and social care needs should be undertaken. This should clearly differentiate and record, on their client record, which needs relate to the mental disorder for which they were detained, (and therefore qualify as an aftercare need) and which do not relate to the mental disorder (e.g. physical health care issues).

At review all needs should be reassessed against the original s117 baseline recorded at discharge from detention. Those items that relate to physical health difficulties or new mental health problems that do not relate to a need arising from the mental disorder to which the patient was detained in hospital will be subject to the Council's Paying for Care procedure.

Existing clients

Some people will not have had their Aftercare needs formally or adequately recorded at the time their s117 came into effect.

If no information or very little information of after care needs is available, a baseline assessment of all current health and social care needs should be undertaken to consider those that would relate to long term mental health, and therefore s117, and those that are related to physical health.

This baseline assessment can then be used in the years to come, to assess whether they continue to have needs which appear to arise from or relate to the mental disorder for which they were detained.
Possible non-aftercare needs

If the needs identified do not relate to the need arising from the mental disorder to which the patient was detained in hospital, then they are not s117 Aftercare needs. For example, this could be physical frailty after a stroke that means a person requires personal care support not related to their mental health disorder and therefore this support would be subject to a contribution.

Section 117 reviews

The Social Worker/ Practitioner will arrange a review of the Care Plan within the first 3 months and thereafter at intervals of no longer than 12 months for as long as the individual is in receipt of a Health and/or Social Care service.

At the point the individual ceases to require Social Care services a s117 review should be undertaken to determine what s117 needs remain and clearly recorded on the patients record. If there are no s117 needs (including Health needs) at this time, then discharge from s117 should be considered.

If discharge from s117 is not appropriate (for example if Health and/or Social Care needs remain, which are being met by universal services e.g. prescription medication for their mental health problem) – then the s117 review should clearly document what s117 needs remain and how they are being met (record on patient record).
Discharge from s117

Section 117 imposes a duty on the relevant Health and Local Social Service Authorities to provide after-care services until both are satisfied that the individual no longer needs after-care services.

Consideration of discharge from section 117 should be made between the CPA care co-ordinator/allocated social worker, the individual, carer, Nearest Relative, the multi-disciplinary team and service providers where possible, following a re-assessment of the service user's health and social care needs.

Discharge guidance

Current needs

What are the individuals current assessed mental health needs?

Have the individual needs changed since their discharge from hospital under section 117?

Return to hospital/relapse

What are the risks of return to hospital/relapse?

Has the provision of after-care services to date, served to minimise the risk of the individual being re-admitted to hospital for treatment for mental disorder/experiencing relapse of their mental illness?

© Hampshire County Council 2016
Are those services still serving the purpose of reducing the prospect of the individual re-admission to hospital for treatment for mental disorder/experiencing relapse or has that purpose now been fulfilled?

**Future care plan**

What services are now required in response to the individual’s current mental health needs?

Does the individual still require medication for a mental disorder?

Is there any ongoing need for care under the supervision of a consultant psychiatrist or any ongoing need for involvement of specialist Mental Health services such as a Community Mental Health team?

**Code of Practice guidance**

The Code of Practice states that s117 services should not be withdrawn solely on the grounds that:

The patient has been discharged from the care of the specialist mental health services

- An arbitrary period has passed since the care was first provided
- The patient is deprived of their liberty under the MCA
- The patient has returned to hospital informally or under section 2 or,
  - The patient is no longer on a Community Treatment Order or section 17 leave.

© Hampshire County Council 2016
Ordinary Residence
Please refer to your own organisation’s guidance with regard to Ordinary Residence.

Disputes

Where there is a dispute as to which Local Authority is responsible for Aftercare the Secretary of State for Health can now determine the issue in same way as has been able to determine disputes as to ordinary residence. This new role came into force on April 1 2015 with implementation of the Care Act provision. This will apply to anyone who becomes eligible for Aftercare under S117 on or after 1 April 2015 i.e. the new rule applies. The Local Authority has 4 months from the time a dispute arises to refer the matter to the Secretary for State for a determination.

Responsibilities for Carers

For carers, the responsible local authority will be the one where the adult for whom they care is ordinarily resident.

Re-detention

If the individual is discharged from section 117, but after a short period is once again in a position where they need after-care services to meet needs previously identified under section 117, then the section 117 ‘episode’ should be re-instated and those services should be re-provided since the needs may have been overlooked at discharge or wrongly assessed as being met.
Discharge from Services and s117

Where a service user no longer requires the support of specialist mental health, learning disability, older persons or physical disability services, s117 status should not be viewed as a barrier to their discharge from services.

If discharge of s117 status is **not** appropriate at this time – then a full review of their health and social care needs should be undertaken and recorded prior to discharge from services.

Within the description of their remaining needs – those that arise from or relate to the mental disorder for which they were detained (i.e. are an aftercare need) should be clearly indicated – along with a care plan for how these will be met by other services (e.g. primary care, voluntary sector etc.).

'It should also be recorded if the person refuses a service.'

The needs assessment and care plan should be recorded on each agencies systems (i.e. AIS and Rio/SystmOne).

The individual can then be discharged from the care of mental health services/Adult Services with s117 still in effect.

There is no requirement to review section 117 status again until such times as the individual represents to services.