

## Your right to after-care Section 117 of the Mental Health Act



### Appealing against the Decision

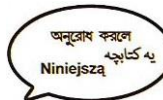
If a decision is made to discharge you from s117 and you or a family member do not agree with the decision, you have a right to make a formal complaint. Your care coordinator can help with this. If you wish to make a complaint about the service or treatment you have received, please write to the complaints department at the address below.

Complaints Department  
Essex Partnership University NHS Foundation Trust  
The Lodge, Lodge Approach  
Runwell, Wickford  
Essex SS11 7XX  
[epunft.complaints@nhs.net](mailto:epunft.complaints@nhs.net)

### Patient Experience Team

If you have any concerns or need advice about accessing NHS services, you can speak in confidence to the Patient Experience Team on [08 00 085 7935](tel:08000857935) or you can email [epunft.pals@nhs.net](mailto:epunft.pals@nhs.net)

### large print



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### Discharge of section 117 After-care

Section 117 services only end when the section is formally discharged. This should involve a meeting, which includes you and the people you would like to be there, such as a carer or advocate.

If you were not invited to be involved in a discharge meeting, then you are likely to remain under section 117 (except in exceptional circumstances). Please be aware, that if you are invited to the meeting, non-attendance will not prevent discharge from s117 if the care team believes it is appropriate to do so.

The decision to discharge from s117 lies with your care team and should include your care coordinator and consultant psychiatrist. If you or a family member disagree with a decision to discharge from s117, you are entitled to appeal against this decision (see below).

### Stopping of services and/or funding under s117

You should be given two weeks' notice before any service provided under s117 ceases.

### After-care should not be stopped on the following grounds alone:

- You are discharged from specialist mental health services, such as a community mental health team
- A certain length of time has passed since you left hospital
- You return to hospital voluntarily or under section 2
- You are deprived of your liberty under the Deprivation of Liberty Safeguards: Mental Capacity Act 2005
- You are no longer on supervised community treatment or section 17 leave.

**If you have been detained in hospital under some of the sections of the Mental Health Act you have a number of rights.**

**One of these is the right to after -care under Section 117 of the Act.**

**You are entitled to section 117 after-care if:**

- you have been in hospital under section 3, 37, 45A, 47 or 48 of the Mental Health Act 1983.
- you are discharged from the above sections, but remain in hospital voluntarily after your discharge.
- you are subject to one of the above sections and you are granted leave from hospital under section 17 (You are entitled to services during their period of leave).
- you are released from prison, and have also spent some of your sentence in hospital, detained under sections 37, 45A, 47 or 48.
- you are going onto Community Treatment Orders (CTO) or Guardianship if this follows a detention under a section 3.

Your illness might mean that there are things that you need to cope with in order to lead your life in the community. The NHS and social services call these things your 'needs'.

**Under the Mental Health Act, the NHS and social services have a duty to give you appropriate after-care to address your needs. After-care means the help you get when you leave hospital.**

Rights under section 117 are not about providing support in general. They relate specifically to services which are required to meet an assessed need. The need must arise from a person's mental disorder and be aimed at minimising the need for future re-admissions to hospital for treatment for that disorder. Section 117 means that you will get free after-care to address these specific needs when you leave hospital.

**After-care services could include:**

- Psychological services
- Physical healthcare
- Help with daytime activities or employment
- Help with Education
- Help towards the cost of supported housing
- Needs arising from drug, alcohol or substance misuse
- Parenting needs
- Crisis planning
- Help with welfare benefits and managing money
- Free prescriptions for Mental health related medication

**Who is involved, and what services count as S117 after-care?**

You will be directly involved in planning your after-care. Any of your family or friends who help support you should also be involved, as long as you consent. Other people involved could include a psychiatrist, community psychiatric nurse, social worker, occupational therapist, psychologist, advocate, housing officer or people who represent you with your consent, like an attorney or deputy. Factors considered in the assessment will vary from person to person.

Your after -care support plan, also called a Care Programme Approach (CPA) care plan must be in writing and include timescales. This will specify your s117 health and social care needs as well as any other needs. It should state the goals you have and how you are hoping to meet these goals. This plan will be reviewed regularly. It is the care co-coordinator's responsibility to arrange reviews, which should occur at least every 6 months.

The Mental Health Act tells us that the NHS and local authorities should interpret the definition of after-care services broadly, for example, after-care encompasses healthcare, social care and employment services, supported accommodation and services to meet the person's wider social, cultural and spiritual needs.

**How long do Section 117 rights last?**

Your s117 needs are re-assessed at every review and when the care team have assessed they have been met, a formal care review meeting (CPA review) will be set up to discuss your discharge from s117.

The duty to provide after-care lasts as long as your care team assess that you continue to have s117 needs. We recognise that even if someone is doing well outside hospital, they may still need after-care services to prevent them becoming unwell again, especially if they have a long history of mental health difficulties.



