

Section 117 aftercare

Under the Mental Health Act 1983

This factsheet explains what free aftercare under section 117 of the Mental Health Act 1983 is. It tells you if you qualify for section 117 aftercare and what services you might get. This information is for people who are 18 or over and affected by mental illness in England. It is also for their loved ones and carers and anyone interested in the subject.

Key Points.

- 'Aftercare' means the help you get when you leave hospital.
- You can get section 117 aftercare if you have been in hospital under the following sections of the Mental Health Act 1983 - 3, 37, 45A, 47, or 48.
- The NHS and social services should give your aftercare for free.
- The aftercare should focus on your mental health needs. It should help you to get better and stay out of hospital.
- You may get things like specialist housing, help to meet other people, help with work or education. Or free prescriptions for mental health medication.
- You can get a personal health budget to manage your healthcare in a way that suits you.
- Your aftercare should only stop when you no longer need it to stay well.
- If you have any issues your care coordinator, someone from your care team or an advocate could help you. If you are still unhappy, you could think about making a complaint.

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1. What is section 117 aftercare?

Some people who have been detained in hospital under the Mental Health Act 1983 can get free aftercare when they leave. This is called section 117 aftercare. ‘117’ is pronounced ‘one-one-seven’.

Being detained in hospital under the Mental Health Act is sometimes called being ‘sectioned.’

‘Aftercare’ means the help you get after you leave hospital to:¹

- meet needs that you have because your mental health condition or conditions,² and
- reduce the chance of your condition getting worse, so you do not have to go back into hospital.

Section 117 begins when you leave hospital. But hospital staff should start planning your aftercare as soon as you go into hospital.³

You can find more information about the **Mental Health Act** at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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2. Can I get section 117 aftercare?

You will get free aftercare if you have been in hospital under certain sections of the Mental Health Act. You can get it if you have been:⁴

- **detained in hospital for treatment** under section 3,
- **transferred from prison to hospital** under sections 47 or 48, or
- **ordered to go to hospital by a court** under sections 37 or 45A.

You will only start getting aftercare services when you leave hospital.

You will not get free aftercare if you have been in hospital under other sections of the Mental Health Act.

What if I go on leave from hospital?

You may be allowed to leave the hospital for a short time. This is called 'going on leave' or 'section 17 leave'.

You might go on leave while you are in hospital under sections 3, 37, 45A, 47, or 48. You will be able to get free aftercare when you are on leave.⁵

What if I stay in hospital?⁶

You might be entitled to section 117 aftercare and be discharged from the Mental Health Act. But you might stay in hospital as a voluntary or informal patient. This means you have agreed to be in hospital, but you can leave if you want to.

You will still get free aftercare when you leave hospital.

What if I go back to hospital?⁷

If you go back into hospital, you will still get section 117 aftercare when you leave.

That is the case if you are detained under any section of the Mental Health Act or are a voluntary patient.

I am on a community treatment order (CTO). Can I get section 117 aftercare?⁸

You may be discharged from hospital under a community treatment order (CTO).

If you are under a CTO, you can get free section 117 aftercare.

You can find more information about **Community treatment orders - Made under the Mental Health Act 1983** at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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3. Who should arrange and pay for my aftercare?

Who should arrange my aftercare?

Your aftercare should be arranged by the following organisations.⁹

- Your local **social services**, which is a part of your local authority.
- Your **local NHS** integrated care board (ICB). The ICB is a group made up of GPs and other professionals from healthcare and non-healthcare backgrounds. They decide what services should be available in your area.¹⁰

Who should pay for my social care?

Social services

The social services in the area where you usually lived before you went into hospital will pay for your care.¹¹

This is still the case if you will stay in hospital under the Mental Health Act is not your first one.¹²

2 local authorities might not be able to agree on who should pay for your care. Someone at the Department of Health and Social Care will decide.¹³

NHS^{14,15}

The integrated care board (ICB) in the area where you usually lived before you went to hospital will pay for your care. This is if you left hospital after 1 July 2022.

If you left hospital before 1 July 2022, a different ICB might be responsible for paying your care. But your care should still be free of charge.¹⁶

What are direct payments for social care?¹⁷

Direct payments are when your local authority gives you money to arrange and pay for your own social care.

This means you can choose how you get the support you need.

You can find more information about **Social care - Direct payments under the Care Act 2014** at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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4. What services should I get and how will these be planned?

There are no limits to what services you can get. But the services should:¹⁸

- meet the needs of your mental health condition or conditions,¹⁹ and
- reduce the chance of your condition getting worse, so you do not have to go back into hospital.

You may get:

- certain types of housing,
- services in your home or in a day centre, and
- help to get supported employment.

You may also get free prescriptions for mental health medication.²⁰ Your care co-ordinator can arrange for you to get free prescriptions if you ask them.

The NHS and social services should ask you what kind of things you would like help with.²¹ Your carer could be involved in this too, if you want.²²

Other people that could be involved are your:²³

- psychiatrist,
- community psychiatric nurse (CPN),
- GP,
- psychologist,
- social worker,
- occupational therapist,
- advocate,
- local authority housing officer,
- attorney, if you have made a Lasting Power of Attorney for Health and Care Decisions, and
- Deputy, if one has been appointed by the Court of Protection with appropriate powers.

Your mental health might affect you in different ways. For example, you may find it hard to do some things for yourself. These things are called your 'needs'. The NHS and social services should give you services that help you to meet your needs.

When everyone has agreed what services you need, they will put this in a written plan. This is called an 'aftercare plan' or a 'care plan'.

You care plan might include things like:²⁴

- where you will live,
- what treatment you will get,
- what you will do during the day,
- what services will help you to stay well,
- what help you will get to go to work or study,
- what help with drug or alcohol use you will get, if you need it,
- things that might help you to keep in contact with your family, or to raise children,
- what you should do in a crisis, and
- what help you will get with benefits and managing your money.

Rachel's Story

- Rachel has a diagnosis of borderline personality disorder (BPD), and a history of using drugs.
- She was in prison for a drugs offence and was transferred to hospital under section 47. Rachel has now returned to prison.
- She has a care coordinator who is writing a plan about what help she will get when she leaves prison. The plan says that Rachel will have:
 - help at home on a weekly basis,
 - help with finding employment,
 - help to manage her drug use, and
 - details of what she should do in a crisis

All this aftercare help will be free under section 117 of the Mental Health Act.

What if my needs change?

You might have a care coordinator to oversee your care. If you do not, speak to someone in your care team.

If they agree your needs have changed, they will look again at the help you need. They may call this a 'review' or a 'reassessment'.

They should review your plan regularly, even if your needs have not changed.²⁵ This should happen at least once a year.²⁶

When they review your needs, they will hold a meeting. They may call this a 'review meeting' or a 'needs assessment'. Other people may be able to go to the meeting too, such as your GP, your psychiatrist, and your carer, if you have one.

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5. Can I get free housing?

Can I get free ordinary housing?

Ordinary housing will not usually be free under section 117 aftercare.
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'Ordinary housing' means things like a house, flat, or room, that you rent from the council, or a social or private landlord.

Can I get free specialist housing?

Section 117 aftercare can include specialist housing, like supported housing and care home accommodation.³⁰

But only if:³¹

- the housing is needed because of your mental health condition, and
- it helps to stop your mental health from getting worse.

So, if specialist housing is part of your care plan, it should be paid for under section 117 aftercare. But see the information below about supported housing.

Are all supported housing charges always paid?

Supported housing combines housing with support services. This can help people who live with mental illness to live as independently as possible. There are different types.

We understand that you can be charged separately for your supported housing rent and care.

Care costs can be paid for by section 117 aftercare.³²

The local authority might pay for your rent and care under section 117. But they might not pay for your rent if they think your accommodation is not specialist housing. If this is the case for you:

- If you think that your accommodation is specialist housing, you can challenge the local authority, or
- You might be able to claim welfare benefits to pay some or all your rent.

You can find more information about **Complaining about the NHS and social services** at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet

If you want advice on welfare benefits you can:

- Contact **local benefits advice organisations**. You can find them on **Turn2Us**: advicefinder.turn2us.org.uk. Choose 'benefits' from the drop-down menu and put in your postcode.
- Contact or visit your local **Citizens Advice** 0800 144 8848 for advice. www.citizensadvice.org.uk
- Call **Mind welfare benefits line**. For anyone with mental health problems who needs benefits advice on 0300 222 5782. www.mind.org.uk/information-support/helplines
- Contact **Money wellness** for free money, benefits, and debt advice online, over the phone or webchat. 0161 518 8285. www.moneywellness.com

What if the local authority refuses to pay for my specialist housing?

In the past, some local authorities have refused to pay for special housing under section 117 aftercare.³³ But in some cases the Local Government and Social Care Ombudsman have ruled that local authorities must pay.³⁴

And many local authorities accept that special housing should be paid for under section 117 aftercare.^{35,36,37}

If the local authority do not pay for your specialist accommodation under section 117 aftercare when they should, you can complain.

You can find more information about:

- Complaining about the NHS and social services
- Supported housing – For adults living with mental illness
- Care home fees - Who pays? under the Care Act 2014

at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet

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6. Can I get a personal health budget?

You can get a personal health budget if you are entitled to section 117 aftercare.³⁸

What is an NHS personal health budget?³⁹

A personal health budget is an amount of money to support your health and wellbeing needs. It is planned and agreed between you and your NHS mental health team.⁴⁰

A personal health budget allows you to manage your healthcare in a way that suits you.

Together with your NHS mental health team, you will develop a care plan.

The plan sets out:

- your personal health and wellbeing needs,
- the health outcomes you want to achieve,
- the amount of money in the budget, and
- how you are going to spend it.

Your care plan should be regularly reviewed. You can ask for your plan to be reviewed if you think it is not meeting your needs or your needs change.

A care co-ordinator will be responsible for organising your care.

You can give up your personal health budget at any time. You will still be able to receive care and support in another way.

A personal health budget is different to direct payments for social care. You can have:

- a personal budget and direct payments at the same time, or

- an integrated personal budget, for both your healthcare and social care needs.

What can I spend my personal health budget on?⁴¹

You should work with your NHS mental health team to identify:

- your health needs, and
- what support and treatment you need to meet those needs.

You can spend your personal health budget on care and support to meet your needs. You should agree this with your NHS mental health team. Your local Integrated Care Board (ICB) might need to be involved too.

You might be able to spend the money on a broader range of care and support than the NHS usually offer. For example, if a side effect of your medication is weight gain, you might be able to use your budget to pay for gym fees.

You should be supported by a suitable professional to think through how you would like to use your budget.

Your NHS mental health team is responsible for:

- giving you advice about your budget, or
- referring you to a suitable local organisation for advice.

Your personal health budget should be used for the specialist support and care you need because of your illness or disability. You do not need to use it to pay to see your GP or to get emergency care, for example.

You might want to know more details about what you can and cannot use your budget for. You can find out more at this link:

www.england.nhs.uk/publication/guidance-on-direct-payments-for-healthcare-understanding-the-regulations

You can read more about NHS personal budgets here: www.nhs.uk/nhs-services/help-with-health-costs/what-is-a-personal-health-budget

You can also look on the following website:

People Hub – Personal Health Budgets Network

People with a personal health budget and their families share their experiences. The website also includes information and resources on personal health budgets.

Website: www.peoplehub.org.uk

7. When will my free aftercare end?

The NHS and social services must give you free aftercare for as long as you need it under section 117.⁴²

Even if you are doing well, you may still need aftercare services to make sure you stay well.⁴³

Ending section 117 aftercare is called being 'discharged' from it.

Your local Integrated Care Board (ICB) and local social services authority must decide that you no longer need aftercare services.⁴⁴

You should not discharge you from section 117 aftercare when you are still getting services you need.

If staff want to discharge you from section 117 aftercare, they should fully involve you in this decision.⁴⁵

They may involve you through a 'discharge meeting'. You can bring an advocate, carer, or family member, if you want.⁴⁶

You should not be discharged from section 117 aftercare just because:
^{47,48}

- you have been discharged from specialist mental health services, such as a community mental health team (CMHT),
- a certain length of time has passed since you left hospital,
- you go back to hospital voluntarily or under section 2,
- your community treatment order (CTO) ends, or
- you refuse aftercare services.

What can happen if professionals think I have been discharged too soon?

Professionals might discharge you from section 117 aftercare. But they might then think that they have discharged you too soon.

This might happen if your mental health starts to get worse as soon as you are discharged. If this happens professionals can put you back on section 117 aftercare.⁴⁹

8. How can I deal with problems with my aftercare?

If you have a problem with section 117 aftercare, you can talk to your care coordinator. If you do not have a care coordinator, you can talk to a member of your care team.

What is advocacy?

If you are worried about talking to your care coordinator or care team, you may be able to get help from an advocate.

Advocates can help you to understand information and get your point across. The type of advocate you need depends on your situation.

You can find more information about **Advocacy for mental health - Making your voice heard** at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet. The information includes how to find local advocacy services.

How can I get proof that I am entitled to section 117 aftercare?

There is no standard paperwork or register that records a person's rights to section 117 aftercare. So, it can be a good idea to ask your local authority and NHS integrated care board (ICB) to put in writing that:

- you are entitled to section 117 aftercare services,
- that these services are to:
 - meet needs you have because of your mental health condition or conditions, and
 - reduce the chance of your condition getting worse or so you do not have to go back to hospital.
- they will continue to pay for NHS and local authority services, for as long as you need them,
- if they want to discharge you from section 117 aftercare, they will fully involve you in this decision, and
- they will not discharge you from section 117 aftercare when you are still getting services you need.

How can I complain?

If you cannot solve the problem by talking it through, you can make a complaint.

You can find more information about **Complaints about the NHS and social services** at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

How can I take legal action?

You could get advice from a solicitor, who could help you to get the services you are entitled to. You need to do this quickly because the time limit for taking the NHS and the local authority to court can be as little as 3 months.

You can find more information about **Legal Advice – How to get help from a solicitor** at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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References

Did this help?

We would love to know if this information helped you or if you found any issues with this page. You can email us at feedback@rethink.org

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