



Independent
Living Fund

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Policy Circular

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Owner: Social Work Directorate

Subject: Mental Health Aftercare Plans

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1.0 England and Wales

Section 117 of the Mental Health Act 1983 (s.117) applies when a person who has been detained in a psychiatric hospital under section 3 of the Mental Health Act 1983 is discharged. A plan for their aftercare must be agreed before discharge and must cover **all** the needs arising from the mental health disorder of the person concerned, and those which are identified to reduce the likelihood of the person requiring admission to a hospital again for treatment for the disorder. Additional needs not associated with a person's mental health disorder may be exempt from s.117 provision.

The health authority and social services **both** have a **duty** to provide this care under s.117 free of charge, for as long as the needs remain. In order for a s.117 to no longer apply a reassessment by **both** must agree that the needs no longer exist. Additional support needs not associated with a person's mental health disorder and exempt from the s.117 aftercare plan may be charged for by a local authority.

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If the ILF were to include any needs covered by the s.117 aftercare plan within an ILF package that would mean that the client was being required to contribute to care they have a legal right to receive free of charge.

The duty to provide aftercare also applies in relation to patients who are subject to a community treatment order (for supervised community treatment). Community treatment orders were introduced under the Mental Health Act 2007 in England and Wales in November 2008.

1.1 Policy

ILF will not fund any care that is included in a s.117 aftercare plan or community treatment order. If an ILF package were to include any additional support needs not covered by the s.117 aftercare plan then ILF funding could continue, provided that the local authority was meeting the relevant threshold sum. The relevant threshold sum must be made up of social care provision provided by a local authority that is additional to that covered under s.117.

1.2 Process

The ILF needs to be reassured that any additional support needs not covered by the s.117 aftercare plan are in line with QSS policy.

Where it has been identified that a user is entitled to s.117 after care the ILF caseworker will need to request a copy of the user's s.117 aftercare plan from the LA, this should detail the needs attributed to a person's mental health disorder. In addition they will need to request the user's LA care and support plan.

Where it is clearly evidenced that an ILF package is exempt from an s.117 aftercare plan, then the award may continue, providing that the LA threshold is still being maintained.

In all cases where there is a request for funding and the user is subject to a s.117 aftercare plan or community treatment order the file should be referred to the ILF Social Work team.

2.0 Scotland

In Scotland the nearest equivalent to s.117 is a Compulsory Treatment Order under the Mental Health (Care and Treatment) (Scotland) Act 2003 which may impose conditions relating to a person's place of residence, medical treatment and aftercare services which mean that the person might not be able to satisfy ILF that they are living independently.

2.1 Policy

Where someone is subject to a Compulsory Treatment Order in Scotland funding may be inappropriate depending upon the terms of the order. The file should be referred to the ILF Social Work team.

3.0 Northern Ireland

The Mental Health (Northern Ireland) Order 1986 does not require such an aftercare plan to be provided.

3.1 Policy

There are no restrictions to ILF funding in relation to Mental Health Aftercare cases in Northern Ireland.

4.0 Source

SMT meeting 2 June 2003

SMT policy sub committee 12 June 2003

Mental Health Act 2007

Mental Health (Care and Treatment) (Scotland) Act 2003

The Mental Health (Northern Ireland) Order 1986

Mental Health Act 1983

Trustees meeting 19 February 2014

5.0 Cross References

Independent Living & Shared Care policy

LA Threshold Sum policy

6.0 History Date Reviewed

December 2008

November 2010

February 2014