

A guide to your rights under section 117 of the Mental Health Act 1983

Adults' Services

Introduction

The Mental Health Act 1983 (the act) makes sure people get the right care and support when they are having a mental health crisis and services in the community can no longer help them to keep safe and well. Section 117 of the act deals with aftercare when a person leaves hospital after a period of treatment.

Who is this booklet for?

This booklet is for people who have had an assessment under section 3 of the act and have:

- been detained in a hospital for treatment and would like to leave hospital soon;
- been detained in a hospital under section 3 for treatment and are no longer being detained under the act, but have chosen to stay in hospital voluntarily for a while;
- previously been receiving services in the community under section 117 aftercare arrangements and have now gone back into hospital voluntarily; or
- previously been receiving services in the community under section 117 aftercare arrangements and have now been detained in hospital under section 2 of the act.

This booklet is also for people who have been:

- detained in hospital for treatment under section 37 or section 45A of the act because they were told to go there by a court; or
- moved from prison to hospital for treatment under section 47 or section 48 of the act.

Guiding principles

There are five principles which professionals must always consider when making decisions relating to aftercare under the act.

PRINCIPLE 1

Least restrictive option

Anyone who is assessed and cared for under the act must not be restricted unnecessarily, and the outcome must be provided in the least restrictive way. When professionals are making decisions on a person's behalf, they must also assess whether there is any need to act at all.

PRINCIPLE 2

Individuals being supported to make their own decisions – empowerment and involvement

Anyone who is assessed and cared for under the act must be given practical support to make decisions for themselves.

PRINCIPLE 3

Treated with respect

Anyone who is assessed and cared for under the act, and their family members and carers who are consulted for information, should be treated with respect and dignity and their views listened to by professionals.

PRINCIPLE 4

Purpose and effectiveness

Any decision about care and treatment under the act must be specific to the person's personal circumstances, have clear therapeutic benefit to them, promote their recovery, and be based on best-practice guidelines.

PRINCIPLE 5

High quality

Health and social care organisations should work together to make sure that the services they provide are of high quality and will help the person leave hospital safely and with appropriate support in place.

Why might I be detained for treatment?

If you have been detained in hospital for treatment, this is because:

- you were showing signs of mental distress and your mental health was in crisis;
- your health was at risk;
- your safety, or the safety of others, was at risk;
- you needed support and treatment to get better and be safe, and it was best for you to be in hospital at this time; and
- you did not agree to come into hospital of your own free will as a voluntary patient.

When does section 117 begin?

Section 117 aftercare only begins when you leave hospital, but you must get an assessment of your support needs that are linked to your mental health before you leave the hospital. The assessment will involve your social care worker and those looking after you in hospital.

Section 117 aftercare exists to help reduce the risk of you becoming unwell again and possibly needing to go back into a mental health hospital.

We will work with the NHS to agree a section 117 plan with you. The plan will focus on what you can do to keep yourself safe and well. It will be regularly reviewed.

You will be entitled to a section 117 plan if you are placed on a community treatment order (section 17A) when you leave hospital.

What help will I get under section 117?

Your mental health crisis may have affected you in different ways. It may make it harder for you to do some things for yourself in future. The things you struggle with are called your 'needs'. You should be offered help to deal with these needs. For example, you may be offered:

- specialist housing;
- help to meet other people;

- help with developing or regaining skills in work or education; and
- free prescriptions for medication to help with your mental health.

You may also get help with meeting your wider social, cultural or spiritual needs. You may find you can deal with some of your other needs by yourself.

You will not be asked to pay for any social care services if you leave hospital with a section 117 plan in place.

We will work with the NHS to arrange your section 117 aftercare services.

How is section 117 aftercare planned?

Planning for your aftercare should start very soon after you are admitted to hospital. A planning meeting will be arranged between:

- you and your family or carer (if you would like them to be there);
- the team that has supported you on the ward; and
- your social care worker.

You have the right to contact and be represented at the meeting (free of charge) by the Independent Mental Health Advocacy Service (IMHA). The IMHA are independent of mental health services. They can speak on your behalf and tell you about the rights you have by law. Staff on the ward will give you more details on the IMHA.

Your section 117 plan shows the support you will receive, any services that will be provided and who is responsible for providing them. A copy of the care plan will be offered to you and your family or friend carers.

The people and organisations identified as responsible for each service at the planning meeting must make sure that the care plan is in place by the time you leave hospital.

Do I need to pay for section 117 aftercare?

If you have been in hospital for treatment and you are now eligible for support under section 117, the law says we cannot ask you to pay for anything shown on your section 117 plan if you will be receiving care services at home or in your local community, or if you are going to stay in a care home or nursing home.

You will be asked to contribute to the cost of any services that are not shown on your section 117 plan. Your social care worker will check this with you and explain further.

Will the section 117 plan be reviewed?

The care plan will be reviewed with you on a regular basis. Your social care worker will explain this. The review will be done jointly by the NHS and us.

You will be invited to each review and will be asked what you think is working and what, if anything, you think needs to change.

At the review an updated care plan will be written. The new plan will show the support you will receive, any services that will be provided and who is responsible for providing them. A copy of the care plan will be offered to you and your family or carers.

The people and organisations identified as responsible for each service at the review meeting must make sure that the services are put in place for you straightaway.

How does section 117 aftercare end?

The section 117 aftercare only stops when you no longer need the services on your plan. Even if you are doing well outside of hospital, you may still need aftercare services to make sure you stay well.

Ending section 117 aftercare is called being 'discharged' from section 117. We and the NHS must both decide that you no longer need any aftercare services. This decision must take place at a joint review.

You must not be discharged from section 117 if you are still receiving the services you need.

Section 117 aftercare does not end just because:

- you have been discharged from specialist mental health services, such as those provided by a community mental health team;
- a certain length of time has passed since you left hospital;
- you go back into hospital voluntarily or under section 2 of the act;
- your community treatment order ends; or
- you refuse aftercare services.

What if I go back into hospital?

Some people worry that if they are detained in hospital under section 2 of the act in the future, section 117 aftercare will end. This will not happen.

If you go back into a mental health hospital, your section 117 plan will continue. You should make sure that staff in the hospital understand your plan.

How can I make a complaint?

If you are in hospital and want to make a complaint about your care, you should contact the relevant complaints and representations service or the patient advice and liaison service there. Staff on the ward will be able to give you the details you need.

The **Care Quality Commission (CQC)** makes sure that mental health law is used properly. If you are not happy with how duties or powers under the act have been carried out, you can complain to the CQC, and it will investigate.

Phone: **03000 616161** (Press 1 to speak to the mental health team.)

Email: enquiries@cqc.org.uk.

Website: visit [the Care Quality Commission website](#).

Healthwatch West Sussex represents the interests of patients, customers and the public, locally and nationally. It is independent of local councils and the NHS.

Phone: **0300 012 0122**.

Website: visit [the Healthwatch West Sussex website](#).

If you want to make a complaint about the social care worker who carried out your assessment for section 117, you should contact our Customer Relations Team (see below for details).

Contact us

Adults' CarePoint

- Phone: 01243 642121.
- Call using Relay UK: 18001 01243 642121 (from a textphone or the NGT Lite app, which you can download onto a computer, tablet or smartphone).
- Website: visit [the How to get adult social care support page](#) on the West Sussex County Council website.

Customer Relations Team

The quickest and easiest way to send us a comment, compliment or complaint is through [the West Sussex County Council website](#).

Phone: **01243 777100** (Please help us to keep this phone line for people who cannot use the internet without help, or who want general advice about the complaints process.) If you need an interpreter to help you make a complaint, please call 01243 777100 and ask to use the telephone interpreting service.

Call using Relay UK: **18001 01243 777100** (from a textphone or the NGT Lite app, which you can download onto a computer, tablet or smartphone).

If you cannot contact us online or by phone, please write to:

- Customer Relations Team, West Sussex County Council, County Hall, Chichester, West Sussex, PO19 1RQ.

Mental health support contacts and resources

- Phone **116 123**, at any time, to speak free of charge with Samaritans if you are experiencing a mental health crisis.
- Phone **111**, at any time, and select the mental health option.
- Phone **999**, at any time, if your life is in immediate danger.

If you need help in an emergency, go to your nearest hospital **urgent treatment centre** or A&E. There are mental health liaison teams in all emergency departments in West Sussex.

Togetherall is an online space where you can talk safely and without giving your name. Trained professionals are available 24 hours a day, seven days a week through [the Togetherall website](#).

A trained and experienced Sussex Mental Healthline team is on hand, ready to listen and offer urgent mental health support, 24 hours a day, seven days a week. Phone **0800 0309 500**.

You can download the free [Hub of Hope](#) app on to your smartphone. Enter your postcode on the app for details of all available mental health support services in your local area.

[Sussex Partnership NHS Foundation Trust](#) provides NHS mental health services in West Sussex.

Mind provides free representation by the Independent Mental Health Advocacy Service (IMHA). The IMHA are independent of mental health services and can speak on your behalf. Phone 01273 666950.

Your GP practice may offer help through talking therapies or by prescribing medication.

To see other information leaflets about our services, please visit [the Adults' social care publications page](#) of the West Sussex County Council website.

We are committed to equality, celebrating diversity and preventing unlawful discrimination. We value the people we support, our staff and partners for who they are, and we actively promote fairness and respect for all. We also expect our staff to be treated politely and with respect by the people we support.

Adults' CarePoint

Phone: **01243 642121**. Calls using Relay UK: **18001 01243 642121** (for deaf callers from a textphone or the NGT Lite app downloaded onto a computer, tablet or smartphone).

Website: visit [the How to get adult social care page](#) on the West Sussex county Council website, and fill in the 'Contact us' form.

Write to: Adults' CarePoint, County Hall, Chichester, West Sussex, PO19 1RG.

Other formats

If you would like more copies of this booklet or need this information in another format, for example, in large print or Easy Read, on audio CD or in a different language, please contact us. Please see our contact details above

Current versions of all our public information are available on the Adults' social care publications page of the West Sussex County Council website.