

INDEPENDENT MENTAL HEALTH ADVOCACY - SECTION 117 AFTERCARE

WHAT IS INDEPENDENT MENTAL HEALTH ADVOCACY?

If you are an adult and restricted or being detained under the Mental Health Act, you are legally entitled to help and support from an Independent Mental Health Advocate (IMHA).

An advocate is someone who will speak up for you, or support you to speak up for yourself, if you don't understand what's happening to you, want to challenge a decision about your care or support, express your preferences or assert your rights.

This applies to hospital patients and those who are on a Supervised Community Treatment Order (CTO) or under Guardianship.

What does "117 aftercare" mean?




Some people who have been treated in hospital under the Mental Health Act can be given free help and support after they leave the hospital. This right is explained in Section 117 of the Mental Health Act and is often referred to as '117 aftercare'.

Aftercare is the help you need in the community after you leave the hospital. It can include things like healthcare, social care and supported accommodation.



Local Health Boards and Local Authorities have a legal duty to provide aftercare services under Section 117, but they have a choice as to the exact services provided.


What is included in Section 117 aftercare?

The Mental Health Act Code of Practice gives examples of what could be provided and aftercare, such as:

-  Health and social care
-  Employment services
-  Supported accommodation





Also eligible for an IMHA includes:

-  Those being considered for Section 57 treatment
-  Those under 18 and being considered for Electroconvulsive Therapy (ECT)



-  Services to meet your social, cultural and spiritual needs – as long as they meet a need that arises from or is related to your mental condition and they help reduce the risk of your mental health and wellbeing getting worse.

Who can get Section 117 aftercare?

You can get free Section 117 aftercare if you have been detained:

-  For treatment under Section 3
-  With a hospital order under Section 37
-  Following transfer from prison under Section 47 or 48
-  Under hospital direction under Section 45A

You also have the right to Section 117 aftercare:

-  For the duration of your Community Treatment Order.
-  If you are a restricted patient on a conditional discharge.

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How long does Section 117 aftercare last?

You will be provided with aftercare services under Section 117 until the Local Health Board and the local authority are satisfied that you no longer require these services.






It is up to the health and social care services to make a joint decision that you no longer require aftercare. They must give clear reasons for their decision and your needs must be reassessed before the aftercare ends, to assess how your mental health and ability to manage would be affected if aftercare ends.

What if I am settled in the community?

Even if you are settled in the community, aftercare services can prevent you from deteriorating and possibly becoming unwell again.

The Mental Health Act Code of Practice says that you should be fully involved in any decision making process that may end your aftercare services.






Aftercare services under Section 117 should not be taken away:

-  If you have been discharged from the care of specialist mental health services.
-  After a set period of time.
-  If you have a DoLS authorisation put in place (Deprivation of Liberty Safeguard) under the Mental Capacity Act.
-  If you return to hospital as a voluntary patient or for further assessment under Section 2.
-  If you are no longer on a CTO or Section 17 leave.

If your aftercare services are removed and your mental condition begins to deteriorate, the aftercare services should be reinstated to stop your condition from getting worse.

What if there are problems with my aftercare?

If there are problems, you have a number of options:

-  You can speak with your care coordinator in the community, they may be able to find a solution.
-  If your problem is with a health service, you can complain to that service. If you are not happy with the outcome of the complaint and the way it was handled, you can ask the Health Service Ombudsman to investigate.
-  If the problem is with a social care service provided or paid for by the local authority, you can complain to the local authority. If you are not happy with the outcome of the complaint and the way it was handled, you can ask the Local Government Ombudsman to investigate.
-  You can also take forward a case to court against the Local Health Board or local authority to challenge their decision(s) in a "judicial review". The court does not decide whether the decision made was wrong, but whether the process of making it was correct, taking into account all the relevant circumstances. A judicial review claim has a strict time limit, it must be brought within 3 months of the decision that you are challenging.
-  A solicitor can help with a judicial review claim, and you might be able to get legal aid to pay for this.

In what circumstances do I pay for care?







If you aren't eligible for 117 aftercare, for instance if you have been discharged from Section 2, you may have to contribute towards the cost of your social care support.

You will not have to pay for your ongoing medical treatment.




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What do Independent Mental Health Advocates (IMHAs) do?

An IMHA can support you to:

-  Be fully involved in your care planning
-  Access Mental Health Reviews and Tribunals, prepare for them and understand decisions made
-  Access other support or services
-  Discuss appropriate aftercare
-  Understand how to raise concerns about your experience/care
-  Exercise your rights

An IMHA will:

-  Listen carefully to what you tell them about your views and feelings
-  Support you to speak up or speak up on your behalf if needed
-  Make sure you are fully involved in decisions being made about you



**TO LEARN HOW ADVOCACY
CAN HELP PLEASE GET IN TOUCH**

The n-compass Digital Advocacy Hub provides free and impartial information on a range of common advocacy issues. n-compass delivers several advocacy services across the north of England.

To find out if we deliver in your locality:-

Website: <https://www.n-compass.org.uk/our-services/advocacy>

Sign video: <https://ncompass.signvideo.net>

What is the Mental Health Act?

The Mental Health Act is a law which tells people with a mental health disorder what their rights are and how they can be treated.

'Mental health disorder' means any disorder or disability of the mind.

It is important that you know what happens to you when you are detained, what your rights are and where you can seek help. The Mental Health Act Code of Practice tells everyone how to use this law and what they must do.

How can I make a referral?

Mental Health professionals have a duty to inform patients in their care and their nearest relative about the IMHA services available to them. These measures ensure that each patient who is entitled to receive IMHA support is aware of their right to approach the service.

Referrals to the IMHA service are usually made by Health or Social Care professionals, however, n-compass will accept IMHA referrals from the person themselves or their family.