

Report to the Cabinet

Meeting to be held on Thursday, 2 February 2023

Report of the Director of Adults, Community and Social Care

Part I

Electoral Division affected:
(All Divisions);

Corporate Priorities:
Caring for the vulnerable;

Joint Policy for the Management of Section 117 Aftercare, Reviews and Discharge

(Appendix 'A' refers)

Contacts for further information:

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Brief Summary

Under the Care Act 2014 and Mental Health Act 1983, local authorities and Integrated Care Boards have a joint duty to arrange the provision of mental health "aftercare" services, for people who have been detained in hospital for treatment under certain sections of the 1983 Act.

A Joint Policy for the Management of Section 117 Aftercare, Reviews and Discharge has therefore been developed by partners in the Lancashire and South Cumbria Integrated Care System. The policy is intended to help the county council meet its obligations to work with the NHS and support people with mental health issues to leave hospital and receive the care and support they require.

Recommendation

Cabinet is asked to approve the Joint Policy for the Management of Section 117 Aftercare, Reviews and Discharge, set out at Appendix 'A'.

Detail

The law states that people detained under certain sections of the Mental Health Act 1983 are entitled to "aftercare" services, once they are discharged from hospital or other settings. The county council is obliged to work with the NHS to ensure these entitlements are met. This entitlement applies to people of all ages, including children and young people. As of January 19, 2023, the county council provided aftercare services to 4,259 individuals.

Aftercare services are services which meet a need arising from or related to the patient's mental disorder, and reduce the risk of a deterioration of the patient's mental condition (and, accordingly, reduce the risk of the patient requiring admission to hospital again for treatment for their mental disorder). The aim of aftercare services is to maintain patients in the community, with as few restrictions as necessary, wherever possible.

Aftercare services can be provided for a broad range of needs and can include health care, social care, specialist accommodation, help to meet other people, services to meet cultural or spiritual needs, help with work, training, skills or education, or free prescriptions for mental health medication.

The Joint Policy for the Management of Section 117 Aftercare, Reviews and Discharge has therefore been developed by partners in the Lancashire and South Cumbria Integrated Care System, to support people who have been detained, to leave hospital (or other forms of intensive care) and receive the care and support they require. This approach meets the county council's ambition to avoid prolonged hospital stays and to provide care and support to people close to where they live, as well as promoting effective joint working with our NHS partners.

The Joint Policy for the Management of Section 117 Aftercare, Reviews and Discharge contains information on planning, funding, reviewing, and discharging Aftercare services. Annexes to the joint policy provide additional information on Section 117 Aftercare reviews and discharge planning. Each organisation within the Partnership will produce its own implementation guide, to assist practitioners in meeting their legal obligations.

Consultations

The Joint Policy for the Management of Section 117 Aftercare, Reviews and Discharge has been developed by partners in the Lancashire and South Cumbria Integrated Care System.

Implications:

This item has the following implications, as indicated:

Risk management

The county council is obligated to provide Section 117 Aftercare services to eligible patients detained under the law. The proposed policy is aimed at ensuring that these obligations are met in an effective manner in conjunction with our NHS partners.



Financial

The county council and its partners are aware of their obligations to work together and currently meet their legal requirements to provide Section 117 aftercare services. The policy is intended to allow for the sharing of financial responsibility where appropriate and represents no immediate financial risks or additional financial burdens to the county council and the costs will be contained within the current budget envelope.

Legal

The proposed policy will support the county council to meet its obligations under the Care Act 2014 and Mental Health Act 1983 to provide Section 117 aftercare services in conjunction with the NHS and is line with our statutory responsibilities.

Equality and Cohesion

In applying this policy, colleagues should be mindful of the requirements of the Equality Act 2010 and the general aims of the Public Sector Equality Duty to:

- Eliminate discrimination, harassment, or victimisation because of protected characteristics.
- To advance equality of opportunity for those who share protected characteristics with those who do not share them including increasing participation in public life where such groups are under-represented.
- And fostering good relations between those with protected characteristics and those who do not share them/community cohesion.

The protected characteristics defined in the Equality Act 2010 are: age, disability, gender reassignment, pregnancy and maternity race, religion or belief, sex/gender, sexual orientation and marriage or civil partnership status. It is likely that most people who receive Section 117 Aftercare will meet the Equality Act's definition of disability but will also have other protected characteristics.

In using this Policy, particular consideration should be given to whether there is a need for "reasonable adjustments" to meet the needs of a person – for example the Section 117 recipient or their family members – in terms of communication requirements, access requirements or other needs.

List of Background Papers

Paper	Date	Contact/Tel
None		
Reason for inclusion in Part II, if appropriate		
N/A		

