

DATE: 9TH JUNE, 2016

Executive Board Member:	Portfolio:
Cllr. Jane Tremlett	Social Care and Health

SUBJECT:
**SECTION 117 AFTERCARE POLICY,
MENTAL HEALTH ACT 1983**

Purpose:

On behalf of Carmarthenshire County Council, to approve the 3 Counties policy on Section 117 of the Mental Health Act 1983

Recommendations / key decisions required:

- Confirmation that Carmarthenshire County Council agrees to be a signatory to the above policy, therefore endorsing the contents therein.

Reasons:

The Mental Health Act 1983 Code of Practice for Wales, requires that Local Health Boards, Local Social Services Authorities and NHS Trusts should establish jointly agreed policies on providing services under Section 117. A copy of the policy between Hywel Dda Health Board and the 3 Local Authorities of Carmarthenshire, Pembrokeshire and Ceredigion is attached.

Directorate Communities Name of Head of Service: Avril Bracey Report Author: Mark Evans	Designation: Head of Mental Health & Learning Disabilities Senior Manager	Tel No. 01267 242492 01267 228917 E Mail Address: Abracey@carmarthenshire.gov.uk MPEvans@carmarthenshire.gov.uk
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Declaration of Personal Interest (if any):

None

Dispensation Granted to Make Decision (if any):

N/A

(If the answer is yes exact details are to be provided below:)

DECISION MADE:

Signed:

DATE: _____

EXECUTIVE BOARD MEMBER

The following section will be completed by the Democratic Services Officer in attendance at the meeting

Recommendation of Officer adopted	YES / NO
Recommendation of the Officer was adopted subject to the amendment(s) and reason(s) specified:	
Reason(s) why the Officer's recommendation was not adopted:	

**EXECUTIVE SUMMARY
EXECUTIVE BOARD MEMBER DECISION MEETING FOR
SOCIAL CARE & HEALTH**

DATE: 9TH JUNE, 2016

**SUBJECT:
SECTION 117 AFTERCARE POLICY, MENTAL HEALTH ACT 1983**

1. BRIEF SUMMARY OF PURPOSE OF REPORT

Under the Mental Health Act 1983, certain categories of detained patient are entitled to aftercare provision from the Local Authority and the Local Health Board once they are discharged from hospital. This entitlement to aftercare continues until such time as the Local Authority and the Local Health Board both agree it is no longer necessary although the patient is not required to accept the aftercare services.

Local Social Services Authorities are not allowed to charge for services provided under Section 117. The patients to whom it applies include those who have been admitted to hospital via civil procedures (ie on the recommendations of 2 registered Medical Practitioners and an Application by an Approved Mental Health Professional). It also applies to certain patients involved in Criminal proceedings including remand and sentenced prisoners and those whom the Courts deem it appropriate to divert from the Criminal Justice system. The relevant sections to which aftercare apply are Sections 3, 37, 45a 47,48.

The Code of Practice to the Mental Health Act 1983 requires Local Health Board, Local Social Services Authorities and NHS Trusts to establish a jointly agreed policy in terms of Section 117.

The Mental Health Legislative Assurance Committee of Hywel Dda Health Board tasked nominated representatives to draft an updated policy and comments from Officers of the Local Authorities have been sought. Officers agreed that once comments were considered and included, arrangements would be made to take the policy through the respective Council's governance structures. Comments submitted on behalf of Carmarthenshire County Council have been incorporated and so approval is now sought for this policy to be accepted on behalf of the Council with arrangements to be made for signature.

2. OTHER OPTIONS AVAILABLE AND THEIR PROS AND CONS

Given that the Code of Practice requires the development of such a policy, there are no other options available.

DETAILED REPORT ATTACHED ?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **Avril Bracey**

Head of Mental Health & Learning Disabilities

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
YES	YES	NONE	NONE	YES	NONE	NONE

1. Policy, Crime & Disorder and Equalities

The Mental Health Act Code of Practice requires that local Social Services Authorities, Health Boards and NHS Trusts establish jointly agreed policies on Section 117. The attached document is currently of draft status, requiring sign off by the relevant partner agencies.

2. Legal

As indicated above, the Code of Practice that supports the working of the Mental Health Act in Wales, requires relevant partner agencies to have a policy in place. In individual cases, legal representatives of detained individuals can challenge the actions and practice of Authorities. It would be a risk therefore not to have an up to date policy in place.

5. Risk Management Issues

Failure to develop a joint policy could be seen as non- adherence to the Code of Practice for Wales.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Avril Bracey

Head of Mental Health & Learning Disabilities

1. Scrutiny Committee

N/A

2. Local Member(s)

N/A

3. Community / Town Council

N/A

4. Relevant Partners

Hywel Dda Health Board and Pembrokeshire and Ceredigion Local Authorities.

5. Staff Side Representatives and other Organisations

N/A

Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
The Mental Health Act Code of Practice		5, Spilman Street, Carmarthen