

**EXECUTIVE COUNCILLOR FOR ADULT CARE, HEALTH AND  
CHILDREN'S SERVICES**

**22 JULY – 2 AUGUST 2019**

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**POLICY UNDER SECTION 117 OF THE MENTAL HEALTH ACT 1983**

**COMMENTS BY SCRUTINY COMMITTEES**

Section 117 of the Mental Health Act 1983 applies to both adults and children. For this reason the proposed policy was considered by two scrutiny committees. Their comments are set out below:

Adults and Community Wellbeing Scrutiny Committee – 3 July 2019

The Adults and Community Wellbeing Scrutiny Committee supports the approval of the adoption of the policy under Section 117 of the Mental Health Act 1983. The Committee stressed the importance of aftercare services, to avoid the 'revolving door' approach, whereby service users might again require services, if they did not receive appropriate aftercare support. The Committee also recorded its support for the collaboration between the County Council and other agencies in delivering the policy.

The Committee suggested a summary or easy-to-read version of the policy is prepared so that individuals and their families would be able to access the key points in the policy. This could complement the information contained in the *Section 117 Aftercare Factsheet*, published by Rethink Mental Illness.

The Committee also explored the financial implications, as set out in Section 5 of the report. It was noted that the section 75 arrangements would be reviewed in the coming year.

Children and Young People Scrutiny Committee – 19 July 2019

The Children and Young People Scrutiny Committee supported the recommendation to approve the Section 117 Joint Policy. The Committee highlighted the importance of holding discussions with patients before they leave hospital to ensure that any ongoing mental health needs were met through the after-care services.

The Committee suggested that in the first sentence of paragraph 1.3, whether it should read "Clinical Commissioning Groups and/or the Local Authority" as this gave a different meaning to how the duty to provide after-care services would be applied. It was confirmed that this was a joint responsibility so should only ever read "Clinical Commissioning Groups and the Local Authority".

The Committee supported the need for a joined up approach for children and young people, to ensure that their needs already identified through other plans, such as

Looked After Children reviews and Education, Health and Care Plans, were being met and brought together into a single plan. This would provide an opportunity for joint funding to be identified with health colleagues when appropriate, such as when there was an Education, Health and Care Plan in place.

With regards to young offenders' institutions, it was suggested that any young offenders with mental health issues in these institutions should also be able to access after-care services once they leave. It was noted that eligibility for after-care services was that the young person had been sectioned under either Section 3, 37, 45A, 47 and 48.

In relation to young people placed outside of Lincolnshire in mental health units, the local area retained clinical responsibility and there were no difference in the cost implications as the same funding guidance applied regardless of where the young person was placed. However, for young people living outside of Lincolnshire, such as at university, who were sectioned under Section 3 and then discharged, then it would be the area that the young person resided in once discharged who would be responsible for providing after-care services and have to pay the costs. If the young person was transferred back to Lincolnshire, then the Council would only become responsible for providing the after-care services if the young person was then subsequently placed on a Section 3 whilst being ordinarily resident in Lincolnshire.

Confirmation was given that when a young person transitioned to Adult Services, the policy would be able to address the young person's mental health needs as part of the joint working arrangements.

With regards to Ash Villa, confirmation was given that if young people in Ash Villa were detained under Section 3, when discharged they would then be eligible for after-care services under Section 117.