

Written statement of a key decision
Cabinet

Title	Mental Health Aftercare Arrangements as required under section 117 of the Mental Health Act 1983
Decision maker	Cabinet Information about cabinet, including the names and contact details of the cabinet members, can be found here: http://councillors.herefordshire.gov.uk/mgCommitteeDetails.aspx?ID=251
Date of decision	29 July 2021
Report exemption class	Open
Reason for being a key decision	This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.
A notice was served in accordance with Part 3 (Key decisions) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.	
General exception or special urgency (as defined in the constitution)	No
Purpose	To approve the joint policy and standard operating procedure (SOP) for section 117 aftercare, which is required under the Mental Health Act 1983. People who have been detained in hospital for treatment of their mental health needs may require care and support after they leave hospital. This aftercare will be arranged by the council or the NHS and provided in a variety of ways, depending on people's needs. Herefordshire Council and Herefordshire and Worcestershire Clinical Commissioning Group have a joint responsibility in law to make available appropriate aftercare services for people who have previously been detained in hospital for treatment under the Mental Health Act 1983. In practice, this responsibility applies only to aftercare for people who have been detained in hospital for more than 28 days.

Decision	That: <ol style="list-style-type: none"> a) The draft joint policy and draft standard operating procedure for section 117 mental health aftercare are approved; and b) The Acting Director for Adults and Communities, in consultation with the Cabinet Member for health and wellbeing and the Director for Children and Families is authorised to make all operational decisions to ensure implementation of the policy and procedure, agreeing any operational changes to the documents, including those arising from case law, as required for their implementation.
Reason for the decision	As set out in the report. Documents relating to this decision are available at http://councillors.herefordshire.gov.uk/mglssueHistoryHome.aspx?Ild=50037551
Options considered	1. Do nothing and continue to provide aftercare services without an appropriate and agreed policy or procedures in place. This is not recommended as there would be continuing risks that the council would fail to meet statutory obligations under the Mental Health Act 1983. The existing policy which will be superseded by this proposal is no longer current, and has been overtaken by various legislative developments and new case law, as well as changes in practice. It would also be very difficult to monitor compliance and ensure that aftercare services were delivered consistently to all those who are entitled to them. Failure to monitor aftercare services could also result in litigation against the council and/or CCG if we were found to have neglected or avoided our legal responsibilities. Without the proposed Standard Operating Procedure (SOP) and associated quality assurance panel arrangements the council would not have certainty as to the appropriate spending commitments arising from section 117.
Declarations of interest (see below)	
Call-in expiry date (decisions are not subject to call-in where special urgency provisions apply)	4 August 2021

Councillor: Leader of the Council (Councillor David Hitchiner)	Date 29 July 2021
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- a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision;

and

- in respect of any declared conflict of interest, a note of dispensation granted.