

# Aftercare under section 117 of the Mental Health Act 1983

## Fact Sheet 30

(June 2025)

Some people who are kept in hospital under the Mental Health Act 1983 are entitled to free care and support after they leave hospital. This entitlement to free care is under a specific section of the Mental Health Act known as Section 117.

### Who is entitled to free care under Section 117 of the Mental Health Act

Not everyone who are kept in hospital under the Mental Health Act 1983 will be entitled to free care and support after they leave. Only individuals who are kept in hospital under Section 3 of the Mental Health Act, a hospital order under Section 37, or transferred from prison under Section 47 or 48, or a hospital direction under Section 45A will be entitled to free care under Section 117.

### What type of care can the person have under Section 117 of the Mental Health Act

The care which someone can have under Section 117 of the Mental Health Act, must have arisen or be related to the person's mental disorder and must prevent a deterioration in the person's mental disorder. Therefore, it is possible that some of the person's care could be free whereas some of the care which is not related to the person's mental disorder e.g. related to a physical disorder, may be subject to a charge.

If the care is related to the person's mental disorder and can prevent a deterioration in the person's mental condition, care and support under Section 117 can include health care, social care, supported accommodation and services to meet the persons wider spiritual and cultural needs.

The Council can also make direct payments for Section 117 care.

### Who is responsible for providing the care under Section 117 of the Mental Health Act

Carmarthenshire County Council and Hywel Dda Health Board are responsible for providing the necessary care under Section 117 for those people who were ordinarily resident in Carmarthenshire when they were kept in hospital.

### How long does the entitlement to free care under Section 117 of the Mental Health Act last?

The joint responsibility of the council and health board to provide free care under Section 117 of the Mental Health Act continues until such time as both the council and health board decide that the person no longer has those needs.



For more information on social care services log onto:  
[www.carmarthenshire.gov.wales/socialcare](http://www.carmarthenshire.gov.wales/socialcare)

## Further Information

MIND produce guidance on Section 117 which can be found here [Section 117 aftercare - Mind](#)

In addition, Chapter 33 of the Mental Health Act Code of Practice for Wales gives further details about Section 117 of the Mental Health Act [mental-health-act-1983-code-of-practice-mental-health-act-1983-for-wales-review-revised-2016.pdf \(gov.wales\)](#)

**This factsheet is also available in Welsh.**  
**If you would like this factsheet in any**  
**other format telephone 01267 228703 or**  
**Email: [socialcare@carmarthenshire.gov.uk](mailto:socialcare@carmarthenshire.gov.uk)**



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