

R (on the application of Worcestershire County Council) (Appellant) v Secretary of State for Health and Social Care (Respondent)

Case ID: 2022/0022

Case summary

Issue

Which local authority was responsible for the after-care of a service-user who had been detained in hospital under the Mental Health Act 1983 (the "1983 Act")? The case turns on the issue of where the service-user had been "ordinarily resident...immediately before being detained" for the purposes of s.117(3)(a) of the 1983 Act.

Facts

JG suffers from treatment-resistant schizoaffective disorder. In early 2014, she lived in Worcestershire. In March 2014, she was detained under section 3 of the 1983 Act for treatment in hospital (the "First Detention"). In April 2014, it was decided that it was in JG's best interests for her to move to a residential placement closer to her daughter in Swindon. In July 2014, JG was discharged and was released to a care home in Swindon for after-care bringing her First Detention to an end. Her after-care services were funded by Worcestershire Council County ("Worcestershire CC").

In February 2015, Worcestershire CC moved JG to a second care home in Swindon because the first care home could no longer adequately meet her needs. The placement was also funded by Worcestershire. In June 2015, JG was detained under section 3 of the 1983 Act for treatment in a hospital in Swindon (the "Second Detention"). In November 2015, JG was discharged, however, she remained an in-patient in the Swindon hospital, because she lacked decision-making capacity. In August 2017, JG was discharged to after-care.

A dispute arose as to where JG was "ordinarily resident" immediately before her Second Detention which would determine which local authority should pay for her after-care services. The Secretary of State held that JG was ordinarily resident in Swindon because that was where she was living just before her Second Detention. Swindon sought a review of that decision. The Secretary of State reversed his decision and decided that JG was ordinarily resident in Worcestershire for fiscal and administrative purposes. Worcester applied for judicial review of this decision. The High Court held that JG was ordinarily resident in Swindon immediately before her second period of detention. On appeal, the Court of Appeal held JG was ordinarily resident in Worcestershire before her second period of detention. Worcestershire now appeals to the Supreme Court.

Judgment appealed

[\[2021\] EWCA Civ 1957](#)

Parties

Appellant

Worcestershire County Council

Respondent

Secretary of State for Health and Social Care

Intervener

Mind

Appeal**Justices**

Lord Reed, Lord Hamblen, Lord Leggatt, Lord Burrows, Lord Richards

Hearing start date

27 April 2023

Hearing finish date

27 April 2023

Watch hearing

27 April 2023 [Morning session](#) [Afternoon session](#)