|  |  |
| --- | --- |
| Auditor name |  |
| Date of audit |  |
| Childs name and Case number (CareFirst/CapitaOne ID) |  |
| Age of child |  |
| Date that the S20 episode started. If the child has been section 20 on more than 1 occasion, please state the start date of all episodes. |  |
| Has strategic manager approval been obtained? If so what date? |  |
| If the child is placed with a connected person- has an IVA been completed and approved by the designated person under regulation 24? |  |
| Date of any previous Stage 1 panels / Legal Planning Meetings’ |  |

### NCC Audit Tool ; Children Subject to Accommodation under Section 20.

|  |  |  |  |
| --- | --- | --- | --- |
| **Guidance**  **Please complete the relevant sections as indicated. Ensure that 1 audit is completed for each child and not for sibling groups.**  **It is highly important that ALL questions in the relevant sections are answered. If it is not possible to determine an answer then please rate the question as amber.**  **This tool can support professional decision making but is not a substitute for this. Please seek legal advice if you have a situation not covered by the tool or if you are unsure or concerned about the use of Section 20 for a child.** | | | |
| Section 1  Reason that the child/young person is accommodated under S20 | Yes  (green) | No  (No RAG rating move onto next section) | **Supporting information**  (where necessary/relevant) |
| S/he is aged 16/17 and is assessed as homeless in accordance with the Southwark Judgement AND has the capacity to consent to S20. |  |  |  |
| S/he is an unaccompanied asylum seeking young person who is ‘Frazer competent’ i.e. able to consent to his/her accommodation and medical treatment etc. |  |  |  |
| S/he is an unaccompanied asylum seeking young person and there are no concerns of a child protection nature e.g. trafficking. |  |  |  |
| **Section 1** (continued) | **Yes**  (Green) | **No**  (No RAG rating move onto next section) | **Supporting information**  (where necessary/relevant) |
| S/he is a disabled child who is in receipt of a package of short breaks AND all persons with PR have signed consent. |  |  |  |
| The parent(s) are prevented from caring for the child for a **short** period of time , for example due to illness, and have not been able to arrange for the child to stay with family and friends.  **NB if the parent is sectioned under the MH Act / has capacity issues preventing him/ her from caring for the child- please rate this amber** |  |  |  |
| People with PR have consistently expressed the wish to relinquish a baby for adoption AND this was the intention before birth.    The relevant consent forms are signed and the plan for permanence for the child is progressing in a timely manner. |  |  |  |
| If all questions in Section 1 are RAG green- complete Section 5 only. The child’s circumstances should be regularly reviewed. | | | |
| **Section 2**  Issues relating to consent | **Yes**  (green) | **No**  (red) | **Supporting information**  (where necessary/ relevant) |
| Has consent been obtained from **all** people who hold Parental Responsibility (PR) for the child?  NB if the child is subject to a Child Arrangements Order or Special Guardianship Order, consider whether all persons with PR have consented . |  |  |  |
| Has the correct consent form  (attached) been signed by all people with PR? |  |  |  |
| Do the people with PR speak and read English fluently?  If not, was an interpreter used to explain S20 and is the form translated into the first language of the person who signed the form? |  |  |  |
| **Section 2**  Issues relating to consent (continued). | **Yes**  (green) | **No**  (red) | **Supporting information**  (where necessary/ relevant) |
| Are you satisfied there were **NO** concerns about the capacity of the person with PR to consent to Section 20 at the point that consent was obtained?  For example;   * Cognitive difficulties; * Mental Health difficulties impacting on understanding and capacity to consent;   Under the influence of alcohol / drugs? |  |  |  |
| Are you satisfied there are **NO** current concerns about the capacity of the person(s) with PR to continue to consent to S20 ( as above). |  |  |  |
| If the child is a baby, was s/he at least 6 weeks old at the time that S20 consent was obtained? |  |  |  |
| **Section 3**  **Care Planning- ensuring permanence.**  **This section is relevant ONLY for children and young people whose parents/ holders of PR have requested S20 accommodation.** | **Yes**  (Green) | **No**  (Amber) |  |
| Is the child / young person accommodated at the request of the person(s) with PR?  For example the person(s) with PR are unable to manage the child’s behaviour. |  |  |  |
| Is the plan to rehabilitate the child to the care of a person with PR? |  |  |  |
| If the plan is to rehabilitate the child/young person to the care of a person with PR, has work been identified to support this? |  |  |  |
| Is the work to support the rehabilitation progressing in a timely manner? i.e. are the identified services in place and are they having an impact? |  |  |  |
| Has the period of Section 20 accommodation been less than 8 weeks? |  |  |  |
| **Section 4**  Relevant **only** for children subject to Section 20 accommodation in the context of child protection concerns/ who are also subject to the Pre Proceedings Process ( PLO). | **Yes**  **(green)** | **No**  **(red)** |  |
| Is the overall plan to return the child to the care of a person with PR? |  |  |  |
| Is the child be able to return home straight away if any person with PR withdraws consent to Section 20? |  |  |  |
| Are there any assessments /work and support services required to support the rehabilitation? |  |  |  |
| Is the work to support the rehabilitation progressing in a timely manner?i.e. are the identified services in place and ae they having a positive impact? |  |  |  |
| Is the period of S20 accommodation less than 8 weeks? |  |  |  |
| **Section 5**  All children and young people subject to S20. | **Yes** | **No** |  |
| Does the child have identified needs for therapeutic support / counselling etc?  If so; is the Local Authority meeting the assessed need for the child? |  |  |  |

**Scoring**

Green

If **all** answers score green this indicates appropriate use of Section 20, at the current time.

The child’s situation needs to be reviewed regularly by the SW team. A Legal Planning Meeting needs to be requested if there is a change in the situation.

Amber

An amber rated answer indicates that there is a potential breach of Human Rights/the potential for a breach to occur, particularly if drift and delay is for the child.

If **any** of the questions are RAG rated amber then a Legal Planning Meeting should be requested within 1 week. The child’s situation should be discussed with a Service manager and decisions are to be recorded on CareFirst .

For cases with any amber answers; if the child’s situation has been discussed at Stage 1 Panel within the last 4 weeks , and the situation has not changed, please discuss with a Service Manager re whether further legal advice needs to be sought at this stage. If so then complete a referral for a Legal Planning Meeting.

Red

A red rated answer indicates a likely breach of Human Rights/ a breach is likely to occur.

If **any** of the questions are RAG rated red then the Social Worker should complete the form to request a Legal Planning Meeting within 1 working day. The child needs to be discussed with a Service Manager without delay and decisions should be recorded on Carefirst.

*\*\* This audit tool needs to be reviewed by the Principal Lawyer at 6 monthly intervals, unless there is a significant change in relavent case law at a sooner interval\*\**