

**Improving the lives of Children & Young People**

|  |
| --- |
| **Practice Guidance Note**  **Section 20 Accommodation of a Child (Children Act 1989)**  **June 2019** |
| **Section 20 – Children Act 1989:** where a Child/Young Person is provided with accommodation and becomes a looked after child;  *This can be on the initiative of the Trust with the agreement of the parents and/or those with parental responsibilities, or at the request of the parents. Any person with parental responsibility can at any time remove the child from the accommodation.*  ***You must ensure that consent is gained before placing a child/young person in a s.20 placement, and that the signed copy of the consent is given to the parents/carers/child/young person, and a copy place don the child’s file.*** |
| **The child/young person is a Child in Need who requires accommodation as a result of:**  • Having no person with parental responsibility for him/her; or  • Being lost or abandoned; or  • The person who has been caring for him/her being prevented (whether or not permanently, and for whatever reason) from providing him/her with suitable accommodation or care; or  • Having reached the age of 16, his/her welfare is likely to be seriously prejudiced if he/she is not provided with accommodation; or  • Accommodating the child/young person would safeguard or promote his/her welfare (even though a person who has parental responsibility for him/her is able to provide him/her with accommodation), provided that that person does not object.   * Requiring Short Breaks (see Short Breaks Procedure) when a child or young person has not more than 17 days each in the same setting (where the total number of placement days does not exceed 75 in any 12-month period). |
| **Before providing accommodation for children, the following must occur:**  If this is a planned accommodation of a child;   * Evidence of interventions/assessment must be demonstrated * Detailed chronology * Evidence of obtaining parental consent (using the ‘S.20 (CA’89) Voluntary Accommodation Consent Form’ – on Tri-x/shared Drive) * Proposed care plan for child/young person and family * Agreement of Operation Manager before presentation to Head of Service * Head of Service agreement for the child’s case to be presented to Directors Resource Panel (DRP). * Directors Resource Panel makes decision for accommodation.   If decision is being requested for a child in an emergency;   * Information to be presented to Operations Manager for agreement. * Evidence of obtaining parental consent (using the ‘S.20 (CA’89) Voluntary Accommodation Parental/Carer Consent Form’ on Tri-x/Shared Drive). * Head of Service written agreement for accommodation and placement (one night only) and e-mail to Director of Operations. * Agreement with the Director of Operations until the next DRP. * Case is to be presented at next LPM or extra-ordinary LPM to be scheduled. * Agreement for child/young person being accommodated is subject to DRP/LPM decisions. |
| **A child/young person cannot be accommodated under s.20 (CA’89) without parental consent to do so and without Head of Service agreement**  You must, so far as is reasonably practicable and consistent with the child’s welfare:   * Ascertain, and give due consideration to the child/young person’s wishes and feelings (having regard to his/her age and understanding); and * Ascertain who has parental responsibility for the child/young person and all persons with parental responsibility must be considered * Ascertain whether the parents/person(s) with parental responsibility have given valid consent: * Does the parent have the mental capacity to consent? * Is the consent fully informed? * Is it fair and proportionate for the child/young person to be accommodated? * Obtain parents/carers/child/young person’s signature on the consent form ‘S.20 (CA’89) Voluntary Accommodation Parental/Carer Consent Form’ on Tri-x/Shared Drive). * Copies must be given to parents/carers/children/young people, and a copy place don the file. |
| **When considering your practice in relation to S.20 accommodation for children you must ensure that you have read and understood**;   * this Practice Guidance in conjunction with the following; * the Looked After Childrens Procedures on Tri-x. * the Entry into Care Process Map on Tri-x * ADCS/CAFCASS Practice Guidance for the use of s.20 provision in the Children Act 1989 on Tri-x. |