

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

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| **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).
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| **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.
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| **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.
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| **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.
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