**Section 20 sub section 11 (CA 1989) Certification**

**By the Social Worker upon obtaining s20 consent of the young person aged 16 or over**

I, ………………………………………….. obtained valid consent for ………………………….

…………………………………………….to be accommodated on……………….

1. **I am satisfied** that the young person signing the consent had the capacity to do so and that the consent is valid consent because:

* I believe the young person fully understands the consequences of giving such consent.
* I believe the young person fully appreciates the range of choice available and the consequences of refusal as well as giving consent.
* I believe the young person to be in possession of all the facts and issues material to the giving of consent.
* The young person has been able to retain and weigh up information and is able to provide consistent explanations for their decision making.

2. **I have considered** whether it is necessary and proportionate for the young person to be accommodated as a Looked After Child (young person); in coming to this view I have considered in particular:

1. If it is necessary for the safety of the young person to be accommodated at this time.

After considering all of the above matters, I consider that the voluntary accommodation of the young person is necessary. My analysis of these matters is written on the young person’s file and has been approved by the Head of Service

**3.** **I have also considered** whether the young person is sufficiently fluent in English to understand the agreement and have decided that s/he is **or** that this written document should be has been translated into the young person’s own language and the young person should sign the foreign language text, adding, in their own language, words to the effect that 'I have read this document and I agree to its terms.'

**4.** **I agree that I have explained the following information to the young person in order that they understand the responsibility of the council regarding General Data Protection Regulation (GDPR).**

*WSCC abides to child specific consideration under GDPR that applies to all children and young people and their consent whom we have contact with.*

*Our works follows the* [*Guide to GDPR*](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/rights-related-to-automated-decision-making-including-profiling/) *for the requirements that apply to all data subjects. This guidance helps you and our staff to understand your specific considerations especially when we are making an important decision with you and on a lawful basis for processing your personal data.*

*When we refer to a child, we mean anyone under the age of 18. This is in accordance with the UN Convention on the Rights of the Child which defines a child as everyone under 18 unless, "under the law applicable to the child, majority is attained earlier" (Office of the High Commissioner for Human Rights, 1989). The UK has ratified this convention.*

*When we refer to someone with parental responsibility for a child we mean someone who, according to the law in the child’s country of residence, has the legal rights and responsibilities for a child that are normally afforded to parents. This will not always be a child’s ‘natural parents’ and parental responsibility can be held by more than one natural or legal person.*

*The GDPR contains provisions intended to enhance the protection of children’s personal data and to ensure that children are addressed in plain clear language that they can understand. Transparency and accountability are important where children’s data is concerned and this is especially relevant when they are accessing our services or when you as a young person consent to us for example accommodating you on a voluntary basis.  We call this type of accommodation Section 20 of the Children Act 1989 and your social worker will explain this to you so you are informed and can make the appropriate decision. In all circumstances we also carefully consider the level of protection we are giving that data.*

*It will help you understand what you need to do on the basis of consent, and what you need to consider if you are in agreement to be accommodated by the Local Authority. It also explains what rights you have under the GDPR.*

Signed………………………………………………… Dated……………………………….

Discussed and decision confirmed by manager

Signed………………………………………………….Position………………………………………

Dated……………………………………………………

Review date: