**Examples of appropriate and inappropriate use of s.20:**

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| **Appropriate use of s.20** | **Inappropriate use of s.20** |
| Respite for parents/carers where: - Child suffers a medical condition and/or disability, - Child has challenging behaviour - Unexpected domestic or family crisis | Placement out of the care of parents or those holding parental responsibility for long periods that is akin to long-term fostering where the grounds for making public law applications exist and the placement should be regulated by formal court orders. |
| Parents/carers require a short time - to undertake an assessment (e.g. during the PLO), - intensive therapy, or - undergo a detoxification programme | Where a placement (may be with a family member) under a court order has broken and the child is accommodated by the local authority without returning the matter to court (i.e. a material change to the court-approved care plan) or otherwise where there has been a fundamental change in the care plan that was approved by the court and the new care plan is implemented by agreement without seeking the court’s approval. |
| Parents/carers require a short time to improve home conditions or move to more suitable accommodation. | Separation of a new born baby from his/her parents is scarcely appropriate under s 20 save in the very limited and exceptional circumstances set out above. |
| Parents/carers or a close family member who is reliant on the parents/carer require a short period of medical intervention such as surgery including time to recover from the same. | Placement within the family under a s 20 placement that avoids recognition of the family member as a foster carer and deprives him/her of support that is available as a foster parent. |
| Shared care arrangements between the parents/carer and the local authority where conditions of public law proceedings are not met or if met are deemed to be inappropriate. This may include placement in a residential school and provision of education. | Where a child is accommodated without a formal structure in place to assess his/her need and to provide for those identified needs. This becomes increasingly relevant as the period of accommodation is increases. |
| Unaccompanied minors seeking asylum where no person can exercise Parental Responsibility for the child or if there is such a person available, he/she has consented in accordance with the above guidance. | Save for children who are 16 years or older, where the only relevant fact is that the child does not wish to live with a parent, this fact alone will not mean that parent is “prevented” from providing accommodation. |

Good Practice Flowchart

Do you have consent to accommodate?

1. Do all persons with PR consent?

2. Do all persons with PR have capacity?

3. Were you clear with the parents what they are agreeing to?

4. Have parents signed the accommodation agreement?

Purpose of accommodation

Safeguarding

If the local authority is concerned a child is suffering or at risk of suffering significant harm whilst in parents care whilst the parents are assessed or undertake other work.

For example:

Child has been voluntarily accompanied (including placement of the child with a family member or friend) parents are being assessed to determine can they care for the child in the long term.

New born babies

S20 may be used for placing child and parents in a residential setting if the LA deems a new born is at risk of an unmanageable significant harm in parents and seek separation, a public law application must be made as soon as possible.

Support

This is where the children are older and the family require support with behaviours and/or health/educational needs of the child and/or the family require support for a short period of time is due to parent’s health

At first LAC review clearly state why the placement is being utilised as support , and the timescales for length of placement. Identify support services to be offered to the family

If at 2nd LAC review meting the child/ren remain voluntarily accommodated and the LA does not consider that returning the children home is appropriate the case must be considered at a legal gateway meeting.

At first LAC review clearly set out the concerns of the local authority how the concerns are to be assessed what support services are to be offered to the family and identify family members that can support the family.

Provide the family with clear expectations of what needs to change for the child/ren to return home.

Where the child/ren are voluntarily accommodated and the LA has concluded that the chid/ren cannot be rehabilitated home, the case must be considered by senior management who will decide whether the case should proceed to legal gateway meeting.

Continuous review

Is the placement being utilised as support for the family? If circumstances have changed and the placement is now utilised for safeguarding then the case must now be considered by senior management especially when the LA has assessed that the child/ren cannot return to the parent’s care in the long term.