



# One minute guide

## Section 20 Children Act 1989

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### What is Section 20?

Under [Section 20 of the Children Act 1989](#), a child or young person may be accommodated by the local authority, where there is usually agreement to this arrangement by those with [parental responsibility](#).

The child becomes looked after under a Section 20 arrangement and is a looked after child but is not in care. A child is described as being in care when a legal order is made (such as an [Interim or Full Care Order](#); or [Emergency Protection Order](#)). In these circumstances, the parents or those with parental responsibility may or may not have provided consent.

Before a decision is made to accommodate a child under Section 20, in Leeds, a [Family Group Conference \(FGC\)](#) is usually held. The intention is to identify someone to care for the child within the family or kinship network instead of them becoming looked after.

A local authority **must not** provide Section 20 accommodation for a child under the age of 16 if any person with parental responsibility objects and wishes to provide accommodation. However a local authority **may** provide accommodation for a young person over 16 at their own request even where a parent or person with parental responsibility objects.

### Why might a child become accommodated under Section 20?

Under Section 20, a child may be accommodated by the local authority if they have no parent or are lost or abandoned or where their parents are not able to provide them with suitable accommodation at that time. This might include when a parent needs to go into hospital and there is no-one to look after them; it also includes where the child is a refugee who has travelled to the UK on their own.

Section 20 accommodation may be offered for a child when the local authority has made an application to court for a [care or supervision order](#), or is thinking about making an application. If the parents give consent, their child will then move to foster care (if there is no possibility of a [kinship](#) placement, which may be identified through FGC) while the local authority carries out further investigations or the court case starts.

If a child goes into foster care under Section 20, there should be clear plans about the child's future. If the local authority is worried that the parent(s) can't look after the child in the long term, they must think about applying to the court for a care order, rather than letting the child 'drift' in Section 20 accommodation. However, the local authority can use Section 20 to accommodate a child whilst they carry out assessments that are needed before good decisions can be made for the child.

## How should consent be given by those with parental responsibility?

The provision of Section 20 accommodation should, where possible, be based on a written agreement between the local authority and those giving consent (or the young person, where they are over 16 and the parent objects). The agreement should be properly recorded in writing and evidenced by the signature of those parents or carers with parental responsibility wherever possible. The parents or carers should be advised to seek independent legal advice before agreeing.

Section 20 agreements are not valid unless: the parent giving consent has capacity to do so; the consent is properly informed; and fairly obtained. Willingness to consent cannot be inferred from silence, submission or acquiescence - it is a positive action. Social workers should refer to the [Mental Capacity Act 2005](#) when aiming to decide if the parent has capacity to consent. They should confer with their manager and seek legal advice as necessary.

In addition to details about the child being accommodated, the Section 20 Agreement sets out who will have responsibility for giving consent for medical and dental appointments, treatments and procedures.

## How should the local authority work with the child and parent(s)?

As with any other looked after child, the child's care is reviewed regularly and these Looked after Children reviews are chaired by [Independent Reviewing Officers \(IRO\)](#). The parent(s) must be invited to the looked after child review and consulted by the IRO in advance of the review. The parent retains parental responsibility and, as such, the local authority should involve them in all major aspects of decision making in the child's life. There should be clear [Contact/ Family Time](#) arrangements. The views and feelings of the child should be heard and taken into consideration. At **each** review, consideration should be given to whether Section 20 accommodation is the right arrangement for the child.

## What if the person giving consent changes their mind?

The person with parental responsibility can change their mind, withdraw their consent and remove the child or young person from local authority accommodation at any time. When this is the case, a prompt return to the parent will be easy to facilitate where the return is part of the child's Care Plan. Where the request is contrary to the Care Plan (if one has been established), the parent or carer should be asked to undertake the return in a planned or negotiated way that reflects the needs and best interests of the child (e.g. increased contact etc.) However, when the local authority receives a request for the child to return home immediately, this must be responded to as this is required by law.

Careful consideration should be given as to whether the request puts the child at risk of immediate significant harm. If this is the case, then the procedures for seeking an [Emergency Protection Order](#) (or, where appropriate, [Police Protection](#)) should be followed.

## For more information

More information is available from the Children's Social Work Service online procedures about [Section 20 Agreements](#), [Decision to look after and Care Planning](#) and about [Ceasing to Look after a child](#).