

Children's Social Care Briefing on Section 20 care arrangements

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Use of Section 20

Children Services has a duty to accommodate under Section 20 of the Children Act 1989 if:

- No-one has parental responsibility for the young person (e.g. unaccompanied asylum-seeking children)
- The young person is lost or abandoned
- The person who has been caring for the young person is unable to continue to provide suitable care and accommodation

A child or young person may also be accommodated by the local authority where there is agreement to this arrangement by those with Parental Responsibility (PR).

Section 20 may have a role to play as a short-term measure pending the commencement of care proceedings, but the local authority must not use S.20 as a prelude to care proceedings on a long-term basis where there are concerns about significant harm for a child.

There are many scenarios in which S.20 is used positively; these include situations of family support (e.g. Short Breaks) and situations where parents are unable to care for children, for whatever reason, and there are no agreed alternative family or friends to undertake this.

When a young person is accommodated under S.20, the local authority does not have PR and anyone with PR can remove the child from accommodation at any time.





Southwark Judgement

In 2009, the Southwark Judgement was passed that obliges children's services to provide accommodation and support to homeless 16- and 17-year-olds. Prior to this, young people would often have been deemed as needing "help and support" under Section 17 arrangements to secure accommodation and housing benefit for themselves.

The judgement extends the conditions for children to be accommodated under Section 20 to include:

- The person who has been caring for them being prevented from providing them with suitable accommodation or care. This has to be given wide consideration, if children are not to suffer for the shortcomings of their parents or carers.

In the context of an assessment of a young person's needs, their wishes and feelings must be ascertained. Young people can, with appropriate advice and information determine whether they wish to be accommodated under section 20. However, a young person's capacity to make an informed choice with the support of advice will need to be incorporated into the assessment.

This means, that in some circumstances, young people aged 16/17 can agree to be accommodated under Section 20 themselves.



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Current cohort of Section 20 arrangements

On the 4th December 2024, we had the following children and young people accommodated under S.20:

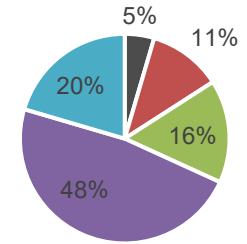
84 children & young people in this cohort.

- 40 of these are unaccompanied asylum-seeking children aged 14 – 17 years old.

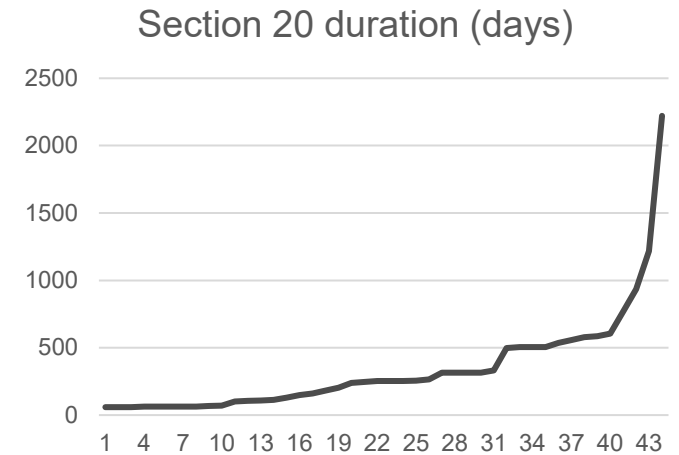
Of the remaining 44 children:

- 13 have a disability, 5 of whom are supported by our Jigsaw service.
- 48% of the children are between 10 and 15 years old.
- The duration of the S.20 arrangement spans from 58 days to 6 years.
- 70% have been in the S.20 arrangement for less than 1 year.
- 10 children are living with relatives, 15 in foster placements, 3 in semi-independent settings, 6 in children’s homes, 1 in a residential school, and 9 in other placements.

Age of Child/Young Person (exc. UASC)



Section 20 duration (days)



Dip-sampling of arrangements

- The youngest children currently under S.20 arrangements (0- and 2-years-old siblings) were accommodated in November following concerns regarding physical harm. Parents agreed for the children to stay with a family member whilst investigations were underway. In line with the guidance for only using S.20 in the short term when significant harm has been substantiated, a court application is underway.
- Three siblings aged between 8-11-years-old were accommodated in March 2023 under S.20 following an allegation by one of the children of sexual abuse from a family member. There were also concerns regarding neglect and other issues within the family environment. Parents agreed for the children to stay with extended family that were assessed as being safe whilst investigations were undertaken. The local authority issues pre-proceedings within the Public Law Outline process, assessments have been completed, and a reunification plan is being created.
- A 17yr old young person became accommodated under S.20 in 2018. This young person has complex needs associated with autism and severe learning disabilities. Having been cared for with the family for the majority of his childhood, circumstances arose that he could no longer have his needs met within the home environment and he was struggling to be maintained within a special school environment. Since moving into a residential education and care setting, he has made much progress and established trusting relationships with his carers. The parents remain actively involved in his life and support the care plan.
- A 17yr old young person with learning needs came into our care in December 2024 following his father becoming unable to meet his needs or act with parental responsibility due end of life health complications.



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