

Section 20 Agreements: Guidance for Parents and Professionals

What is a Section 20 Agreement?

Section 20 is a voluntary agreement and it is contingent on the parents' consent.

If the Local Authority (usually referred to as Children's Services) are asking parents to sign a Section 20 Agreement, it means that you are agreeing to your child/children to live elsewhere for a period of time. This will often be a foster care placement, which means that your child is being looked after by the Local Authority, or this may be with a family member or friend.

S.20 of the Children Act 1989 affords every Local Authority permission to provide accommodation for any child in need within their area who appears to them to require accommodation. This may be because the child does not have a home or somewhere suitable to live, or because their current home is deemed unsafe for them to remain there.

A Section 20 Agreement is not a Court Order, and there is no involvement from the Courts at this stage.

Signing a Section 20 Agreement does not give the Local Authority Parental Responsibility over your child/children.

Parents can terminate the Section 20 Agreement at any time.

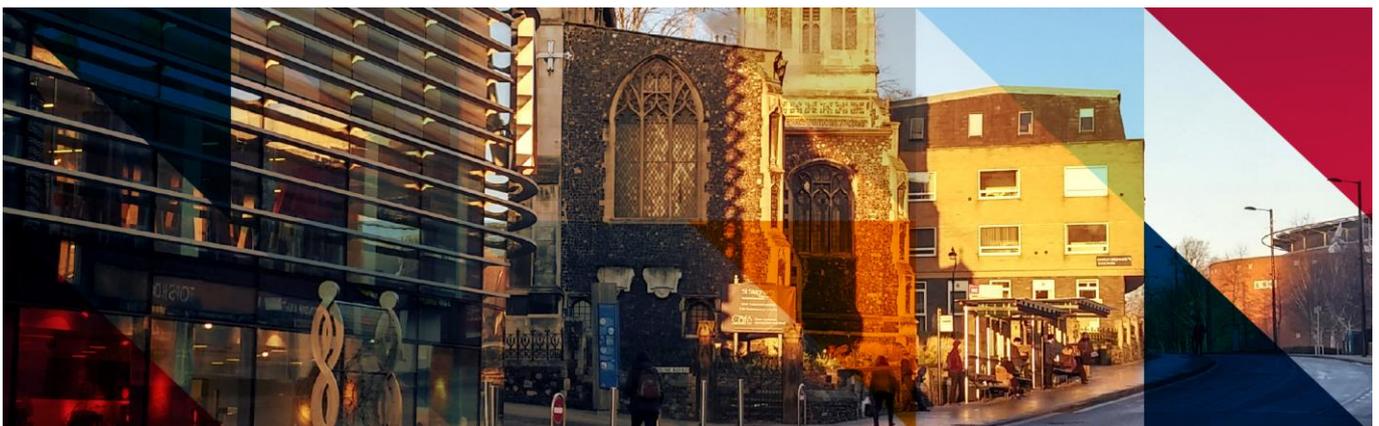
Signing the Section 20 Agreement

Parents do not have to sign a Section 20 Agreement and it is advisable for parents being asked to sign a Section 20 Agreement to seek legal advice as soon as possible, so that they can fully understand the terms and implications of what they are signing. Our Norwich Family Law Solicitors are very experienced in all children disputes and care proceedings and are happy to help.

Before signing a Section 20 Agreement parents should ensure that they understand what the plan is for the child/children. Parents need to have all the relevant information including time scales and what investigations or assessments are going to be undertaken by the Local Authority. Ideally, there should be a written plan in place, so the parents understand what is happening, and what is expected of them going forwards.

Parents should insist on the Local Authority producing a clear plan outlining all the above information.

There should also be a 'Contract of Expectations' which sets out what is expected of both the parents and the Local Authority going forwards.



There will be a written copy of the Section 20 Agreement and parents will be asked to sign this. You must ensure you also retain a copy of this.

Once the Section 20 Agreement is signed

There should be regular review meetings. There should be a Child Review Meeting usually within one month, then another one in three months, and then another in six months' time.

Section 20 Agreements should be short term agreements, which is why it is important that there is a clear plan in place from the outset.

Once the child is living elsewhere, the action taken by the Local Authority depends on individual circumstances, but they will most likely:

- Conduct further assessments and investigations to decide if they need to issue an Application to the Court.
- Give the parents respite and time to work productively with the Local Authority to make changes, so that the child/children can be returned to them.

What happens if the parents refuse to sign the Section 20 Agreement?

If the parents refuse to sign the S.20 Agreement, but Children's Services don't want your child/children to remain at home, then they have the following options available to them:

- Liaise with the Police to obtain a Police Protection Order which allows the Local Authority to accommodate the child for up to 72 hours.
- Apply to the Court for an Emergency Protection Order. This lasts up to 7 days.
- Apply to the Court for an Interim Care Order.

Can the parents withdraw consent?

Yes. Under Section 20(8) of the Children Act 1989, a person with Parental Responsibility can withdraw their consent to a Section 20 Agreement at any time. This is best done in writing and with advice from a Solicitor.

If you withdraw your consent, then the Local Authority will not have your consent to look after your child/children.

If the Local Authority doesn't agree with the child returning to their home, then they may at this stage decide to take matters to Court and issue Care Proceedings. A Guardian should then be appointed to act on behalf of the child/children and parents should seek legal advice.

What should parents do next?

If Children's Services are involved with your child/children and have discussed the possibility of a Section 20 Agreement with you, then it is important to discuss this with a Family Law Solicitor as soon as you can. If you instruct us to act for you, we can liaise with Local Authorities and any other parties on your behalf and explain everything to you.

Please get in touch. We would be happy to discuss your specific circumstances.
Call 01603 660 811 or email info@hatchbrenner.co.uk