Ceasing to be Looked After (S20)

1. **Introduction**
   1. This policy seeks to comply with the Care Planning, Placement and Case Review Regulations (2010), (revised April 2015) and should be applied where the *plan* is for a child (accommodated under s20), is to return to the care of their family and they cease to be looked after or where a 16/17 year old wishes to cease being looked after by the Local Authority. Working Together (2015) also sets out the framework for local authorities providing assessment and decision making when a child returns home from care to their family (see Appendices 1/2).
   2. The policy covers circumstances where a child ceases to be looked after by the local authority following a period of accommodation under Section 20. In these circumstances, the Local Authority will continue to provide support to the family/young person following reunification or discharge from care.
   3. The policy also covers those circumstances when a child ceases to be looked after in an unplanned way, often resulting from when a young person discharges themselves immediately from the care of the Local Authority.
   4. The policy applies only to children accommodated under section 20.
2. **Principles**
   1. Children who are accommodated under section 20 (CA 1989) may be particularly vulnerable, and may be removed from accommodation by parents at relatively short notice. They may also be returned home because of a placement breakdown, and for some children this move will take place quickly.

* Where this is a planned move, identified needs should have been addressed before a decision is made about the child’s return home and the decision to return home should be ratified at a Statutory Review.
* It is recognised that on some occasions, parents withdraw section 20 consent and children are returned home when this is not the care plan of the Local Authority.
  1. Unlike the return to parents for a child on a care order, the child loses looked after status and his/her accompanying entitlement to support and services provided under their section 20 status.
  2. However, for young people aged 16/17, they may have accrued rights under Leaving Care (2000) Act and will be classed as ‘relevant’ young people when they return home, and be entitled to the same rights as any other ‘relevant’ young person. If the return home is successful, their status will become ‘qualifying’ after 6 months, providing this occurs before their 16th birthday.

1. **Assessment**
   1. When making the decision to cease to look after a child, an assessment must be undertaken to consider:

* Whether the proposed arrangements for the child’s accommodation and maintenance, when they cease to be looked after, are suitable; and,
* What services and support for the child, and the parent, might be needed, when they cease to be looked after.
  1. An assessment by the allocated Social Worker is required before the child returns home (Reg 39). This will provide evidence of whether the necessary improvements have been made to ensure the child’s safety. Either this could be an updated Child Social Work Assessment, or an updated assessment provided to the Statutory (LAC) Review.
  2. A Support Plan (Child in Need or Pathway Plan) should also be provided, which should outline any services or support that will be provided to ensure that children continue to be adequately safeguarded.

1. **Decision Making**
   1. Where a child, accommodated under section 20 (for at least 20 working days), returns home in a *planned* way i.e. the decision is made as part of the care planning process, the approval requires a conversation with the child’s IRO, **prior to the Review meeting**. This conversation will normally take place between the IRO and the allocated Social Worker.
   2. If, at the Review meeting, it is agreed that the child will cease to be looked after, a Support Plan must be put in place. The detail of this plan is to be considered at the Statutory Review. This will be either an updated Pathway Plan, or a Child in Need Plan, which will be reviewed every 6 months (Pathway Plan) or after 3 months (CIN Plan).
   3. This decision to cease to ‘look after’ a child can be reached, provided:

* The child’s wishes and feelings have been ascertained and given due consideration;
* The young person’s parents/carers have been consulted, where appropriate;
* The decision will safeguard and promote the child’s welfare;
* Where the child is an ‘eligible child’, the appropriate requirements (Regs 40-44) have been met.
  1. When considering ceasing to look after a 16/17 year old (S20), this decision must also be made at a statutory (LAC) review. Where possible this should be done on a planned basis. Where a child returns home on an emergency basis, or wants to be discharged from care immediately, a statutory review should still be held.
  2. Where a child has been looked after for at least 20 days, the decision to cease looking after the child must not be put into effect until it has been approved by a nominated officer (Reg 39(4)). In Shropshire the nominated Officer is a Service Manager and their decision to cease accommodation under S20 must be informed by the outcome of a statutory review, views of child, assessment and care planning outcomes and the proposed arrangements to promote the child’s wellbeing and safeguarding arrangements. The Service Manager in these situations must complete a management decision form setting out their rationale for their decision.
  3. Where a child, accommodated under S20, returns home in an *unplanned* way, e.g. where the parent removes the child, or the child decides to leave, the Local Authority must consider whether there are any immediate concerns about the safety and well-being of the child. If there are concerns about the immediate safety, the Local Authority should take appropriate action, which could include S47 enquiries (CA 1989).
  4. A discussion must be held with the young person to ascertain their views and wishes. A young person aged 16/17 can take the decision to remain accommodated under Section 20 without the consent of their parent. The benefits of remaining in care should be explained to a young person, and their decision should be recorded in writing. This must also take into account that the young person has capacity to understand the decision that they are making/could make.
  5. Efforts should be made by the Social Worker/PA to work with the parents and young person to prevent unplanned discharges from care, however, when the young person becomes 16, they are able to discharge themselves from care.
  6. Where appropriate and where there may be concerns about the well-being of a child, legal advice should also be sought to ensure that no alternative action can be taken to avoid this unplanned discharge from care.
  7. The child’s IRO should be contacted in order for them to undertake a Review and they should be updated on the events that have taken place. In relation to 16/17 year olds, this conversation should include details about what the young person has been told about the pros and cons about discharges themselves from care.
  8. If there is disagreement at the Review, the escalation policy must be instigated by the IRO.
  9. Where a 16/17 year old has been looked after for at least 20 days, the decision to cease to look after her/him must not be put into effect until it has been approved by the Director of Children’s Services (Reg 39 (5)). In Shropshire this decision has been delegated to the Head of Service – Children’s Social Work & Safeguarding and this must be recorded on a management decision form. This decision will be made within 5 working days of the statutory review. All discharges are to be brought to the attention of the Director of Children’s Services.
  10. Before granting this approval the Head of Service must be satisfied that the child’s wishes and feelings have been ascertained and given due consideration and that parents views have also been sought. The Head of Service must be confident that the implications of leaving care have been clearly communicated to the young person by the social worker and IRO (and an advocate if needed). The young person and parents are to sign to say that they understand the implications and agree to the discharge from local authority care.
  11. Where a young person has accrued rights under the Leaving Care (2000) Act, they will be a ‘relevant’ young person, and will continue to have a Pathway Plan and the support from a Personal Advisor (PA).
  12. If the young person is not eligible for leaving care entitlements, then a Child in Need Plan will be offered instead.
  13. For a relevant young person, if their new arrangements are not successful, then the Local Authority has a duty to provide them with accommodation until their 18th birthday.