**Agreements for Child(ren)/ Young Person**

**to be accommodated under section 20 Children Act 1989**

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| **Child(ren)** | |
| **Name of child** | **Date of birth** |
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| --- | --- |
| **Parent/person with parental responsibility** | |
|  | |
| **Mother** | |
| **Father** | |
| I agree to *(insert child/young person’s name)* being accommodated by Sefton MBC Council. | |
| I understand that I may at any time remove the child from accommodation provided by or on behalf of the local authority. | |
| **Signed:** |  |
| **Dated:** |  |
| **Signed:** |  |
| **Dated:** |  |

|  |  |
| --- | --- |
| **Social worker/duty social worker:** (insert name) | |
|  | **Please tick** |
| I have considered the issue of the capacity of the parent/s to give consent to the child being accommodated by the local authority |  |
| I have taken into account all the circumstances prevailing at the time the consent is being given and have considered the questions raised by s3 of the Mental Capacity Act 2005, and in particular the mother/father's capacity at that time to use and weigh all the relevant information. |  |
| I am satisfied that the person giving the consent does not lack the capacity to do so.\* |  |
| I am satisfied that consent is fully informed on the following basis:\*   1. The parent fully understands the consequences of giving such a consent   (*where the parent is not fluent in English steps must be taken to ensure that the parent has a proper understanding of what they are being asked to agree to, including use of an interpreter if necessary*)   1. The parent fully appreciates the choices available and the consequences of refusal as well as giving consent 2. The parent is in possession of all the facts and issues material to the giving of consent |  |
| I am satisfied that the giving of such consent and the removal is fair and proportionate |  |

|  |  |
| --- | --- |
| The above information is correct to the best of my knowledge and belief | |
| **Signed:** |  |
| **Dated:** |  |

Have all sections of the Placement Information Record been completed at the time the Child/Young Person was placed with carers?

Yes

No

**If No, when will it be completed?**

**Date:**

**Date record completed:**

**Date copies to all Parties:**

***Explanatory Notes***

\*If the social worker has doubts about capacity no further attempt should be made to obtain consent on that occasion and advice must be sought from the social work practice manager.

If the social worker is not satisfied that the answers to (i)–(iii) are all 'yes', no further attempt should be made to obtain consent on that occasion and advice must be sought from the social work practice manager who will consider taking legal advice if necessary.  
  
In considering whether consent is fair and proportionate the following issues should be considered:

i. The physical and psychological state of the parent?  
  
ii. If the parent has a solicitor, have they been encouraged to seek legal advice; and/or advice from family or friends?  
  
iii. Is it necessary for the safety of the child for him/her to be removed at this time?  
  
iv. Do all the circumstances of the case indicate that is should be the subject of a court order rather than an agreement?

Where the parent is not fluent in English, the written document should be translated into the parent's own language and the parent should sign the foreign language text, adding, in the parent's language, words to the effect that 'I have read this document and I agree to its terms.'

**November 2022**