



**CILEX Level 3 Certificate in Law and Practice/
CILEX Level 3 Professional Diploma in Law and Practice**

Unit 18 – The Practice of Childcare Law

Case study materials

November 2023

Information for candidates

- You should familiarise yourself with these case study materials before the examination, taking time to consider the themes raised in the materials.
- You should consider the way in which your knowledge and understanding relate to these materials.
- In the examination, you will be presented with a set of questions which will relate to these materials.
- You may discuss these materials with your tutor(s).

Instructions and information to candidates during the examination

- You are allowed to take your own clean/unannotated copy of this document into the examination. Alternatively, you can access the electronic version of this document in the examination.
- You are **not** allowed access to any statute books in the examination.
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

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CASE STUDY MATERIALS

ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer working in Kempston County Council Legal Services Department. You have recently started working with the child protection lawyers in the department.

Your supervising solicitor has allocated some case files to you. She has instructed you to draft responses to the issues raised, ready for meetings with relevant personnel.

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| Document 1 | Email from Natasha Deeley, Trainee Social Worker, regarding Benjie and Connie Clarke |
| Document 2 | Email from Baljit Kaur, Social Worker, regarding Noah Wootton |
| Document 3 | Email from Natasha Deeley, Trainee Social Worker, regarding Mia Shoosmith |
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EMAIL FROM NATASHA DEELEY, TRAINEE SOCIAL WORKER

To: a.traineelawyer@kempston.gov.uk
From: natasha.deeley@kempston.gov.uk
Date: 15 November 2023
Subject: Benjie and Connie Clarke

Re: Benjie Clarke, DOB 13 March 2015; Connie Clarke, DOB 8 August 2018

Benjie, aged eight years, and Connie, aged five years, are the children of Venus Clarke and Leroy Williams. Leroy, who is not named as father on their birth certificates, has contacted me on the advice of their school. He wishes to discuss concerns about the children.

Leroy and Venus were in a long-term relationship, which deteriorated during 2020. A year ago, they agreed to separate and Leroy left the family home. This was a mutual decision. They remained on friendly terms and Leroy continued to be involved in his children's lives. Benjie and Connie saw their father regularly. They spent alternate weekends and part of the school holidays with him, and he attended important events such as school sports days.

The arrangement worked well until six months ago when Venus entered a relationship with Joey Braun and he moved into the family home to live with Venus and the children.

Since then, Leroy has found it increasingly difficult to arrange for the children to visit him and has found that he is not being told about school events. Leroy has increasingly felt that Venus does not want him to be involved with the children anymore.

When Leroy asked Venus why the children were not visiting as often as they used to, Venus said that this was because when they returned from visiting Leroy they misbehaved. This was causing problems between her and Joey, who considers Leroy to be a bad influence on the children. Joey is demanding that the visits stop.

Leroy has noticed a change in the children when they do visit him. They appear tired and slightly withdrawn. Benjie has said that he is "sad because mummy doesn't look after us like she used to. She just looks after Joey. And we miss seeing you, daddy."

Last week Leroy contacted the childrens' school to find out how they were getting on and to discuss his concerns. Leroy knew that Benjie and Connie had been happy at their school and had made lots of friends there. He was surprised to be told that the school had just been advised by Venus that she was moving the children to another school.

When he tried to discuss the issue with Venus, she simply said that this was nothing to do with Leroy. Venus said that, as their mother, she was the only person able to make any decisions concerning the children.

Leroy is concerned about his children. He feels that it is important that the children continue to visit him regularly and for him, as their father, to be involved in decisions concerning them.

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DOCUMENT 2

EMAIL FROM BALJIT KAUR, SOCIAL WORKER

To: a.traineelawyer@kempston.gov.uk
From: baljit.kaur@kempston.gov.uk
Date: 16 November 2023
Subject: Noah Wootton

Re: Noah Wootton, DOB 3 March 2015

Noah is eight years old. He moved from Liverpool to Kempston with his mother, Patsy Wootton, in May this year. Noah started at the Kempston Primary School in May. We have received a referral from the school, as a number of concerns have been identified concerning Noah.

The school has serious concerns about Noah's levels of literacy and numeracy. An initial assessment has indicated that Noah's educational development is two years behind what it should be. The school believes this is in part due to low attendance, which is a serious concern. He also has health issues, as he is seriously overweight.

I made initial contact with Patsy to discuss these concerns but she does not appear to be concerned.

Patsy said that it was up to the school to support Noah's education and to help him progress and that if he was not at the level he should be, the school was obviously failing him.

His low attendance was also blamed on the school. Noah often told his mum that there was no point in going to school as it was "boring". Rather than encourage him to go to school, she preferred to let him stay at home and play computer games because that was what made him happy.

As far as his weight was concerned, she said that all her family were "big boned" and he was simply a child with a "healthy" appetite. Patsy seemed happy to let Noah eat what he liked – crisps, sweets, biscuits, burgers. When asked, she said that she did not cook as her mother had never taught her to and it was easier to buy takeaways.

In my opinion, Patsy does not understand how to be a good parent. She does not seem to be interested in learning how to be a good parent but will do whatever makes Noah happy and will always blame others for problems.

I have just confirmed with Liverpool Children's Services (LCS) that Noah was referred to them in January this year. They carried out a s17 assessment, which resulted in a child-in-need plan to address the concerns and to support Patsy.

However, although they had several meetings with Patsy, they were unable to get her to realise the seriousness of the concerns or her role in them. Her response was always to blame others, for example, Children's Services or the school, for the problems and no progress was made in developing her approach to parenting. LCS were due to have a review meeting to discuss further action required when they learned that Patsy had left Liverpool without leaving a forwarding address. They are forwarding their case file to me.

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EMAIL FROM NATASHA DEELEY, TRAINEE SOCIAL WORKER

To: a.traineelawyer@kempston.gov.uk
From: natasha.deeley@kempston.gov.uk
Date: 15 November 2023
Subject: Mia Shoosmith (DOB 22 October 2008)

Mia, who is 15 years old, has been living with her mother, Amy Shoosmith, and her stepfather, Karl Trent. Her father died when she was five years old.

Mia's school referred her to us when she told her tutor that she was being sexually abused by her stepfather. Amy and Karl both vehemently denied Mia's claims.

A police investigation was started immediately, which confirmed that Mia had been sexually abused by Karl, and that her mother was aware that this was happening.

Amy eventually admitted that she was aware. Her excuse for not dealing with the abuse was that she felt she had to protect Karl as she did not want him to leave her. Amy suggested that Mia had "encouraged" Karl. Amy said that she would stand by Karl because he had shown remorse and promised her that it would never happen again. Amy is aware that Karl faces a criminal prosecution and is likely to receive a prison sentence but she has made it clear that she will be there for him when he finishes his sentence.

Last Tuesday night at midnight, a police patrol found Mia wandering around Kempston shopping centre. She said she was looking for somewhere to sleep. She told the police that she had tried to talk to her mother about her experience in order to make her mother realise that Karl was not the person she thought he was; her mother still refused to believe that Mia was the totally innocent party.

Mia adamantly refused to be return home. An emergency protection order was obtained yesterday and Mia has been placed with foster parents for the time being.

I understand that Amy has been informed of the position by the police who report that she still maintains her position that Karl is the victim more than Mia. Amy has demanded access to Mia saying that she needed to "sort Mia out".

Her mother's response to Mia's abuse has totally destroyed their previously close relationship. Mia has made it very clear that she will not live with her mother and has said that she would rather sleep rough than return home.

I now need to plan the next step.

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DOCUMENT 4

NOTE OF TELEPHONE CONVERSATION

Caller: Baljit Kaur, Social Worker
Call handler: Trainee Lawyer
Date: Today's date
Subject: Rory Hopkins (DOB 9 August 2019)

Baljit Kaur rang to report a telephone conversation with Dr Tahir Hussain, a doctor in the Accident and Emergency Department of Kempston University Hospital.

Dr Hussain rang to report concerns regarding Rory Hopkins, aged four years, who was brought to the hospital last night.

On an examination of Rory, a number of injuries were identified, including bruising to the chest and abdominal area, a deep cut on his left cheek and a fracture to his left leg.

Rory's mother, Hannah Hopkins, told Dr Hussain that Rory was a clumsy child who was always tripping over. Hannah said that the injuries occurred when he tripped over their pet dog, hitting his head on the fireplace. However, the injuries as a whole, were not consistent with this story. Dr Hussain also noted that there was evidence that Rory had sustained previous injuries.

When Hannah went to get a coffee from the café, Dr Hussain was able to have a chat with Rory and hear his version of what had happened. Rory said that his mother and her partner, Sam, were having an argument. He said they were always arguing and Sam would often hit Hannah. Last night, when they started arguing, Rory stepped in front of his mother to protect her, but Sam hit him several times in the stomach and then threw him out of the way. Rory said that he was thrown so violently that his head hit the wall.

When Hannah returned from the café, Dr Hussain told her that Rory was very shaken and that he had described how Sam had caused his injuries. Hannah would not accept this. She said that Rory had a vivid imagination. He loved some of the children's cartoons on TV, especially those where there was fighting, and he was always making up stories and causing problems with Sam.

Dr Hussain is keeping Rory in hospital for observation but will have to discharge him in the next couple of days. Hannah is demanding to take him home today, but Rory is saying he is scared of returning home if Sam is still there. Hannah keeps telling him that Sam will not be there because she has "sent him packing". Rory is not reassured by his mother's claim. He says that this has happened before, and Hannah always relents and lets Sam return.

Dr Hussain is very concerned for Rory's welfare.

EMAIL FROM BALJIT KAUR, SOCIAL WORKER

To: a.traineelawyer@kempston.gov.uk
From: baljit.kaur@kempston.gov.uk
Date: 15 November 2023
Re: Ollie and Georgie Thomas (DOB 24 June 2016)

Ollie and Georgie Thomas are seven-year-old twin boys who attend Kempston Primary School. The school has asked for advice regarding the twins because of a dramatic change in their behaviour over recent weeks.

Three months ago, their parents, Eliza and Paul Thomas, were involved in a serious road traffic accident and both of them died.

Following the death of their parents, the boys have been looked after by their father's (Paul's) parents, Fred and Willa Thomas who live nearby. The boys have a very close relationship with Fred and Willa, who have been slowly settling the boys into a life without their parents.

Eliza was an only child. Her parents are David and Ivy Martin. Eliza told Fred and Willa that she had a difficult relationship with her parents as she grew up. They seemed to want to control her life and did not know how to let go as she grew up and wanted to be independent. As they live 70 miles away, they have not been able to see enough of the boys to develop a close relationship with them.

However, David and Ivy have started to cause problems. They seem to think that as they have lost their only child, it is only right that Eliza's children should live with them. Several heated conversations about the long-term arrangements for the boys have taken place between the two sets of grandparents. Ollie and Georgie have overheard some of these conversations and they have been upset by them. David and Ivy are now refusing to discuss the matter any further with Fred and Willa but have indicated that they are "seeking advice".

The school believes that the boys are unsettled because of what they have overheard and the school has referred the matter to us. I have arranged to meet with Fred and Willa. There is currently no order in place to confirm that the boys should live with them. Fred and Willa believe that the position needs to be formalised because, in their opinion, it would be in the boys' best interests to continue living with them.

End of the case study materials