



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

**Unit 18 – The Practice of Child Care Law**

**Case study materials**

**January 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 the 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. The documents are as follows.

- Document 1** Email from Leroy McKay, Social Worker, re **Tom O'Reilly**
- Document 2** Email from Natasha Deeley, Social Worker, re **Aymee Williams**
- Document 3** Email from Natasha Deeley, Social Worker, re **Carly and Ellie MacKintosh**
- Document 4** Note of telephone conversation with PC Adnan Singh re **George and Penny Drake**
- Document 5** Further note of telephone conversation with PC Adnan Singh re **George and Penny Drake**

**EMAIL**

**From:** Leroy.mckay@kempston.gov.uk  
**To:** a.traineelawyer@kempston.gov.uk  
**Date:** 18 January 2023  
**Subject:** Tom O'Reilly

**Tom O'Reilly DOB 6 June 2016**

Tom is the son of Dale Tweed and Lili O'Reilly. Dale has contacted me for advice. He is named on Tom's birth certificate as his father.

Tom was an easy baby to manage but when he became a toddler, Dale and Lili had increasing concerns about his development as he failed to reach the expected milestones. When he was three years old he was diagnosed as having significant learning difficulties.

Tom's learning difficulties and behaviour presented challenges for Lili and Dale. Lili had planned to return to work when Tom started school, but it became clear that she would not be able to cope with working and caring for Tom's needs.

Dale has been a very hands-on father and has a very close relationship with Tom, but he and Lili did not agree on the best way to help Tom through his childhood. Lili has become a very protective mum – over protective in Dale's opinion – and this led to increasing arguments. Eventually, when Tom was five years old, Dale and Lili separated. Dale has continued to be actively involved in Tom's life. Tom spends alternate weekends and time during the school holidays with his father.

Dale tried to respect Lili's wishes about what Tom should do but he felt that in her desire to ensure that Tom was kept safe, she was depriving him of experiences he would enjoy and could manage. She does not want Tom to undertake physical activities as she believes that he cannot anticipate dangers and could get injured, so he is not allowed to play football or cricket, or to take part in other physical activities. Dale has taken professional advice that supports his opinion that Tom could manage such activities and that they would benefit him. Lili adamantly refuses to accept this, saying that as his mother, she knows best.

This has led to increasing arguments between Lili and Dale. Lili is starting to be less co-operative in agreeing to dates when Dale can see Tom and she has recently cancelled several agreed dates.

Tom recently told his father that he wanted to try mountain biking. Dale has carried out research and has found an activity centre in Ireland where Tom can learn to mountain bike under strict supervision. As a Christmas present for Tom, he booked to take Tom to the centre in April.

When Lili learnt about this she was furious. She told Dale that she had had enough of him interfering in the way that Tom was being brought up and that she was not going to allow Tom to see his father, and he was certainly not going on the trip. Tom was very, very upset.

Dale has not heard from Lili or Tom since Christmas. His calls and texts are being ignored. He is now concerned about the situation and its impact on Tom.

***Turn over***

**EMAIL**

**From:** Natasha.deeley@kempston.gov.uk  
**To:** a.traineelawyer@kempston.gov.uk  
**Date:** 19 January 2023  
**Subject:** Aymee Williams

**Aymee Williams DOB 26 October 2018**

I have been contacted by Ines and Kingston Williams for advice regarding their granddaughter, Aymee, who is four years old.

Aymee's mother, Naomi, is Ines William's daughter. Naomi was only 15 when she gave birth to Aymee in October 2018. Aymee's father has never been identified.

For a year, Naomi and Aymee lived with her mother and Kingston, her stepfather, and their children: Jaden, aged eight years, and Mia, aged 11 years. Ines and Kingston married 12 years ago, following the death of Naomi's father in an industrial accident.

In November 2019, Naomi told her mother that she had got a new boyfriend, Zain, and that she was going to move in with him. Naomi said that she wanted time to settle in with Zain and enjoy her new relationship. She asked Ines to look after Aymee for the time being. Ines was happy to agree, as she was concerned about Naomi's relationship with Zain. He was well known to the police as a drug dealer.

At first, Naomi kept in contact with her family through the occasional visit and messaging on her phone but over time the visits and contacts became fewer and fewer.

In the meantime, Aymee was a happy child growing up in the security of her grandmother's home. She loved Jaden and Mia, and she treated them as her brother and sister.

Last week, Ines received the sad news that Naomi had died from a drug overdose. It appeared that she had continued to make bad choices in her relationships.

Ines and Kingston have now realised that they need to take formal steps to ensure that Aymee is secure and remains living with them.

**EMAIL**

**From:** Natasha.deeley@kempston.gov.uk  
**To:** a.traineelawyer@kempston.gov.uk  
**Date:** 23 January 2023  
**Subject:** Carly and Ellie MacKintosh

**Carly MacKintosh DOB To be confirmed**  
**Ellie MacKintosh DOB To be confirmed**

The Headteacher of Kempston Primary School, Mr Lewis, contacted me this morning to ask if we had any knowledge of the MacKintosh family.

Mr Lewis told me that Carly and Ellie were waiting at the school gate when he arrived. This was the first time that he had met them and the first time they had attended school. The school has had no contact from a parent concerning them.

The children were quite dishevelled. They were thirsty and hungry. Mr Lewis and his deputy, Mrs Morris, found the girls some food and drink and sat down to talk to them.

Carly said that she was eight years old, and her sister Ellie was five years old. They had moved to Kempston a week or so ago because their mummy (Vicki) needed to get away from her boyfriend who was being "very unkind" to her.

They had stayed at home with their mummy for the first few days but said that today, mummy had told them that they needed to go to school. She had walked them to school and told them to wait at the gate for the teachers. She told them that she was going back home.

Carly said that her mummy didn't like leaving the flat as she felt safe there, Carly was sent to the local shop for food but as mummy didn't have much money to give her, Carly found shopping difficult. She added that "Mummy doesn't do much in the flat. She just cries a lot and says she doesn't know what to do."

Mr Lewis also reported that both girls appeared to have some bruising on their arms, but it did not appear to be recent bruising.

Mr Lewis has confirmed the situation by email. He has advised that both the children and their mother need help, and need it urgently. He would like advice on what the school should be doing and confirmation that we were taking up the concern.

It is clear from my conversation with Mr Lewis that further action is needed.

***Turn over***

**NOTE OF TELEPHONE CONVERSATION**

**Caller:** PC Adnan Singh  
**Call handler:** You  
**Date/time:** 23 January 2023, 8.30 a.m.  
**Subject:** The Drake family

**George Drake DOB 14 May 2016**

**Penny Drake DOB 25 June 2020**

Last night we responded to a call from a Mrs Jones who lives at Flat 8, Fountains Court. She is a neighbour of the Drake family who live in Flat 9 and she contacted us with concerns about young children being left alone in the flat with a large dog.

George and Penny live with their mother, Willa. Mrs Jones said that their father, Freddie, left the family a year ago. Willa has now got a new boyfriend, Yoti, who recently moved in with her, bringing his large dog with him.

Mrs Jones has noticed that Willa and Yoti often go out in the evening for several hours, leaving the children alone in the flat with the dog.

Last night, an hour or so after Willa and Yoti went out, Mrs Jones heard the dog barking and then the children screaming and shouting and banging on the wall between their flat and hers so she rang the police.

We responded immediately. The children had been left alone. George said they had been playing with the dog when the dog started growling at them and snapping at them, which scared them. They managed to get into their bedroom and shut the door.

The flat was very dirty and untidy. The kitchen sink was full of takeaway cartons that were days old and starting to attract flies. There was no food in the fridge, which was full of cans of beer. The children's bedroom only had mattresses to sleep on, and the bedding was soiled.

The children were clearly relieved to see the police officers and to be "rescued" as George said. He said that they had not been happy since Yoti moved in. Yoti and their mother spent their time drinking and watching TV, going out and drinking, and then sleeping. The children were left to look after themselves. If they tried to get their mother's attention, Yoti got angry and slapped them or grabbed them and shook them. Both children have signs of bruising that confirms what George has said.

The children were placed in safe accommodation and will stay there while further investigations are made. Initial inquiries have shown that Yoti has a long criminal record. Further information is needed, as Willa and Yoti have yet to return home.

**FURTHER NOTE OF TELEPHONE CONVERSATION**

**Caller:** PC Adnan Singh  
**Call handler:** You  
**Date/time:** 23 January 2023, 2.30 p.m.  
**Subject:** The Drake family

**George Drake DOB 14 May 2016**

**Penny Drake DOB 25 June 2020**

Willa Drake finally rang the police to report her children missing at midday today, when she returned to her flat. She said they had been playing outside and she thought that they must have been abducted.

When she was told that the children had actually been removed from the flat the previous evening by the police, she got very angry. She demanded that the children were returned immediately, saying that the police had no right to take her children.

Willa was informed that the children would be kept in safe accommodation until police inquiries were completed, which might take some time.

It was also stated by the police that they had concerns about Yoti living in the same flat. Willa was told that she was unlikely to get her children back unless Yoti moved out. She said that who she lived with was her business and no-one else's. She had been through a tough time since her husband left, and it had only been with Yoti's help that she had got through.

The police are of the opinion that Yoti will not move out. From inquiries so far, it would not be safe for the children to return while he is living in the flat.

Ongoing inquiries have disclosed that Yoti has a number of convictions for offences involving physical violence, including domestic abuse, and that he has serious anger management issues.

NOTE: I agreed with PC Singh that although we do need to focus on dealing with the immediate situation, we also need to have plans in place for the longer term to safeguard George and Penny.