

CASE STUDY MATERIALS

January 2021
Level 3
THE PRACTICE OF CHILD CARE LAW
Subject Code L3-18



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 18 – THE PRACTICE OF CHILD CARE LAW*

CASE STUDY MATERIALS

Information for Candidates on Using the Case Study Materials

- This document contains the case study materials for your examination.
- In the examination, you will be presented with a set of questions which will relate to these case study materials. You will be required to answer **all** the questions on the examination paper.
- You should familiarise yourself with these case study materials prior to the examination, taking time to consider the themes raised in the materials.
- You should take the opportunity to discuss these materials with your tutor/s either face-to-face or electronically.
- It is recommended that you consider the way in which your knowledge and understanding relate to these case study materials.

Instructions to Candidates Before the Examination

- A clean/unannotated copy of the case study materials is attached to this examination.

You are permitted to take your own clean/unannotated copy of the case study materials into the examination. You are **NOT** permitted to take any other materials including notes or textbooks.
- In the examination, candidates must comply with the CILEx Examination Regulations – Online Examinations or with the CILEx Examination Regulations – Online Examinations with Remote Invigilation.

Turn over

* This unit is a component of the **CILEx LEVEL 3 PROFESSIONAL QUALIFICATIONS and LEVEL 3 LEGAL SERVICES KNOWLEDGE QUALIFICATIONS**

CASE STUDY MATERIALS

ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer working within 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, Duty Social Worker, re Polly Bryant
- Document 2** Note of telephone call re Polly Bryant
- Document 3** Email from Natasha Deeley, Social Worker, re Katie Hollins
- Document 4** Email from Natasha Deeley, Social Worker, re Jade Williams
- Document 5** Email from Natasha Deeley, Social Worker, re Dylan, Layla and Nancy Penn

DOCUMENT 1

EMAIL

From: Leroy.mckay@kempston.gov.uk
To: a.traineelawyer@kempston.gov.uk
Date: 13 January 2021
Subject: Polly Bryant

Polly Bryant: DOB 3 October 2007

Polly Bryant is 13 years old. She has lived with her maternal grandparents, Mary and Roger Bryant, since birth. Her mother, Tracey Bryant, left home shortly after Polly's birth and went to London, planning to become a model. The identity of Polly's father is not known.

Tracey did not communicate with her parents after she left home, but Mary and Roger learnt from Tracey's friends that her dreams of becoming a model did not work out. According to her friends, she had become a sex worker and had also developed a drug problem.

Mary and Roger were concerned that Polly should not be affected by the situation. They obtained a residence order for Polly to live with them and to give them parental responsibility. All went well until last year, when they noticed a change in Polly's behaviour. She became more argumentative and began to avoid spending time with her grandparents. She either went to her bedroom, or went out, saying that she was meeting friends. Roger and Mary tried to talk to Polly, to find out whether she had any problems. Polly simply told them that she was OK; she just needed to have time on her own or to spend time with friends.

Polly increasingly went out in the evenings, often not returning until very late. Mary and Roger told her that they needed to know where she was going and that she needed to be home by 9 pm during the week and 10 pm at weekends. Polly refused to comply with these rules, which led to arguments. On several occasions, she just ran away from home and spent hours at night wandering the streets. The police have picked her up on a number of occasions and taken her home.

Last week, Roger and Mary were contacted by Polly's school concerning her attendance. Since Christmas, Polly had been arriving late and leaving early. She had also completely failed to attend on several days. When her tutor talked to Polly, she told him that six months ago, Tracey, her mother, had returned to live in Kempston. Tracey had then contacted Polly, but had told Polly not to say anything to Mary and Roger. Polly had started meeting up with her mum in the evening or sometimes during the day. This was why Polly was missing school.

Roger and Mary are very worried about the situation. They are concerned that Polly has a rosy view of her mother and her lifestyle, and that Tracey is a bad influence on Polly. They suggested that Tracey and Polly should only meet at Polly's home for the time being. Polly refused to agree to this. Polly said that her mum was a good person and that she was going to continue meeting her.

Turn over

DOCUMENT 2

NOTE OF TELEPHONE CALL

Caller: Leroy McKay, Duty Social Worker
Call handler: Trainee Lawyer
Date: 14 January 2021, 8.30 am
Subject: Polly Bryant

PC Malik of Kempston Police reported that Polly Bryant was found wandering in a disorientated state in the town centre at 2.30 am.

The police took Polly home, but Roger and Mary, her grandparents, were not there. The police were told by neighbours that Mary had taken Roger to Kempston University Hospital, as he was believed to have suffered a heart attack. Therefore, Polly was placed in safe accommodation pending further enquiries.

At 8 am this morning, Polly's mother, Tracey Bryant, arrived at the police station demanding to be told where Polly was. Tracey was saying that, as Polly's mother, she was going to take Polly home with her and no one had any right to stop her. PC Malik has confirmed that Tracey is known to Kempston Police. She has been arrested several times for soliciting. She also has a record of drug abuse.

Following the police report, I spoke to Mary Bryant about Polly.

Mary was concerned that the stress of dealing with Polly's recent behaviour had been a factor in her husband's heart attack. Mary has been told by the hospital that Roger was lucky to survive his heart attack. He needs to have further treatment. In the meantime, he can return home, but will need Mary to provide care throughout the day. He has been advised to lead a very quiet life and to minimise stress.

Mary's key focus at the current time must be Roger. She is very concerned that this means that she will not be able to give Polly the attention and support that Polly needs. Mary is worried that Polly is not listening to anyone and is just doing what she wants, and Tracey is encouraging this behaviour. Mary said that, in the circumstances, she and Roger cannot cope with Polly anymore.

Mary is also concerned that Tracey might use the current situation to try to get Polly to live with her. Mary is adamant that this is not in Polly's best interests, given Tracey's lifestyle and her current accommodation, a bedsit. Mary suspects that Tracey could be using Polly to get better accommodation, and that she might encourage Polly to follow her lifestyle.

We need to urgently start exploring options for Polly's care, if her grandparents are unable to continue looking after her.

DOCUMENT 3

EMAIL

From: Natasha.deeley@kempston.gov.uk
To: a.traineelawyer@kempston.gov.uk
Date: 13 January 2021
Subject: Katie Hollins

Katie Hollins: DOB 16 May 2018

Katie is the daughter of Freya and Benjie Hollins.

Benjie has been diagnosed with bipolar disorder and suffers from very severe mood swings. He is on prescribed medication to help him to control this, but frequently forgets to take his medication, which results in psychotic episodes. These can be very frightening to others.

Freya has a history of serious depression and also takes prescribed medication. She has found it hard to cope with Benjie's mood swings, and she is unable to provide the physical and emotional care that Katie needs.

The flat where Freya and Benjie live is dirty and very untidy. Freya often leaves washing up to accumulate in the sink for days. She rarely cleans the kitchen or the bathroom. Katie is often left in a soiled nappy for hours, and appears to have a bath only once a week.

Freya rarely cooks, preferring to live off takeaways, which she feeds to Katie as well. She seems to spend most of her time watching TV with Benjie, leaving Katie to amuse herself. Freya's health visitor has tried to encourage her to provide Katie with the right food for a toddler and with stimulation through playing with her and reading to her. But Freya is not showing any signs of taking this advice. Freya has also been encouraged to attend a local mother and toddler group, but she has refused, saying that she finds meeting strangers very difficult.

Katie is starting to miss milestones in her development, and her speech is a particular cause for concern

Freya and Benjie clearly need support in improving Katie's life, and their own. However, the healthcare professionals who have been working with them report that they are a very difficult couple to deal with. They view people trying to help them as 'busybodies' and frequently tell them to 'mind their own business'.

Turn over

DOCUMENT 4

EMAIL

From: Natasha.deeley@kempston.gov.uk
To: a.traineelawyer@kempston.gov.uk
Date: 13 January 2021
Subject: Jade Williams

Jade Williams: DOB 12 December 2020

Jade is the baby daughter of Alesha Reid and Calum Williams. Jade has dual heritage, as her mother's family is Jamaican and her father's is Scottish.

Alesha and Calum have known each other for three years and have been in a relationship for two years. Their relationship has always been a volatile one. Alesha is an extrovert, who will talk to anyone she meets, whilst Calum is an introvert and extremely possessive and jealous of anyone Alesha talks to. Calum finds it difficult, often impossible, to control his temper.

Alesha has been subjected to domestic violence throughout their relationship. After each episode, Calum always apologises profusely and promises it won't happen again. Alesha apologises for causing Calum to lose his temper and promises to avoid doing this, but then another incident will occur.

One day last April, Alesha accidentally sent a text intended for her boss, Jonny, to Calum's phone. She signed off with a smiley face emoji. When Calum saw the message, he misunderstood what it was about and he completely lost his temper. A furious row ensued. Calum slapped and punched Alesha repeatedly. He then threw her on the bed and had sexual intercourse with her, even though she kept saying, 'No'.

This was the final straw for Alesha. She called a friend, who took her to hospital, and the staff, with Alesha's permission, called the police. Calum was charged with causing actual bodily harm and rape. He was found guilty and sentenced to five years in prison.

As a result of being raped, Alesha became pregnant, but she did not realise this until she was seven months pregnant. Jade was born in December, but Alesha was clear that she wanted nothing to do with Jade, as the baby simply brought back horrific memories.

Alesha registered Jade's birth, naming herself as mother, but not naming the father. Then she left the hospital, telling staff that she was going back to live with family in Jamaica. She asked the hospital to look after Jade and find her a good home, where she would be loved. She left no contact details.

Calum has written to us, asking for information about Jade and saying that he would like the opportunity to have some contact with her, when he is released from prison.

Jade is currently with foster carers, but a permanent solution for her care needs to be agreed.

DOCUMENT 5

EMAIL

From: Natasha.deeley@kempston.gov.uk
To: a.traineelawyer@kempston.gov.uk
Date: 13 January 2021
Subject: Dylan, Layla and Nancy Penn

Dylan Penn: DOB 4 August 2009
Layla Penn: DOB 3 February 2012
Nancy Penn: DOB 20 October 2016

I have just had a telephone conversation with Stewart Penn, the father of Dylan, Layla and Nancy Penn.

Stewart and his wife Julie separated in January 2020 after 14 years of marriage, when Stewart discovered that Julie was having an affair with a colleague at work. Julie had pleaded with Stewart to give her a second chance, but Stewart refused, as he felt that their marriage had not been a happy one for several years.

Stewart and Julie both agreed that they wanted to minimise the effect of their separation on the children. Stewart agreed that Julie could remain in the family home with the children and he would move out. In return, Julie promised that he would be able to see the children regularly and would be able to keep a promise to take them on a holiday to a well-known theme park in Florida this summer.

The arrangement worked well for a time. Stewart was able to see the children most weekends, and on several occasions took them to stay with his parents.

However, a couple of months ago Stewart started to experience problems with the arrangements, when Julie cancelled prearranged dates, often at very short notice and for no reason. When Stewart tried to discuss this with her, she claimed it was because the children's visits to Stewart and his parents upset and unsettled the children. This was affecting their sleep patterns, which was affecting their performance at school. She said that it would be better for them to have a break from seeing Stewart. She also told Stewart to cancel the holiday, as it wouldn't be happening. The last time that Stewart saw the children was three weeks ago.

Stewart contacted the school to discuss his children and was told that the school had no concerns. The children were all doing very well and no changes in their behaviour had been noticed. The school advised Stewart to contact us for advice.

Stewart is concerned that Julie is not being honest with him or the children. He is concerned that Julie is trying to punish him for the separation, by excluding him from the children's lives.

His fear is reinforced by a message that he has received from Dylan, who got a mobile phone for Christmas. Dylan texted: 'Hi Dad, Layla and Nancy and me are sorry you're not well. Please get better soon. We miss you and want to see you. We're really looking forward to the holiday. Hope you've booked it. Xxx'

End of Case Study Materials