

THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 18 – THE PRACTICE OF CHILD CARE LAW

Time allowed: 1 hour and 30 minutes plus 15 minutes' reading time

Instructions to Candidates

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials before the start of the examination.
- **It is strongly recommended that you use the reading time to read this question paper fully.** However, you may make notes on this question paper or in your answer booklet during this time, if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- Write in full sentences – a yes or no answer will earn no marks.
- Candidates must comply with the CILEx Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

Information for Candidates

- The mark allocation for each question and part-question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ballpoint pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

Do not turn over this page until instructed by the Invigilator.

Question 1

Reference: Question relates to **Documents 1 and 2** of the case study materials.

- (a) Identify and explain the statutory powers that the police have used to allow them to deal with Isha.

(5 marks)

- (b) Explain why Kempston County Council should now apply for an emergency protection order and the statutory ground which must be satisfied.

(5 marks)

- (c) Explain how the court will ensure that Isha's interests will be protected by the court, when hearing the application for an emergency protection order.

(5 marks)

(Total: 15 marks)

Question 2

Reference: Question relates to **Documents 1 and 2** of the case study materials.

- (a) Describe an interim care order and explain why Kempston County Council should consider applying for this order in Isha's case.

(7 marks)

- (b) Outline each of the procedural stages that must be followed, if Kempston County Council decides to apply for an interim care order in Isha's case.

(10 marks)

(Total: 17 marks)

Question 3

Reference: Question relates to **Document 3** of the case study materials.

- (a) Identify which order Kempston County Council should apply for, in order to start the adoption process.

(2 marks)

- (b) Explain the grounds that Kempston County Council must satisfy, in order to obtain the above order.

(6 marks)

(Total: 8 marks)

Question 4

Reference: Question relates to **Document 4** of the case study materials.

- (a) Describe the initial procedure which must be followed, now that Kempston Parva Primary School has made a referral regarding Tom to Kempston County Council.

(4 marks)

- (b) (i) Describe the Assessment Framework set out in Working Together that will be used to assess whether Tom is a child in need, and identify which professional will undertake this assessment.

(8 marks)

- (ii) Identify **two** other professionals who should be involved in providing information required under the Assessment Framework.

(2 marks)

- (c) Explain whether, according to the statutory ground, Tom is a child in need.

(6 marks)

(Total: 20 marks)

Turn over

Question 5

Reference: Question relates to **Document 5** of the case study materials.

- (a) Identify and explain the order that would allow Laurence to have greater contact with Harriet and Oscar.

(4 marks)

- (b) Explain and apply **two** factors from the Children Act 1989 s.1(3) welfare checklist which the court must consider, in determining an application by Laurence for the above order.

(6 marks)

(Total: 10 marks)

End of Examination Paper