



**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**

**Question paper**

**January 2023**

**Time allowed: 1 hour and 45 minutes (includes 15 minutes' reading time)**

**Instructions and information**

- It is recommended that you take **fifteen** minutes to read through this question paper before you start answering the questions. However, if you wish to, you may start answering the questions immediately.
- You must answer **all** questions.
- This question paper is out of 70 marks.
- The marks for each question are shown — use this as a guide as to how much time to spend on each question.
- Write in full sentences — a yes or no answer will earn no marks.
- Full reasoning must be shown in your answers.
- Statutory authorities, decided cases and examples should be used where appropriate.
- You are allowed to use your own printed copy of the pre-release case study materials, as long as the materials are not annotated in any way. Alternatively, you can access the electronic version of the pre-release case study materials available in the examination.
- You are allowed to make notes on your scrap paper during the examination.
- You are **not** allowed access to any statute books.
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

***Turn over***

## **Answer ALL questions**

### **Question 1**

Reference: Question relates to **Document 1** in the case study materials.

(a) Identify and explain which order under s8 of the Children Act 1989 Dale should apply for:

(i) to ensure that he has regular contact with Tom;

**(4 marks)**

(ii) to resolve the disagreement with Lili over whether he can take Tom on the holiday he has planned.

**(3 marks)**

(b) Explain **two** key principles that a court must consider and apply when deciding whether to make an order in Tom's case.

**(6 marks)**

**(Total: 13 marks)**

### **Question 2**

Reference: Question relates to **Document 2** in the case study materials.

(a) Explain why a Special Guardianship Order might be preferred to adoption in Aymee's case.

**(7 marks)**

(b) Explain whether Ines and Kingston meet the criteria to apply for a Special Guardianship Order.

**(4 marks)**

**(Total: 11 marks)**

### Question 3

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

- (a) Explain why Kempston County Council should conduct an assessment under s17 of the Children Act 1989, and who would be responsible for conducting this assessment.  
**(6 marks)**
- (b) Explain whether, according to the statutory criteria, both Carly and Ellie would be considered a child in need.  
**(7 marks)**
- (c) Identify what immediate action should be taken if the s17 assessment results in both Carly and Ellie being identified as a child in need.  
**(3 marks)**

**(Total: 16 marks)**

### Question 4

Reference: Question relates to **Documents 4 and 5** in the case study materials.

- (a) Explain the statutory powers that the police have exercised in this case.  
**(5 marks)**
- (b) Explain why Kempston County Council should apply for an emergency protection order in this case.  
**(4 marks)**
- (c) Explain the effect of granting an emergency protection order in this case.  
**(4 marks)**

**(Total: 13 marks)**

**Turn over**

### **Question 5**

Reference: Question relates to **Documents 4 and 5** in the case study materials.

- (a) Explain why Kempston County Council should consider applying for an interim care order rather than a supervision order in this case, with reference to the relevant statutory provisions.

**(8 marks)**

- (b) Describe the statutory criteria for an interim care order and state whether Kempston County Council will satisfy those criteria.

**(6 marks)**

- (c) Explain whether Willa would be allowed to see George and Penny if an interim care order is granted.

**(3 marks)**

**(Total: 17 marks)**

**End of the examination**

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