

CASE STUDY MATERIALS

**June 2021
Level 3
THE PRACTICE OF CHILDCARE LAW
Subject Code L3-18**



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 18 – THE PRACTICE OF CHILDCARE 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.

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* 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 Daniel Williams
- Document 2** Email from Leroy McKay, Duty Social Worker,
re Daniel Williams
- Document 3** Email from Natasha Deeley, Social Worker, re Pallam Sharma
- Document 4** Email from Natasha Deeley, Social Worker, re Flora Lake
- Document 5** Email from Natasha Deeley, Social Worker, re Jade Harris
- Document 6** Note of telephone call from Natasha Deeley, Social Worker,
re Jade Harris

DOCUMENT 1

EMAIL

From: Leroy.mckay@kempston.gov.uk
To: a.traineelawyer@kempston.gov.uk
Date: 2 June 2021
Subject: Daniel Williams

Daniel Williams DOB 28 April 2017

PC Pauline Smith has contacted me regarding Daniel.

She visited Daniel's home yesterday evening following a call from a concerned neighbour, Jane Kirk. Jane had contacted the police after Daniel knocked at her door, saying that his mummy had had an accident and needed help.

When Jane went back with Daniel to his home, she found his mother, Tracey, lying at the bottom of the stairs. She was unconscious. It appears that Tracey, who was being treated for alcohol abuse, had been drinking and had fallen down the stairs.

Jane immediately called the emergency services. Paramedics arrived and took Tracey to Kempston University Hospital. The initial diagnosis from the hospital is that Tracey has suffered serious injuries and she is in intensive care. She has regained consciousness but, due to her injuries, she is likely to have to stay in hospital for many weeks.

Tracey is a single parent; Jane does not know of any other family members.

Jane offered to look after Daniel, but he has been placed with a foster carer for the time being.

Daniel's foster carer, Louise, has reported that Daniel is settling well with her, although he does keep asking when he can go home to mummy. He has told Louise that mummy is very precious and he loves her lots.

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DOCUMENT 2

EMAIL

From: Leroy.mckay@kempston.gov.uk
To: a.traineelawyer@kempston.gov.uk
Date: 4 June 2021
Subject: Daniel Williams

Daniel Williams DOB 28 April 2017

Mr Sulaiman, a consultant at Kempston University Hospital, has reported that Winston Brown contacted the hospital. Winston is Daniel's father. Following a news bulletin, which included a brief report referring to Tracey and Daniel, Winston phoned the hospital.

Winston and Tracey had a brief and volatile relationship a few years ago. The relationship broke down when Daniel was two years old. According to Winston, Tracey's alcoholism was the key cause.

Although Tracey did not name Winston as Daniel's father on the birth certificate, he has made regular maintenance payments for Daniel. Winston wanted to continue to have contact with Daniel, but Tracey refused to allow this. Winston said this was because she was still angry that he had left her. However, Winston has not yet taken any further action to enable him to have contact with Daniel.

Winston said he had contacted the hospital because he was concerned about Daniel. Winston told Mr Sulaiman that he was worried about Tracey's parenting because of her drinking. He wanted to take Daniel to live with himself and his new partner, Alesha.

I have advised Winston that he must contact you as a matter of urgency to discuss arrangements for Daniel. It is very clear from the conversation that I have had with Winston that he is determined to take Daniel home with him immediately. He is demanding to be told where Daniel is, so that he can collect him. Winston does not seem to appreciate that he does not have the right to do this at the current time.

DOCUMENT 3

EMAIL

From: Natasha.deeley@kempston.gov.uk
To: a.traineelawyer@kempston.gov.uk
Date: 4 June 2021
Subject: Pallam Sharma

Pallam Sharma DOB 12 October 2014

The head teacher of Kempston Primary School has recently contacted us about Pallam.

Pallam is the son of Indrajit and Madhu Sharma, two highly respected academics, who recently moved with their family to Kempston. They have two older sons, Eashan and Rajiv. The older boys did well at school and are both currently at university, making good progress.

Pallam, however, is really struggling at school, and is failing to a significant degree to achieve his expected educational milestones. The school has carried out initial assessments, which indicate that Pallam has significant learning difficulties and needs additional support. However, providing the level of support required will involve additional costs. To finance this, the school needs to obtain an Education, Health and Care Plan (EHCP).

The school has had a number of meetings with Indrajit and Madhu to discuss Pallam. The couple place a very strong emphasis on the value of a good education. But with two high-achieving sons, they are refusing to accept the school's assessment of Pallam.

Indrajit and Madhu's opinion is that the school's assessment is wrong. They feel that the school has not made enough effort to help Pallam settle in, and has failed to take into account that moving to a new home has unsettled him. As both Pallam's brothers excelled at school, his parents expect Pallam to do the same. They view an assessment of Pallam having learning difficulties as a weakness that they do not accept. They will not agree to the school applying for an EHCP.

The school has reviewed and confirmed its assessments, and has obtained initial advice from an educational psychologist. The head teacher is requesting help in dealing with the parents, in order to resolve this issue.

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DOCUMENT 4

EMAIL

From: Natasha.deeley@kempston.gov.uk
To: a.traineelawyer@kempston.gov.uk
Date: 4 June 2021
Subject: Flora Lake

Flora Lake DOB 12 January 2018

Flora is the sole surviving member of her family. Her parents and siblings all died, when their car was involved in a fatal collision in April. Flora was injured and has spent the last couple of months in Kempston University Hospital. The hospital has now confirmed that Flora should be sufficiently recovered to be discharged by the end of the month.

Flora does not have many relatives. Neither of her father's parents are alive, but her father had a sister, Kate, who is currently working on secondment in Canada. Kate plans to return to the United Kingdom when her secondment ends in six months, and has said that she wants to take care of Flora then.

Flora's maternal grandparents, Yvonne and Liam Morgan, are still alive, but they are in their sixties and Yvonne has health problems. They were very close to their daughter and her family, and they have been visiting Flora regularly. They want to maintain contact with Flora in the future, but they do not feel that, considering their age and health, they would be able to take on the commitment to care for her long term.

DOCUMENT 5

EMAIL

From: Natasha.deeley@kempston.gov.uk
To: a.traineelawyer@kempston.gov.uk
Date: 4 June 2021
Subject: Jade Harris

Jade Harris DOB 4 May 2018

Jade was seen by Dr Ally Young at the Kempston Health Centre two months ago. Her mother had taken her to the health centre for treatment following an accident at home. Dr Young was concerned that the injuries were not accidental, and she referred Jade to us.

A visit was made to the family home. Jade's mother, Chloe, said that she and Jade lived alone. Jade appeared to be quite happy with her mother. The house was well looked after. No concerns were identified. It was decided that no further action was required.

However, Dr Young has contacted us this week to report that she has seen Jade again. While examining Jade, she noticed evidence of previous injuries that, in her opinion, were non-accidental. These injuries have occurred since Dr Young last saw Jade.

I have visited Chloe to discuss Jade's welfare. Chloe initially said that she and Jade lived alone. But later she admitted that she has a boyfriend, Greg North, who moved in to live with her three months ago. Greg is separated from his wife. He is known to the police and has a significant history of domestic violence.

Chloe was adamant that Greg would not hurt Jade. She said that Greg was the best thing that had happened to her. They were planning to get married, and she said that Greg would be a great dad for Jade. Chloe did not believe that Greg was a violent person, and she accused the police of pursuing a vendetta against him.

But Chloe was unable to provide a satisfactory explanation to Dr Young for Jade's injuries. She simply suggested that Jade was a clumsy child. However, Chloe did admit that Greg, who is currently unemployed, regularly looks after Jade while Chloe is at work.

I have told Chloe that we need to carry out further enquiries and I have suggested that Greg should move out of her house for the time being. Chloe adamantly refuses to accept this advice. She simply repeats that the Greg she knows would never be violent, and that both his wife and the police are targeting him without any justification.

I have also had a brief conversation with Vernon Harris, Jade's father. He separated from Chloe soon after Jade was born but has kept in contact and sees Jade regularly. He says that he has noticed a change in Jade's behaviour recently. Vernon has had growing concerns about Jade since Greg's arrival. He has noticed that whenever Greg is mentioned in conversation, Jade seems to change from a happy child to a withdrawn and scared child.

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DOCUMENT 6

NOTE OF TELEPHONE CALL

Caller: Natasha Deeley, Social Worker
Call handler: Trainee Lawyer
Date: 4 June 2021 2.00pm
Subject: Jade Harris

Natasha Deeley confirmed that she had been in touch with Kempston Pre-School, which Jade attends two mornings a week.

Jade has been attending the pre-school for nearly a year. She settled in well and was a very sociable child, who loved playing with other children.

However, a change in Jade's behaviour has also been noticed in the past couple of months. The pre-school reports that Jade has become very clingy and doesn't want her mother to leave. And she has started to avoid playing with other children, preferring to sit in a corner, nursing a doll or looking at books.

The pre-school has concerns about what has caused this change in behaviour.

Jade's welfare is becoming a matter of serious concern.

End of Case Study Materials