

CASE STUDY MATERIALS

January 2017
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

- You will be provided with a clean copy of the case study materials in the examination.
- You are **NOT** permitted to take your own copy of the case study materials or any other materials including notes or text books into the examination.
- In the examination, candidates must comply with the CILEx Examination Regulations.

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

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.

- Document 1** Email from Baljit Kaur, social worker, re Emin Rivers
- Document 2** Note of telephone call from Kate Wright, duty social worker, re the Hempson family
- Document 3** Email from Kate Wright, duty social worker, re the Hempson family
- Document 4** Note of telephone call from Kate Wright, duty social worker, re Rutna and Sunan Byrne
- Document 5** Email from Baljit Kaur, social worker, re Nicky Symons
- Document 6** Email from Baljit Kaur, social worker, re Nicky Symons

DOCUMENT 1

EMAIL FROM BALJIT KAUR, SOCIAL WORKER

To: a.traineelawyer@kempston.gov.uk
From: baljit.kaur@kempston.gov.uk
Date: 17 January 2017
Re: Emin Rivers

Re Emin Rivers, DOB 12 October 2013

I have been contacted by the police concerning Emin and his mother, Bella Rivers.

A neighbour who hadn't seen Bella or Emin for several days had phoned the police expressing concerns about them. The police visited the flat where Bella and Emin lived and found Emin beside the body of his dead mother. It is believed that Bella died on Friday morning and that Emin had spent the weekend trapped in the flat.

Emin was very hungry and dehydrated. He was also very distressed and kept crying for his mother and 'Auntie Candice'. The police took him to University Hospital, Kempston, for a health check. He was discharged after one night in hospital and I have arranged for him to be placed in foster care for the time being.

The police say that they are not treating Bella Rivers' death as suspicious. Their inquiries have established that Bella was an only child whose parents died several years ago. She has no other known relatives. In early 2012, Bella went on holiday to Turkey. Emin was the result of a holiday romance Bella had with a local man whilst she was there. Bella did not realize that she was pregnant until she returned home and she never had any subsequent contact with the father. No father was named on Emin's birth certificate.

This information was provided to me by Bella's best friend, Candice Strutt. Bella and Candice became friends while attending ante-natal classes. The friendship developed after the birth of Emin, and the birth of Dylan, Candice's son. Candice has told the police that the two boys were like brothers. They both attended the same day nursery and Candice often looked after Emin at weekends when Bella was working. Candice is very upset at losing Bella but is also very concerned for Emin. She has said that she wants to adopt Emin. I have taken Candice to visit Emin and he certainly seems to have developed a deep bond with her.

I would like to discuss this case with you.

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DOCUMENT 2

NOTE OF TELEPHONE CONVERSATION

Caller: Kate Wright, Duty Social Worker
Call handler: A Trainee Lawyer
Date: 18 January 2017
Subject: James Hempson (aged 14), Polly Hempson (aged 6),
Amy Hempson (aged 5)

Yvonne Clarke, the Hempson children's aunt, contacted the police on Tuesday night. She was very worried about the children following a phone call she received earlier that day from James.

He told her that his mother, Sophie, had asked him to collect Polly and Amy from school on Tuesday as she had a hospital appointment. However, when the children arrived home, Sophie was not there. Instead James found a note from her and £150 cash.

The note read:

"Dear Jamie

Sorry, but I won't be back for a while. Please look after Polly and Amy for me. I have left money for you.

I haven't told you but I have been very lonely since your dad left us. Recently I decided to try online dating. I have met a fabulous man through this, Greg. The only problem is that he lives in Australia. He wants us all to move there to live with him. Greg suggested that he and I should meet as he wanted to show me what a wonderful life we can all have in Australia. He offered to pay my air fare so I decided to go. Greg says I really need time to experience Australia properly so I am going to be away for six weeks. I really do need the break. Life has been tough recently.

I'm sorry I didn't tell you. I am going to miss you all. But Auntie Yvonne will help. Give her a call.

Love you all

Mum"

The police visited the property and found the children there alone. They reported that conditions in the house were a cause for concern. The house was dirty and very untidy. The sink was full of unwashed plates and dishes and there was little food in the house.

The officers were very concerned for the safety of the children and decided to exercise their powers to protect them. They removed the children from their home and informed us. Accommodation was arranged for the children that evening. The police are currently trying to make contact with Sophie Hempson.

DOCUMENT 3

EMAIL FROM KATE WRIGHT, DUTY SOCIAL WORKER

To: a.traineelawyer@kempston.gov.uk
From: kate.wright@kempston.gov.uk
Date: 19 January 2017
Re: James, Polly and Amy Hempson

A quick update on the situation.

I have just heard from the police. They have managed to make contact with Sophie Hempson, the children's mother.

She is refusing to return home. She says that looking after the three children on her own (their father left her just after Amy was born) has left her exhausted and depressed. She desperately needs a break and this is what her on-line boyfriend, Greg, has offered her. So she does not intend to return home before late February.

She told the police that her sister Yvonne gets on well with the children and can look after them.

However, Yvonne is unable to help as she is recovering from an emergency operation. Yvonne has told the police that there are no other family members.

We will need to agree what arrangements need to be made for the children in the short term.

Kate Wright

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DOCUMENT 4

NOTE OF TELEPHONE CONVERSATION

Caller: Kate Wright, Duty Social Worker
Call handler: A Trainee Lawyer
Date: 19 January 2017
Subject: Rutna and Sunan Byrne

I have been contacted by Michael Byrne for advice regarding his children, Rutna and Sunan.

Michael met their mother Kanya while he was backpacking in Thailand in 2003. The couple married in Thailand and later returned to the United Kingdom to live. Rutna was born in 2006 and Sunan in 2008.

Initially, Kanya settled well into her new life in the UK and was a good mother to the children. When Sunan started school, Kanya got a job working part time in a care home. But Michael said that this gave her independence and led to a change in her character. They started to argue, and eventually the marriage broke down.

They divorced in 2015, but agreed to share the care of Rutna and Sunan. The agreement the couple reached was that the children would live with Kanya on weekdays, and then Michael would have them to stay at the weekends. This is the subject of a Child Arrangements Order (CAO).

Last weekend, Kanya told Michael that she planned to take the children back to Thailand for a month in March, which would result in them missing 4 weeks of schooling. Michael is very concerned about the impact on the children's schooling and has told Kanya that she cannot do this. She is adamant that she will go away with the children as planned. Michael is also concerned that Kanya may not return to the United Kingdom, although he thinks this is unlikely.

Michael rang to ask for advice on whether he can do anything about this situation.

DOCUMENT 5

EMAIL FROM BALJIT KAUR, SOCIAL WORKER

To: a.traineelawyer@kempston.gov.uk
From: baljit.kaur@kempston.gov.uk
Date: 18 January 2017
Re: Nicky Symons

Re: Nicky Symons (DOB 12 June 2008)

Nicky is 8 years old. He moved from Cardiff to Kempston with his mother, Hayley Symons, in late November and started at the Kempston Primary School in December. We have received a referral from the school as they have identified a number of concerns relating to Nicky.

The school has done an initial assessment of Nicky in relation to his educational development and has serious concerns about his levels of literacy and numeracy. They have also stated that his attendance to date is only 50% and needs to improve substantially. They are also concerned about his health, and particularly his weight. Based on the published guidelines, Nicky is an obese child. The school feels that this may be affecting his attendance and his educational progress.

I made initial contact with Hayley, Nicky's mother, to discuss the issues raised. Hayley did not appear to be unduly concerned.

She said that it was the school's job to educate Nicky, and not hers. And if he wasn't at the level he should be, the school was obviously not doing their job.

When asked about his low attendance at school, Hayley said that he often said he didn't want to go to school as it was 'boring'. Again, she blamed the school, and said that she wasn't going to make an issue of it with Nicky because she wouldn't win. So if he doesn't want to go to school she lets him stay at home playing computer games or watching TV.

She also said that she could not understand the fuss about his weight. Nicky was simply a boy with a 'healthy' appetite.

However, it appears that Hayley 'does not do cooking'. She simply lets Nicky eat the foods he likes – crisps, sweets, ice cream and burgers and chips from a nearby takeaway. Hayley has a similar diet and spends her day watching television. In the evening, she frequently leaves Nicky at home while she meets up with friends in the local pub.

My initial impression of Hayley is that she is not really interested in making any effort with Nicky or in showing an interest in what he does. Any problem identified will always be someone else's fault and not hers. I am very concerned about Nicky and would like to discuss him with you.

In the meantime, I am making contact with Cardiff Children's Services to find out whether Nicky and Hayley were known to them.

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DOCUMENT 6

EMAIL FROM BALJIT KAUR, SOCIAL WORKER

To: a.traineelawyer@kempston.gov.uk
From: baljit.kaur@kempston.gov.uk
Date: 19 January 2017
Re: Nicky Symons

Re: Nicky Symons (DOB 12 June 2008)

I have just received an email from Cardiff Children's Services which I am forwarding to you.

To: baljit.kaur@kempston.gov.uk
From: will.thomas@cardiff.gov.uk
Date: 19 January 2017
Re: Nicky Symons

Dear Baljit

In response to your inquiry, yes, we do know Nicky Symons and his mother.

Nicky was referred to us in 2014 by the school he was attending. The concerns were much the same as the concerns referred to yourself i.e. attendance at school, educational development and health.

We carried out a s17 assessment and put into place a child in need plan to provide support for Hayley and to address the concerns.

Unfortunately, despite several meetings with Hayley, we were unable to impress upon her the seriousness of the concerns or of her contribution to them. She was always blaming others, such as ourselves or the school, for the problems and we were unable to make any progress in improving her approach to parenting and so were unable to improve Nicky's situation. We were due to have a review meeting to discuss further action required when we were informed by her landlord that Hayley had left Cardiff. She had not left any details of where she could be contacted.

I will arrange for the case file to be transferred to you.

Kind regards

Will Thomas
Social Worker

End of Case Study Materials