

**LEVEL 3 - UNIT 18 – THE PRACTICE OF CHILD CARE
SUGGESTED ANSWERS – JANUARY 2017**

Note to Candidates and Tutors:

The purpose of the suggested answers is to provide students and tutors with guidance as to the key points students should have included in their answers to the January 2017 examinations. The suggested answers do not for all questions set out all the points which students may have included in their responses to the questions. Students will have received credit, where applicable, for other points not addressed by the suggested answers.

Students and tutors should review the suggested answers in conjunction with the question papers and the Chief Examiners' reports which provide feedback on student performance in the examination.

Question 1

(a) Kempston County Council Childrens Services has a statutory duty of care under s.17(1) Children Act (CA) 1989 to safeguard and promote the welfare of children in need in their area. It has a duty for Emin as he is a child in need because his mother has died and there are no close relatives able to care for him.

(b) Protecting children requires joint working in a planned way between agencies such as local authorities, and professionals such as doctors, police, and teachers. This could also include legal personnel providing advice. In Emin's case, it will involve the police, the hospital, the nursery and the local authority childrens services working together.

(c) Long term placement solutions to be considered in Emin's case are adoption, or alternatively special guardianship or a child arrangements order. In Emin's case, adoption by Candice should be carefully considered as it would provide a permanent solution involving a person who has a close relationship with Emin.

(d)(i) A placement order is an order that authorises a local authority to place the child for adoption. In Emin's case, if the decision is to place him for adoption, a placement order would be required because there is no parent to give consent – Bella has died and his father is not traceable.

(d)(ii) A placement order would give parental responsibility to Kempston County Council. This would be shared with Candice, the prospective adopter, s.25 Adoption and Children Act (ACA) 2002. Parental responsibility will allow Kempston County Council to make day to day decisions regarding Emin's care for the time being.

Question 2

(a)(i) Kempston County Council should apply for an emergency protection order as police protection only lasts for a maximum of 72 hours, and the protection currently in place is due to expire soon, s.46 CA 1989. An emergency protection order would authorise Kempston County Council to place the children in a safe environment, which they need as they are living alone in an untidy and dirty environment, and their mother is absent.

(a)(ii) The ground for an application for an emergency protection order, in this case, is the common ground, s.44 CA 1989.

To satisfy the common ground, a local authority must show that it has reasonable cause to believe that the child is likely to suffer:

- Significant harm unless moved to accommodation provided by local authority, OR
- Significant harm if (s)he does not remain in present accommodation.

In this case, it is not safe to allow children to remain at home without an adult present as they are at risk of suffering harm.

(b) An emergency protection order confers parental responsibility on the applicant. So Kempston County Council will be granted parental responsibility in addition to Sophie. The authority will be limited to doing what is necessary to safeguard and promote the welfare of the children. It will allow Kempston County Council to place the children in suitable accommodation.

The order will last for a limited period of 8 days initially. It can be extended by a further 7 days.

Question 3

(a) An interim care order should be applied for, s.31 CA 1989. This order will place the children in the care of Kempston County Council, and will be necessary because the children will need to be looked after until their mother returns, which will possibly not be for 6 weeks.

(b) The threshold criteria, or statutory criteria, for care orders, s.31(2) CA 1989, requires that:

- The child is suffering or is likely to suffer significant harm, and
- The harm is attributable to the care being given to, or likely to be given to the child if an order is not made, being less than reasonable.

Harm includes ill treatment, health concerns, development matters, emotional harm and neglect. Significant requires that the harm is of a serious or important nature.

Here, the children are suffering harm as they are living in a dirty, untidy house, with little food, and they have been left alone with no adult present. This harm is significant and is due to neglect by their mother, who has left them in the care of the oldest child, who is only 14 years old.

(c)(i) The form required to commence proceedings for a care order is Form C110A.

(c)(ii) The additional documents that need to be filed with C110A are:

- Social chronology
- Social work statement and genogram
- Current assessments
- Threshold statement
- Care plan
- Index of checklist of documents

Question 4

(a) Michael should apply for a prohibited steps order to resolve the issue regarding the proposed holiday. This is an order imposing a restriction on the exercise of parental authority by preventing a certain action. For example, it can be used to prevent a parent taking a child out of the country.

Here, Michael and Kanya cannot agree on the extended holiday abroad, so Michael could apply to the court to resolve the matter.

Note: Alternatively candidates could suggest a specific issue order, explaining the order and making an appropriate application regarding the disagreement over being absent from school due to the planned holiday.

(b) The key principles, under s1 CA 1989, that the court must consider when an application is made for a s8 order are:

1. Paramountcy principle -
Any decision must be made in the best interests of the child. The court will apply the welfare checklist to determine what is in the child's best interests.
2. No delay principle -
Any delay must be avoided as it is prejudicial to the child's welfare.
3. No order principle -
The court will only make an order if that is a better solution than not making an order – this supports the non-interventionist approach.
4. Parental involvement -
Court should presume, subject to evidence to the contrary, that parental involvement in the child's life will promote the child's welfare.

Question 5

(a) A child protection conference is an inter-agency meeting, attended by all professionals involved with the child and family, to share information and to decide how best to safeguard and promote the welfare of the child. A Section 17 risk assessment will be carried out and a child protection plan will be agreed.

Here, Hayley has not cooperated with relevant agencies and there are serious concerns about Ricky's developmental needs – his health, education and emotional needs are not being met. Hayley's parenting capabilities appear to be continuing to need improvement, and for this she will need support.

(b) The purpose of a child protection plan is to ensure the child is safe and their welfare is promoted, and to allow the local authority to monitor and support Nicky and Hayley.

Kempston County Council will identify the nature and source of the harm and the support required, and it will appoint a key worker. It will ensure reviews occur to confirm that improvements take place.

(c) If the child protection plan does not result in the improvements required, the following steps should be taken by Kempston County Council:

- Legal advice should be obtained
- It should communicate with the parents and the child (if of sufficient age and understanding) with a letter before proceedings
- It should explain concerns and actions required to avoid court proceedings
- It should advise parents to get legal advice
- It should invite the parents to a pre-proceedings meeting to discuss concerns and possible actions
- It should then provide a revised care plan – stating agreed actions
- It should state the outcome if the actions are not followed
- If no improvement occurs, Kempston County Council should issue proceedings.