



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.

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

Question 1

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

- (a) Explain the general statutory duty owed by Kempston County Council to Emin.
(3 marks)
- (b) Explain how inter-agency working will enable Kempston County Council to carry out its duty to Emin.
(3 marks)
- (c) Identify the long term solutions to be considered in this case and advise on the most appropriate in Emin's case.
(3 marks)
- (d) Explain:
- (i) why a placement order would need to be applied for in this case;
(2 marks)
 - (ii) the effect of a placement order in this case.
(3 marks)

(Total: 14 marks)

Question 2

Reference: Question relates to **Documents 2 and 3** of the case study materials.

- (a) Advise:
- (i) why Kempston County Council should apply for an emergency protection order in this case;
(4 marks)
 - (ii) the ground for applying for an emergency protection order in this case.
(4 marks)
- (b) Explain the effect of an emergency protection order being granted in this case.
(5 marks)

(Total: 13 marks)

Question 3

Reference: Question relates to **Documents 2 and 3** of the case study materials.

- (a) Advise which order should be applied for in this case following the application for an emergency protection order.
(3 marks)
- (b) Explain the statutory criteria for this order and whether Kempston County Council will satisfy the criteria in this case.
(6 marks)
- (c) Identify:
- (i) the form required to commence the proceedings;
(1 mark)
- (ii) the additional documents that must be filed with the court when the application is made.
(6 marks)

(Total: 16 marks)

Question 4

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

- (a) Advise which s8 Children Act 1989 order Michael could apply for to resolve the issue regarding the proposed holiday.
(4 marks)
- (b) Describe the key principles, under s1 Children Act 1989, which the court must consider when deciding whether to make an order.
(6 marks)

(Total: 10 marks)

Turn over

Question 5

Reference: Question relates to **Documents 5 and 6** of the case study materials.

- (a) Explain why a child protection conference might be arranged in this case.
(5 marks)
- (b) Explain the purpose of a child protection plan in this case.
(5 marks)
- (c) Outline the further action that should be taken if the child protection plan does not result in an improvement in Nicky's circumstances.
(7 marks)

(Total: 17 marks)

End of Examination Paper