

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 textbooks 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**

CASE STUDY MATERIALS

ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer working in 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 Natasha Deeley, Social Worker, re Zane Floyd
- Document 2** Email from Natasha Deeley, Social Worker, re Zane Floyd
- Document 3** Email from Natasha Deeley, Social Worker, re Yamini and Manya Birla
- Document 4** Email from Natasha Deeley, Social Worker, re Reuben Smithson
- Document 5** Note of telephone conversation with Zena Morgan, Duty Social Worker, re Stefan Nowak
- Document 6** Note of telephone conversation with Zena Morgan, Duty Social Worker, re Stefan Nowak

DOCUMENT 1

EMAIL

From: natasha.deeley@kempston.gov.uk
To: a.traineelawyer@kempston.gov.uk
Date: 14 January 2020
Subject: Zane Floyd (DOB 2 January 2015)

I have had a telephone call from Graham Nickerson, Zane Floyd's maternal grandfather.

Zane is the son of Nancy and Bobby Floyd. Bobby Floyd is a long-term drug abuser. He also has a record of aggressive and unpredictable behaviour, and a reputation for serious domestic violence. Despite this, he exerts a fatal attraction on Nancy, which cannot be broken. Nancy loves Zane, but she always puts her husband first, above her own well-being and before the safety and welfare of Zane.

Nancy's family had concerns about her relationship with Bobby from the start – and about the impact of the relationship on Zane, once he was born. Nancy recognised this and agreed to Zane being brought up by her parents, Graham and Evelyn Nickerson. Nancy paid the occasional visit to her parents to see Zane. Bobby has never visited. Zane has come to view his grandparents as his parents.

Nancy was referred to us during her pregnancy, and we have occasionally had contact with Graham and Evelyn since Zane was born. They have managed a challenging situation exceptionally well, ensuring that Zane has some contact with Nancy, although in the past year this has become minimal.

Graham and Evelyn have noticed that since Zane returned to school in January, he has been unsettled. He seems to be having trouble sleeping, and sometimes wakes in the middle of the night, having had a nightmare. Yesterday, Zane told Graham that since early January this year, Bobby has been hanging around near the school almost every lunchtime. Zane, who has never had any relationship with his father, told his grandfather that Bobby being there is making him feel nervous. Yesterday, Bobby shouted: 'Hi Zane, it's your Dad! I'm going to come and get you soon. You're going to live with your Mum and me!'

Graham said that after Zane told him this, he burst into tears and said: 'But I don't know him, Gramps. I don't want to go! This is my home and I love you all.'

Graham is very concerned. He is worried that Bobby's behaviour is becoming more unpredictable, and wonders whether Bobby might actually try to collect Zane from school. He has spoken to the school and requested that they do not allow Bobby to have any contact with Zane. However, the school has said that they could not agree to this without proper authorisation, as Bobby is Zane's father and has parental rights.

Graham has asked for our advice on the action that can be taken to remedy the situation and enable Zane to feel secure and settled.

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DOCUMENT 2

EMAIL

From: natasha.deeley@kempston.gov.uk
To: a.traineelawyer@kempston.gov.uk
Date: 16 January 2020
Subject: Zane Floyd (DOB 2 January 2015)

Graham Nickerson wants further advice regarding his grandson, Zane Floyd (see my previous email, dated 14 January 2020 [**Document 1**]).

A month after he was born, Zane went to live with his grandparents, Graham and Evelyn Nickerson and their two children, Jack aged 15 years, and Kelly, aged 19 years. The Nickersons also have Kelly's son, Oscar, aged 3 years, living with them.

The arrangement regarding Zane has been an informal arrangement between Zane's mother, Nancy, and her parents. Initially, Graham and Evelyn hoped that the arrangement might simply be a temporary one, and that Nancy would eventually be in a position to care for Zane herself. However, Nancy remains obsessed with Bobby, and her lifestyle with Bobby is an unsuitable environment in which to bring up a young child. Bobby's behaviour is also becoming increasingly erratic and is a real concern. Graham and Evelyn feel that a more permanent solution is necessary for Zane and his security, and they also want to avoid problems in the future.

In the past, Graham and Evelyn have spoken to Nancy about their concerns. Nancy's response is always that they should do what they think is best for Zane. She said that she and Bobby weren't bothered, and as long as they had each other, that was all that mattered to them.

Graham and Evelyn have done an exemplary job in giving Zane a stable home, shared with other family members. They are right to want to formalise the situation.

We simply need to agree the best way forward.

DOCUMENT 3

EMAIL

From: natasha.deeley@kempston.gov.uk
To: a.traineelawyer@kempston.gov.uk
Date: 15 January 2020
Subject: The Birla Family

Yamini Birla (DOB 25 March 2015)
Manya Birla (DOB 12 August 2016)

We were contacted yesterday by The Little Tikes Pre-School in Kempston. The staff at the pre-school have concerns about Yamini and Manya Birla.

The children's father fell ill last year, while on a trip to visit family in India, and he died before he could return to England. Their mother, Aisha Birla, moved to Kempston with the girls late last year, to be closer to her family.

The girls started attending the pre-school in January. The staff have had increasing concerns about the care being given by Aisha. Yamini and Manya often come to pre-school unwashed, with matted hair, and clothing that is dirty and dishevelled. Although Yamini is now nearly five years old, she is not toilet trained. Both girls often arrive in soiled nappies that haven't been changed for at least 12 hours. The girls regularly ask for a drink as soon as they arrive at pre-school, and appear very hungry.

Yamini said that their mother doesn't give them any breakfast. Yamini has told the staff that mummy is too tired to get them ready properly in the morning, as she has to work all night to earn money, as they have no daddy. Yamini said that one of her aunties stays with them, while mummy works.

The staff have tried to have a conversation with Aisha to offer help, but she always says that she is in a hurry to get back home.

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DOCUMENT 4

EMAIL

From: natasha.deeley@kempston.gov.uk
To: a.traineelawyer@kempston.gov.uk
Date: 14 January 2020
Subject: Reuben Smithson (DOB 21 June 2003)

Reuben Smithson is the son of Fiona Smithson. His father is unknown.

Fiona has led a very chaotic life, dabbling in drugs and having relationships with a number of men. When Reuben was born, Fiona suggested to her parents, Harold and Patricia Smithson, that it would be better for Reuben if they looked after him. They were happy to do this.

Reuben has been diagnosed as autistic and he experiences difficulties in communicating, which leads to frustration and anger. This then leads to outbursts of challenging physical behaviour, which have made caring for him increasingly difficult for his ageing grandparents.

Reuben is developing into a strong young man and his behaviour is becoming worse. During his early years, Harold was able to manage Reuben's behaviour, but last year Harold was diagnosed with a very serious health condition. This required extensive medical treatment, which is ongoing. Patricia has had to provide support for Harold and also try to manage Reuben, which she has found impossible. She has just been diagnosed with dementia, although it is in its early stages.

Reuben's outbursts of temper have increased. In his frustration, he is becoming physically aggressive, hitting furniture, walls and doors and throwing objects. Reluctantly, Harold and Patricia have come to the conclusion that they are no longer able to care for Reuben or to protect him from injuring himself.

Although her life remains chaotic, Fiona has kept in regular contact with Reuben and her parents. But it is our judgement that she would not be able to care for Reuben properly, even if she were willing. From conversations with her, it seems that, while she accepts that her parents can no longer cope, she recognises that she is not in a position to take on responsibility for Reuben herself.

Alternative arrangements now need to be made for Reuben. Fiona, Harold and Patricia are adamant that the solution that they all want for Reuben is for him to be placed with a foster carer. Fiona is also adamant that it will be important for Reuben to maintain contact with all his family.

DOCUMENT 5

NOTE OF TELEPHONE CALL

Caller: Zena Morgan, Duty Social Worker
Call handler: Trainee Lawyer
Date: 17 January 2020 9.30 am
Subject: The Nowak Family

Wiktor Nowak (DOB 3 June 2013)
Stefan Nowak (DOB 25 March 2015)

I have just received a telephone call from the head teacher of Kempston Avenue Primary School, regarding Stefan Nowak.

Stefan and his brother, Wiktor, started attending the school last November, when the family moved to Kempston. Their mother, Lucy Nowak, is separated from their father, Tomasz, who has returned home to Poland. Lucy has moved with the boys to Kempston, to live with her new boyfriend, Danny Worton.

The teachers had noticed that Stefan was a quiet child, who did not mix with other children in his class. His teachers believed that this was due to moving homes and to the change in school, and that he simply needed time to adjust.

However, this morning when he arrived in class, he became very tearful. He told his teacher that he didn't feel well and that his arms hurt. When his teacher suggested that she have a look at his arms, he initially resisted. But, eventually, he rolled up his sleeves and the teacher saw what appeared to be a number of burns and several scars from previous injuries.

The teachers talked to Stefan's brother, Wiktor. He said that Danny, mummy's new boyfriend, did not like either of the boys and that Danny was often unkind to Stefan and hurt him, which made him cry.

The school contacted us immediately for advice and was told to arrange for Stefan's injuries to be checked. They had already called a paramedic. His advice was that Stefan should be taken to be seen by a doctor at the local hospital.

The school contacted Lucy to inform her of the position and she became very agitated. She said that the burns had been caused by Stefan playing with her electric hair-curling tongs. She said that getting Stefan checked in hospital was being overcautious, but that she would collect him from school and take him herself. However, by this stage, Stefan had already been taken to the hospital by the paramedic.

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DOCUMENT 6

NOTE OF TELEPHONE CALL

Caller: Zena Morgan, Duty Social Worker
Call handler: Trainee Lawyer
Date: 17 January 11.30 am
Subject: Stefan Nowak

Wiktor Nowak (DOB 3 June 2013)
Stefan Nowak (DOB 25 March 2015)

Mr Venn, a paediatric consultant at Kempston University Hospital, has just telephoned.

He has examined Stefan. His initial opinion is that, although some of the burns could have been caused as Lucy suggested, others were likely to have been caused by cigarettes. Mr Venn also noted that Stefan has significant scarring on his arms and his buttocks, probably as the result of cuts being inflicted, or of being beaten.

Mr Venn has placed Stefan in a private room with a member of staff. Stefan does not need to remain in hospital, but Mr Venn is concerned that returning home at this time might not be in Stefan's best interest, particularly as it is coming up to the weekend. His opinion was that further investigation is required.

He reported that Lucy and Danny had just arrived and were demanding to see Stefan. He said they were both very angry, particularly Danny, who was threatening staff in an inappropriate way.

Mr Venn wants urgent advice about what the hospital should do.

End of Case Study Materials