

CASE STUDY MATERIALS

September 2020
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 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 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, Social Worker, re Hayat Baqri
- Document 2** Note of telephone call re Hayat Baqri
- Document 3** Email from Lara Patel, Duty Social Worker, re Lucy Oakes
- Document 4** Note of telephone call re Lucy Oakes
- Document 5** Email from Pamela Simpson, Social Worker, re Darren Smith

DOCUMENT 1

EMAIL

From: Leroy.mckay@kempston.gov.uk
To: a.traineelawyer@kempston.gov.uk
Date: 8 June 2020
Subject: Hayat Baqri

Hayat Baqri DOB 7 November 2014

The Headteacher of Kempston Grove Primary School has phoned to raise concerns about Hayat.

Hayat recently moved to Kempston with her parents, Kamila and Saeed Baqri. Hayat started attending the school two weeks ago, although no information had been received from her previous school in Sheffield. The Headteacher has requested that this information is sent as a matter of urgency.

Hayat presented the school with a number of concerns. She was arriving at school dirty and dishevelled. A more serious problem was that she did not appear to have been toilet-trained. On her first day, she wet herself, but the staff put that down to the change of environment. The same thing happened on the following two days. After staff discussions, the Headteacher invited Kamila and Saeed into school to discuss the problem.

Kamila and Saeed said Hayat was their only child. They had given up any hope of having a family, until Kamila became pregnant in her late 40s. They said that they loved Hayat dearly and felt very blessed to have her. But they did not appear to appreciate that it was their responsibility – and not the teacher’s – to ensure that Hayat was toilet-trained. Nor did they appear to have any concept of the importance of personal hygiene.

However, they did express some concerns about Hayat, including that her general behaviour was difficult to manage. She had been slow in learning to speak and would not socialise with other children, preferring her own company. She often seemed unaware of what was going on around her, and her play involved repetitive patterns. She needed a very regular pattern of behaviour. Any change to her normal routine resulted in her becoming very upset. Kamila and Saeed suggested that perhaps it was the family move that had caused the toileting problems.

Kamila and Saeed’s description of Hayat’s behaviour reflected observations by Hayat’s teacher, Mrs Owen, who had expressed clear concerns about Hayat’s behaviour. She had suggested that Hayat might be autistic and therefore in need of special support. Mrs Owen had also been concerned at Hayat’s reaction to other children. When they had tried to make friends with her, Hayat had shown aggressive behaviour, kicking or pinching them.

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DOCUMENT 2

NOTE OF TELEPHONE CALL

Caller: Leroy McKay, Social Worker
Call handler: Trainee Lawyer
Date: 10 June 2020 9.30 am
Subject: Hayat Baqri

1. Report of telephone conversation with Kempston Grove Primary School

The Headteacher of Kempston Grove Primary School rang this morning to confirm that he had just received the pupil information file from Hayat's previous school in Sheffield.

The information file confirmed the concerns raised about Hayat. At her previous school, Hayat had exhibited all the behaviours that Kempston Grove had observed and are concerned about. A referral was made to Sheffield Social Services Department, and child protection procedures were commenced.

The contact at Sheffield Social Services was identified as Farhad Iqbal.

2. Report of telephone conversation with Farhad Iqbal, Lead Social Worker

Farhad Iqbal was the Lead Social Worker responsible for Hayat and her family.

He confirmed that his team had been working with Hayat and her family for nearly a year. An s.47 assessment had been carried out, and a child protection plan had been agreed and implemented. Unfortunately, when the plan was reviewed, a key concern remained – the inability of the parents to understand Hayat's behaviour or to develop the appropriate parenting skills that they needed in order to support Hayat and manage her behaviour.

Although Kamila and Saeed loved Hayat, they seemed unable to understand or accept their role in supporting her. Kamila and Saeed seemed to expect the professionals to do all the work, and made no effort to follow the advice that they were given or to take the actions expected of them.

At the last child protection conference, the team had agreed that Hayat remained at risk while she was in the care of her parents. A recommendation was made for the local authority to consider applying to the court for an interim care order.

A letter before proceedings had been sent to Kamila and Saeed in May. Shortly after this, they had moved to Kempston. Kamila and Saeed had not informed Farhad Iqbal, or his team, of their intention to move, and they had not communicated their new address.

[NOTE TO CANDIDATES: For the purposes of this examination, candidates are not expected to have knowledge of the 'transfer-in' process, when a family moves from one local authority to another.]

DOCUMENT 3

EMAIL

From: Lara.patel@kempston.gov.uk
To: a.traineelawyer@kempston.gov.uk
Date: 12 June 2020
Subject: Lucy Oakes

Lucy Oakes DOB 27 July 2013

This is to confirm our telephone conversation this morning.

Lucy Oakes is the daughter of Gemma Oakes and Mick Murray.

An emergency call was made last night at 11.25 pm from 28 Richmond Way, Kempston. The caller was Lucy, who said: 'My daddy had a bad argument with my mummy and hurt mummy badly. She needs a doctor.'

When the police arrived at the house, they found Lucy sitting next to her mother. Gemma was lying on the floor and had been very badly beaten. An ambulance was called and Gemma was taken to hospital, but the staff there were unable to save her life.

Lucy was placed in emergency accommodation. Specially trained officers are with her.

Lucy's parents were in a relationship for several years, but they never married and Mick was not named on Lucy's birth certificate. Mick had a long history of domestic violence, and his relationship with Gemma was volatile. In June 2016, Mick had been given a prison sentence for a serious attack on Gemma. Following his conviction, Gemma told him that their relationship was over. She moved to Kempston to start a new life with Lucy and to be closer to her sister and brother-in-law, Paula and Tony Waite.

Mick was released from prison last week and found out Gemma's new address. There are several witnesses who have reported seeing a man matching Mick's description 'loitering' on Richmond Way. The police are urgently looking for him in connection with the attack on Gemma on 11 June.

In the meantime, Lucy has told us that Paula and Tony, Gemma's closest family, are away on holiday in India. We are currently trying to make contact with them.

The police have also had a phone call from Mick's parents, Ursula and Vic Murray. They said that they had heard the news and were very concerned about Lucy. They said that they were going to travel from Ireland to collect Lucy within the next couple of days, as their son doted on Lucy and would want his family to care for her. The police suspect that Mick's parents must have talked to Mick since last night.

When Ursula and Vic were mentioned to Lucy, she became extremely distressed. She told the officers that she had never met her daddy's parents, or any of his family, as 'Mummy said that they were bad people'. Lucy had never been to Ireland to see Ursula and Vic. She said that the only family she had were Auntie Paula and Uncle Tony and she wanted to live with them.

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DOCUMENT 4

NOTE OF TELEPHONE CALL

Caller: Lara Patel, Duty Social Worker
Call handler: Trainee Lawyer
Date: 12 June 2020 12.30 pm
Subject: Lucy Oakes

Contact has been made with Paula Waite, Lucy's aunt.

Paula and her husband, Tony, will return home as soon as they are able to arrange a flight.

Paula confirmed that she and Gemma were very close. Gemma had said that if anything happened to her, Paula and Tony should look after Lucy. In fact, Paula and Tony would like to adopt Lucy.

Gemma had also said that Mick had told her about his parents. On the basis of what he had said, Gemma had never wanted to meet them, or to let Lucy meet them. Paula confirmed that, as far as she was aware, Lucy had not met any of Mick's family.

DOCUMENT 5

EMAIL

From: Pamela.simpson@kempston.gov.uk
To: a.traineelawyer@kempston.gov.uk
Date: 8 June 2020
Subject: Darren Smith

Darren Smith DOB 22 April 2013

I have just had a phone conversation with Adam Paulson, Darren's father.

When Darren was four years old, we provided some short-term support for his mother, Rachelle Smith. She had no close family support, was finding life as a single parent with a young child very difficult and needed help. Her relationship with Adam had recently broken down and, shortly after, Darren had been diagnosed with an incurable medical condition. The diagnosis was that Darren was likely to require an increasing level of support and medical care as he grew older. With support from various agencies, Rachelle was able to make the necessary adjustments to her life and to provide the care Darren needed.

Adam was determined to play his part in Darren's life, even though his relationship with Rachelle had broken down. He kept in regular contact with Rachelle and they regularly discussed Darren's health and welfare. Rachelle also agreed to let Darren spend alternate weekends with his father and some holidays. As a result, Adam has a very good relationship with Darren.

However, Adam has noticed that Rachelle has become increasingly protective of Darren and he has realised that she is not keeping Adam involved in decisions, as she had promised. She also seems to be making it more difficult for Adam to have the regular contact that was agreed.

Last weekend, Adam's conversations with Darren revealed that Darren has had several hospital appointments recently. This has confirmed Adam's concerns that Rachelle is trying to exclude him from Darren's life. Adam has tried to talk to Rachelle to resolve their differences, but he is finding this difficult, as Rachelle is becoming increasingly irrational. She has now told Adam that, as Darren's mother and sole carer, she will be making all the decisions. If Adam does not accept this, she has said she will simply stop Adam seeing Darren.

Adam is very concerned. He had hoped that both he and Rachelle could work out the arrangements that suited them. For a time, this had worked, but Rachelle is now starting to ignore their agreement. Although Adam is Darren's father, he is not named on the birth certificate. Adam now feels that he may need to take more formal action.

Adam decided to contact me for advice as a first step, as he knew that I was Rachelle's support worker three years ago and that Rachelle trusted me and listened to me.

End of Case Study Materials

