



## 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.

*Turn over*

\* 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 Natasha Deeley, trainee social worker, re Olivia Roberts

**Document 2**      Note of telephone conversation re Molly Jones

**Document 3**      Note of telephone conversation re Charlie Sumner

**Document 4**      Email from Natasha Deeley, trainee social worker, re Ellie Winterslow

**Document 5**      Email from Natasha Deeley, trainee social worker, re Ellie Winterslow

## DOCUMENT 1

## EMAIL FROM NATASHA DEELEY, TRAINEE SOCIAL WORKER

**To:** a.traineelawyer@kempston.gov.uk  
**From:** natasha.deeley@kempston.gov.uk  
**Date:** 14 June 2017  
**Subject:** Olivia Roberts

**Re Olivia Roberts, DOB 12 February 2011**

Olivia's mother, Rebecca Roberts, has contacted us requesting advice.

Rebecca Roberts and Kevin McNamara started living together in 2009. In 2011, their daughter Olivia was born and Kevin was named as her father on her birth certificate. Kevin was thrilled to be a father and initially was very supportive of Rebecca and Olivia.

As time went on, and the novelty of being a father wore off, Kevin started reverting to his previous lifestyle. He had a large group of male friends with whom he enjoyed sporting and social activities. These activities started to involve weekends away, and before long Kevin would regularly be absent at weekends, leaving Rebecca to look after Olivia on her own. Rebecca felt that she deserved some time for herself and consequently became isolated and depressed.

This led to difficulties in the couple's relationship. Eventually, in January 2017, Rebecca told Kevin that she could see no future in their relationship and that he would have to move out. This came as a complete surprise to Kevin. He told Rebecca that he loved her and Olivia and promised that he would change. He begged Rebecca to change her mind. Rebecca was adamant that they needed a period apart. She told Kevin to move out and that he had six months to prove that he could change before she would let him return. She said that she would look after Olivia during the week but that Olivia could stay with Kevin alternate weekends. She also said that she expected Kevin to attend important events in Olivia's life, such as school plays and sports days. Kevin agreed.

However, Kevin found it hard to change his lifestyle. He was very unreliable in meeting his commitments to Olivia. He would turn up late to collect her, or ring at short notice to cancel. On several occasions, Kevin actually forgot to collect Olivia, which upset her. Olivia would often say to her mother 'I do love Daddy. He's fun to be with. Why doesn't he remember me?'

Last week, Rebecca told Kevin that she was stopping all contact between him and Olivia. She said that she had given him plenty of opportunity to do what he had promised but he had failed. His unreliable behaviour was upsetting Olivia, who was now having trouble sleeping, and this was starting to affect her progress at school. Kevin told Rebecca that she had no right to stop contact and that he would do what was necessary to ensure that he continued to see Olivia.

Rebecca is very concerned about Olivia's welfare. She is determined to oppose any form of contact with Kevin because he has been so unreliable.

**Turn over**

DOCUMENT 2

**NOTE OF TELEPHONE CONVERSATION**

**Caller:** Kate Wright, Duty Social Worker  
**Call handler:** Trainee Lawyer  
**Date:** 14 June 2017  
**Subject:** Molly Jones

Kate Wright called to report a telephone conversation with Ursula Winston, Headmistress of Kempston School, concerning a pupil, Molly Jones. Molly is 13 years old. For the past two months the staff have had increasing concerns about Molly.

The key concerns have been:

1. Attendance – she has regularly been absent. Her attendance rate is currently 50%.
2. Appearance – staff have noted that her uniform often appears in need of a wash and her appearance is always unkempt and dishevelled.
3. School work – Molly is falling behind because of her poor attendance record. When she does attend, she appears to be very tired and finds it difficult to concentrate.

The school has been monitoring the situation and has tried to find out from Molly whether there are problems. They have also tried to contact her parents by phone and by post but have been unable to get a response.

This morning, Molly arrived at school late and was sent to see Mrs Winston. She was very upset and broke down in tears. Finally, she admitted there was a problem. In May 2016, her mother had been diagnosed with a serious illness, which has had long-term effects on her mobility. Molly's father, Pete, had to take on responsibility for the home and for looking after his wife, as well as working. Pete was unable to cope. He left the family home in April 2017, although he has continued to provide some financial support.

When her father left, Molly was scared that she would be separated from her mother and put into care, so she took on the role of looking after her mother. This has been the cause of the school's concerns.

**DOCUMENT 3**

**NOTE OF TELEPHONE CONVERSATION**

**Caller:** Kate Wright, Duty Social Worker  
**Call handler:** Trainee Lawyer  
**Date:** 16 June 2017  
**Subject:** Charlie Sumner (DOB 29 October 2008)

Kate Wright rang to report a telephone conversation with Dr Jamila Sharma, a doctor in the Accident and Emergency Department of Kempston University Hospital.

Dr Sharma rang to report concerns regarding Charlie Sumner, who was brought to the hospital last night.

Charlie presented with a black eye, a deep cut under that eye, and bruising to his chest and abdominal area.

Charlie's mother, Amy Sumner, told Dr Sharma that he was a clumsy child and had sustained the injuries when he tripped over a toy and hit his head on the corner of a coffee table. However, the injuries as a whole were not consistent with this story. Dr Sharma also noted that there was evidence that Charlie had sustained previous injuries.

When Amy went outside for a cigarette, Dr Sharma was able to ask Charlie what had happened. Charlie said that his mother was having an argument with her partner, Ted. He said they were always arguing and Ted often hit Amy. Last night, when they started arguing, Charlie stepped in front of his mother to protect her. But Ted hit him and pushed him out of the way. This caused Charlie to trip and hit his head on the corner of a chair.

When Amy returned, Dr Sharma told her that Charlie was very shaken up and that he had identified Ted as the cause of his injuries. Amy would not accept this. She said that Charlie had a vivid imagination and was always making up stories and causing problems with Ted.

Dr Sharma is keeping Charlie in hospital for observation but will have to discharge him in the next few days. Amy is pressing to take him home today, but Charlie has said that he is scared of returning home if Ted is still there. Amy says that Ted will not be there because she has 'sent him packing'. Charlie is not reassured by his mother's claim. He says that this has happened before, and Amy always relents and lets Ted return.

Dr Sharma is very concerned for Charlie's welfare.

**Turn over**

DOCUMENT 4

EMAIL FROM NATASHA DEELEY, TRAINEE SOCIAL WORKER

**To:** a.traineelawyer@kempston.gov.uk  
**From:** natasha.deeley@kempston.gov.uk  
**Date:** 14 June 2017  
**Subject:** Ellie Winterslow (DOB 2 May 2005)

Ellie has been living with her mother, Sarah, and stepfather, Gary Harris. Her father died when she was 5 years old.

Ellie was referred to us by her school following claims she made that she was being sexually abused by her stepfather. Sarah and Gary both vehemently denied Ellie's claims.

A police investigation was started immediately, which confirmed that Ellie had suffered sexual abuse from Gary, and also that her mother was well aware that it was happening. Sarah admitted that she did not stop the abuse because she was concerned that Gary would leave her. She has said that she would forgive Gary and stand by him. She was sure that he had learned his lesson. Sarah has also suggested that perhaps Ellie was partly responsible as she 'encouraged' Gary.

Ellie's relationship with her mother has totally broken down and Ellie has made it very clear that she doesn't want to live with her mother and stepfather any longer, and that she would rather sleep rough. An emergency protection order was obtained yesterday and Ellie has been placed with foster parents for the time being.

I now need to plan the next step.

**DOCUMENT 5**

**EMAIL FROM NATASHA DEELEY, TRAINEE SOCIAL WORKER**

**To:** a.traineelawyer@kempston.gov.uk  
**From:** natasha.deeley@kempston.gov.uk  
**Date:** 15 June 2017  
**Subject:** Ellie Winterslow (DOB 2 May 2005)

I have just had a telephone conversation with Betty Winterslow, Ellie's paternal grandmother.

Betty had a lot of contact with Ellie while Ellie's father, Harry, was alive, looking after Ellie during the week when Sarah was working. However, Betty admitted that she did not get on well with Sarah. When Harry died, Sarah moved back to her home town 100 miles away. Betty did not have any further direct contact with Ellie, although she sent Ellie cards and presents on her birthday and at Christmas and she received the occasional letter from Ellie.

Betty made contact with me because Ellie had written to her when the police became involved. Betty said that she wanted Ellie to come and live with her.

I have had a brief conversation with Ellie about her grandmother. She says that she has happy memories of 'Nana Betty' and she would like to see her again.

**End of Case Study Materials**

