

Children Panel Accreditation Scheme

Assessment questionnaire – local authority applicants

Education and Training Unit
Version 1

(Please read the accreditation scheme procedures before completing this application form)

Applicant's full name

Local authority

Please return the completed questionnaire with a cheque for £293.75 (inclusive of VAT) to

The Finance Department
The Law Society
Ipsley Court
Berrington Close,
Redditch or DX 19114 Redditch

Section 1 – Personal background

ID or roll number

Title (Mr, Ms, Mrs, Miss, etc)

Applicant's full name (surname first, forenames following)

Languages spoken (including sign language)

Local authority's name and address

Telephone number

Fax number

Email address

DX address

Date of attendance on approved course
(please attach a copy of certificate of attendance)

NOTE Questions 1(a) to 1(j) and 1(o) are for information only

1(a) If you are a solicitor, on what date were you admitted?

1(b) Have you held an unconditional practising certificate continuously during the last three years?

yes / no

If no, please state why not and give details of any conditions (continue on a separate page if necessary)

1(c) If you are a Legal Executive, on which date

(i) Did you become a Fellow of the Institute of Legal Executives ?

(ii) Did you obtain Rights of Audience?

1(d) How many years have you spent in practice of the law in England and Wales since the date in Question 1(a) or 1(c) as appropriate?

1(e) How many years have you been dealing with children law cases in this jurisdiction?

1(f) For how many years, if any, have you been qualified to deal with children law in other jurisdictions?

If applicable, please name the jurisdictions below

1(g) For how many years, if any, have you been dealing with

(i) Private children law cases?

(ii) Public children law cases?

(iii) Other (e.g. adoption proceedings)?

1(h) Are you (please tick whichever applies)

(i) Head of Legal Services?

(ii) Senior Solicitor/practitioner?

(iii) An assistant solicitor?

(iv) A FILEX?

(v) Other (Please specify) _____

1(i) If you are a solicitor

(i) Did you complete the Legal Practice Course (LPC)? yes/no

(ii) If you completed the LPC, did you complete the family law course option? yes/no

1(j) If you are a FILEX did you complete the family law and practice options? yes/no

1(k) Please state the average number of cases which you personally handle at any one time

(i) Public children law cases, including Section 37 Children Act 1989 Enquiry.

(ii) Adoption.

(iii) Other, including matters with a private children law element, Section 7 Welfare Report requests, matters concerning accommodated children and education.

1(l) How many other solicitors or Legal Executives (ie qualified staff) work in your department involved in

(i) Public children law cases?

(ii) Adoption?

(iii) Other related matters as specified above in 1(k)(iii)?

(if none, please write "0").

1(m) How, if at all, is your children law work supervised? (please describe briefly)

1(n) Are you an individual member of any relevant Solicitors Regulation Authority (SRA) group or organisation, ie "relevant" to children's matters, eg. ALC, BAAF?

yes/no

If yes, please specify which

For the purposes of this questionnaire, 'personally conducted' means personal preparation and all advocacy without recourse to Counsel, or a colleague or agent save when on holiday or short term sick leave.

Section 2 – Private children law

2(a) State approximately the number of cases within the last three years where you, personally, have advised a local authority about responding to an application for leave to apply for a Section 8 Order.

No. of cases

Please specify which (ie. Residence, Specific Issue or Prohibited Steps)

2(b) State approximately the number of cases within the last three years where you personally have issued and pursued an application by a local authority for leave or in Court have asked the Court to consider of it's own motion making

(i) A Prohibited Steps Order

(ii) A Specific Issue Order

2(c) Within the last three years have you advised a local authority in connection with an application by a non-relative of a child, including a foster carer, for leave to apply for a Residence Order?

yes/no

2(d) Within the last three years, have you advised a local authority on issues with a private law element e.g. contested application by a parent in divorce proceedings for residence/contact?

yes/no

2(e) Within the last three years, have you advised a local authority on the merits of a Section 7 Welfare Report as opposed to a Section 37 Report, and vice versa?

yes/no

2(f) State approximately the number of cases within the last three years where you personally have advised a local authority involved in proceedings where applications have been made by a private individual for a Personal Protection or Exclusion Order pursuant to the Family Law Act 1997 or an Order under the Protection from Harassment Act 1998 or an application by the Local Authority for an Order under Section 38 of the County Courts Act 1984.

No. of cases

- 2 (g) State approximately the number of cases within the last three years where you, personally, have advised a local authority on issues relating to the competence of an accommodated (Section 20) child, ie. a child not subject to proceedings, in relation to issues such as consent or refusal to consent to medical treatment, holidays abroad, educational provision. If you have so advised, give a **brief** account or if more than one case, give **brief** examples of up to **three only**.

No. of cases

Examples should be typewritten/word processed with no more than 300 words each and submitted on separate appropriately numbered sheets.

- 2(h) Of your total caseload in the last three years, please state the percentage of cases which you have personally dealt with, involving at least some private law issues in

(i) The Family Proceedings Court

(ii) The County Court

(iii) The High Court

- 2(i) With reference to the answers given to 2(h) please state whether you have personally conducted the advocacy in Court at all

(i) Direction appointments

(ii) Interim hearings

(iii) Final hearings

If you have not conducted all such appointments/hearings, please state

(i) The percentage you have attended

(ii) The reasons for not attending

(iii) Who otherwise attended

Section 3 – Public Children Law

- 3(a) State the approximate number of cases within the last three years where you, personally, have represented a local authority in an application for/extension to an Emergency Protection Order.

No. of cases

3(b) State the approximate number of cases within the last three years where you, personally, have represented a local authority in Section 31 proceedings.

No. of cases

3(c) Within the last three years have you represented a local authority where a party is seeking leave to be joined as a respondent to Section 31 proceedings?

yes/no

3(d) State the approximate number of cases within the last three years where you, personally, have represented a local authority on an application by a party for a Section 38(6) assessment, opposed by the local authority.

No. of cases

3(e) Within the last three years, have you, personally, represented a local authority in a Section 31 application where the child and Children's Guardian have separated?

yes/no

3(f) State the approximate number of cases within the last three years where you personally, have represented a local authority responding to an application for contact with a child in care pursuant to Section 34(2).

No. of cases

3(g) State the approximate number of cases within the last three years where you, personally, have represented a local authority in the local authority's application for leave to terminate contact pursuant to Section 34(4).

No. of cases

3(h) State the approximate number of cases within the last three years where you, personally, have represented a local authority in other specified proceedings e.g. Section 37 or 39 or 43 of the Children Act 1989 proceedings.

No. of cases

3(i) Within the last three years, please state whether you personally have represented a local authority in an application where wardship is an issue **or** where you personally have had to advise the local authority to invoke the inherent jurisdiction on behalf of the local authority.

yes/no

If yes please state the number and give a **brief example of either or both.**

3(j) From any of the above (3(a) to 3(i)) please summarise five cases where either there was a contest in relation to the main issue before the Court or where there was another significant matter in dispute, either initially or subsequently. If you are unable to provide details of five cases which have proceeded to a substantive hearing, please provide details of other cases which you have prepared for an anticipated contested hearing but subsequently settled "at the court door". Credit may be given

in respect of these cases. For reasons of confidentiality, please do not give the name of any party.

The case details should be typewritten/word processed and submitted on a separate summary sheet, appropriately headed, in not more than 300 words for each case.

3(k) With reference to the answers given to 3(a) to 3(i) above, please state whether you have personally conducted the advocacy in Court at all

(i) Direction appointments.

(ii) Interim hearings.

(iii) Final hearings.

If you have not conducted all such appointments/hearings, please state

(i) The percentage you have attended.

(ii) The reasons for not attending.

(iii) Who otherwise attended

3(l) Within the last three years have you personally drafted

(i) A skeleton argument? yes/no

(ii) Proposed facts upon which the threshold criteria may be based? yes/no

(iii) Submissions? yes/no

If no to any of the above, please state reasons.

3(m) Within the last three years, have you attended, on behalf of a party, an initial child protection conference held by the local authority?

yes/no

If no, please state reasons.

- 3(n) Within the last three years, have you instructed an “expert” on behalf of a party/your client?

yes/no

(i) If yes, please state which type of expert(s).

If yes, please state whether instructions were “joint” or “agreed”.

- 3(o) Within the last three years have you represented a client on appeal from

- (i) The Family Proceedings Court to the High Court? yes/no
- (ii) The County/High Court to the Court of Appeal? yes/no
- (iii) Any other including from District Judge to High Court Judge? yes/no

If yes, give **one brief outline summary of the case**, issues involved and how it was resolved.

Section 4 – Other related proceedings

If the answer to any question is yes, please submit a brief outline summary of the case, issues involved and how it was resolved. Case studies should be type written/word processed and no more than a maximum of 300 words per case. Please submit on a separate sheet numbered appropriately.

- 4(a) State the approximate number of cases within the last three years where you, personally, have conducted for the local authority an application for a Freeing for Adoption Order.

- 4(b) State the approximate number of cases within the last three years where you, personally, have represented a local authority in an adoption application on the matter of post adoption contact

- 4(c) Within the last three years have you, personally, represented a local authority in an adoption application, that is over and above passive representation as supporter of the adoption?
yes/no
- 4(d) Within the last three years have you, personally, on behalf of the local authority, advised or made representations to another (ie not the local authority by whom you are employed) Adoption Agency or Adoption Agency Panel?
yes/no
- 4(e) Within the last three years have you, personally, handled on behalf of a local authority a case with a domestic or international child abduction element including making application for a Recovery Order pursuant to Section 50 of the Children Act 1989?
yes/no
- 4(f) Within the last three years have you, personally, advised/represented a local authority in responding to a complaint made pursuant to Section 26 of the Children Act 1989?
yes/no

Section 5 – Specific questions

Please submit case summaries typewritten/word processed with no more than 300 words per case on a separate sheet, numbered appropriately

5.1 Case summary 1

Summarise the advice you would give to a social worker for a child who is subject to care proceedings regarding the position of a putative father who does not look after the child, but wishes to have party status, parental responsibility and contact. You are told the mother is currently co-operating with the Social Worker but opposes the father's proposed applications.

5.2 Case summary 2

Summarise the evidence you would use on behalf of the local authority, and the factors to be taken into account by the court, in connection with an application by a mother for a direction to be attached to an interim care order for a residential assessment. The Social Services Department has requested that you oppose the application. You are told that Social Services have completed their community based assessment and it is negative.

5.3 Case summary 3

Summarise the advice that you would give to a Social Services Planning Meeting on the merits of Care Proceedings in a serious case of suspected non accidental injury to a small baby. The medical evidence is inconclusive and neither parent has provided an explanation, or accepted responsibility. The father has left the household. Social Services wish to ensure that the child is adequately protected.

5.4 Case summary 4

Summarise the advice you would give to a social worker of an 11 year old boy, the subject of care proceedings on the basis of allegations of sexual abuse. The father insists that there is no evidence of the allegations and that his son is disputing the allegations and wishes to return home but that his son's social worker, solicitor and Children's Guardian are not listening to the boy's instructions.

Section 6.1 – Case study

Please read the case study and provide type written/word processed answers to Questions a) – h) on a separate sheet numbered “6.1 case study”.

Family composition

Diane Cheshire	mother aged 24 years
Bernard Scott	father aged 38 years
Terry Scott	son of Diane and Bernard aged 2 years
Betty Cheshire	maternal grandmother aged 42 years
Katie Cheshire	child of Diane Cheshire aged 5, living with her maternal grandmother

The events described below date from the time of Terry's birth and, you are to assume, have taken place within one year before the commencement of the current proceedings.

Diane Cheshire has been known to the Social Services Department for a number of years, having suffered physical abuse as a child of 3 and again when she was 7. During much of her childhood her behaviour was difficult and her problems included poor school attendance, stealing, absconding from home and soiling. She suffers from cerebral palsy, epilepsy and has learning difficulties. She is also a very volatile character. She was unable to care for Katie: her handling of the child was poor, her commitment lacking and she spent much time away from home, resulting in Katie remaining in the care of her maternal grandmother. Diane is currently being assessed by a Clinical Psychologist as to her capacity to provide appropriate parenting. The Psychologist is very pessimistic as to her capacity to provide this.

Bernard Scott was not known to the Social Services Department, but for some years he was living on the margins of homelessness, sometime sleeping rough and sometimes in hostels. For six years up to about two years before the institution of these proceedings, he had 12 court appearances, resulting in convictions for minor offences, almost all of the offences being drink-related. His alcohol problem is long-standing and extends back some 16 years and there are a number of concerns as, when he is involved in drinking, he usually drinks to the point of unconsciousness.

Terry was born when his parents had been together for approximately a year. With the agreement of his parents, he was accommodated by the local authority from birth and a programme of support, tuition in childcare and assessment was embarked upon. However,

the parents requested his discharge before the programme was concluded and he was placed in their care approximately four months later.

Over the next few months, Terry's development was described by the Health Visitor as being on the lower side of normal and he was admitted to hospital on four occasions with breathing difficulties and gastro-enteritis. After four months it was clear that the parents were finding it increasingly difficult to cope, although they had intensive support from welfare agencies. After four months, Terry was accommodated again, when he was found by the Police and the Emergency Duty Team of the Social Services Department in the sole care of his father, Mr Scott, who was too drunk to care for him. He was lying in his cot naked except for a dirty, urine-soaked nappy. The parents agreed to his being again accommodated for "respite" care for one month.

After one month respite, Terry was admitted to hospital on three successive weekends for no apparent medical cause, and his mother appeared to be using hospital as a form of weekend accommodation for Terry. The parents quarrelled violently at the hospital during one of these visits and Terry was accidentally hit by his father, who was aiming a blow at his mother. He was again accommodated and again returned to the care of his parents, with a support programme which included week-end childminding, family centre provision in the week and intensive visiting from the Health Visitor, Social Worker, Alcohol Advice Worker and a Support Worker from the Elfreda Rathbone Society, who provided tuition in parenting skills and were assessing the parents' ability to offer appropriate care. All of these agencies have been involved with the family, since Terry's first return home, before conclusion of the programme of support, as is stated in the third paragraph above. All agencies have been concerned about the parents' ability to offer appropriate care to him.

Two months after Terry's return after respite care, as is mentioned in the fifth paragraph above, Terry's weight had fallen below the third centile and his parents were observed by the Rathbone Society Worker to have difficulties in feeding him. He was finally accommodated one month before your requested involvement on behalf of the local authority. The request for accommodation by his mother was because she felt unable to cope with his care following Mr Scott returning home considerably under the influence of alcohol. Throughout his short life, Terry has been in the care of a consultant paediatrician who stated that he is developmentally delayed, has asthma and generally requires a higher degree of care than that required of a normal infant.

Mrs Betty Cheshire has indicated a desire to care for Terry but she is only just coping with the care of Katie and Terry will require a higher level of care than that normally required. In addition, she has a poor relationship with her daughter, Diane.

Questions

- (a) The Social Services Department requires advice as to what legal options, if any, are open to them, together with advice as to the reasons for any proposed application.
- (b) Consider and advise the department on the evidence which may be required for any such application, detailing from whom you would consider filing statements.
- (c) What long-term plans might you propose and what further work may need to be undertaken to facilitate those plans.

Other questions (not related to the above case study)

The following questions (d) – (h) are to be answered in the context of a solicitor representing the local authority.

- (d) Summarise the initial advice you would give to a first case conference summoned due to professional concerns expressed on the standard of physical care given by a single parent to her child.
- (e) Summarise the advice you would give and the subsequent action you would take if contacted by a Social Worker and informed that when visiting a family who three children are named on the Child Protection Register (but are not under any Statutory Orders) the Social Worker noted bruising to one of the children. The parents could not offer an explanation nor would they agree to a medical examination.
- (f) Summarise your advice and action if during Section 31 care proceedings, (while an interim Care Order is running) you're informed that the putative father of the child concerned has abducted the child during a contact visit. It is recorded that the father has a violent disposition.
- (g) Summarise what advice you would give and action you would take if during Section 31 care proceedings, (an interim Care Order is running), both parents are having regular contact, when the child in questions reveals that she has been sexually abused by her father. In what way, if any, would your advice differ if there was a full Care Order in respect of the child.
- (h) Summarise what advice you would give, if it is apparent that at the start of Section 31 care proceedings on a young child of mixed race, that the prognosis of the parents being successful if their assessment is slight. The couple's previous children have all been adopted, and it appears that the care plan would be for adoption.

Section 7 – Access to information

- 7(a) List the titles and dates of publication of the family law books, journals and other relevant publications kept in your office/department dealing with the subjects addressed in this questionnaire. Please list up to 10 publications:

	Title	Date of publication or edition no.
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

9.		
10.		

7(b) Give details of what other access you have to family law books, journals and other relevant publications

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7(c) Which family law journals or law reports have you read over the last six months? Please list up to three publications

1.
2.
3.

Section 8 – Additional issues

8(a) Are you a member of any organisation or association relevant to children law matters?

yes/no

If yes, please state which

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8(b) Please give brief details of any other qualifications or experience you have and which you believe are relevant to membership of the Children Panel Accreditation Scheme.

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Section 9 – Continuing Professional Development (CPD)

9(a) Please give full details of the approved children panel training courses attended

Date	Title/description of course	No of CPD hours

9(b) Other than attendance at an approved training course, have you, in the last three years, attended any other courses relevant to children law issues?

yes/no

If yes, please give details

Date	Title/description of course	No of CPD hours

9(c) Other than attendance at an approved training course, have you, in the last three years **provided training** other than by attending courses, relevant to children law issues?

yes/no

If yes, please give details

Section 10 – Referee

10 Please give the name and address of a referee from the judiciary (or an experienced Children Panel Accreditation Scheme member) whom the SRA may approach for a reference.

Name

Position

Address/DX

Email

Please note – your referee will be contacted on receipt of your application. A satisfactory reference is required by the SRA as part of the scheme membership criteria. Please ensure your referee has agreed to provide a reference as this may delay the outcome of your application.

Section 11 – Convictions

Have you ever been convicted of an offence in any court of the UK or elsewhere (other than a motoring offence not resulting in disqualification)?

yes/no

If yes, have you previously notified the SRA of this matter?

yes/no

If you have answered **yes** to this question, full particulars of any conviction must be given on a separate sheet and submitted with this form. The address of the court and the penalty imposed must be given.

Note Convictions which are “spent” under the Rehabilitation of Offenders Act 1974 should be disclosed by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

Section 12 – Declaration

I understand that I must be a fit and proper person to be a member of the SRA’s Children Panel Accreditation Scheme and I undertake immediately to inform the SRA of any matter which may have a bearing on my fitness to be a member of the panel.

I certify that all information given in this questionnaire is to the best of my knowledge and belief correct.

I have read and agree to abide by the procedures of the panel.

Data Protection Act 1998

I understand that details of my membership of a professional accreditation scheme will be published from time to time by the SRA. The data used for such publication will be that contained in the SRA's central solicitor's data base and may include: my name, my firm’s name, my main practising address, practice telephone number, fax number and e-mail address and details of my firms web site where appropriate.

I **do/do not*** wish to have my membership of a professional accreditation scheme made available to other selected organisations for the purposes of marketing suitable products relevant to my membership.

Signed Date

* please delete