

Children Panel Accreditation Scheme

Assessment questionnaire – private practice applicants

Education and Training Unit
Version 1

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

Applicant's full name

Applicant's firm

Please return completed questionnaire with a cheque for £528.75 (inclusive of VAT)
to

The Finance Department
The Law Society
Ipsley Court
Berrington Close
Redditch
B98 0TD

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)

Firm'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)

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 (continue on a separate page if necessary)

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

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

(ii) Did you obtain the Rights of Audience Matrimonial Proceedings certificate?
Please attach a copy of the certificate.

1(d) How many years have you spent in practice 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, eg adoption proceedings.

1(h) Please state the approximate number of cases you, personally currently handle at any one time on behalf of any party in

(i) Private children law cases.

(ii) Public children law cases.

(iii) Other related, e.g adoption proceedings.

(iv) Other e.g education/matrimonial/ancillary relief.

1(i) In what areas does your firm hold a franchise?

1(j) Are you? (please tick whichever applies)

- (i) A partner/head of Legal Services.
- (ii) Senior solicitor/practitioner.
- (iii) A sole practitioner.
- (iv) An assistant solicitor.
- (v) A FILEX.
- (vi) Other (please specify).

1(k) How many other fee earners in your practice, including fee earners in other offices, if necessary carry out?

(i) Family law work.

(ii) Children law including adoption.

(If none, please write "0").

1(l) How, if at all, is your children law work supervised? (Please describe briefly).

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

1(o) Are you a member of:

(i) The Solicitors Regulation Authority (SRA) Family Law Accreditation Scheme? yes / no

(ii) Resolution (formerly SFLA) (advocacy in children's cases)? yes / no

(iii) Other SRA schemes. Please specify.

For the purposes of all questions in 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.

“Opposed” in this questionnaire means in any part of the proceedings – preparation or hearing.

Section 2 – Private children law

2(a) Within the last three years have you issued an application for leave to apply for a Section 8 Order? yes / no

If so, please specify which (ie. contact, residence, specific issue, prohibited steps).

2(b) Within the last three years have you issued an application for a

(i) Contact Order. yes / no

(ii) Residence Order. yes / no

(iii) Specific Issue Order. yes / no

(iv) Prohibited Steps Order. yes / no

2(c) Within the last three years have you conducted a case on behalf of a party opposing an application for a

(i) Contact Order. yes / no

(ii) Residence Order. yes / no

(iii) Specific Issue Order. yes / no

(iv) Prohibited Steps Order. yes / no

2(d) Please give your best estimate as to how many opposed (either application or responding to an application) Section 8 cases you have dealt with in the past 12 months.

2(e) Within the last three years have you advised a child seeking leave to apply for a Section 8 Order? yes / no

2(f) Within the last three years have you dealt with a private law case in which the child has been joined as a party? yes / no

2(g) Please give your best estimate of how many private law cases in the last three years you have dealt with in

(i) The Family Proceedings Court.

(ii) The County Court.

(iii) The High Court.

2(h) With reference to 2(g) please state whether you have personally conducted the advocacy in Court on all

(i) Direction appointments.

(ii) Interim hearings.

(iii) Final hearings.

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

(a) Approximately the percentage you have attended.

(b) The reasons for not so attending.

(c) Who otherwise attended at

(i) Directions appointments (in any Court).

(ii) Interim hearings (in any Court).

(iii) Final hearings (in any Court).

2(i) Within the last three years have you conducted a case on behalf of a party in wardship proceedings? yes / no

Section 3 – Public Children Law

If you have not conducted any cases please enter nil. Please do not leave blank.

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

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

3(c) State approximately the number of cases within the last three years where you, personally, have represented a party seeking leave to be joined as a Respondent to Section 31 proceedings.

3(d) Within the last three years have you represented a child separate from the Children's Guardian in eg an application for a Secure Accommodation Order where perhaps you have previously represented the child in criminal proceedings?

yes / no

If 'yes' please give a brief typed outline summary of one case in no more than 100 words attached and numbered accordingly.

3(e) Within the last three years have you represented an adult party/local authority in an application for contact with a child in care ie Section 34 (2)?

yes / no

If yes, how many?

3(f) Within the last three years have you represented a party in an application for leave to terminate contact with a child in care i.e. Section 34 (4)?

yes / no

If yes, how many?

3(g) Within the last three years have you represented a party in an application for a Residence Order – which would have the effect of discharging an existing Care Order – or an application to discharge a Care Order – Section 39?

yes / no

If yes, how many?

3(h) Within the last three years have you represented a party in other "specified" public law proceedings eg. Section 37 or Section 43 (application for Child Assessment Order)?

yes / no

If yes, how many?

3(i) From any of the above (3(a) to 3(h)) please submit details of 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. Include details of dates of hearings, name of court and party represented. Please give details of the case including contested issue, determination including counsel. Also whether hearings on contested issue were undertaken by applicant personally or by another advocate.

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

3(j) 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 | yes / no |
| (ii) | Interim hearings | yes / no |
| (iii) | Final hearings | yes / no |

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

- | | | |
|-------|---|----------------------|
| (i) | Approximately the percentage you have attended. | <input type="text"/> |
| (ii) | The reasons for not so attending. | <input type="text"/> |
| (iii) | Who otherwise attended. | <input type="text"/> |

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

yes / no

If "yes", please also state how you perceived your role at the conference.

If "no", please state reasons.

3(m) Within the last three years, have you instructed an "expert" on behalf of a party/your client or contributed to the drafting of a letter of instructions to an expert?

yes / no

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

(ii) If yes, please state whether instructions were "joint" or "agreed".

3(n) 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

Section 4 – Other related proceedings

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

4(a) In the last three years, have you represented a client in

- (i) A freeing for adoption application? yes / no
- (ii) An adoption application? yes / no
- 4(b) In the last three years have you represented a client with regard to post adoption contact where
- (i) You have issued a formal application for a Contact Order? yes / no
and/or
- (ii) You have made representations with a view to an Agreement as to post adoption contact or a Recital to the Adoption Order as to post adoption contact? yes / no
- 4(c) Within the last three years have you represented a client in an application by the Local authority for leave to place a child out of jurisdiction pursuant to paragraph 19 of Schedule 2 to the Children Act 1989? yes / no
- 4(d) In the last three years have you assisted a client in making a Complaint under the Children Act 1989 to the local authority? yes / no
- 4(e) In the last three years have you represented a party in care proceedings where an application is to be made by the local authority for an Injunction against your client pursuant to Section 38 County Courts Act 1984 or Protection from Harassment Act? yes / no
- 4(f) Within the last three years, have you advised a client on issues arising out of accommodation of a child (Section 20) eg a parent wishing to discharge an accommodated child against the local authority's wishes? yes / no

Section 5 – Specific questions

Please submit case summaries type written/word processed in no more than 300 words per case on a separate sheet, headed and numbered appropriately.

5.1 Case summary 1

Summarise the advice you would give at an initial interview to a putative father of one of three children the subject of care proceedings under the Children Act 1989, wishing to be involved in care proceedings against the mother's wishes.

5.2 Case summary 2

Summarise how you would prepare a case and what applications, if any, you would make to the court on behalf of the mother and father of a child wanting to be assessed as joint carers of the child, the local authority refusing to undertake that assessment and the final hearing of the Section 31 application taking place in two to three months time.

5.3 Case summary 3

Summarise the advice that you would give to your clients, the mother and father of a small baby who has suffered multiple fractures and who is the subject of care proceedings brought by the local authority. Neither parent can give an adequate explanation and each is blaming the other. Please advise if you would continue to represent both. Give reasons for your decision either way. Please also indicate the advice you would give to your clients about the nature of the proceedings.

5.4 Case summary 4

Summarise the initial advice you would give to your client, the father of an 11 year old boy, the subject of care proceedings. It is alleged that your client, the father, has sexually abused the boy. Your client tells you that the boy is insisting that the abuse did not happen and that he wishes to return home immediately but that his own solicitor and Children's Guardian don't appear to be accepting and following the boy's instructions.

Section 6 – Case study

Please read the case study and provide type written/word processed answers to Questions 1, 2, 3, 4 and 5 on a separate sheet headed “Summary sheet number 6.1”

The King Family

Family composition

Sally King, mother of the children: 39 years, white European.

Gerald King, father of the three oldest children but not the youngest child although “treated” as father of the youngest child, not married to mother and no parental responsibility: 54 years, Afro-Caribbean.

(Sally and Gerald King have lived together for 17½ years until three months ago. By “seemingly mutual agreement”, Gerald is no longer living with Sally but with his brother, “just around the corner” from the family home).

(John Richards – Sally's partner for the last month, having known Sally and Gerald – “has been Gerald's best friend” – for the last four years: 25 years, white European).

Children

Fred King (not the subject of these proceedings) 16 years)	
)	
Kylie King 12 years 10 months)	
)	Dual heritage
Rachel King 10 years 11 months)	
)	
Tracy King 5 years)	

(White European/Afro-Caribbean)

All four children at the commencement of these proceedings living with Sally King - and John Richards.

The King family (Sally, Gerald and the children) have been known to Mintshire County Council for over 7 years from the time when the family moved from a neighbouring Local authority who also had involvement with the family (but little is known about this involvement as the files are apparently lost).

The concerns have been around the children's (Fred, Kylie and Rachel) persistent non-attendance at school, and when in school, they have been invariably hungry, poorly and inadequately dressed, having poor hygiene and demonstrating "inappropriate", bordering on sexualised behaviour towards other children and adults.

From time to time, Kylie has made allegations against her father (Gerald), her brother (Fred) and various of her father's close friends (not John Richards) of being inappropriately touched/sexually interfered with. However, on initial investigation, Kylie has immediately withdrawn her allegations and the investigations have never proceeded.

One year ago, following a further allegation made by Kylie, a child protection conference was called by the local authority and the decision made to place all four children's names on the Child Protection Register under the category "likelihood of physical, emotional and sexual harm".

Over the years, several Social Workers have been allocated to work with the family and there has also been a Family Centre assessment. Reports have shown various degrees of success.

There is an on-going family dispute between Sally King and one of her sisters about the care of the children into which dispute the children have been drawn. From time to time Sally's sister has made and has displayed overt racist remarks and attitudes.

Two months ago, Sally's sister was granted leave to apply for a Residence Order in respect of Kylie who has repeatedly run to her home, asking to stay. The Court made a Section 37 Direction, and the local authority, after a strategy meeting, decided to commence care proceedings pursuant to Section 31 of the Children Act 1989 in respect of Kylie, Rachel and Tracy but not in respect of Fred given his age.

The reasons for the local authority's application appear to be as follows

- a) Kylie's most recent allegation that John Richards has been repeatedly making advances to her and, one night fairly recently, although Kylie is somewhat vague about the date, came into her bedroom and had got into her bed. He had then inappropriately touched her and would have had sexual intercourse had not Sally come into the room and seen them. Sally vacillates between blaming Kylie for the incident and trying to ignore what happened. She does not wish to acknowledge her partner's actions in any way.
- b) The Police Child Protection Team has knowledge of John Richards, previous concerns having been expressed from various agencies about his relationship with young women although there have been no police cautions/convictions.
- c) Sally and Gerald dispute that there is any cause for concern about John Richards.

- d) Although at the time of her application, Sally's sister was caring for Kylie, since then, Kylie has left her aunt's home and returned to Sally's home. When things go badly at home, she returns to her aunt. The local authority feels that there is no stability of care for Kylie.
- e) The family (i.e. Sally and her sister's) disputes involving the children.
- f) The long history of local authority involvement and concerns.

The local authority decides to apply for Interim Care Orders with a view to the three children being placed together in a foster home.

In the meantime, the children remain at home with Sally and her partner.

A Children's Guardian is appointed.

The first hearing is fixed for one week hence in the local Family Proceedings Court.

You are instructed by Sally and Gerald King – who remain on friendly terms. They wish to oppose the application for Interim Care Orders. Gerald supports Sally's wish for the continued care of all three children or in the alternative, acknowledging that she "can be a bit of a handful", he will take over the care of Kylie.

Both are bitterly opposed to Sally's sister having the care of Kylie.

They have been served with the local authority's application but at present there is no Statement in support. Sally and Gerald are none too sure of the name of the new Social Worker nor have they heard of the appointment of a Children's Guardian.

Question 1 Detail the initial steps and advice you would give to Sally and Gerald King in advance of the first hearing.

The Local authority obtain Interim Care Orders in respect of the three children, Kylie, Rachel and Tracy and place them together in a foster home 20 miles away from the family home. Contact has been arranged for three hours every Saturday afternoon at the foster home "supervised" by the foster carers.

Kylie begins to show quite disturbed behaviour (physically harming her younger sisters and the foster carer's large friendly dog).

The local authority in consultation with the foster carers and the GAL decide to remove Kylie to another foster placement and even further away from the family home and to arrange contact between Kylie and her younger sisters every Thursday afternoon after school for two hours in the first foster placement, and between Kylie and her parents for two hours on a Sunday afternoon in Kylie's new foster placement.

Sally and Gerald maintain that Kylie wants to return to her father's care. (It is suspected by the local authority – and to a certain extent acknowledged by the parents – that Kylie "can wind her father around her little finger").

Sally and Gerald insist that Kylie is being influenced by her Children's Guardian and her solicitor not to state her true wishes to them and to the Social Worker.

The Guardian and the children's solicitor advise that Kylie is not so certain of her wishes as the parents would insist and in any event is not competent to give separate instructions.

Sally and Gerald do not accept this.

Question 2 What is your advice to Sally/Gerald and how do you prepare their case, generally.

Eight weeks after the initiation of the proceedings, there is a Directions appointment and the Court urges the application to be set down for final hearing.

Question 3 What is the advice that you give to Sally/Gerald as to the general course of the proceedings and venue and what steps do you take at that Directions appointment.

At the first Directions appointment the Court transfers the application to the County Court/Care Centre and the first appointment deals with timetabling and setting the matter down for final hearing in six months time, time estimate 5 days.

Sally and Gerald feel that they have not been given a "fair hearing" – that the local authority has pre-judged them before the Court has.

They both want to go to a residential centre to be "assessed".

The local authority feels that this is unnecessary – that they have sufficient information from the background of which they are fully aware and the current investigations/enquiries.

Question 4 What advice will you give to Sally and Gerald and what steps if any will you take to promote their instructions?

The final "fixture" remains. The local authority decides that given the history, they must plan for the children's permanency and placements away from Sally/Gerald.

The Care Plans appear to be as follows

Kylie : Placement in a residential home, which can also cater for her therapeutic needs. Such a placement has yet to be found and is likely to be some 200 miles away from the family home so that contact would have to be "curtailed" accordingly, both Kylie's contact with her parents and with her younger siblings. No mention is made of contact with Fred.

Rachel : Recommendation will be made to the Permanency Panel that given Rachel's age, it is unlikely she will be placed with adopters so that long term fostering will be sought. It is not clear whether a placement can be found within the local authority's own resources. Contact between Rachel and her parents, Sally and Gerald, is recommended at once a month and with Fred and Kylie, unspecified. As for contact with Tracy, see below.

Tracy : Given her age and also given what the local authority perceive as a special attachment between Rachel and Tracy, based on the Social Worker observing one or two contact sessions, the local authority will be recommending to the Permanency Panel that

Tracy be placed for adoption but with the same carers as those proposed for Rachel. Again, it is not clear whether the local authority have a placement within their own resources. The local authority would not propose there to be any contact between Tracy and Sally, Gerald and Fred but some minimal contact with Kylie.

Question 5 What is the advice and the steps you would take in your representation of Sally/Gerald in the light of the final Care Plans and in preparation for the final hearing?

Section 7 – Access to information

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

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

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

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

- 8(b) Please give brief details of any other qualifications or personal/professional 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)

Please attach a photocopy of your personal CPD training record

- 9(a) Please give full details of approved children panel training courses attended. Date, course organiser, title and number of CPD hours.

Date	Title/description of course	No of CPD hours

- 9(b) Please list courses relevant to family law/children law issues you have attended in the last three years. Date, course organiser, title and number of CPD hours.

Date	Title/description of course	No of CPD hours

- 9(c) Please list any training you have **provided** in the last three years, other than by attending courses, relevant to family law/children law issues.

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Section 10 – Referees

10 Please give the names and address of two referees, one from the judiciary and one Children’s Guardian or an experienced Children Panel Accreditation Scheme member, whom the SRA may approach for a reference.

Name

Title/Position

Address / DX

Name

Title/Position

Address / DX

Please note your referees will be contacted on receipt of your application. Satisfactory references are required by the SRA as part of the panel membership criteria. Please ensure your referees have 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

Have you previously notified the SRA of this matter

yes / no

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 Children Panel Accreditation Scheme procedures.

Data Protection Act 1998

I understand that details of my membership of a professional accreditation panel or 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 firm’s 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

The Solicitors Regulation Authority Children Panel Accreditation Scheme undertaking

I undertake that, when representing a party in proceedings covered by the Children Act 1989

1. Subject to paragraph 2, I will not normally delegate the preparation, supervision, conduct or presentation of the case, but will deal with it personally.
2. In each case I will consider whether it is in the best interests of my client to instruct another advocate in relation to the presentation or preparation of the case.
3. If it is in the best interests of my client, or necessary, to instruct another advocate, I will consider and advise my client or the Children’s Guardian (if applicable) who should be instructed in the best interest of my client.
4. I agree that, save in exceptional circumstances, any advocate that is instructed will either be

- a) another Children Panel Accreditation Scheme member (approved as a Children Representative if my client is the child) or
 - b) a member of the Bar on my Practice's approved Counsel list.
5. I will obtain an undertaking from that advocate to
- a) attend and conduct the matter personally unless an unavoidable professional engagement arises
 - b) take all reasonable steps to ensure that so far as reasonably practicable a conflicting professional engagement does not arise.

Signed Date

Name (block capitals)