



**CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher
Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma**

Unit 20 – The Practice of Family Law

Case study materials

January 2025

Information for candidates

- You should familiarise yourself with these case study materials before the examination, taking time to consider the themes raised in the materials.
- You should consider the way in which your knowledge and understanding relate to these materials.
- In the examination, you will be presented with a set of questions which will relate to these materials.
- You may discuss these materials with your tutor(s).

Instructions and information to candidates during the examination

- You are allowed to take your own clean/unannotated copy of this document into the examination. Alternatively, you can access the electronic version of this document in the examination.
- You are allowed to take your own unmarked copy of the following designated statute book into the examination – **Blackstone’s Statutes on Family Law, 31st edition, Rob George, Oxford University Press, 2023.**
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

Turn over

CASE STUDY MATERIALS

ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer employed by the firm Kempstons LLP of The Manor House, Bedford MK42 7AB. The firm's telephone number is (01234) 622964. The email address is admin@kempstons.co.uk and DX address is Bedford 3721.

The firm is a high-street practice and one-third of the firm's caseload consists of family work. The family team at Kempstons LLP is headed up by the family partner, Nicola Bryan. The local family court is in Bedford.

You arrive at work to find the following documents on your desk.

DOCUMENT 1: Memorandum from Nicola Bryan

DOCUMENT 2: Attendance Note re Denzel Williams

DOCUMENT 3: Attendance Note re Alice Ford

DOCUMENT 4: Attendance Note re Philip Amos

DOCUMENT 5: Attendance Note re Kelly Main

DOCUMENT 6: Financial statement for Mr and Mrs Main

MEMORANDUM FROM NICOLA BRYAN

To: Trainee Lawyer

From: Nicola Bryan

Date: {Today's date}

Re: Matters requiring attention

As previously discussed, I will be out of the office for the next week attending a conference. I would be grateful if you could deal with the following matters during my absence.

1. Denzel Williams file

Mr Williams is a new client who attended the office yesterday. I attach a copy of my attendance note of this meeting (**Document 2**). Mr Williams wishes this matter to be progressed with some urgency.

2. Alice Ford file

Ms Ford is a new client who attended the office yesterday. I attach a copy of my attendance note of this meeting (**Document 3**). This matter needs to be progressed urgently.

3. Philip Amos file

Mr Amos is a new client who attended the office yesterday. I attach a copy of my attendance note of this meeting (**Document 4**). Please progress this matter in my absence.

4. Kelly Main file

I have been dealing with Mrs Main's divorce application and I am now starting to deal with the financial matters.

I met with Mrs Main yesterday and as you will see from my attendance note of this meeting (**Document 5**), she now wishes to deal with financial matters. We have a financial statement for her (**Document 6**). Please progress this matter as a matter of urgency and keep Mrs Main informed.

ATTENDANCE NOTE RE DENZEL WILLIAMS

Client: Denzel Williams
Date: {Yesterday's date}
Fee earner: Nicola Bryan
File Ref: NB/YS/25/250118
Time taken: 1 hour

Attendance on Denzel Williams, who is a new client. The relevant identity and conflict checks have been completed. No conflicts have been identified.

The client details are:

Full name: Denzel Williams
D.O.B. 25 January 1998
Address: 26 The Limes, Bedford, MK11 7ZZ
Contact: 0777545454 (Mob)
Occupation: Plumber

Mr Williams is seeking advice regarding contact with his children and on resolving issues regarding his plan to take them to visit his family in Trinidad.

Mr Williams was in a relationship with Ebony Clarke for seven years. The relationship broke down last June and Mr Williams left the family home. The separation was by mutual agreement but both parties were keen to minimise the impact on their two children, Viera (born 3 April 2016) and Jaden (born 15 July 2017).

Mr Williams and Ms Clarke agreed that the children would live with their mother and would visit their father on alternate weekends. It was also agreed that the school holidays would be shared and that Mr Williams' plan to take the children to visit his family in Trinidad in July 2025 could go ahead. This plan had been discussed with the children, who have been looking forward to the trip.

Initially, the agreement worked well. Mr Williams moved into a three-bedroomed flat nearby and the children visited regularly. However, the situation changed in early October when Mr Williams met a new girlfriend, Laurette Jones, and Laurette moved in with him.

Laurette quickly built up a good relationship with the children, who enjoyed spending time with her, but the children have told their father that their mother is not happy about his new relationship.

Mr Williams has found that arrangements for him to see the children have become chaotic and unreliable. Weekend visits have been cancelled by Ms Clarke at very short notice and for a variety of reasons such as a sleepover at a friend's house, a party or simply that one child was unwell. Mr Williams did see the children at Christmas but only for two days rather than the week that had been agreed. He has not seen the children since then.

Earlier this week, Mr Williams rang Ms Clarke to discuss the planned visit to Trinidad. He told her that he now wanted to stay in Trinidad for six weeks as he was planning to marry Laurette there. Ms Clarke told him that she had changed her mind. She said that the children would not be going as she did not want 'that strange woman' looking after them.

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The next day, Ms Clarke sent a text message saying 'You left us!! You didn't care! You don't care! You are not taking MY children abroad! They are mine, not yours!! I look after them!! I make the decisions!! You just upset them!! Don't message me!! Leave us alone!!'

Mr Williams was devastated to receive this message; he loves his children and has never avoided his responsibilities. He has also received a number of texts from Viera telling him that she and Jaden are very upset that they have not seen him since Christmas and begging him to talk to their mother and get her to change her mind about the trip that he had promised.

Mr Williams is now very concerned about his position, particularly as he cannot recall being named as their father on the children's birth certificates. He is also exasperated with Ms Clarke and says that he is determined to keep his promise to his children to take them to Trinidad and that he will do this with or without Ms Clarke's consent.

ATTENDANCE NOTE RE ALICE FORD

Client: Alice Ford
Date: {Yesterday's date}
Fee earner: Nicola Bryan
File Ref: NB/YS/25/250112
Time taken: 1 hour

Attendance on Alice Ford, who is a new client. The relevant identity and conflict checks have been completed. No conflicts have been identified.

The client details are:

Full name: Alice Bluebell Ford
D.O.B. 12 October 1998
Address: Lea Cottage, Frampton Manor, Kempston Magna, Bedford MK10 7ZZ
Contact: 07720498241 (Mob)
Occupation: Gardener, Frampton Manor Gardens

Ms Ford has been in a relationship with Robin Harris (D.O.B. 28/05/1988) for a number of years. They have one daughter, Flora Ford (D.O.B. 11/08/2018).

Ms Ford told me that she met Mr Harris in summer 2016, when she moved from her home in Scotland to start a new job. She rented a room in the house where Mr Harris, a plumber, was also living. Ms Ford found that she was lonely, living 300 miles away from her family and friends. Mr Harris befriended Ms Ford and she found him to be kind and caring.

The friendship developed into an intimate relationship and in early 2018, Ms Ford became pregnant with their daughter Flora. The pregnancy was unplanned but Mr Harris continued to be supportive although he tended to leave the childcare to Ms Ford. He did, however, develop a good rapport with Flora when she was very young.

In September 2023, Flora started school and Ms Ford obtained employment as a gardener at Frampton Manor Gardens. As part of her employment package Ms Ford was able to live in Lea cottage, owned by Frampton Manor. She and Mr Harris moved into the cottage with Flora.

About six months ago, one of Mr Harris's oldest friends, Tom, returned from living abroad to live nearby. Mr Harris and Tom began meeting every Friday at the local pub. When Mr Harris returned to Lea Cottage, he would often be drunk and this would lead to arguments with Ms Ford. These arguments frequently involved unkind and negative comments about Ms Ford – comments about her appearance, her cooking skills and how she was unable to keep the house clean and tidy. Mr Harris also criticised Ms Ford's skills as a mother and increasingly suggested that he would be a better parent to Flora.

The stress slowly and inevitably affected Ms Ford mentally but she tried not to let this show. However, just after Christmas, the impact of an argument did cause her to break down and sob uncontrollably. This infuriated Mr Harris, who slapped her hard across the face. The following day, he was full of apologies, saying he was just trying to calm her down as she had clearly been hysterical. He promised never to do this again.

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Ms Ford had hoped that this was a one-off incident. However, Mr Harris's behaviour continued – the arguments, the physical abuse and then the apologies.

A couple of days ago, when Mr Harris returned from the pub, he was clearly in a bad mood. He said that he had been told there was a rumour in the local community that Ms Ford's relationship with a co-worker, George, was going beyond a mere employment relationship. Ms Ford denied this but Mr Harris slapped her hard across the face and then punched her several times in her abdomen, yelling that he did not believe her and that he would not allow this to continue. Flora heard the argument and came downstairs shouting 'Stop, daddy please stop. You're hurting mummy.' Mr Harris left the cottage shouting 'You haven't heard the last of me and you can't stop me seeing Flora. She's my daughter.' He did not return home that night. Ms Ford assumed he was staying with Tom who was renting a two-bedroomed house nearby.

This incident made Ms Ford realise that she and Flora needed some protection from Mr Harris. Her employers were advised of the situation and arranged for the locks on Lea Cottage to be changed. She texted Mr Harris to say that he should look to find somewhere else to stay.

The next day, Ms Ford returned home having collected Flora from school to find Mr Harris waiting outside the cottage. He had clearly been drinking and he was very angry. Mr Harris grabbed Ms Ford and shook her, asking why the locks had been changed. She told him to just go away and cool down, but as she unlocked the door, he roughly pushed past her into the kitchen. He grabbed a kitchen knife and shouted that he was going to sort her out 'good and proper'. Flora had followed her parents into the cottage and screamed when she saw the knife. Mr Harris dropped the knife and ran out. Later, Ms Ford received a series of increasingly angry texts from Mr Harris. The texts included threats to 'sort out' Ms Harris and to get custody of Flora. The latest text threatened that he would kill Ms Ford if he saw her.

Ms Ford telephoned the police yesterday morning but was advised that there was likely to be some delay in responding, owing to high demand on officers. She was advised to also seek legal advice; I met with her yesterday afternoon.

I did notice that Ms Ford had bruising to her left cheek and a graze on her chin. When I asked her about these injuries, she explained that they occurred when Mr Harris pushed past her – he pushed her so hard that her face hit the pebble-dash wall of the cottage.

ATTENDANCE NOTE RE PHILIP AMOS

Client: Philip Amos
Date: {Yesterday's date}
Fee earner: Nicola Bryan
File Ref: NB/YS/25/250109
Time taken: 1 hour

Attendance on Philip Amos, who is a new client. The relevant identity and conflict checks have been completed. No conflicts have been identified.

The client details are:

Full name: Philip John Amos
D.O.B. 24 May 1994
Address: Flat 9, The Mill, Bedford, MK11 7ZZ
Contact: 0767536484 (Mob)
Occupation: Director/web designer

Philip Amos met his husband, Benjamin Amos (Ben), in 2018 when Ben obtained a job as a graphic designer at the digital marketing agency in Bedford where Philip was a director and a senior web designer.

It was Ben's first job since graduating from university and Philip, who is 10 years older than Ben, acted as his mentor as well as being a work colleague. A friendship developed as they worked together on a number of projects and discovered that they had similar interests in the arts – particularly music and theatre.

During the Covid lockdown, the work of the agency decreased and Ben was furloughed. However, Philip was happy to support him until he found a new job; during this time their friendship deepened and they married in August 2021.

In 2022, Ben obtained a new job with a global American digital marketing agency that had opened a branch in London. Initially the job involved Ben in flexible working – commuting to London for a couple of days each week and working from home for the rest of the week. He often stayed overnight when he was working in London. By 2023, Ben's work was being noticed by senior managers and he was tasked with visiting other branches of the agency in America, Europe and the Far East to improve the quality of work.

Philip was pleased for Ben that his career was developing but he increasingly missed his company. Philip recognised that Ben's confidence was growing and that he was enjoying his independence and the fact that he was no longer reliant on Philip. Philip felt that they were growing apart and that perhaps the marriage had been a mistake as it had prevented Ben from enjoying his youth.

Last week, when Ben returned from another trip, Philip decided that he needed to tell Ben how he felt and to have a genuine discussion with him. Ben was quite tired from his journey and it became clear that he did not want an in-depth discussion. However, he admitted that he felt he had tied himself down too young and before he had had a chance to enjoy life. He was enjoying travelling and wanted to do more.

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Ben told Philip that he had felt for some time that the marriage had been a mistake. At the time he was unemployed and feeling very vulnerable, and appreciated Philip's support but he no longer felt that way. He was ready to do what he wanted, without the encumbrance of a partner.

Ben said that he thought it best that he, Ben, left their flat immediately. Ben told Philip that as far as he was concerned, the marriage had been over for some time and Philip should take whatever action he wished.

Ben packed a case and left; he promised to send a forwarding address but has yet to do so. He appears to have got a new mobile phone with a new number and so Philip has no way of contacting him. Philip has tried contacting Ben's employer for an address but without success. However, a colleague of Ben's that Philip has met has phoned him to say that he thinks Ben may have negotiated some leave of absence and gone travelling.

Philip feels that despite the fact he could make a personal application for divorce, in the circumstances it would be better to employ professional services. He is aware that this will involve some costs but is hoping that in the circumstances they will be relatively low.

ATTENDANCE NOTE RE KELLY MAIN

Client: Kelly Main
Date: {Yesterday's date}
Fee earner: Nicola Bryan
File Ref: NB/YS/25/241298
Time taken: 1 hour

Attendance on Mrs Main, an existing client, who attended to discuss financial matters. Mrs Main also provided information summarised in the financial statement (**Document 6**).

Mrs Main confirmed that last week she had received the provisional order pronounced in relation to her petition. Her husband, Fergus, has also received the provisional order.

Mrs Main wishes to resolve the agreement regarding their finances in an amicable way. She is hoping that after 26 years of marriage and two children (now both young adults), Mr Main would wish this too. The marriage breakdown was due to Mr Main engaging in a sexual relationship with another woman, sadly a repetition of previous behaviour.

Mr Main is currently living in a caravan and working as a tree surgeon. Mrs Main is living in Cherry Tree Cottage, which has been the family home for 23 years and is jointly owned by Mr and Mrs Main as beneficial tenants in common in equal shares. She works as a dental receptionist.

Mrs Main has been instrumental in having the family home extended and improved over the years, increasing its value. It has been the home where the children grew up and where their daughter, Chelsea, currently lives in an annexe flat. The property stands in an acre of land and is the base for Mr Main's business, with a workshop and a storage area.

Both Mr and Mrs Main have recently benefitted from inheritances from family members. These inheritances are currently invested on the advice of a financial advisor.

The key issue for Mrs Main is to decide how to deal with Cherry Tree Cottage, their family home and, until recently, their main asset. Mrs Main no longer wishes to live in the family home but has suggested that it could be transferred into Mr Main's sole name so that he could live there, retaining it as a family home for the children and continuing his business. Mrs Main has calculated that Mr Main could afford to pay her 50% of the value of the house by using some of his inheritance, while still having a modest amount of capital left.

She believes that they should each keep their own vehicles but is concerned about the pension disparity.

Mrs Main is keen to reach agreement on a financial settlement as quickly as possible as she wishes to move on with her life, with her first step being to buy a new home. However, she admits that she is finding communicating with her husband quite challenging at times.

DOCUMENT 6

FINANCIAL STATEMENT FOR MR AND MRS MAIN

ASSET INFO	JOINT	MR MAIN DOB: 4/8/1975	MRS MAIN DOB: 16/4/1976
Cherry Tree Cottage, Kempston Para, MK22 9XX	£825,000 (Gross value) <u>£145,000 (Mortgage)</u> <u>£680,000 (Net value)</u>		
Employment Income		£45,000 pa	£25,000 pa
Savings & Investment	£35,000	£625,000	£450,000
Pensions		£270,000	£90,000
Vehicles		£10,500	£18,500

End of the case study materials

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