



ACADEMIC SERVICES

MODULE SPECIFICATION

Part 1: Basic Data					
Module Title	Public Child Care and Housing Law and Practice				
Module Code	UJXTU3-10-M	Level	M	Version	3
UWE Credit Rating	10	ECTS Credit Rating	5	WBL module?	No
Owning Faculty	Business and Law		Field	Law Non-Modular	
Department	Law: BILP		Module Type	Professional Practice	
Contributes towards	Post Graduate Diploma in Legal Practice Masters in Advanced Legal Practice				
Pre-requisites	None		Co- requisites	None	
Excluded Combinations	None		Module Entry requirements	N/A	
First CAP Approval Date	2008		Valid from	2008	
Revision CAP Approval Date	1 June 2016		Revised with effect from	September 2016	

Part 2: Learning and Teaching	
Learning Outcomes	<p>On successful completion of this module students will be able to:</p> <p>On completion of this study unit, students will be expected to be able (at a professional level) to:</p> <ul style="list-style-type: none"> - Competently undertake research and enquiry tasks with minimum supervision to access, interpret, critically analyse and apply relevant knowledge, using the full range of learning resources; - Demonstrate an understanding of, and critically analyse the child protection provisions of the Children Act 1989 and the Children Act 2004, and the statutory and regulatory provisions relevant to a publicly funded housing practice; - Demonstrate an understanding of the role of a solicitor acting for any of the respective parties in a public child-care case/ and the role of a solicitor in a publicly funded housing practice; - Identify the objectives of the client or children’s services department, critically evaluate the range of practical, legal and procedural considerations that are

	<p>involved and the steps that may be taken to achieve the best possible outcome for the client or organization and to give appropriate advice on this;</p> <ul style="list-style-type: none"> - Critically evaluate the structure of civil publicly funded services and be able to advise a client as to the availability of, and his/her eligibility for public funding in the context of a Public Child Care matter/ Housing matter; - Demonstrate initiative and originality in problem-solving and act autonomously in planning and implementing tasks at a professional level, making decisions in complex and unpredictable situations; - Draft the appropriate documentation relating to a Without Notice Application for an Emergency Protection Order; - Represent a client or children’s services department in pre-hearing discussions, and at a straightforward hearing at court, negotiating and handling conflict with confidence, and engaging confidently in professional communication with others, reporting on action clearly, autonomously and competently; - Critically analyse precedent documentation and draft statements of case in respect of issues concerning security of tenure and disrepair; - Gain an overview of the issues governing good practice; - Exercise initiative and personal responsibility in professional practice; - Adapt skills and/ or procedures for new situations.
--	--

Syllabus Outline	<p>Syllabus Outline</p> <p>Part 1 of the course introduces the students to some of the principal features of a publicly funded housing law practice. To this end, the study unit provides coverage of issues arising in the context of disputes concerning security of tenure (in both the public and private sectors) and disrepair/unfitness.</p> <p>In particular, the students will consider:</p> <ul style="list-style-type: none"> - Defending possession proceedings brought against a Housing Act 1985 secure tenant on grounds of nuisance/annoyance, rent arrears and domestic violence (including the requirements for a valid notice under s.83 of the 1985 Act); - Defending possession proceedings brought against a Housing Act 1996 introductory tenant (including the requirements for a valid notice under s.128 of the 1996 Act); - The requirements for the creation of a valid assured shorthold tenancy under the Housing Act 1988 and the drafting of a defence to accelerated possession proceedings in respect of such a tenancy (including the requirements for a valid notice under s.21 Housing Act 1988); - Defending possession proceedings brought against a fully assured tenant on Grounds 1, 8 and 10 of Schedule 2 to the Housing Act 1988 (including the requirements for a valid notice under s.8 of the 1988 Act);
------------------	---

- The law and procedure relating to the setting aside of an order for possession;
- The drafting of a defence and Part 20 counterclaim to possession proceedings on the grounds of landlord's failure to comply with repairing obligations;
- The formulation of advice to a tenant on the possibility of mobilising a local authority into taking action under the Housing Act 1985 and/or Environmental Protection Act 1990 in respect of premises in an unacceptable condition.

Part 2 of the course introduces students to the primary obligations of local authorities to support families with children and to protect children. The study unit identifies and explains the role of the professional advisers involved (solicitors for the local authority, parent(s), child(ren) and others; children's guardian), the principles and factors which influence the decisions they may make, and the likely response of the Court.

In particular, the students will consider:

- Local authorities' emergency powers to remove children from their homes;
- The meaning of the term "parental responsibility";
- The availability of Section 8 Orders, the Family Court, Rules of Court, Costs and Public Funding;
- Local Authority Care Proceedings;
- Post Care Proceedings, including Adoption;
- How to apply for leave to make an application without notice to the other side, and to negotiate the terms and directions of an Order.

Statement of Outcomes

- The LPC outcomes and the vocational elective outcomes will be met by the students undertaking the type and range of tasks identified in the indicative teaching scheme set out below this statement.
- The elements of law and practice to be covered on the elective are primarily identified in the syllabus set out above as expanded upon in this statement and in the indicative teaching scheme set out below.
- The course skills which will pervade this elective as identified in the indicative teaching scheme set out below are practical legal research and drafting. The skill of negotiation will also be developed.
- Ethical and professional conduct issues will pervade the teaching of this elective. In particular students will consider conflicts of interest (such as those arising between the parents of a child, landlords and tenants); acting only when competent to do so (e.g. in complex or specialised areas such as applications for an emergency protection order; duty to the court and issues arising relating to advocacy and preparation of cases for the Family and Civil courts).

	<p>Indicative Teaching Scheme</p> <p>Study Unit 1 Housing Law I (Public Sector Security of Tenure)</p> <p>Study Unit 2 Housing Law II (Private Sector Security of Tenure)</p> <p>Study Unit 3 Housing Law III (Disrepair)</p> <p>Study Unit 4 Public Child Care Law II (Protection of children)</p> <p>Study Unit 5 Public Child Care Law III (Care proceedings)</p> <p>Study Unit 6 Public Child Care Law IV (Care planning)</p> <p>Study Unit 7: Revision</p> <p>Self Study Unit: Public Child Care Law I (Children in Need)</p>
<p>Contact Hours</p>	<p>Each Study Unit involves the student undertaking 11.5 Notional Learning Hours, of which (with the exception of the Self Study unit) 2.5 hours will be a Small Group Sessions</p>
<p>Teaching and Learning Methods</p>	<p>Self-study preparation and research in order to acquire knowledge and understanding;</p> <p>Large group sessions in order to consolidate and develop knowledge and understanding;</p> <p>A mixture of individual and group work centred on problem-based learning, involving management of information, analysis of complex facts and application of knowledge;</p> <p>Role play and oral presentations to demonstrate understanding and effective communication of complex areas of law applied to detailed factual scenarios;</p> <p>Preparation of written communications (primarily in the form of office memoranda and letters of advice to clients) to demonstrate understanding and effective communication of complex areas of law applied to detailed factual scenarios;</p> <p>Drafting and amending of legal documents, often involving the use of precedents, to demonstrate synthesis and application of knowledge, and the ability to reach autonomous, competent decisions;</p> <p>Reviews of topics in the form of both large group sessions (where ideas can be pooled and debated) and critical self-evaluation.</p> <p>The teaching and learning strategy pervading all modules on the Legal Practice Course is a student-centred approach through the provision of a stimulating educational environment.</p> <p>Face to face teaching and learning in a workshop environment is at the heart of the Teaching & Learning strategy, for students to participate fully in challenging activities, undertaking a wide variety of exercises as individuals and in groups. Full participation is encouraged and expected. Students are encouraged to ask questions during the workshops and to take responsibility for their own learning. Feedback will be given on</p>

	<p>these exercises both by students and tutors.</p> <p>Outside of the workshop students are required to take responsibility for their own learning undertaking a variety of preparatory tasks. These may be undertaken by students either as individuals or working in office groups, including include provision of information using recorded lectures, reading from course manuals and from practitioner texts, reading and research from primary source material, completion of electronic tests, preparing documents or presentations and attending large group sessions.</p> <p>The final component of each Study Unit will be a consolidation task or tasks designed to broaden and deepen students' understanding of an aspect or aspects of work covered in the relevant Study Unit</p>
Reading Strategy	Students will undertake reading from the course manual, practitioner texts, and primary source material,
Indicative Reading List	<ul style="list-style-type: none"> - Relevant texts: 'Manual of Housing Law' by Arden & Dymond; and CLP's 'Legal Practice Course Guide to Family Law'. - Relevant statutory sources: Adoption Act 1976, Protection from Eviction Act 1977, Housing Act 1980, Housing Act 1985, Landlord and Tenant Act 1985, Housing Act 1988, Environmental Protection Act 1990, Housing Act 1996, Human Rights Act 1998, Children Act 1989, Adoption and Children Act 2002, Housing Act 2004 and Children Act 2004. - Relevant regulatory sources: Civil Procedure Rules, SI 1997 No.72, SI 2006/1077, Local Authority Circular 99(29), DoE Circular 2/97, Regulatory Framework for Social Housing in England - Relevant case law: eg, Re N [2015] EWCA; Re B-S [2013] EWCA; M (A Minor)(Care Order: Threshold Conditions) [1994] H/L; Re J (Minors)(Care Plan) [1994]; Re C (Local Authority: Assessment) [1996] C/A; Re O (A Child) (Supervision Order: Future Harm) [2001] C/A. - Other relevant sources: 'Defending Possession Proceedings' by Luba, Madge & McConnell, 'Repairs: Tenant's Rights' by Luba

Part 3: Assessment	
Assessment Strategy	<p>The Assessment Strategy pervading all modules on the LPC is rigorous in its approach to ensure the credibility of the course to ensure that</p> <ul style="list-style-type: none"> • Assessment arrangements will be robust, consistent, fair and secure, to ensure that academic standards will meet the threshold set by the SRA • Assessments will revolve around transactions of the type encountered in practice • Assessments will address depth and realism as well as coverage • Individual assessments cover a representative and robust selection of the relevant outcomes. Where an assessment does not include coverage of all of the outcomes for a particular subject, students will nevertheless be prepared to be assessed on all outcomes and will not be informed of

	<p>what (or will not) be assessed in any particular assessment.</p> <ul style="list-style-type: none"> • Student achievement will be measured appropriately in accordance with the LPC outcomes. • All diligent students have an opportunity to achieve and demonstrate the LPC learning outcomes. • The needs of disabled students will be taken into account ensuring equal accessibility of assessments to all students.
--	--

% weighting between components A and B	A:	B:
	100%	
First Sit		
Component A (controlled conditions) Description of each element	Element weighting (as % of component)	
3 hour Open Book assessment comprising 25% MCQ/SAQ and 75% Long Form Questions with a pass mark of 50%	100%	
Component B Description of each element	Element weighting (as % of component)	
n/a		

First Resit (further attendance at taught classes is not required)		
Component A (controlled conditions) Description of each element	Element weighting (as % of component)	
3 hour Open Book assessment comprising 25% MCQ/SAQ and 75% Long Form Questions with a pass mark of 50%	100%	
Component B Description of each element	Element weighting (as % of component)	
n/a		

Second Resit (further attendance at taught classes is not required)		
Component A (controlled conditions) Description of each element	Element weighting (as % of component)	
3 hour Open Book assessment comprising 25% MCQ/SAQ and 75% Long Form Questions with a pass mark of 50%	100%	
Component B Description of each element	Element weighting (as % of component)	
n/a		