



Module Specification

Public Child Care and Housing Law and Practice

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Part 1: Information

Module title: Public Child Care and Housing Law and Practice

Module code: UJXTU3-10-M

Level: Level 7

For implementation from: 2023-24

UWE credit rating: 10

ECTS credit rating: 5

Faculty: Faculty of Business & Law

Department: FBL Dept of Law

Partner institutions: None

Delivery locations: Not in use for Modules

Field: Law - non modular

Module type: Module

Pre-requisites: None

Excluded combinations: None

Co-requisites: None

Continuing professional development: No

Professional, statutory or regulatory body requirements: None

Part 2: Description

Overview: Not applicable

Features: Not applicable

Educational aims: 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 in the Outline Syllabus.

The elements of law and practice to be covered on the elective are primarily identified in the syllabus, as expanded upon in this statement and in the indicative teaching scheme.

The course skills which will pervade this elective as identified in the indicative teaching scheme 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.

Outline syllabus: 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.

In particular, the students will consider:

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.

Indicative Teaching Scheme

Study Unit 1

Housing Law I (Public Sector Security of Tenure)

Study Unit 2

Housing Law II (Private Sector Security of Tenure)

Study Unit 3

Housing Law III (Disrepair)

Study Unit 4

Public Child Care Law II (Protection of children)

Study Unit 5

Public Child Care Law III (Care proceedings)

Study Unit 6

Public Child Care Law IV (Care planning)

Study Unit 7:

Revision

Self Study Unit:

Public Child Care Law I (Children in Need)

Part 3: Teaching and learning methods

Teaching and learning methods: Self-study preparation and research in order to acquire knowledge and understanding;

Large group sessions in order to consolidate and develop knowledge and understanding;

A mixture of individual and group work centred on problem-based learning, involving management of information, analysis of complex facts and application of knowledge;

Role play and oral presentations to demonstrate understanding and effective communication of complex areas of law applied to detailed factual scenarios;

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;

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;

Reviews of topics in the form of both large group sessions (where ideas can be pooled and debated) and critical self-evaluation.

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.

Face to face teaching and learning in a workshop environment is at the heart of the Teaching and 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 these exercises both by students and tutors.

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.

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.

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

Module Learning outcomes: On successful completion of this module students will achieve the following learning outcomes.

MO1 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.

MO2 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.

MO3 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.

MO4 Identify the objectives of the client or children's services department, critically evaluate the range of practical, legal and procedural considerations that are 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.

MO5 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.

MO6 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.

MO7 Draft the appropriate documentation relating to a Without Notice Application for an Emergency Protection Order.

MO8 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.

MO9 Critically analyse precedent documentation and draft statements of case in respect of issues concerning security of tenure and disrepair.

MO10 Gain an overview of the issues governing good practice.

MO11 Exercise initiative and personal responsibility in professional practice.

MO12 Adapt skills and/ or procedures for new situations.

Hours to be allocated: 100

Contact hours:

Independent study/self-guided study = 76 hours

Face-to-face learning = 24 hours

Total = 100

Reading list: The reading list for this module can be accessed at [readinglists.uwe.ac.uk](https://uwe.rl.talis.com/index.html) via the following link <https://uwe.rl.talis.com/index.html>

Part 4: Assessment

Assessment strategy: This module is assessed by an online examination comprising 25% MCQ/SAQ and 75% Long Form Questions with a pass mark of 50%. The examination is to be completed within a 24 hour window. (maximum 4500 words).

The Assessment Strategy pervading all modules on the LPC is rigorous in its approach to ensure the credibility of the course to ensure that:

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 what (or will not) be assessed in any particular assessment.

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.

Assessment components:

Examination (Online) (First Sit)

Description: Online examination (4500 words)

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested: MO1, MO10, MO11, MO12, MO2, MO3, MO4, MO5, MO6, MO7, MO8, MO9

Examination (Online) (Resit)

Description: Online examination (4500 words)

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested:

Examination (Online) (Resit)

Description: Online examination (4500 words)

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested:

Part 5: Contributes towards

This module contributes towards the following programmes of study: