

SWT05209

SOCIAL WORK AND LAW

Topic1:Concept of law in relation to Social Work Practice

Learning Tasks:

By the end of this topic learners are expected to:

- Define the term Law.
- Explain key legal terms used in social work practice (Duties, power, responsibilities, rights, Act)
- Explain the relationship between law and social work practice

Definition of the term Law

Activity: Buzzing

- Define the term Law and give examples of laws.

Law

- **Law** is a rule of legal force which regulates social conduct.
- **Law** is a set of rules, enforceable by the courts, which regulate the government of the state and govern the relationship between the state and its citizens and between one citizen and another.

Cont...

- **Law** is the system of rules which a particular country or community recognizes as regulating the actions of its members and which it may enforce by the imposition of penalties.
- Example of laws include the; Penal code, Criminal Procedure Act, law of the Child Act, Law of Marriage etc.

Key legal terms used in social work practice

Activity: Buzzing

- Explain the following legal terms: duties, power, responsibilities, rights and Act as used in Social Work Practice.

Duty

- **Duty** is a moral or legal obligation; a responsibility or a task or action that one is required to perform as part of one's job. In the context of law, duty is a matter of law.

Cont...

- For example, the legal duty to provide the necessities of life like food, shelter and clothing to children is on the head of the family, failure of which, children are entitled to file a criminal case against the head of the family.

Power

- **Power** capacity or ability to direct or influence the behavior of others or the course of events. Also, power means the right, authority and ability to take some action or perform or accomplish something including demanding action and exercising legal rights.

Responsibility

- **Responsibility** is the state or fact of having a duty to deal with something or of having control over someone or the state or fact of being accountable or to blame for something.

Right

- **Right** is something that is morally good, justified, or acceptable. In the context of the law, a right should have a legal force. For example, the right to life, right to work, right to education, health, the right to respect of one's dignity.

Act

- **Act** means a law made by Parliament like the law of the child Act, the Law of Marriage Act, the Law on Persons with disabilities etc. Laws in terms of their making are divided into two: there are those

Cont...

- made by the Parliament (which are referred to as Principal legislations, Act, or parent/primary laws) and those which are made by bodies other than the Parliament e.g. the President, Minister, Local Government Authorities (LGAs) etc. Such laws are known as subsidiary legislations, regulations, by laws, rules, orders, circulars etc.

The relationship between law and social work practice

Activity: Brainstorming.

- Discuss the relationship between law and Social work Practice

The relationship between law and social work practice

- Law plays a number of important roles in the practice of social work. First, from an ecological perspective, the legal system is a vital part of a client's social environment. Many social work clients are involved in legal systems, such as child protection, criminal justice, or mental health.

Cont...

- Social workers need to be aware of the laws that regulate each system in order to help clients navigate their way through these systems more effectively, and to be able to advocate for law reform to improve the goodness of fit between clients and their socio-legal environments

Key points

- Law is a set of rules regulating Social conduct.
- Key legal terms used in Social Work Practice including duty, power, responsibility, right and Act.

Cont...

- Law and Social Work Practice are related in the fact that many of the clients of Social workers are either in contact or in conflict with the law thus, knowledge of the law should provide practitioners with a practical understanding of their clients' rights and responsibilities in a broad range of social relationships.

Evaluation

- what is Law?
- What are the key legal terms used in social work practice?
- What is the relationship between law and social work practice?

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- Albert R.(1986), *Law and Social Work Practice*, New York; Springer Publishing Company.
- Braye, S. and Preston-Shoot, M. (2006) '*The role of law in welfare reform: critical perspectives on the relationship between law and social work practice*' 15(1) International Journal of Social Welfare pp. 19–26.

End of topic 1

Questions/comments

Topic 2a: Relevant Laws used in Social Work Practice with vulnerable groups

Learning Tasks:

By the end of this Topic learners are expected to:

- Explain the Law of the Child Act,
- Explain the Law of Disability Act,
- Explain the Law Sex offences Special Provision Act,
- Explain the law The Law of Marriage Act,

The law of the Child.

- The law of the child Act, is a national law that was enacted by the Parliament in 2009 with a view to provide for reform and consolidation of laws relating to children, to stipulate rights of the child and to promote, protect and maintain the welfare of a child with a view to giving effect to

Cont...

- international and regional conventions on the rights of the child; to provide for affiliation, foster care, adoption and custody of the child; to further regulate employment and apprenticeship; to make provisions with respect to a child in conflict with law and to provide for related matters.

Cont...

- One of the important issues in that law is the definition of the person who is regarded as a child. As per the law of the Child Act, any person below the age of eighteen years shall be known as a child.

Cont...

- The definition is a replica of both the international law of the child, that is the 'The United Nations Convention on the Rights of the Child' and the African Charter on the Rights and the Welfare of the Child, which define the term a child to mean every human being below the age of 18years unless under the law applicable to the child, majority is attained earlier.

Activity: Think, Pair and Share

- Think on the important rights of the child stipulated in the law of the Child Act.

Rights of the child stipulated in the law of the Child Act.

- Child,
- General duties and responsibilities of the child
- Care and Protection of the Child
- Foster and Care Placement
- The rights and welfare of the

Cont...

- Parentage, Custody, Access and Maintenance
- Fosterage and adoption
- Employment of the child.
- Support Services for a Child by Local Government Authorities

Cont...

- A child In Conflict with Law
- Institutionalized care

The law of Persons with Disabilities

- The law on persons with disabilities Act is a national law enacted by the Parliament of the United republic of Tanzania in 2010 with a view of making provision for the health care, social support, accessibility,

Cont...

–rehabilitation, education and vocational training, communication, employment or work protection and promotion of basic rights for the persons with disabilities and to provide for related matters.

Cont...

- According to the Tanzania law of Persons with disabilities (2010) the term “disability” in relation to an individual means loss or limitation of opportunities to take part in the normal life of the community on an equal level with others due to physical, mental or social factors.

Activity: Think, Pair and Share

- Think on the important rights stipulated in the law of the Persons with Disabilities (PWDs).

Important rights stipulated in the law of the Persons with Disabilities (PWDs).

- Principles and obligation for realization of the rights of Persons With Disabilities
- Institutional Arrangement for protection of the rights of persons with disabilities.
- Integration of Persons with disabilities

Cont...

- Support Services for Persons with Disabilities by Local
- Government Authorities
- Registration of Persons with disabilities and settlements
- Health Care, Education, Rehabilitation and Employment
- Access to buildings. Services. information and physical environment

Cont...

- Participation of persons with disabilities in Political and Public life
- Provisions relating to Television Programmes and Telephone services

The Sexual Offences Special Provisions Act (SOSPA of 1998)

- This law was enacted by the Parliament of the United Republic of Tanzania in 1998 with a view to amend several laws and make special provisions in those laws with regard to sexual and other offences and to further safeguard the personal integrity, dignity, liberty and security of women and children.

Cont...

- Today this law is part of the Criminal law called the penal code, Cap, 16 of revised edition 2002. This law has been made to be part of the Criminal law i.e. Penal Code Cap. 16. Some of the offences include rape, attempted rape, sexual assault, indecent assault etc.

Activity: Assignment

- **PROVIDE** learners with the Penal Code Cap. 16 and ASK them to identify offenses against morality as stipulated therein.

The law of the Marriage Act, 1971

- The law of the Marriage Act was enacted by the Parliament of Tanzania in 1971 with a view to regulate issues of marriage, personal and property rights as between husband and wife, separation, divorce and other matrimonial reliefs and other related matters.

**Some of the salient matters
addressed in this law include:**

- **Meaning of marriage**
- **The nature of Marriage**
- **Types of Marriage**

Cont...

- Restrictions to Marriage
- Procedures to contracting a Marriage
- Rights and liabilities of married couple.
- Matrimonial proceedings

Key points

- Laws pertaining to Social work practice include the law of the Child Act,
- Persons with Disabilities Act, Sexual offences Special Provisions Act, The
- law of the Marriage Act.

Evaluation

- Explain the law of the Child Act
- Explain the law of the Persons with Disabilities
- Explain the Sexual offences Special Provisions Act
- Explain the law of the Marriage Act

References

- The Law of the Child Act, 2009 and its Regulations
- The law of the Persons with Disabilities Act, 2010
- The Sexual Offences Special Provisions Act, 1998
- The Law of the Marriage Act, 1971

Cont...

- The Convention on the Rights of the Child, 1989
- The African Charter on the Rights and Welfare of the Child, 1990
- The International Convention on the rights of Persons with Disabilities, 2009.

End of Topic 2a

Questions/comments

Topic 2b: Relevant Laws used in Social Work Practice with vulnerable Groups

Learning Tasks:

By the end of this Topic learners are expected to:

- Explain the law of the Anti-Trafficking in Persons Act, 2008
- Identify Anti-oppressive practices in existing laws relating to vulnerable groups
- Explain limitations of law in Social Work Practice with vulnerable groups

The Anti- Trafficking in Persons Act, 2008

Activity: Discussion & Presentation.

- In to groups read the Anti- Trafficking in Persons Act, 2008 and then make presentation of the contents.

Trafficking in persons

- **Trafficking in persons** may be defined as getting a person by deceit, fraud or force, and subject such persons under exploitative situation like forced labour or sexual exploitation.

Cont...

- The Tanzania law on combating Trafficking in Persons, that is to say the Anti-Trafficking in Persons Act, 2008, and The UN Protocol to Prevent, Suppress and Punish Trafficking in Person

Cont...

- Especially Women and Children that supplements the UN Convention against Transnational Organized Crime (2000), known as the Palermo Protocol, defines trafficking in human beings as: ‘the recruitment, transportation, transfer,

Cont...

- harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation’

Salient matters addressed in Anti-Trafficking in Persons Act are:

- Prohibition of Trafficking In Persons
- Investigation and Judicial Proceedings
- Rescue, rehabilitation, protection and assistance to victims
- The Anti Trafficking Fund
- The Anti- Trafficking in Persons Committee and its Secretariat

**Identification of anti-oppressive
practices in existing laws relating
to vulnerable groups**

Activity: Brainstorming

- In small groups to identify the anti oppressive practices existing in Laws relating to vulnerable groups.

Legal approach on Anti-oppressive practice

- Legal approach on Anti-oppressive practice seeks to lessen the exclusion of certain social groups from social equality, rights and social justice. In social work, the anti-oppressive model aims to function and promote equal, non-oppressive social relations between various identities.

Cont...

- For example, issues of property ownership, matrimonial rights, Gender based violence, rights to education, participate in political affairs of the Country, etc.

Cont...

- In these areas there are discriminatory practices that are in a way perpetrated at the levels of the family, clan, and community. For instance, in some families one finds that women cannot inherit land or do not have the right to be married by a man of her choice, etc.

Limitations of law in social work practice with vulnerable groups

Limitations of law in social work practice with vulnerable groups

- Whilst accepting that law shapes social work practice and provides social workers with powers and duties, it is also necessary to understand the limitations of the law.

Cont...

- Law will not always provide clear direction – rather it sets boundaries for practice, and there is often a huge discretion on ways to practice within those limits (this may also be seen as a advantage)

Cont...

- Particular provisions are often open to interpretation and may appear unclear. Sometimes it is necessary to ‘wait and see’ until case law clarification is produced, e.g. case law on meaning of ‘significant harm’.

Cont...

- Some laws may appear to be in conflict with each other. Law may not keep pace with practice developments e.g. the law of the child Act and the law of Marriage in protection of the rights of the Child.

Cont...

- Legal language may not be updated to reflect terms adopted in practice. There are gaps in the law. An example of this is the lack of a legislative duty to investigate and powers to intervene in adult protection.

Cont...

- Law may not help a social worker decide when to act; that may be a matter of risk assessment.

Cont...

- Law may appear to be discriminatory itself, e.g. restriction on voting rights for detained patients, or may be applied in a discriminatory fashion, e.g. police discretion to stop and search exercised disproportionately to include high numbers of young black men.

Cont...

- Law is reactive rather than proactive –law tends to react to situations that have occurred, by punishing or providing a remedy, rather than setting out codes of behavior.

Cont...

- The law can seem to be a bureaucratic machine, concerned more with processing forms accurately and following procedures than dealing with the central issue in a case. This approach is partly due to the need to follow principles of natural justice and for justice to be seen to be done.

Key points

- Trafficking in Persons is getting a person by false promise and subjects her or him in exploitative situation.
- Anti-oppressive practices prohibited by laws which are relevant to Social work practice includes Female genital mutilation, gender based violence, Forced marriage etc.

Cont...

- Limitations of law in social work practice with vulnerable groups include the fact that law sometimes may be regarded as discriminatory in Social work practice.

Cont...

- Explain the law of the Anti-trafficking in Persons Act.
- Identify Anti-oppressive practices in existing laws relating to vulnerable groups.
- What are the limitations of law in social work practice with vulnerable groups?

References

- The Constitution of the United Republic of Tanzania, 1977
- The Anti-trafficking in Persons Act, 2008
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 2000

Topic 3: Different laws used in social work

Learning Tasks:

By the end of this Topic learners are expected to:

- Conduct Social Inquiry to gather information in helping vulnerable groups
- Produce social inquiry report

Cont...

- Identify children in conflict with the Law
- Link clients who needs legal assistance to court or to other legal service agencies
- File clients cases in courts

Conducting Social Inquiry to gather information in helping vulnerable groups

- **Social inquiry** is an integrated process for examining social issues, ideas, and themes. Social inquiry or sometimes known as Social investigation in social work context is an activity or process conducted by a Social worker

cont...

- as a result of courts' order to examine situation and circumstances under which the accused persons committed an offence. On the other hand, a social worker may be required by the Government to conduct such an investigation in order to collect information as the government want to be informed of the magnitude of the problem for purpose of making a policy.

Steps involved in conducting Social Inquiry

- Obtain the contacts information of the person (client) to be interviewed
- Identify other persons/agencies etc. that may be resourceful
- Set date, time and place for the interview

Cont...

- Conduct actual interview
- Make home visit to interview client's family members and significant others
- Verify the information gathered from all parties involved

Cont...

- Form an opinion and make informed recommendations
- Write the report
- Presentation of the report to the court or relevant authorities

Information to be gathered for helping vulnerable under which Social inquiry is done will include:

- **Categories of vulnerable groups and their vulnerabilities**
- **Sex, age, and marital status**
- **Level of education and occupation**
- **Locations and economic status**

Cont...

- Social problems
- Family ties and dependants
- Strategies and measures in place (both government and Private) to assist them.

Activity: Role play/Scenario

Read the following scenario:

- A girl who is 17 years old is accused before a court of law for the offence of attempting to kill her 3 months old baby by dumping her into the bush where she was fortunately rescued by a good Samaritan who brought her to the police station. The Court assigns a Social Worker to conduct social inquiry against the accused.
- Volunteers to role play as Social Worker and the offender (client).
- **Demonstrate** on how to conduct Social inquiry based on the scenario above.

Social inquiry report

Activity: Produce/write a Social Inquiry Report (SIR)

- Based on the scenario in Step 2 above, write and produce a Social Inquiry Report (SIR).

Social Inquiry Report (SIR)

- Social Inquiry Report (SIR) is a report on a person and his or her circumstances, which may be required by a court before sentencing and is made by a probation officer or a social worker which is thereafter together with the recommendations of a worker is presented to the court. Social Inquiry Reports ('SIRs') are intended to assist the sentencing process.

Cont...

- The report should contain information on the background history of the accused, family history, education, economic status of the family, general behavior of the accused, criminal record, circumstance of the current offence, risk of re-offending etc and recommendation of the Social worker to the court on whether the offender should be given a prison sentence or probation order.

Cont...

- The importance of the Social inquiry report is the fact it gives the court supplemental information which were not made available to the court by the accused and even the prosecutor.

Identification of children in conflict with the Law

- The phrase child in conflict with the law refers any person below the age of 18 who has come into contact with the justice system as a result of committing a crime or being suspected of committing a crime.

Cont...

- According to Articles 37 and 40 of the Convention on the Rights of the Child (1989), children in conflict with the law have the right to treatment that promotes their sense of worth and dignity, while taking into account their age and aims at their reintegration into society.

Cont...

- Children who are in conflict with the law include: children accused of committing acts amounting to being criminal offence like stealing, killing, neglecting or dumping their kids etc.

Activity: Buzzing

- Identify factors contributing to children being in conflict with the Law

Factors Contributing to Children Being in Conflict with the Law

- Uncontrollable behavior
- The influence of peers
- Idleness
- Retributive behavior
- Poor parenting

Cont...

- Lack of adequate supervision
- Frustrations with school
- Illiteracy of semi-illiteracy

Linking Clients who needs legal assistance to court or from other legal service agencies

- Social workers Clients who are likely to be in need of legal assistance are many including men, women, girls and children depending on the nature of their problems. For instance, married couples, abused children, girls accused of abortion, forced married cases, victims of human trafficking, clients subjected to gender or sexual violence etc.

Cont...

- However, to appropriately Link clients in need with legal assistance requires a social worker to have knowledge on the court system and their jurisdictions to receive and determine cases both Civil and criminal cases. Moreover, knowing important tools for making referral is also another critical requirement of a Social worker.

Activity: Think, Pair and Share

- Identify the Court system in both Mainland Tanzania and Zanzibar.

The Court system in Mainland Tanzania

- Primary Courts
- Juvenile courts
- District Courts
- Courts of resident Magistrates
- High Courts
- Court of Appeal

The Court system in Zanzibar

- Primary Courts
- Children's Courts
- Chiefs' Kadhi's Court
- District Courts
- Regional Courts
- High Court of Zanzibar
- Court of Appeal of Zanzibar

Jurisdiction of each Court is determined by the following factors;

- Geographical location of the Court
- Nature of the Subject matter
- Value of the Subject matter

Important tool for linking clients to legal assistance

- **Important tool for linking clients to legal assistance** is a referral form of the respective social agency which must be well filled. In addition the Social Worker must write a report stating on how the case was first attended by him or her and of important to identify the issues that need the intervention of the court.

Filing clients' cases in Courts

Activity: Discussion and presentation.

- Sit in small group and discuss on important procedures **to** be followed in filing a client's case in the Court of Law.

Filing clients' cases in Courts

- Filing of a client's case in the Court of law depends on whether the case is criminal or civil in nature. However, the following procedures should be adhered by a Social Worker:

Cont...

- Determine courts at which the identified cases will be filed, in this case, primary courts, district courts, Courts of Resident Magistrates or High Court.

Cont...

- Ask the client on whether s/he would like to engage an Advocate for legal advice or s/he will prosecute the case him/herself.

Cont...

- With a report from a Social Worker, refer the client to a legal Aid centre or to appropriate Court to see the Magistrate or Court Clerk for help.
- Monitoring and follow up of the client's case

Key Points

- Social Inquiry is an investigation carried out with a view to examine the existence or non existence of a problem. It is done as a result of a court order or an order of the Government
- Social inquiry Report is a report written following a social inquiry.

Cont...

- Children in conflict with the Law is a child accused of or suspected of committing a criminal offence

Cont...

- Clients in need of Legal assistance is a person who is under a working - relationship with a Social worker and it has been found out that his or her problem requires legal assistance thus is linked accordingly

Evaluation

- What is Social Inquiry?
- What is Social inquiry Report?
- Identify children in conflict with the Law

References

- The Civil Procedure Code, 1966
- The Criminal Procedure Act, 1985
- The law of the Child Act, 2009
- Shivji I. G., and Majamba H., (2004).
Constitutional and Legal System of Tanzania: A Civics Source Book: Dar es Salaam, Mkuki na Nyota Publishers.
- Dickens, J., (2013). *Social Work, Law and Ethics, London and New York, Routledge.*

End of topic 3

Questions/comment

Learning Tasks:

By the end of this Topic learners are expected to:

- Describe civil law in social work practice with vulnerable groups
- Describe criminal law in social work practice with vulnerable groups
- Explain the social worker's role in civil proceedings as an expert

Civil Law in Social Work Practice with Vulnerable Groups

- Civil law is a body of rules that defines and protects the private rights of citizens, offers legal remedies that may be sought in a dispute, and covers areas of law such as contracts, Labour, property and family law.

Cont...

- Explain the social worker's role in civil proceedings as custody evaluator
- Explain the social worker's role in civil proceedings as mediator
- Explain the social worker's role in Criminal proceedings as substance-abuse evaluator.

Cont...

- Civil law can be used in Social Work Practice to protect the rights of vulnerable groups in the following circumstances:

Cont...

- Matrimonial conflicts where a woman is divorced and the husband denies the wife of the distribution of the matrimonial properties jointly acquired during the existence of the lawful marriage

Cont...

- In a situation where a person with disability has been terminated or dismissed unfairly from the service.
- Property ownership. In a situation where a woman is denied of ownership of a clan land.

Cont...

- In a situation where the elderly in government settlements are entitled to social welfare services and the government does not provide. Social Workers may use civil law to demand provision of such services.

Cont...

- It can also be used by victims of human trafficking for being compensated of the exploitation and the traumatic experience they suffered.

Cont...

- In situation where property or properties of a vulnerable persons has been damaged.

Criminal Law in Social Work Practice with Vulnerable Groups

- Social work Professional had its history in the criminal justice system assisting individuals who either are found to be in conflict or in contact with the law.

Criminal law

- **Criminal law** is the body of law that declares certain actions to be crimes and also provides punishment to any one committing such action. For example, killing a person, stealing a property of another person, assaulting, not giving food you child etc all these are conducts prohibited by law.

Criminal law is further divided into several branches as follows:

- **Criminal Procedure law.** This are of law states detailed procedures to be taken by law enforcement agencies against a person suspected to be involved in the commission of an offence or was about to commit an offence.

Criminology

- **Criminology** is a scientific study of crime. It is a branch of criminal law which tries to reason out as to why people commit crimes, the causes, consequences and prevention.

Penology

- **Penology** is a branch of criminal law which deals with the aim of punishment.

Social Worker's role in Civil Proceedings as an *expert*

Activity: Brainstorming

- In small groups brainstorm on the role of Social Worker in civil proceedings as an expert.

Cont...

- Social workers provide a specialist service to support clients through the civil justice process. The roles include;

Cont...

- Communicates with advocates, opponents and magistrates on behalf of the client
- Prepare clients for the court process
- Finding and engaging a lawyer on behalf of the client
- Provide specialist advice when ordered by court to do so.
- Provides counseling services to the client

Social worker's role in civil proceedings as custody evaluator

Activity: Brainstorming

- **Brainstorm on the role of Social Worker in civil proceedings as custody evaluator.**

Cont...

- Child custody proceedings are court proceedings to determine the placement of a child with a parent and related legal rights to visitation and decision-making.

Cont...

- One or both parties in a dispute, most often the biological or adoptive parents, may request a child custody evaluation by a professional who makes recommendations to the court regarding the custody and/or visitation status of each parent in relation to the child.

Cont...

- The child custody evaluator may either be court-appointed or privately contracted. Even if the evaluator is privately contracted, the evaluator is never to be a supporter/advocate of either parent, and the recommendations must be based on impartial fact-gathering and analysis.

Cont...

- Social workers by reason of their education, training, and professional orientation increasingly used by courts as child custody evaluator providing professional services to families that are divorcing.

Cont...

- The primary purpose of the child custody evaluation is to aid the court in determining the best interests of the child by recommending the parenting arrangement that would create the most optimal “fit” to coincide with the child’s best interests.

Cont...

- Accordingly, the child's best interests and wellbeing are the paramount factors in conducting the evaluation.

Roles of Social Worker as a Child Custody evaluator

- Providing professional services to both parents (counseling and guidance services, maintenance services etc.)
- Ensure supervisory/assessment role

Cont...

- Act as a broker between the Court and the child's family.
- Maintain neutrality position in the discharge of his/her professional duties etc.

Social Worker's role in Civil proceedings as a Mediator

Activity: Brainstorming

- In small groups brainstorm on the role of Social Worker in civil proceedings as a mediator.

Mediation

- **Mediation** is defined as a structured process whereby two or more parties to a dispute attempt by themselves, on a voluntary basis, to reach an agreement on the settlement of their dispute with the assistance of a mediator Or Mediation is a dynamic, structured, interactive process where a neutral third party assists disputing parties in resolving conflict

Cont...

–through the use of specialized communication and negotiation techniques. All participants in mediation are encouraged to actively participate in the process. This process may be initiated by the parties or suggested or ordered by a court.

Cont...

- A mediator is a person who facilitates communication between the parties and helps the mediation participants reach a mutually satisfactory solution. Mediator is neither a Judge nor an arbitrator; his/her role is not to decide the dispute that has arisen out between the parties.

Cont...

- Social workers are increasingly used as mediators to assist in resolving arguments or conflicts more often which are not bound by legal formal procedures. Most of such conflicts are civil in nature. The following are some of the roles that a social worker is expected to perform:

Cont...

- Convener –invites parties to the mediation
- Educator –educate parties about the mediation process
- Communication facilitator
- Translator

Cont...

- Questioner and clarifier
- Process advisor
- Catalyst in the mediation process etc.

Social worker's role in Criminal proceedings as Substance-abuse evaluator

Activity: Brainstorming

- In small groups brainstorm on the role of a Social Worker in criminal proceedings as substance-abuse evaluator.

Social worker's role in Criminal proceedings as Substance-abuse evaluator

- Social workers provide a specialist service to support clients who are accused as drug addicts in the criminal justice process and they have to show a strong interest in the concern and wellbeing of clients while ensuring that the integrity of the process is maintained. The roles include;

Cont...

- Communicates with advocates, opponents and magistrates on behalf of the client
- Prepare client for the court process.
- Keep the client updated on the dates of court Topic after adjournment

Cont...

- Communicating with the family of the client including offering counseling to them
- Provide specialist advice to court on the progress of the client as he or she is under medical therapy
- Provides counseling to the client

key Points

- Civil law in social work practice is that branch of law which regulates the private relationship like matrimonial disputes.
- Criminal law in social work practice is that branch of the law that declares certain conducts as crimes.

Cont...

- Social worker's role in civil as well as criminal proceedings is regarded as an officers of the court for assisting it in reaching to a just decision.

Evaluation

- Explain the role of Social Worker in Civil and Criminal law in social work practice with vulnerable groups
- Explain the Social worker's role in civil proceedings as an expert
- Explain the Social worker's role in civil proceedings as custody evaluator

Cont...

- Explain the Social worker's role in civil proceedings as mediator
- Explain the Social worker's role in Criminal proceedings as substance-abuse evaluator

References

- Penal Code, Cap 16, R.E 2002
- Criminal Procedure Act, Cap 20, R.E, 2002
- Civil Procedure Code, 1966

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End of topic 4

Questions/comments

Topic 4b: Knowledge of laws in working with vulnerable groups

Learning Tasks:

By the end of this Topic learners are expected to:

- Explain the social worker's role in civil proceedings as domestic violence counselor
- Explain the social worker's role in civil proceedings as probation officer

Cont...

- Explain the social worker's role in civil proceedings as child protective services worker
- Explain the social worker's role in criminal proceedings (Applicant, McKenzie friend, Children's Guardian, Witness, Report writer, Appropriate Adult, Advocacy,
- Explain the social worker's role in criminal proceedings of the crime of Trafficking in persons

Social worker's role in civil or criminal proceedings as domestic violence counselor.

- **Domestic violence** (also named domestic abuse or family violence) is violence or other abuse by one person against another in a domestic setting, such as in marriage or cohabitation.

Cont...

- Domestic violence often occurs when the abuser believes that abuse is an entitlement, acceptable, justified, or unlikely to be reported and globally victims of domestic violence are women, men are fewer.

The five main forms of domestic violence are:

- **Physical**
- Punching;
- Denying food,
- warmth or sleep and
- Keeping someone locked up

Sexual

- **Rape:** using force, threats or intimidation to make someone perform sexual acts etc.

Emotional

- Putting a person down
- Constant criticism
- Putting a person down in front of others
- Mocking
- Shouting
- Being excessively jealous

Psychological

- Isolation
- Harassment
- Threats

Financial/Economic

- Keeping a person from working
- Controlling someone's money or the household/family money
- Withholding money
- Spending money on himself (often on alcohol or drugs) or/and on other women

Domestic Violence

- **Domestic Violence** Counselor is a professional person who works with victims of domestic violence to help them leave abusive relationships and overcome the effects of trauma.

–They work in shelters, social service agencies, mental health facilities, schools, and protective service agencies to help individuals experiencing (or who have experienced).

Cont...

- These counselors may also work with perpetrators to break the cycle of violence Domestic violence cases are criminal cases determined in criminal courts. Social workers are increasingly assisting clients who are victims of domestic violence who have cases pending in courts.

The role of the Social worker in such criminal proceedings includes the following:

- **Counselor:** counseling services
- **Broker:** Linking the victim to legal services agencies.
- **Facilitator:** Facilitate communication of the victim with his or her family members

- Orienter: orient the client with court processes
- Negotiator: negotiating with parties to see if the matter can be resolved outside the court with a view of protecting marriages from being broken down irreparably.

Social worker's role in criminal proceedings as probation officer

Activity: Brainstorm

- **Define probation,** probation officer and social workers' role as a probation officer in criminal proceedings.

Cont...

- **Probation** is a criminal sentence where by the offender is put under supervision order for a given period to see if he can behave in a way to prove to the court and the probation officer that he has changed from being a person with bad behavior into good behavior.

Cont...

- **Probation Officer** is someone who works with and monitors offender to prevent them from committing new crime. They carry through with anything the court assigns to them, the common being to supervise offender and to investigate the offender

**The roles of a Social worker as probation officer
in such criminal proceedings include the
following:**

- Evaluate offenders to determine best course of treatment
- Provide offenders with resources to aid in rehabilitation
- Discussing treatment options with offenders
- Arrange treatment programs
- Supervise offenders and monitor progress

Cont...

- Conduct meetings with offenders as well as their family and friends
- Write reports on the progress of offenders
- Investigate offender's history for the court.

Social worker's role in civil proceedings as child protective services worker

Activity: Buzzing

- Explain the term child protection and identify child protective services.

Meaning of child protection according to UNICEF

- UNICEF uses the term ‘child protection’ to refer to preventing and responding to violence, exploitation and abuse against children – including commercial sexual exploitation, trafficking, child labour and harmful traditional practices, such as female genital mutilation/cutting and child marriage

Child Protective Services

- **Child Protective Services** refers protection provided to children who are at risk of, or are experiencing physical, sexual, or emotional abuse, or emotional or physical neglect.

Cont...

- The focus is on the safety of the child and support for parents to strengthen families and promote safe nurturing homes for children. The following are the child protective services:

Cont...

- One stop center
- Children residential homes
- Child and Gender Police desks
- Foster care placement
- Approved schools
- Retention (remand) home etc.

Social worker's role in
criminal proceedings.

Activity: Buzzing

- Explain social workers' role in criminal proceedings

Roles of a social worker in criminal proceedings

- **As an applicant:** the social worker may assist a client to make an application to the Court on issues of bail, Court proceedings, copy of judgment, review, and appeal.

McKenzie friend

- **McKenzie friend:** this is someone who knows about the Court system, who can guide the client through the process and offer support along the way. In this case, the social worker acting as McKenzie friend may assist the client in Court during the proceedings on taking notes of matters being discussed.

Cont...

- S/he advises the client on matters of laws or procedures, questions to ask during examination in chief and cross examinations and provide moral support.

Children's guardian

- **Children's guardian:** the social worker as the child's guardian ensures the best interest of the child are observed during criminal proceedings e.g. should ensure that a child is tried in a Juvenile Court, the Court is friendly to the child and the case is held in Camera, and in presence of the parents/guardian and a social welfare officer.

Witness:

- **Witness:** social worker may act as a witness in Court when required to conduct a Social Inquiry and present a report before the Court of law. On the other hand, a social worker may act as witness in a case against a probationer accused of re-offending.

Report writer

- **Report writer:** social worker may act as a witness in Court when required to conduct a Social Inquiry and present a report before the Court of law.

Appropriate adult

- **Appropriate adult:** In the context of law, an appropriate adult means a parent, guardian, social worker or any responsible person over 18 years. In this case, a social worker acts as an appropriate adult when Police officers are interviewing children who are in conflict with the law in his/her presence.

Advocacy

- **Advocacy** is the element of social work that greatly distinguishes it from other helping professions. Social workers are unique in being oriented to and knowledgeable about advocacy engaging in purposeful actions that will help people advance their rights, opportunities, causes and human dignity.

Social worker's role in criminal proceedings of the crime of Trafficking in persons

Activity: Discussion

- In small groups explain roles of a social worker in the crime of trafficking in persons.

Social worker's role in criminal proceedings of the crime of Trafficking in persons

- Social worker's roles to a criminal proceeding of a case of trafficking in persons include;
- Ensuring provision of safety and protection of the victim
- Ensuring provision of shelter, food, water and health services if needed

Cont...

- Offering psychosocial support services to the victim.
- Linking and refer the victim to legal Aid service agencies
- Facilitate communication between the victim and his or her family

Cont...

- To orient the victim with Court processes.
- To plan and facilitate repatriation and reunification of the victim with his family.
- To ensure that the victim is compensated.

Key Points

- Social worker in criminal proceedings may act as applicant, McKenzie friend, Children's guardian, witness, report writer and appropriate adult Define trafficking in persons

Cont...

- Social worker's roles to a criminal proceeding of a case of trafficking in persons include; ensuring provision of safety and protection of the victim and ensuring provision of shelter, food, water and health services if needed

Evaluation.

- Explain Social workers' roles in criminal proceeding, and in a case of trafficking in persons.

Reference

- Penal Code, Cap 16, R.E 2002
- Criminal Procedure Act, Cap 20, R.E, 2002
- Civil Procedure Code, 1966
- The Anti-trafficking in persons Act, 2008 and its regulation of 2015.

Cont...

- Chipeta B. D., (2002). *Civil Procedure in Tanzania*. Dar es salaam University Press.
- Obokata T. (2006). *Trafficking of Human beings from a Human rights Perspective, Towards a Holistic Approach, Leiden, Martinus NijHOFF Publishers*.

End of topic 4

Questions/comments

Topic 5: Guidelines used in Protection of vulnerable Groups

Learning Tasks:

By the end of this Topic learners are expected to:

- Conduct social investigation
- Make home visit to interview parents or guardians
- Linking survivors to appropriate services available
- Maintain proper documentation of vulnerable groups

Conducting Social Investigation

Activity: Group discussion and presentation

- How to go about conducting Social investigation against a child who is accused of the offence of stealing

Cont...

- In the presentation learners should define social investigation to mean a process performed by an impartial professional who is qualified to provide the court, the parties, and the parties' attorneys with information and recommendations regarding the best interests of the client.

Preparation in Conducting Social Investigation:

- To know the subject well
- Make an appointment with his client as to when the interview is to be conducted
- Identify persons or/ and other agencies that will be interviewed
- Determine areas at which the information is to be sought

Cont...

- Prepare questions to be asked
- Consideration of cultural issues
- To have interviewing skills
- Knowledge of conducting research
- Working tools like notebook, pen
etc

Steps in Conducting Social Investigation

- Obtain the contacts information of the person (client) to be interviewed
- Identify other persons/agencies etc. that may be resourceful
- Set date, time and place for the interview
- Conduct actual interview

Cont...

- Make home visit to interview client's family members and significant others
- Verify the information gathered from all parties involved
- Form an opinion and make informed recommendations

Cont...

- Write the report
- Presentation of the report to the court or relevant authorities

Home visiting in Social Work Practice

- A home visit is the process of carrying out assessment of a client's problem at his or her own setting. The setting may be in a single or multiple unit structure and may be located in a rural or urban setting.

Cont...

- The main goal of conducting home visiting is fact that the Social Worker is to get supplementary information which may not have revealed during the first interview with the client.

Each home visit involves several phases or steps:

- Preparing the visit
- Travelling to the home and initiating the interview
- Accomplishing the interview
- Evaluating and summarizing the visit with the family

Cont...

- Ending the visit and leaving the home
- Write the report about the home visit (e.g. Social Investigation
- Report or Social Inquiry Report).

Activity: Project/Home visitation.

- Prepare a home visit to conduct an interview and write a Social Investigation Report or Social Inquiry Report.

**Linking survivors to appropriate
services available**

Activity: Brainstorm

- Team yourself in small groups to discuss steps to be considered when linking clients to appropriate services available.

Meaning of survivor

- A survivor is a victim who have gone through any form of abuse and survived. Some forms of abuses may include: domestic violence, violence against children, human trafficking, physical, emotional and psychological abuses etc.

Cont...

- Potential clients of Social workers are many and the list is endless as well as the services they need depends on the nature and types of the problems facing them.

Important things to consider when linking clients to appropriate services

- Knowledge of the available services/resources within and outside the local community.
- Review of the directory of service providers
- Review terms and conditions for the social service providers
- Filing in the linking/referral form

Cont...

- Contact the Agency for appointment
- Send the client to respective social service Agency provider.
- Monitoring and follow up.

Maintaining Proper Documentation of Vulnerable Groups

- The Social Work Dictionary (2014) defines recording as “the process of putting in writing and keeping on file relevant information about the client; the problem; the prognosis; the intervention plan; the progress of treatment; the social, economic, and health factors that contribute to the situation; and the procedures for termination or referral.

Social work record

- **A social work record** refers to a written or electronic document that contains client information, Professional observations, clinical decisions, intervention strategies, and outcomes generated throughout the delivery of social work services.

Social work documentation

- **Social work documentation** is an integral and essential component of social work practice. The purpose of social work recording is to provide:
 - A clear statement of social work assessment, intervention, and decision-making
 - Professional accountability and transparency to the client and organization and in keeping with relevant legislation.

Cont...

- Opportunity for critical thought and reflection on professional practice and service delivery.
- Relevant information to facilitate service delivery, continuity of care and termination of services
- Information for the purposes of supervision

Cont...

- Documentation for the purposes of research and program evaluation
Information for risk management and quality assurance
- A record to facilitate inter-disciplinary communication and collaboration

Cont...

- Social work records should contain all information that is clinically relevant and significant to the service delivery. At a minimum, records should include the following:
- Client's name and contact information

Cont...

- Presenting issue and description of professional service requested
- Client's informed consent
- Copy of relevant documents (e.g., referrals, letters, court documents, etc.)
- Professional assessment, goals, interventions, and outcomes

Cont...

- Progress notes
- Communication with other professionals and collateral contacts
- Clear statement of when and why the professional relationship is terminated

Documentation/recording of vulnerable groups' information should include:

- Categories of vulnerable groups and their vulnerabilities**
- Sex, age, and marital status**
- Level of education and occupation per each**
- Locations and economic status**

Cont...

- Individual and group problems
- Family ties and dependants
- The population in terms of number
- Types of services are available and accessed

Cont...

- Required services and support needed.
- Strategies and measures in place (both government and Private) to assist them
- Legal and policy framework

Key Points

- Home visit involves several phases or steps: preparing the visit, travelling to the home and initiating the interview, accomplishing the interview, evaluating and summarizing the visit with the family, ending the visit and leaving the home, write the report about the home visit.

Evaluation

- Describe steps involved in conducting Social investigation and home visit
- Explain steps involved in linking survivors to appropriate services available in their vicinity.
- Explain the importance of maintaining proper
- Explain the importance of maintaining proper records/documentation of information for vulnerable groups

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End of topic 5

Questions/ comments

Topic 6: Social work skills in the legal context in protecting vulnerable population

Learning Tasks:

By the end of this Topic learners are expected to:

- Identify social work skills in the legal contexts (negotiating, sharing power, knowing your role, using a strengths-based perspective, client empowerment, advocacy, and communication)

Cont...

- Negotiate for the rights of vulnerable population
- Conduct clients empowerment activities
- Conduct advocacy in protecting vulnerable population

Social work skills in the legal context

Activity: Buzzing

- **Identify social work skills in the legal context.**

Social work Skills which can be applied in the legal context include

- Critical thinking skills, exceptional professional boundary setting
- Ability to facilitate co-operation both among individuals and groups

In the social work legal perspective, the following skills are very useful:

- **Communication:** Social workers should be able to express themselves to a wide variety of people in a diversity of contexts and having strong written and verbal communications skills is an absolute must. This skill is very important for social workers working in courts and even in other areas.

Client empowerment:

- **Client empowerment:** When The empowerment perspective in social work is the intervention applied to help a client is one that is believed to be able to provide them with certain skills and/or resources that will enable them to be independent or stand on their own.

Using strength-based perspective

- **Using strength-based perspective** is a social work theory that emphasizes people's self determination and strengths. It is a philosophy and a way of clients as resourceful and resilient in the face of adversity. It is important to use positive language with the client that conveys the social worker's belief in the client's abilities.

Knowing your role

- **Knowing your role** (as a social worker)
understanding of social work mission, the legal context provides duty and power to social workers, it gives the understanding of statutory and legal requirements and their contact should be legal and ethical.

Sharing power

- **Sharing power** is political arrangement in which different or opposing groups all take at the government together. In a legal context, sharing power is the distribution of roles between a social worker, client and other service providers in furthering client's interests in all matters related to law.

Advocacy

- **Advocacy** is the element of social work that greatly distinguishes it from other helping professions. Social workers are unique in being oriented to and knowledgeable about advocacy engaging in purposeful actions that will help people advance their rights, opportunities, causes and human dignity.

Negotiation

- **Negotiation** describes any communication process between individuals that is intended to reach a compromise or agreement to the satisfaction of both parties. They stress that the point of negotiating is to reach agreement rather than to achieve victory.

Negotiate for the rights of vulnerable population

- A negotiation is a strategic discussion that resolves an issue in a way that both parties find acceptable. In a negotiation, each party tries to persuade the other to agree with his or her point of view. **In this case the social worker is required to negotiate with:**

Cont...

- Policy makers
- Legislators
- Human rights defenders and activist
- International human rights organization
- Media
- Community

Steps for effective negotiation

- Preparations and planning
- Definition of ground rules
- Clarification and justification
- Understanding the best alternatives to any negotiation

Cont...

- Bargaining and problem solving
- Mutual agreement
- Closure and implementation

Activity: Role play

- A role play scenario for learners to learn how to negotiate the rights of vulnerable populations.
- The role should depict the necessary steps involved in the negotiation process.

Conducting clients' empowerment activities

- The concept of empowerment implies the process of helping clients discover personal strengths and capacities so that they are able to take control of their lives. The empowerment perspective in social work is when the intervention applied to help a client is one that is believed to be able to provide them with certain skills and/or resources that will enable them to be independent or stand on their own.

Cont...

- The overall objective of empowerment is to improve socio-economic status of clients to realize available opportunities. Example of empowerment activities include: agricultural activities, tailoring activities, income generating activities, working in factories etc.

Steps involved in clients' empowerment process

- Tell clients what their responsibilities are
- Give them knowledge and information
- Provide clients with the training that will enable them meet these standards

Cont...

- Provide feedback on performance
- Encourage and motivate clients to learn without fear of failing
- Treat them with trust, dignity and respect

Cont...

- Give them authority equal to their responsibilities
- Set standards of Excellency
- Recognize their achievements

Activity: Role play

- DESIGN a role play scenario for learners to conduct clients' empowerment activities.
- The role should depict the necessary steps involved in the empowerment process.

Conducting Advocacy in protecting vulnerable population

- Advocacy in all its forms seeks to ensure that people, particularly those who are most vulnerable in society (Children, Women, pregnant women, elderly people, malnourished people, people with Albinism, refugees, displaced people, Alcoholics, drug addicts, the poor, victims of human trafficking) are able to:

Cont...

- Have their voice heard on issues that are important to them.
- Defend and safeguard their rights.
- Have their views and wishes genuinely considered when decisions are being made about their lives.

Advocacy is a process of supporting and enabling people to:

- Express their views and concerns.
- Access information and services.
- Defend and promote their rights and responsibilities.
- Explore choices and options

Advocacy campaign be directed to

- Policy makers, Legislators
- Human rights defenders and activists
- International human rights organizations,
- Media and the general people particularly the elites

Steps involved in effective Advocacy

- Problem identification
- Objective/goal setting
- Identify audience

Cont...

- Craft advocacy message
- Identify method/strategy to be involved
- Implementation
- Monitoring and evaluation

Activity: Role play

- DESIGN a role play scenario for learners to conduct clients' empowerment activities.
- The role should depict the necessary steps involved in the empowerment process.

Key Points

- Social work skills in the required in the legal context include negotiating, sharing power, knowing your role, using a strengths based perspective, client empowerment, advocacy, and communication

Cont...

- Negotiate for the rights of vulnerable population are for the Social Worker to meet with policy makers, legislators and human rights organizations.

Evaluation

- Identify social work skills in the legal contexts in client empowerment
- Explain the steps for negotiating for the rights of vulnerable population

References

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- The law of the Persons with Disabilities.
- Gitterman A. (ed) (2001). *Handbook of Social Work Practice with Vulnerable and Resilient Populations*, Columbia University Press
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End of topic 6

Questions/comments

**Skills of addressing legal
issues contradicting with
social work values and
ethics**

Learning Tasks:

By the end of this Topic learners are expected to:

- Identify dimensions of social work ethical and legal dilemma
- Assess social work ethical and legal compatibility
- Demonstrate social work professional competence in solving legal dilemmas

Dimensions of Social work ethical and legal dilemma

Activity: Buzzing

Identify social work ethical dilemma.

Cont...

- Social workers are routinely confronted with ethical dilemmas in practice. In the context of social work, an Ethical Dilemma is a situation in which two or more professionally identified values are in conflict.

Cont...

- For example, when a social worker sees herself as facing a choice between two equally unwelcome alternatives, which may involve a conflict of ethical values, and it is not clear which choice will be the right one.

Cont...

- For instance, should the social worker bend the rules for allocating home care services to help a very needy person, or follow the criteria and refuse the application? She is faced with a conflict between the interests of this individual and the public interest in having rules and criteria that apply to everyone.

Common Ethical Dilemmas in Social Work

- **Receiving Gifts;** Clients who receive professional assistance sometimes wish to reciprocate by expressing their gratitude to a social worker with gift. Although giving a gift can be a kind gesture, it can also prove problematic.

Cont...

- If a social worker receives a gift (particularly when it is expensive), it may constitute a breach of integrity. However, rejecting a gift may hurt the client's feelings, potentially damaging the relationship.

Cont...

- If it is so necessary to accept the gift from a client, it should be surrendered to the office.

Right to Self-Determination

- Although the job of social workers is to help people make informed decisions, they are ultimately not responsible for the actions of their clients. When clients choose to act against their own best interest (such as former drug addicts deciding to visit their old dealer or is threatening to kill or commit suicide or harm him/herself), it can be tempting for social workers to respect client's right to self determination.

Differences in Personal values

- Sometimes, clients need a type of assistance that conflicts with a social worker's personal moral beliefs. A pregnant client, for example, may ask her social worker for help obtaining an abortion. Social workers may feel torn between providing a type of service requested and maintaining a positive relationship with the client. They may want to encourage the client to choose another alternative.

Dual Relationships

- Social work ethics strictly forbids relationships between social workers and their clients outside a professional context. However, these connections can sometimes prove difficult to avoid. Social workers and their clients may live in the same communities, shop at the same stores, or send their children to the same schools and share intimate life details due to the nature of their work.

Cont...

- Practitioners of social work must decide on the most ethical and professional way to engage with their clients in a nonprofessional setting.

Confidentiality

- Although information shared between social workers and their clients is strictly confidential, certain situations may arise that require the social worker to disclose client information to a third party.

Cont...

- Sometimes these situations include minors who may or may not be entitled to certain rights of confidentiality, depending on laws of a given country or a social agency laws opens in new window. Acting in these situations may prove both difficult and painful because they can feel to both parties like a major breach of trust.

Legal Issues in Practice

- Legal dilemma refers to the situation which an actor confronts an irresolvable and unavoidable conflict between at least two legal norms so that obeying or applying one norm necessarily entails the undue impairment of the other. Social workers have always faced legal choices in their work with individuals, families, groups, communities, and organizations.

Cont...

- In the legal realm, social workers must always be cognizant of the legal requirements stated in various sources of law that may in a way conflict their professional practice. Such sources include:

Cont...

- Constitutional law –The Constitution of the United Republic of Tanzania
- Statutory law –like law of Marriage Act, The law of the Child Act
- Regulatory law –laws made by SUMTRA, TCRA, etc.

Cont...

- Court- made law i.e. Case decisions of Superior courts High Court and Court of Appeal
- Executive orders- orders given by President, Ministers, Regional and
- District commissioners etc.

Activity: Assignment/Discussion

- Identify and discuss legal dilemma resulting from the applied social welfare laws.

Social work ethical and legal compatibility

Activity: Brainstorm

- Identify areas where social work ethics are compatible with legal requirements.

Situations where Social work ethics are compatible with legal requirements may include:

- To report to relevant government authorities confidential information of the client of which the client intend to kill a person, commit suicide, or endanger him/herself. In this instance, Social worker is ethically and legally required to report such information.

Cont...

- The Ethical principle of permitting a client to make choices for his destiny in relation to the problem (Clients self determination principle).

Demonstration of Social work professional competence in solving legal dilemma

Activity: Role play

- DESIGN a relevant scenario and ASK learners to demonstrate social work professional competence in solving legal dilemma.

There are no fast rules in solving legal dilemmas in Social work profession. However social workers are at least required to follow the following steps:

- Identify the conflicts between the ethical and legal expectations and requirements, including the social work values and duties that conflicts.
- Identify the conflicts between the ethical and legal expectations and requirements, including the social work values and duties that conflicts

Cont...

- Identify the individuals, groups, and organizations that are likely to be affected by the ultimate ethical decision.
- Tentatively identify all possible courses of action and the participants involved in each, along with possible benefits and risks for each.

Cont...

- Thoroughly examine the reasons in favor of and opposed to each possible course of action, considering relevant (a) ethical theories (for example, deontological and teleological perspectives), principles, and guidelines from literature on professional ethics; (b) codes of ethics (especially the NASW code of ethics); (c) constitutional provisions, statutes, regulations, court decisions, and executive orders; and (d) personal values (including religious, cultural, and ethnic values)

Cont...

- Consult with colleagues and appropriate experts (professional colleagues, supervisors, agency administrators, attorneys, ethics scholars and consultants, agency-based ethics committees)

Cont...

- Make the decision and document the decision-making process. Careful documentation is key.

Cont...

- Monitor and evaluate the decision. Responsible professionals recognize that their decisions can have serious consequences and long-term ramifications. They should take diligent steps to monitor and evaluate the impact of their decisions to meet the needs of their clients and comply with ethical standards in the profession.

Key points

- Social workers are routinely confronted with Social work ethical and legal dilemmas in practice.
- Social workers frequently encounter circumstances in which ethical standards are consistent with legal expectations and requirements. That is, what the law requires or permits is compatible with prevailing ethical standards in social work.

Cont...

- There are no hard and fast rules in social work professional that can be deployed in solving legal dilemmas

Evaluation

- Define legal dilemma.
- Explain how social workers can address both ethical and legal dilemma in social work practice.
- In what ways are social work ethical conduct and legal requirements compatible or incompatible?

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End of module

Questions/comments