

An overview of important terms related to social work and law

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ABSTRACT

Good practice in social work is represented by connecting process, knowledge, skills, values and ethics. However, this does not mean that it is all components. By summarizing 26 main terms related to social work and law, we found out that the legal aspects of social work are significant. Therefore, it often happens that the social worker has to take on the role of the lawyer and the lawyer has to empathize with the role of the social worker. So social work and law go hand in hand. The aim of this paper is to highlight the connection between social work and law, by identifying and summarising the concepts that link them.

Keywords: concepts, overview, social work, law, legal aspects

Received 05 June, 2023; Revised 16 June, 2023; Accepted 18 June, 2023 © The author(s) 2023.

Published with open access at www.questjournals.org

I. INTRODUCTION

The model of the four components of good practice shown in Fig. 1 acknowledges that learning about social work cannot just be about theoretical knowledge and academic learning, but that it has to be related to the application of this knowledge to the setting where social work is practised, the skills that are used and the value base implicit in direct work with people. The four components of good practice are:

- knowledge,
- values and ethics,
- the social work processes,
- skills.

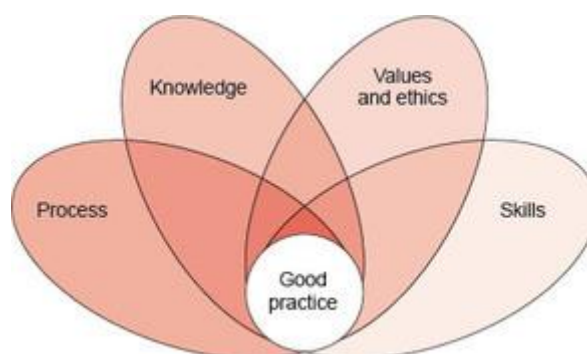


Fig. 1 The four components of good practice in social work

Knowledge

The Social Care Institute of Excellence is an independent charity that has been established to provide advice and guidance in social work and social care. In 2003 the Institute undertook a review of the types of knowledge that were seen to be important to inform and think about social work practice. They identified (MySocialWorkLab, 2021):

- knowledge of organisations and services and their aims,
- practice knowledge and experience working with people,
- policy ideas and wider priorities of the community,
- research and theoretical ideas,

- user and care knowledge and perspectives gained from experience.

Knowledge is built up from data, information and prior knowledge. Data refer to raw facts without any processing, organizing or analysis, and hence they have little meaning and few benefits to managers and decision-makers. Data are un-interpreted materials on which a decision is to be based and depend on facts which may include anything known to be true or exist. Data are bits of content in either text or numerical format (sequences of numbers, letters, pictures, etc.). They are meaningless in themselves. Data are indicated by a set of 'discrete intention details about events. They are normally structured, but do not bear any information to use them in a particular context. They are the raw facts that form the basis for what we know. Information refers to data which has developed and shaped to be of more meaning to users. It results from the interpretation of data in a provided background. So, a single material of data may create different information if the circumstance is different. Information refers data that is accumulated to allow comparison, grouping, and categorizing which have been processed to be useful. Hence, information is organized data, tables, statistical presentations in context. We can change data into information by accumulating order, context and purpose. Again, knowledge is organized information that changes something or somebody; either by being foundations for action, or by creating an individual (or an institution) capable of different successful action. We can transform information into knowledge by the accumulation of meaning and determining what action should be taken. Knowledge is derived from information but it is more meaningful than information. Knowledge is essential for the solution of problem and decision making, because it belongs stronger meaning than data and information. We conclude that data indicates raw facts and information indicates data with context and knowledge indicates information with meaning. Therefore, knowledge is richer, deeper and precious than information. For example, heights of the students in a class are data. If increase of population is higher in illiterate, poor and unconscious society and in the rural sides or in slums in urban area is information. The decision makers could employ information on increased population to design a strategy to reduce the over population in the country. This information can be stored, shared and transferred from one user to another for making this knowledge platform on over population in the country. Although we observe a distinction between information and knowledge, many people use these two terms interchangeably (Mohajan, 2016).

We can divide knowledge into two types (Polanyi, 1973):

- tacit knowledge is the best practices, hands-on skills, intuitions, special know-how, heuristic, and so on. It is individual knowledge that is hard to formalize or articulate.
- explicit knowledge can be codified and transmitted in recognized and systematic language.

Today's world is emerging knowledge-based. Hence, knowledge becomes the strategic resource of organizations to compete and survive. Knowledge plays an important role in creating talent environment in institution and in knowledge-based systems in different application domains (Al-Saiyd, Mohammad, Al-Sayed & Al-Sammarai, 2011).

Values, ethics and anti-oppressive practice

Traditionally, the values that underpin social work have been central to its practice and what makes it distinctive among other professional groups. Maintaining behavioural codes and standards of practice aimed at protecting the public are undoubtedly essential, however, social work values are perceived to be more than adhering to a set of rules. Due to the types of situations social workers encounter and have to deal with, they also have to explore personal aspects of their value base and be aware of how their values affect the work they do. In this way their professional identity and standards of professional integrity inform the complex and difficult situations they deal with (Wiles, 2012).

Banks suggested that in the education of social workers there needed to be consideration of (Banks, 2001):

- A commitment to a set of values, the content of which relates to what it means to be a 'good person in a professional role' and/or a 'good professional'.
- An awareness that the values are interrelated to each other and form a coherent whole and that their interrelationship is what constitutes the overarching goals or purpose of the profession.
- A capacity to make sense of professional values and their relationship to the practitioner's own personally held values.
- The ability to give a coherent account of beliefs and actions.
- Strength of purpose and the ability to implement these values.

Social work values are not then considered as a mechanistic adherence to rules and regulations, but will involve the exploration of your personal value base and motivations to work with people who may be vulnerable or disadvantaged in some way. However, there are broad themes that are consistently felt to represent the value base of the profession. In 2012, the British Association of Social Workers issued a revised Code of Ethics for Social Work that emphasised its commitment to three basic values (Foundations for social work practice, 2021):

- Human rights – respect for the inherent worth and dignity of all people as expressed in the United Nations' Universal Declaration of Human Rights.

- Social justice – a responsibility to promote social justice, in relation to society generally, and in relation to the people with whom they work.

- Professional integrity – a responsibility to respect and uphold the values and principles of the profession and act in a reliable, honest and trustworthy manner.

Social workers frequently play an important part in resolving such moral dilemmas, for example, when making decisions involving risk, protection and restriction of liberty. The way in which you act in these situations should be guided by something beyond your personal beliefs alone. You have to be aware of the publicly stated values of your agency and make skillful judgements based on your accumulated knowledge and experience. Ethical considerations are rarely the responsibility of one worker, however, and agencies' policies and structures of accountability offer both guidance and a standard against which your practice can be measured. Accountability, therefore, is the process through which employers and the public can judge the quality of individual workers' practice and hold them responsible for their decisions and actions (Biestek, 1961).

Exploring personal and professional values for social work practice does not only relate to the individual ways in which service users are treated. Social work also has an inbuilt social perspective. This is an appreciation that opportunities and life chances are also influenced by wider factors than personal qualities of, for example, motivation or intelligence. By way of further example, if you were born into a poor family you would be more likely to remain poor and die earlier. If you are a young black or disabled person in your early twenties in the UK, you are twice as likely not to be in employment, education or training as young white and non-disabled people (Equality and Human Rights Commission, 2010).

There are no straightforward explanations for these statistics; however, insofar as social workers work with people who appear to be largely disadvantaged by such societal forces, understanding how these forces may affect individuals becomes a key concern for social work. This understanding then becomes integral to an approach that seeks to be anti-discriminatory and anti-oppressive (Biestek, 1961).

The social work processes

The social work process comprises a sequence of actions or tasks that draw on all of the components of practice discussed so far. Although its process is presented sequentially, it rarely follows a clear linear route and is more often a fluid, circular cycle whereby workers move from assessment through to implementation and evaluation and back to assessment again. Despite this fluidity, some parts of the process, such as assessment, have clearly defined procedures guided by local or national policy. Some tasks may be fairly short and discrete, but many are longer term and more complex, such as assessments. You will also find that tasks often overlap and are revisited over a period of involvement with a service user (Foundations for social work practice, 2021).



Fig. 2 The social work process

Developing an understanding and awareness of the social work process is one of the prerequisites for becoming a 'reflective' practitioner. Reflection refers to the ability to work in a thoughtful and systematic way. Practitioners need to be aware (and inform service users) of why they are engaged in particular tasks and to be able to justify their methods of working. Interventions should be meaningful and fit within an overall plan or strategy. Awareness of the different stages of the social work process can assist social workers to prepare for, carry out and evaluate their interventions in order to both be accountable for, and reflect upon, their actions (Davies, 1994).

Skills

Social workers develop their skills largely in the course of their practice experiences. However, it is good to have a framework to help with your learning and understanding. We use four categories of skill in our framework (Munro, 2011):

- skills in thinking – analysing, managing, reflecting and valuing,
- skills in using the senses – listening and talking, observing, understanding and expressing feelings,
- skills combining thinking and using the senses – giving and receiving constructive feedback, interviewing, leading, negotiating, supporting,
- skills supporting your studies and practices – reflective writing, digital and information literacy skills, academic and professional writing skills.
- Other skills social workers need to have include (Lishman, 1994):
- reflective, professional and academic forms of writing,
- thinking skills, such as reflection and analysis,
- the ability to recognise and challenge discriminatory attitudes,
- interpersonal and communication skills,
- ICT skills and information literacy (collectively referred to as digital and information literacy).

II. Main terms related to social work and law

According to Eneh, Nnama-Okechukwu, Uzuegbu & Okoye (2017), there are 26 main terms related to social work and law.

Regulation of sexual behaviour

The knowledge and understanding about the regulation of sexual behaviour is provided to the individual within his family. In this sense, No society or community, leaves the individuals to direct their sexual behaviours as they want, rather there are a whole set of written and unwritten rules and norms that forbid certain ways of sexual behaviour. Sexual behaviour in most of the societies is influenced by certain religious beliefs, values and norms.

Reproduction

This is the second function that fulfils the family within the society. Every society needs a new generation of people in order to replace old people and also develop. Although replacement maybe achieved through migration and conquest of the other societies, but it is not usually enduring. If there is absence of reproduction, then a society will disappear after a while.

Economic co-operation

This function has an important role within the family. In the traditional society, family constitutes the basic economic unit. This has not changed today as the family still has the main objective of satisfying the basic needs, such as food, clothing, housing, health care requirements, monetary resources and comfort. Families are regarded as the basic units of every society which are responsible for producing and nurturing human resources for every nation. These resources in turn produce wealth.

Education

Education is very important in any society and this has been recognised by most people. The first education a child acquires is in the family through the process of socialization. The educational qualifications are provided to an individual through his family, parents make efforts to send their children to schools and in improving their educational qualifications.

Affection, protection and emotional support

These factors are vital for the existence of the individuals. In order to develop the aspects of uprightness, morality and values, an individual requires affection, cordiality, protection and emotional support. The family members possess these responsibilities of improving self-confidence, and support in relation to difficulties and problems. In the absence of psychological requirements, a person can encounter lot of problems in leading to operative growth and development.

Social status

Family contributes in granting of a social status to an individual. Wherever a person goes, he illustrates his identity on the basis of the family that he belongs to. Factors such as, caste, class, creed, religion, background, and ethnicity are conferred to the individual by the family that they belong to. Acquisition of good

education and sustainability of the living conditions are the main objectives of an individual; he is required to work hard in order to achieve these, and he acquires all the support and assistance by his family members.

Changing role of women

Another change that is occurring in the structure of the family is the changing roles of women. The changing role of women is one of the most dramatic and often cited social metamorphoses in our society today. Women today are changing based on the way they see themselves and also the way others see them. Women have now chosen their own path different from what society had previously chosen for them and all these in one way or the other affect family lives.

Today women leave the home to work outside while some go to pursue psychologically and financially rewarding careers. Others do so in order to obtain more material things in order to complement and enrich the basic necessity of family living. Many people in our society are no longer certain of what role women should play in the family because many women now earn higher than their spouses. Also modern technology had freed women from a lot of household chores and duties that ordinary fall within their domain. Even the act of child bearing which used to be exclusively for women is no longer so with the advent of test tube babies.

All these notwithstanding social workers believe that the traditional role of women can be properly harnessed so as to make for better and proper family living and fulfilling family lives.

Marriage and divorce

Several social strains have made social scientist to become concerned about the future of the family. For example, marriage is no longer a basic requirement for people to start having families. Also scholars believe that the rate of divorce is increasing even in countries where divorce is seen as a sort of taboo. Scholars believe that commitment to marriage is no longer strong. In other words, if one is not committed to marriage, then it is less difficult to get out of it. In our society today, it is not uncommon to see people who are twice divorced and twice remarried.

Age at marriage

There is also the view that the age at which people get into marriage is increasing. People now marry at a much older age. Various reasons have been given by scholars for increase in the age at marriage. The first one is the need for women to get education before marriage. Most women would prefer to have little education before getting into marriage so as to come into the marriage with 'something'. One of the reasons why this is important is because of the financial situation that arises in the marriage which may include training of children in school, feeding and clothing them, rent payment etc. All these are necessary for family wellbeing. The second one is financial involvement in marriage: The marriage ceremony involve a lot of financial commitment and one must be ready financially in order to get involved.

Birth control and fertility

The issue of birth control and fertility is believed to be one of the changes occurring in our contemporary family structure today. Commitment to child bearing is becoming deemphasized in marriage especially in developed countries. In other words, people go into marriage not necessary to have children but for companionship.

Expanding elderly population

As a result of improvement in health care, better feeding habit and cleaner environment, life expectancy today is increasing. It is no longer uncommon for young people to have both grandparents alive. Also, there is movement away from extended family to nuclear family. What all these point to is that taking care of elderly persons is posing a problem. Taking care of the aged was not a problem. Most men marry and leave their wives in the village to care for their parents. Most women today are career oriented and usually earn their living outside the home. All these have affected the care of the elderly. Urbanization have also made people to migrate to urban areas in search of jobs and while over there the pattern to living does not make room for elderly people. However, even when the elderly in brought to live with the family problems usually occur especially in the issue of child up bearing and all these affect the family adversely.

Financial problems

Many family problems originate from insufficient financial resources, while others may originate from misunderstanding about what things money should be spent on. Some families live below the international recommended standard per day and as a result find it difficult to have the basic three meals per day.

Changes in family circumstances

This could be as a result of loss of job, bereavement or death of a family member. For instance, if the dead member is the sole income earner for the family will result to drastic economic hardship for all the family members. Divorce or separation can affect family circumstance especially for the children whose parents are separated or in divorce courts.

Differences in opinions, personalities, beliefs and values

These differences may affect a member's behavioural pattern. This may pose a problem for the family for instance when a spouse engages in cheating behaviour pattern or exhibits financial infidelity.

Issues relating to sexuality

This problem most often is not discussed in public and is not seen as a major problem but in real sense maybe a major causative effect to many problems in most families. For instance when a spouse is not sexually satisfied by the partner, this is not discussed in public but it could cause problem.

Marriage counselling services

The marriage counselling services are provided for married persons to enable them sustain in their marriages. The social workers in the social welfare agencies provide counselling services to the couples. However, in cases where the couple has decided to divorce, they are referred court. Based on the need of the couple the worker refer them to the appropriate agencies to take care of them. Some of the needs may include finance, skill acquisition, family planning, and others.

Family life education

Family life education is an educational programme designed to strengthen individual and family life. It is designed to assist young people and their physical, emotional, and moral development as they prepare for adult hood, marriage, parenthood, aging, as well as their social relationships in the society. It includes teachings on how families work, the interrelationship of family and societies, human growth and development of life span, sexuality education, time management of daily life, parenting, the effects of policy and legislation on families, and HIV/AIDS education.

Child welfare services

Child welfare services are provided for children under the age of 18 years. The services are provided by the Child department. The services provided for the children include-child maintenance services, adoption, fostering and child justice services. In the child maintenance service, the agency helps children from divorced or separated homes to get money for maintenance from their fathers. In the course of divorce or separations involving a minor, the agency charge the father some fees for the maintenance of the children. The father pays money to the agency monthly and the wife comes to the agency and collect the money for the maintenance of the children.

Also, under Child welfare services, the Ministry provides some kind of shelter or homes for children in need of care and protection.

Adoption is the legal act of permanently placing a child with a parent or parents other than the biological mother or mother. Adoption is permanent and seeks to give children in need of care and protection a permanent family environment where they can be cared for by parents who are willing and ready to take up that responsibility of providing a loving home for such children.

The interactions

By this we mean the way family members relate and interact among themselves (togetherness). By this also, we mean the way family members relate to others outside the family.

Interpersonal relationship

This looks at whether there are camps in the family (may be parents relating together more than they relate with the children and vice versa). It also looks at whether there is mutual respect in the family and also if there are exclusive roles for specific people in the family.

Communication patterns

What is their communication pattern like? Do they hear each other or are their factors that inhibit them from hearing each other in the family?

Role

Who is playing what role? Who is actually the head of the family? This is because it may not be the man. Are children being treated as children or as grown-ups? This is important because in some families' children at times are bread winners and are not allowed or given opportunity to become children.

Various competencies required of a family social worker

In working with families the social worker must understand problems and how they emanate from various sources such as; the family structure, the family communication pattern, financial source and from all other environmental influences that bear on the family. It is important to point out that the structure, their communication pattern, financial source, place of residence and their social group all determine the type of problems they may experience.

Sufficient knowledge of human development

This will enable the social worker to make in-depth psychosocial assessment of individuals. One is expected to have considerable knowledge of human function. By this it means that the social worker should detect signs of puberty and other stages of human development to be able to give advice and explanations of accordingly.

In-depth knowledge of family functioning

Just as the social worker must be skilled in human development, he should also have adequate knowledge of family dynamics so as to be able to diagnose factors that affect the functioning of families. The structure of any family determines the kind of dynamics that is going on in the family. This being the case, the social worker must be in a position to identify issues that are peculiar to any family structure so that his intervention will be properly channelled. Social workers need to understand the interaction patterns in any family structure for effective intervention so that the intervention will have lasting impact on members of the family.

Skill in selection and application of family model

In order for a social worker to become a good family worker, they must have mastered one or more specific treatment approaches from a wide range of available approaches. The social worker must be in a position to understand these models and teach it to members of the family if need be so as to maintain harmony and help them have fulfilling lives. Apart from these, the social worker should be skilled in such issue as family planning methods, sex techniques, child rearing techniques, family budgeting techniques etc.

II. RESULTS AND DISCUSSION

The lawyer as social worker recognizes that all problems arise within a community and that even those problems that appear purely individual have a basis within that community. The problem may arise as a result of the community. For example, a disabled child may be having difficulty obtaining special education assistance because there are no advocacy organizations to ensure that children with special needs are accommodated. The problems that individual clients encounter certainly have an impact on the community, and the lawyer as social worker is sensitive to those effects. While helping a parent negotiate the intricacies of the special education laws and bureaucracy, the lawyer may think about policy initiatives that could provide broader help to other parents, who may not be able to obtain a lawyer. The lawyer may assist in bringing together the parents of children who are victimized by a school's zero-tolerance policies, and she may assist them in identifying legal, social, economic, and political interventions. The lawyer as social worker might offer training in lay advocacy and education about parents' and children's rights (Kisthardt, 2006).

The lawyer as social worker spends a good deal of time with the client, and also in the community to gain insight into the context in which problems may arise. She establishes a trusting relationship with her clients by being reliable, following problems through completion, being a good listener, and being committed to client empowerment. She is attentive to the many constituencies within the community that work toward that community's goals. She provides assistance to community groups, but may also facilitate links between individual clients and those proactive organizations. For example, a client who seeks an order of protection might be interested in organizations challenging welfare to work, in child care cooperatives, and in community economic development organizations that might provide her with employment. A client with an eviction problem might be interested in joining a tenant union, assisting in community economic development, and in groups advocating for affordable housing (Lubove, 1965).

Social work identifies client empowerment and client investment in problem solving as one of the primary goals of the social worker/client relationship. There is no reason why this should not also be true of the lawyer/client relationship. The lawyer recognizes that unless the client is a partner in problem solving, the best that the lawyer can do is obtain a legal solution to a narrowly defined problem, a problem often defined by the lawyer as being limited to the solutions provided within existing law. Such a response may isolate the client and

insulate the problem from its context. It may thus imply that the legal problem is idiosyncratic, and will dissuade engagement in the larger dialogue about justice (Tyler, 1952).

The lawyer as social worker who works with groups recognizes that she is merely a resource, not the director of the activity. Once again, client empowerment is the goal and the use of coalition as a powerful tool. The lawyer assists the group in gaining access to courts and legislatures, in drafting legislative materials, and in researching available options. The lawyer can also facilitate the growth of the organization by referring potential clients to the group. The lawyer can offer insights into what kinds of class actions or legislative changes are necessary to meet the needs of the group (Oliphant & Ver Steegh, 2019).

III. CONCLUSION

Many of the legal responsibilities of social workers are based on their fiduciary relationships with clients. Many cases have contributed to the evolution of fiduciary principles in the helping professions, and the significance of these cases for social work practice is discussed. Confidentiality, informed consent, and conflict of interest are legal issues influenced by the fiduciary relationship. The duty to tell the truth and the duty of loyalty are obligations that emanate from the fiduciary relationship, and they contribute to the formation of legal standards for professional conduct (Kutchins, 1991).

Recognition of the importance of interplay between law and social work is not a recent phenomenon. During the 1920s, an abundance of books and articles appeared that described various legal-social work relationships. In the 1960s the civil rights movement, the war against poverty, and court decisions that gave rights to children and families affected the practice of social work. As a result, numerous articles were written in both legal and social science journals about the need for lawyers and social workers to understand and collaborate with one another to more effectively help their clients. During the 1970s the first textbook pertaining to social work and the law was published. Since then, a proliferation of texts has addressed the interplay between law and social work in general terms, and, more specifically, the legal issues of social work practice with children and worker liability. In these texts, and in many related articles, authorities suggest that the best way to achieve effective communication and collaboration is for the social worker to learn more about the law (Reamer, 1994).

DISCLOSURE

The author reports no conflicts of interest in this work.

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