

## **Chapter 2: The roles and responsibilities of the social worker**

### **1. Do you think your role is about justice, care, or social order?**

All three of these form part of the social worker role from time to time. The question is to recognise the subtleties of each element and to temper any authoritarianism with care and compassion. Social work often involves befriending. Care for vulnerable people is an essential part of that process, but social workers are not friends to service users. Befriending and being friends are distinct processes although they may both share common features. You might want to explore these further.

Social work is also significantly concerned with promoting vulnerable people's rights. Most service users have little access to easy redress when their rights are infringed. Social workers are concerned to ensure that equality of rights and to promote anti-discriminatory practice. You may want to think about the ways in which anti-discriminatory practice is carried out.

Sometimes, a social worker's duty to protect one individual and promote their rights competes with another person's rights. This certainly happens in the case of child protection and in mental health contexts. Balancing the rights of one person against another sometimes requires a careful exercise to ensure that each person is respected so far as this is possible. You may want to consider how social workers do this in practice.

Finally, social workers sometime must balance the right of vulnerable individuals with the need to protect the public from harm.

### **2. A neighbour reports the Lee family to social services because of fears for the welfare of the children. You are admitted to the home by Jasmine Lee and discover the following.**

**(a) Her daughter Susan Lee, aged 13, appears anorexic and seriously underweight. She also has an unrelated skin disorder. Her mother does not want her to receive treatment for either condition. Susan would like treatment for the skin disorder but does not accept that she suffers from anorexia.**

**(b) Mrs Lee's mother-in-law, Selina Lee, is aged 75 and speaks no English. Jasmine Lee indicates that her mother-in-law is suffering from serious mental health problems and asks you to take her to a specialist unit for assessment. Mr Lee says he does not want you to take his mother anywhere and he is quite capable of deciding what is best for her.**

**What are the principles involved in relation to issues of consent to**

## **treatment or assessment?**

### Principles

- Presumption of capacity
- Consent must be informed
- It can be explicit or implicit

### Good practice points

- Explain information sharing policy at the beginning of relationship
- Get consent in writing to prevent disputes
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In 1985, Lord Fraser in *Gillick*, said that a doctor can give contraceptive advice or treatment to a person under 16 without parental consent providing the doctor is satisfied that:

- The young person will understand the advice
- The young person cannot be persuaded to tell his or her parents or allow the doctor to tell them that they are seeking contraceptive advice
- The young person is likely to begin or continue having unprotected sex with or without contraceptive treatment
- The young person's physical or mental health is likely to suffer unless he or she receives contraceptive advice or treatment.

In practice this means

*Can the child or young person understand the question being asked of them?*

*Do they have a reasonable understanding of:*

- what information might be shared;
- the main reason or reasons for sharing the information;
- and the implications of sharing that information, and of not sharing it?

*Can they:*

- appreciate and consider the alternative courses of action open to them;
- weigh up one aspect of the situation against another;
- express a clear personal view on the matter, as distinct from repeating what someone else thinks they should do; and
- be reasonably consistent in their view on the matter, or are they constantly changing their mind?

These principles are useful for adults, too.

**3. Ms C, the parent of two children who were sexually abused by a neighbour's child, wants to sue the local authority. She claims that she is suffering from psychiatric illness which is the result of the local authority's failure to act upon her concerns about the safety of her children. When she reported her concerns about the possibilities of sexual abuse, the local authority did not believe her and asked the**

**social worker allocated to the abuser's family to investigate her complaints. Will the courts allow her to pursue her claim?**

The question for any court to consider is whether a local authority owes a duty of care to the mother of the children. The local authority has a duty to safeguard the children. There is no similar duty to safeguard the welfare of the mother. You will have to consider whether, if it is proven that the children had been abused and that the local authority was negligent in its duty to them, there is some duty owed to the mother. You should explore the relevant case law especially *JD vs East Berkshire* and the implications emerging from the recent judgment in *CN vs Poole Borough Council*. Keep an eye on the Supreme Court ruling in that case.