

Social Work Decision-Making: A Guide for Childcare Lawyers

Second Edition

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We dedicate this book to the one and only Dr Lili Nir, the dearest of friends, who has died far too prematurely for us.

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This book could not have been written without continued advice and support from our families, friends and colleagues. Between us we have over 50 years' experience in what can sometimes seem like a quagmire of social work and family law. Those people who have contributed to our knowledge and discussions are too numerous to mention. We are also afraid that we might offend the one person we forget to mention, albeit unintentionally.

This book is owed to them all.

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FOREWORD

The authors of this valuable book have used the experience and insight that they collectively have into the overlapping realms of social work and childcare law to produce a clear and accessible guide for lawyers into the professional world of the local authority social worker. Collected within this volume, seasoned children's lawyers will find an explanation for, and a route map through, many of the 'best practice guidance', local authority circulars and public inquiry reports which, I suspect, exist in an unfocussed way on the edges of the lawyer's radar screen. This material is catalogued, explained and put into context in order to assist lawyers in understanding what they, and the courts, may expect from social work professionals. This work is, however, much more than that, containing, as it does, a comprehensive description of the structures and processes within a social services children's department. The aim, which is certainly achieved, is to inform the lawyer (both experienced and novice) so that he or she may better understand the work of the social worker and their role in an ongoing case. This Second Edition is timed so that it includes reference to the new court rules, central government guidance and regulations, together with the recommendations of both the Munro Review of Child Protection and the Family Justice Review. There is much within these pages that will be of use, but I suspect that the most thumbed section will be that on how to analyse social services decision-making. Positive and productive use of this work is likely to improve the professional practice of both the lawyers and the social workers who appear in childcare proceedings.

Andrew McFarlane
March 2012

PREFACE

We pondered long and hard about how to introduce the second edition of this book. We wondered whether in fact it would be easier to say what it's not. It's *not* a book to be read straight through from cover to cover. It's *not* the sort of book to take with you on holiday. It's *not* the kind of thing you would want to read in bed.

However, to start a book by drawing attention to the negatives is a big professional no no.

In the same way, it would be unprofessional for a social worker to start by identifying the negatives in the families with whom they work. In good social work practice there should be no negatives. Families have strengths, as we all do. Families also face challenges – poverty, inequality, addiction, violence and so on. Best practice for social workers assessing and working with families aims to work with them to overcome such challenges.

The first edition of this book grew out of increasing requests to both of us, during training courses and at court, to explain issues in social work practice to people who were unfamiliar with some of the principles, procedures and terminology regularly used by social workers. Those questions were about the intricacies and procedural conundrums relating to social work, as well as the broader issues. The first edition of the book aimed to be a manual to help lawyers understand the social work witness, to make sense of what they are supposed to do, and to understand how social workers should think, plan, assess, analyse and make decisions about children and their families.

The second edition is written following 4 years of considerable legal, social and political change. Social workers are subject to greater pressure than ever before which inevitably affects the preparation, planning and presentation of their work. Lawyers are faced with an ever-increasing raft of legislation, guidance and good practice documents relating to social work. This rapidly changing context shows no sign of slowing down. Understanding social work terminology, procedure and practice remains a key element of the childcare lawyer's toolkit.

So the book remains a reference book, a manual, for you to dip into whenever you need to prepare for a case. While we hope it continues to demystify the inner workings of social work practice, we would only recommend taking it to bed or to the pool at your peril.

The law is as stated at 1 January 2012.

Carmel Shepherd
Elizabeth Isaacs
March 2012

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