

Assignment brief

Learning Outcomes and Assessment Criteria 2018-19

Sample number: 2

Unit Title: Professional Practice – PA1/3/AA/05G

Overview of assessment task

Read the case study carefully and answer all three questions in full.

Sarah is 32 years of age and a social worker for adults with learning disabilities, she was recently on an evening out with a group of friends and met a male whom she had a sexual relationship with. The relationship did not develop as Sarah felt after two dates he was rather immature for his age. Chris said he was 23 years old and although Sarah said she normally dated older men she felt some kind of initial attraction to Chris' witty sense of humour. Sarah works long hours and welcomed the attention and light relief she felt on both dates; as it has been some time since she has whole heartedly laughed so much.

Three weeks later Sarah was at work and visited a new client, Mark, a 19 year old with severe Autism and Global Development Delay. Marks' family were present at the family meeting, except for Marks 17 year old brother who was at college. Marks mum said her younger son would be home soon and join in the meeting with Mark. Marks mum was feeling quite drained and asked Sarah what support was available for herself as well as support for her son, Mark. Mark asked Sarah about having his own home and how he could start to look into his options, but Sarah realised Marks level of cognitive understanding of what independent living would involve was limited. Marks mum said she would fear for his Safety and does not want him to move out of the family home.

Marks brother Chris, joined the family and immediately Sarah recognised Chris as the 23 year old she had met recently. Sarah quickly realised that Chris was not 23 but 17 and a college student and felt extremely uncomfortable in the meeting. She tried to maintain her professionalism and introduced herself to Chris as though they had never met and continued talking to Mark about his needs and wishes.

Once the meeting ended Chris offered to show Sarah out; Sarah quickly packed up her things and walked towards the door. Chris said goodbye to Sarah and said it was nice to meet her so everyone could hear; followed by a quiet stern comment that if she upset his mum and Mark moved out she would ensure everyone would find out about their recent weekend and he would make sure she lost her job.

Question 1 – 1000 words (+/-10%)

Identify a range of legislation applicable to this case study and engage in an analysis of these relevant laws in relation to the case study.

Question 2 – 800 words (+/-10%)

Contrast the civil and criminal accountabilities in relation to the actions or in-action of Sarah within this case study.

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Question 3 – 800 words (+/-10%)

You must also compare key ethical modes within social care linked to this area of professional practice. Use 2 ethical perspectives (e.g. consequentialism – utilitarianism / hedonism and deontology – duty based ethics). When comparing the key ethical models you will need to link these to the case study and show the potential professional dilemmas faced by the social care practitioner.

Learning outcomes and assessment criteria

Learning Outcomes	Assessment Criteria
2. Understand the legal parameters within own area of professional practice	2.1. Contrast civil and criminal accountability 2.2. Analysis current legislation
3. Understand ethical issues and dilemmas	3.1. Compare key ethical modes in own area of professional practice

Grading Descriptors and Components 2018-19

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GD 1: Understanding of the subject

Merit	Distinction
The student, student's work or performance: a. demonstrates a very good grasp of the relevant knowledge base	The student, student's work or performance: a. demonstrates an excellent grasp of the relevant knowledge base

GD 7: Quality

Merit	Distinction
The student, student's work or performance: a. is structured in a way that is generally logical and fluent	The student, student's work or performance: a. is structured in a way that is consistently logical and fluent

Question 1

Word Count: 1029

There are a range of legislations applicable to Marks situation, one of the relevant laws is the Care Act 2014. 'The Care Act provides the legalisation mandate for the core social work tasks of assessment of needs, care and support planning and safeguarding.' (Feldon, n.d. pg:1) In this case study, both Mark and his mum would need to undertake an assessment of needs to show what services they are each eligible for. Good assessment practice includes being strengths-based, preventing needs and includes the whole family.

An assessment would show if they would be eligible for direct payments, supported living or assigned a support worker. An assessment covers needs over want. Mark would benefit from a needs assessment to show how much support he would need day to day. This would show what aid and adaptations, preventative services, interventions, aid or adaptations he would benefit from. Marks assessment would need to meet his communication needs and independent living and other options would need to be explained as he may have limited understanding towards them as well.

In the case study, Marks mum is described as 'feeling quite drained', she would benefit undergoing a carer's assessment as this would show what the capacity of her caring presence is and if she is meeting Mark's needs. It would also explore the sustainability of her caring role and the impact it is having on her and her activities beyond her caring responsibilities. The carer's eligibility threshold criteria covers if there is a consequence there is or is likely to be impact on the carer's well-being, their health is at risk or they are unable to achieve specified outcomes for the service user. Marks mum would highly benefit as her welfare-being and health begins to deteriorate then Marks well-being would also suffer and she may even become a service user herself. If she is feeling drained then she may need respite and the assessment will flag this.

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The next steps of the assessment include the eligibility determination, are Mark and his mums needs eligible? Which of their needs can be met through non-service provision and what unmet needs can be included in the personal budget. An assessment encourages empowerment and independence, giving Mark the opportunity to make his own choices and the best quality of life.

The Equality Act 2010 'legally protects people from discrimination in the workplace and in wider society'. (Gov.uk, 2018) Mark is protected by the Equality Act 2010, he has serve Autism which is a relevant protected characteristic. This legislation is in separate parts which makes it more accessible, although this legislation is not as effective in Marks case as the Equality Act is mainly used in employment. The Equality Act 2010 prohibits indirect discrimination, harassment and victimisation. Although positively, Mark does not need to prove he has been treated less favourable if he experiences any discrimination (direct or indirectly), he only has to show that he has been treated badly which makes his law beneficial to Mark is he ever becomes a victim.

Mental Capacity Act 2005 '(MCA) is designed to protect and empower people who may lack the mental capacity to make their own decisions about their care and treatment.' (Nhs.uk, 2018) Mark would be assessed to see if he has an impairment or disturbance in the functioning of his brain or mind, what decisions he had the capacity to make and which ones he does not. Marks family and his social worker wants what is best for Mark so this assessment would show if he is capable to make the specific decisions. Sarah, Chris and his mum would have to give Mark time to make decisions and should not influence them. Mark should be given all the information from both sides and given the time to make them as he pleases. He may lack capacity at a certain point in time but able to make a decision another time, depending on if he is having a good or bad day. Mark would needs to appoint an advocate if he could not retain the information that is given to him, use the

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information as a part of the process of decision making or understand the relevant information assigned to the decision.

‘Advocacy is about supporting someone to their views, wishes and voice heard and ensuring their rights are upheld and acted upon’ (Graham and Cowley, n.d.) In the case of the study, Mark would have to undergo an assessment to see if he lacks any sort of capacity and would benefit from appointing an advocate. ‘Marks level of cognitive understanding’ (case study) was limited as he has severe Autism and Global Development Delay he may not understand why decisions are being discussed or made. Mark may not lack capacity but have slight trouble understanding the meaning of certain options for example the supported living in this case and he may wish to appoint an advocate to guide him.

The Deprivation of Liberty Safeguards (DOLS) are part of the Mental Capacity Act 2005 although in this case regarding Mark and his family, DoLS is not applicable as its ‘aim is to make sure that people in care homes and hospitals are looked after in a way that does not inappropriately restrict their freedom’.

(Leedssafeguardingadults.org.uk, 2018) Lacking in mental capacity must be established before a decision can be made on their behalf. ‘A person must be assumed to have capacity unless it is established he lacks capacity’. DoLS procedure is designed to protect the rights of the person if they needs to be detained. It gives people the freedom to come and go as they please, this should also be relevant to service users in supported living.

In conclusion, the Care Act 2014 and the Mental Capacity Act 2005 would be the most beneficial legislations in regards to Mark’s case. Where people lack capacity to consent to decision in relation to assessment, care and supporting planning and safeguarding, the Mental Capacity Act 2005 provides a framework for addressing this’. (Feldon, n.d. pg:247). This legalisation would be beneficial along with the Care Act as it would give Mark the opportunity to have the best quality of life and make his own choices.

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Question 2

Word Count: 824

In this case study there are civil and criminal accountabilities in relations to the actions or in-actions of Sarah. Criminal liability is a crime against the state. Not being confined to punishment by the court, these can have other consequences. Civil liability is between private individuals trying to take legal action to right a wrong, normally ending in an award of compensation. Civil claims can follow from a criminal claim.

In regards to civil accountabilities, society may feel as if Sarah has done something morally wrong as there is a large age difference between the two. Also, Sarah is a professional person who is in an unbalanced power position with Chris, although she did not use this position to exploit him. Sarah is a role model to society and has a professional accountability. Society's perceptions and civil circumstances opinions can differ, some would say this is morally wrong but Sarah has not broken any laws and her a Chris had a consensual sexual relationship.

Sarah has a professional accountability and a code of conduct to understate, according to the Code of Ethics (BASW) social workers have a professional integrity, having a 'responsibility to respect and uphold the values and principles of the profession and act in a reliable, honest and trustworthy manner.' (Basw.co.uk, 2018) Sarah could not undergo any more assessments with Mark and his family as she could not be honest and carry on pretending that she does not know Chris. Sarah could not provide Marks bests interests as Chris has threatened her that if she upsets his mum and if Marks moves out then he will tell. This means that Sarah would not be working in a trustworthy manner and Mark would not get the opportunity or the chance to maybe live independently as it would be going against his mum's wishes.

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In a criminal accountabilities, Chris is a consensual adult in regards of Sexual Offences Act and child protection. Sarah stayed professional when Chris entered the room so Mark and his mum would not be made to feel uncomfortable during their assessment. Although Sarah would have to inform her superior about the situation between her and Chris, Sarah should ask to be removed from the case even though she has not broken any laws. She has an obligation as a professional person to withdraw herself from a situation that underlies not working alongside the CoE.

‘Social workers should establish the appropriate boundaries in their relationships with service users and colleagues, and not abuse their position for personal benefit, financial gain or sexual exploitation.’ (BASW) Relating to the case study, Sarah has not violated the CoE in this sense because she has not broken any boundaries as Chris is neither a colleague nor a service user. Although the CoE also states that social workers should be professionally accountable and justify their actions and judgements to service users, to employers and the general public in which Chris falls into that category. Sarah could not justify her actions if she tells Marks he cannot move out. The Code is not designed to provide set of rules per say, it is there to guide and outline the general ethical principles and help them to make ethically informed decisions about how to act in particular circumstances in accordance the values of the profession.

Criminal concerns have been involved as there has been blackmail and threatening behaviour. Chris has sternly told Sarah ‘that if she upset his mum and Mark moved out she would ensure everyone would find out about their recent weekend and he would make sure she lost her job,’ (Case study) There has been a conflict of interest as Sarah cannot do what is best for not only her client Mark but his family too. Mark wants independence and to move out but his mum does not want that to happen, Sarah as to do best for her client and if he has the capacity to do so so she cannot stop him to save her career. This would go against the Code of Ethics (BASW) and the Human Rights Act, Sarah would have a biased opinion as her career has been threatened. The international definition of Social Work (2000), the social work

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profession promotes 'the empowerment and liberation of people to enhance well-being.' (Basw.co.uk, 2018) Sarah cannot promote this as her professionalism has been compromised and too many people may be hurt if she does not go by what Chris has threatened.

In addition, Sarah should take liability and asked to be removed from the case to enable Mark has the opportunities he deserves and his family can be involved and support him. As a social worker she had the role to support, empower and protect vulnerable people and she could not do this to the best of her ability as there has been a conflict of interest. If she were to say that would be going against the values and ethics of social workers.

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Question 3

Word Count: 746

Ethics and morals are key in social work practice. Morality is a system of rules and regulations of how society perceive what is right or wrong (human conduct) and principles for evaluating those rules. Ethics is a branch of philosophy making it possible to understand a morality decision, a rational reflection. The two ethics that will be discussed are utilitarianism and deontology in regards of social work practice and the case study.

The difference between utilitarianism and deontology is that utilitarianism is more consequence-orientated in character and deontology is a non-consequentialist, both theories aim to do good but in different ways. Deontology is duty-based ethical theory meaning it aims to do the right thing regardless of the consequences whereas utilitarianism intent is to do what is the greatest good for the greatest number which is a result based ethic. Pluralist deontologists believe that society should always act in such a way that you would be willing to become a universal law that everyone else should do the same in the same situation, a law that society would also be content with applying to themselves. Deontology takes the universally aspect codes of conduct into account whereas utilitarianism does not.

Utilitarianism is the ethics of consequences, an action of good that produces the greatest good for the greatest number. Developed by the philosophers Jeremy Bentham (1742-1832) and John Stuart Mill (1806-1873). 'Utilitarianism is a theory that was built on the foundations of teleology and consequentialism.' (Akhar, n.d. p.40-41) In Social Work practice, the will 'need to make difficult decisions and base these on possible consequences'. (Akhar, n.d. p.42) A utilitarian would believe, within the case study, Sarah should make the decision to retract herself from the case and let Mark and his family restart the process with a new social worker. Then Marks family would then be involved and support him. If Sarah choses to stat then too many people are going to get hurt, Mark is not going to get his the best quality or

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receive the independence he wants, Sarah is going against the social work practice as she will be barriers, inequalities and injustices instead of addressing them. If Sarah's action was to remove herself from Marks case then she would be using the utilitarianism ethical theory as she would be making a decision to go the greatest good for the greatest number and following the BASW Code of Ethics.

Deontological is a non-consequential ethical model developed by philosopher name Kant (1724-1804), it was important that the laws are 'universalisable' something could not be considered a law 'unless it was a universal concept', Kant referred to his formulations as categorical imperatives, these included the following: '1. Act in such a way that your actions ought to be universalisable. 2. Treat people as ends in themselves and never solely as a means to an end. 3. Act in such a way as you would have other act towards you.' (Akhtar, n.d. p.39) Using four principles in contemporary ethics pluralist deontologists use general duties: non-maleficence, beneficence, autonomy and justice in their universal principle.

Social workers will face dilemmas in the practice, they have to make decisions that will have an unwelcome conclusion or consequence. 'Similarly, in deontology, rules can be rigid. Kant offers no trade-offs between one's different obligations and says nothing about what to do when one's obligations clash'. (Akhtar, n.d. p.40) Meaning that is Sarah used a deontological ethical approach she would also have to also have to remove herself from being Marks social worker, as she her professionalism has been comprised by having a sexual relationship with her client's brother and blackmail has occurred in her situation. Sarah would have to work in regardless of the consequences and tell her employer about the circumstances with the compromised situation and they would decide on the outcome. In addition, Sarah could not follow the CofE unless she encloses what has happened, she could not give Mark the full quality of professionalism. Being a conflict of interest within the family, Mark would be the one losing out on his potential independence.

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In conclusion, there are many perspective in the professional practice within social work, both ethical models apply in regards to this case study although in different circumstances this may alter and be more complicated. In regards of Sarah's actions it would be ethically and morally right to retract herself from the case whatever the consequences giving Mark the opportunity to have his choices met.

Reference List

Question 1

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Question 2

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Question 3

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