

## Situation 1: Harassment during visits

The domiciliary services manager seeks you out as the care manager in the case of an older man who has received care services at home since his wife died several months ago.

“A member of my staff has just visited again. He has tried to cuddle and fondle her. When she asks him to stop, he says that she is his wife and that he loves her. When she tries to pull away from him, he becomes angry and lashes out. I cannot ask staff to visit him again, at least until something is done about his behaviour. It is not safe there.”

### HOW THE ACTIONS IN THE RANKING EXERCISE RELATE TO THE 4 APPROACHES

- Do you insist that a home care worker continues to provide the service because without this Edward's needs will not be met? [**need orientation**]
- Do you accept the argument that staff have a right to be protected from harassment [**rights orientation**]
- Do you decide to search for the legal rules on what the authority's responsibilities are here? [**technical orientation**]
- Do you decide to consult the local authority's procedural manual and to follow what it recommends in these situations? [**procedural orientation**]

## Situation 2: The care package

“You have completed a review of a care package in respect of an older woman who lives in her own home. You present your recommendations for enhanced services to the panel responsible for resource allocation. The chair of the panel responds.

The service user has been supported with a community care package that is at the ceiling allowed by the local authority. However, the services you are now requesting exceed the financial limit allowed. The panel is not prepared to breach its resource allocation model and you are asked either to consider residential care or to propose an alternative care package in the community.”

### HOW THE ACTIONS IN THE RANKING EXERCISE RELATE TO THE 4 APPROACHES

- Do you argue that the panel's prioritisation of the authority's resource position is unlawful because it fails to consider the case in the round? [**technical orientation**]
- Do you argue that the local authority should support your client in her own home because that will best meet her needs? [**need orientation**]
- Do you follow the panel's request because the local authority has established this resource allocation arrangement for complex cases? [**procedural orientation**]
- Do you argue that your client should remain at home because that is what she chooses to do? [**rights orientation**]

### Situation 3: Anti-social behaviour

"You have returned from visiting a family on a local housing estate where there are no facilities for children and young people outside school. The neighbours have been complaining to your department and to the police about children playing football in the street until late in the evening.

You have been working with the Jones family for some months. However, the police have complained that they cannot see any improvement in the situation. The children routinely truant and the number of complaints to the police station from neighbours about the children playing football in the street until all hours is increasing. The police believe that they should apply for anti-social behaviour orders."

#### HOW THE ACTIONS IN THE RANKING EXERCISE RELATE TO THE 4 APPROACHES

- Do you follow what the local authority advises about co-operation with police officers and about applications for anti-social behaviour orders? [**procedural orientation**]
- Do you argue that section 17, Children Act 1989 is the appropriate way to intervene with this family? [**needs orientation**]
- Do you discuss whether sufficient evidence exists for an application for anti-social behaviour orders? [**technical orientation**]
- Do you suggest that anti-social behaviour orders in this situation are not a proportional intervention? [**rights orientation**]

## Situation 4: Guardianship or hospital?

“As an Approved Social Worker you have assessed a man with learning disabilities who has become depressed and self-neglectful following the death of his mother. You have concluded that guardianship is the most appropriate option, and you discuss your planned application with your manager, who responds.

She tells you that there is no point in making this application, because you are not geared up for guardianship arrangements – they may involve the authority in extra resource demands and responsibility for someone who does not really your eligibility criteria for an on-going service. She says that it would be far better to admit him to hospital and ensure he has treatment there.”

### HOW THE ACTIONS IN THE RANKING EXERCISE RELATE TO THE 4 APPROACHES

- Do you argue that to admit to hospital would be disproportionate, given that guardianship would provide a less restrictive framework for ensuring appropriate care? [**rights orientation**]
- Do you argue that the authority should not have a rule that fetters your discretion as an ASW, and that you cannot be directed how to resolve the case? [**technical orientation**]
- Do you agree with your manager that you should follow the local authority's rules and procedures here? [**procedural orientation**]
- Do you argue that as an ASW you should be free to make the arrangements that would best meet your client's needs in the circumstances he is in? [**needs orientation**]

## Situation 5: Family, lodgings or foster care?

“A young woman, now aged 16, lives with her grandparents. Since last year she has been seeing a family support worker, arranged following a doctor's referral as she was anxious and depressed. She has now refused to return home and wishes to be supported in lodgings or foster care. You visit her grandparents to discuss the situation.

The grandparents tell you that they have looked after her for 6 years now, since her parents died, and that no-one is going to take her away from them. They also warn you to take what she has been telling you with a pinch of salt as she imagines things. They think that she would be happiest best there with them, her family, but threaten to sue you if she is not returned to them.”

## HOW THE ACTIONS IN THE RANKING EXERCISE RELATE TO THE 4 APPROACHES

- Do you point out that at 16 the young person may request her own accommodation and that an arrangement made with her consent is lawful? **[technical orientation]**
- Do you inform the grandparents of your agency's complaints procedure and their right to make representation? **[rights orientation]**
- Do you argue that the authority and the grandparents should work together to ensure that the young person's needs are most appropriately met, given the vulnerability of her mental health? **[needs orientation]**
- Do you consult your employer's procedural manual for guidance on how parental objections to accommodation requests by young people should be responded to? **[procedural orientation]**

## Situation 6: Direct payments

"Your local authority has a poor record of implementing direct payments legislation. Following a review of services by the Commission for Social Care Inspection, social workers have been instructed by senior managers to promote direct payments actively. In your next supervision session, your manager wants to discuss your use of direct payments.

He tells you that, whilst he knows that you have been an enthusiastic champion of direct payments for learning disabled people, he is far less enthusiastic and would be inclined to ignore the instruction that has been issued by senior managers. He goes on to say that, as supervision records can be examined during inspection visits, the local authority should be seen to have considered whether to offer direct payments to the learning disabled people with whom you are working and so invites you to go through each of them in turn with him."

## HOW THE ACTIONS IN THE RANKING EXERCISE RELATE TO THE 4 APPROACHES

- Do you take issue with your manager's position on direct payments, arguing that learning disabled people should be empowered to manage their own affairs? **[rights orientation]**
- Do you audit your cases against the criteria for consideration of direct payments outlined in government guidance? **[technical orientation]**
- Do you argue that your manager's position is out of step with the local authority's approach which has been revised following the inspection? **[procedural orientation]**

- Do you review your assessment of each service user, considering how direct payments might be appropriate? [**needs orientation**]

## Situation 7: A child in need?

“The head teacher of a local school telephones you about two parents with learning disabilities and their four year old daughter. The head teacher describes her concerns to you.

She tells you that the parents are living in their own flat with their daughter, and are supported by one of the grandparents, who visits daily to help with practical tasks, such as getting their little girl ready for school. Even so, she frequently arrives late and appears so hungry that the head teacher doubts whether she is having an adequate breakfast. Her clothes are often dirty and not appropriate for the weather and time of year. The headteacher thinks that she is at risk of neglect.”

### HOW THE ACTIONS IN THE RANKING EXERCISE RELATE TO THE 4 APPROACHES

- Do you recognise the parents’ rights to support from the local authority to help them exercise their parenting responsibilities? [**rights orientation**]
- Do you recognise the child’s status as a child in need? [**needs orientation**]
- Do you consult the legal rules on safeguarding and promoting children’s welfare and on promoting independence for disabled people [**technical orientation**]
- Do you discuss with your manager to determine whether the case should be referred for a child care or community care assessment? [**procedural orientation**]

## Situation 8: The alleged assault

“You have just received a referral in respect of an older woman who is reporting an alleged assault on her by her son and daughter-in-law. You look at the local authority’s records of this case and discover that this is another in a long line of such referrals. Before going out to assess the situation, the team manager calls you into her office.

The team manager informs you that on each occasion previously, even when medical evidence has been available to substantiate the allegations of assault, this client has withdrawn her allegations and has effectively wasted social work and police time. Sometimes, when the social worker has arrived to assess the situation, she has been told to leave. On other occasions the assessment has started, even reaching the stage of offering alternative accommodation in order to reduce the risks, only then for the

family to close ranks and shut the authority out. Your team manager tells you that it is not worth spending much time on this referral.”

#### HOW THE ACTIONS IN THE RANKING EXERCISE RELATE TO THE 4 APPROACHES

- Do you argue that adults have autonomy to make their own decisions and therefore social workers cannot and should not intervene without her consent? **[rights orientation]**
- Do you consult the local authority’s adult protection policy in order to follow its guidance? **[procedural orientation]**
- Do you decide to treat this referral as an assessment for community care services and to consider offering a carer’s assessment also? **[needs orientation]**
- Do you consult the “No Secrets” policy guidance to determine how to approach this referral? **[technical orientation]**

#### Situation 9: The contact dispute

“You have been working with a family for some time when the parents separate. You are aware that there is a history of domestic oppression. Initial contact arrangements do not work out well and the mother seeks your advice.

She tells you that the children are finding the separation difficult but that they also found the violence frightening when the parents were together. She says that whilst she realises that the children should have contact with their father, she finds it very difficult to cope when they return because they are so wound up. The mother tells you that although she thinks the children might have been harmed because of the violence when the parents were together, they are also being harmed now because of what their father says to them to get at her.”

#### HOW THE ACTIONS IN THE RANKING EXERCISE RELATE TO THE 4 APPROACHES

- Do you focus the discussion on looking for the option which is most likely to safeguard and promote the welfare of the children? **[needs orientation]**
- Do you seek the advice of your manager on how the local authority usually engages in contact disputes? **[procedural orientation]**
- Do you consider how the right to protection of private and family life (Article 8, ECHR) might guide actions and decisions in the situation? **[rights orientation]**

- Do you research case law on contact to investigate the impact that evidence of domestic oppression has had on judicial decision-making? [**technical orientation**]

## Situation 10: The assessment

“You are undertaking a community care assessment with a couple who have been married for forty years and have never spent any time apart. You have assessed their needs and consider residential care to be appropriate. They want to have a shared room but none are available in the homes which the local authority accesses. You have raised this in supervision with your line manager.

She commends you on the thoroughness of your assessment but lets you know that she thinks you are being unrealistic in advocating for a shared room in residential care for them as there are very few such rooms within the current contracted arrangements with residential homes in your fee band. In any event she tells you the local authority does not have to agree to provide what you as the assessor recommends. An alternative plan will be necessary.”

### HOW THE ACTIONS IN THE RANKING EXERCISE RELATE TO THE 4 APPROACHES

- Do you accept that the local authority does not have the resources to provide what you have recommended and so you investigate an alternative care package? [**procedural orientation**]
- Do you argue that your recommendation is based on a thorough assessment conducted with the couple, and your conclusion that separation would be damaging to them? [**needs orientation**]
- Do you remind your manager that the local authority’s intervention should not undermine the couple’s view of family life? [**rights orientation**]
- Do you urge caution about resource-driven decision-making, arguing that to base the decision on resources alone could be challenged in law? [**technical orientation**]