
Law And Social Policy

This essay will discuss and highlight the concerns of each person in the case study, their presenting needs will be established, existing risk and optimistic outcome. It will also establish interventions using laws, policy and legislation as guidance. It will further address the upholding needs as a family.

According to Doyal and Gough, (1991) a person's needs are defined based on disadvantages or their right to lowest level of facilities like food, accommodation, healthcare, childhood safety, and education. Katya is said to have had a breakdown four years ago and was admitted to the hospital under a compulsory order where she was treated for severe depression. Therefore, Katya can be said to have some needs. Some of the needs of Katya as stated by the case study, are the loss of her husband and lack of family support, these are imperative relationships hence it can be emotional needs, being a single parent and bringing up Sofia on inadequate income and breakdown in her health. All these needs are social, medical and financial.

The presenting needs of Sofia's can be lack of father figure in her life since the age of 4 and trying hard to accept and grief for the loss of her dad. She has been neglected by Katya during this period which led to failure to meet Sofia's basic and physical and psychological needs being met. Katya's ill-health at this moment could also affect Sofia's emotional and psychological wellbeing. It is also important to take Sofia's age into consideration as an influential aspect in the given case study. Erickson stages of psychosocial development states that ages 5-12 which is the industry versus inferiority stage, children's self-esteem is vulnerable to their acceptance of how they are judged by other people. Hence faulty attachment, anger towards separation, anxiety and emotional distress are what Sofia will communicate to people. This could be attributed to why Sophia could not settle in foster care.

It was also highlighted that due to Sofia's disrupted placement history, it was difficult to obtain a secondary school placement for her. Sofia needs to be in education and getting a secondary school placement for Sofia is very paramount as her educational need is affected. There is no clear information on how long Sofia has been out of education. However, it is the responsibility of the Local Authority to advance the educational accomplishment of children they care for, irrespective of where they are living as stated in the Children Acts 1989 and 2004.

With the brief history from the case study, the family's presenting needs will be: good accommodation, help with income/ finances, tackling social isolation, bereavement counselling/therapy, dealing with the stigma of mental illness, school placement for Sofia and care and support to reduce stress for Katya and help to keep the family together.

The identified risks for both Katya and Sofia from this case study are the risk for social isolation, risk of Katya's incapability to raise and set boundaries for Sofia as this can be seen as poor parenting. Another risk identified with Sofia is that of poor academic accomplishment, poor self esteem which can all be negative outcome for Sofia if there is delay in intervention by practitioners.

The Article 8 of the Human Rights Act 1998, the right to respect for private and family life It is

also important to note that although Sofia was maintaining her wish to stay with her mum, Katya has also raised concerns that she is not able to care for Sofia. There is a huge decision to be made by the social worker to determine whether Katya can carry out her parental responsibilities towards Sofia appropriately. This will also pose as an ethical dilemma for the social worker involved. As Katya has started exhibiting signs of another episode of mental ill-health and with her GP recommending voluntary admission to her. It may result to Sofia being taken into care again and moving to another area which may cause disruption to her education. This will pose as another ethical issue for the social worker who must make a decision that will be positive for Sofia and Katya

It was not stated if Katya and Sofia had any therapy or counselling after the death of Mr Wilkinson. Considering that Katya was widowed at a very young age, this can be highly traumatic for Katya and for Sofia losing her dad at a very young age. Bereavement and grief are situations people deal with differently, not having the right support and counselling can make it very hard to contain for many. The death of a loved one can be emotionally devastating. The person can have various feelings promptly after losing a loved one such as anger, pain, shock, guilt, depression, longing, other people's reaction. (Cruse Bereavement care). We do not have much information about how the family (Katya and Sofia) has been coping with the challenging situation. However, there is a possibility that Sophia's well-being may have been affected. Questions like how Sofia dealt with the loss of her father needs to be addressed. Children and young people grieve just as much as adults, but they show it in different ways. As we all know, grief is a process that takes time. The family (Katya and Sofia) will benefit from bereavement therapy and counselling. Organisations like the Cruse Bereavement Care provides one to one support to adults and children who have suffered bereavement.

The issue of limited income is another important aspect that needs to be addressed. We do not have a clear understanding of how the family was coping before the death of Mr Wilkinson. As he may be the main provider for the family up until the time of death. If that was the case, his death will have a great impact on their finances and family life. Hence the family will benefit from financial advice and help. Lack of employment can be one of the factors for limited income. Living on a low income and poor accommodation is a very stressful situation, this is another major problem the family is facing. It has been said that poverty creates a domain that is tremendously harmful to individuals, families and community's mental health. The effects of poverty exist all through the life course and this has collective effect (Elliot, 2016). It was also stated in the case study that Katya does not have any support from her family in Poland, this shows that Katya may be in a social isolation situation.

To offer the necessary support required to Sofia, it is vital that an assessment of her needs is carried out. "An effective assessment is a vital requirement in the journey of providing appropriate services and support to children 'in need' (Wise at al, 2011). As stated in the case study, Sofia was living in extreme neglect and was removed from home previously. It is expected that an initial assessment would have been carried out, hence the reason for the Care order that was in place. Sofia then fits the definition of a child in need. According to the Section 17 of the Children Act 1989, A child is seen to be "in need" if he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority. Katya has not been taking care of Sofia or ensuring her needs are met.

An important part of legislation is the Children's Act 1989 which has the objective of meeting

the welfare and developmental needs of children, hence protecting them from harm. According to O' Loughlin, (2012) this Act aims to adjust the protection of children with supporting families while presenting and underlining the idea of parental responsibility as opposed to rights. The s 3(1) of the Children Act 1989 defines Parental responsibility as all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property. From this case study, both Mr Wilkinson and Katya had PR for Sofia until the death of Mr Wilkinson which implies that only Katya now have PR for Sofia. This was the situation up until the care order was issued. Which was due to the extreme neglect Sofia was exposed to because of Katya's ill-health. The court can create a care order under Section 31(1) (a) of the Children Act 1989, placing a child in the care of a designated local authority, with parental responsibility being shared between the parents and the local authority.

In view of the result of Lord Lamming's enquiry into the circumstances leading up to the death of Victoria Climbié in 2003, the government published a green paper titled "Every Child Matters" and inevitably passed the Children Act of 2004. Under the Section 10 of the Children Act 2004 each children's services authority has an obligation to forge arrangements to promote cooperation with relevant partner agencies to improve the well-being of children in their Local Authority. There are five outcomes set out by Every Child Matters and they are: Being healthy, staying safe, enjoying and achieving, making a positive contribution, social and economic well-being. (Working together to safeguard children). According to (Baker, 2009) cited by O'Loughlin (2012) it is required that's all agencies conveying children services to act in support of children not meeting the goals of Every child matters. There is a constitutional duty place on educational, health and other agencies by the Children's Act 1989 to assist the local authority perform its social services role. A multi-agency approach will be considered during the planned assessment. The following professionals will be involved in this case study: the GP, Mental health practitioner, Children Social worker, Mental health social worker, Local authority education psychologist, Adult social worker and family intervention specialist. Upon receiving a referral, the practitioner will have to decide on the suitable response needed within a day of clarifying the concerns raised in the referral. (Working together to Safeguard Children, 2015). When working with a referral like this case study, Practitioners will have to abide by the legislation that is in place. This is because: It tells them what their roles and duties are, it puts in place coherent accountability, it helps in clarifying practice issues, the law approves verdicts made by social workers through the court system, the law acts as a final arbiter between social workers and service users where there is a dispute that cannot be resolved. (Johns, 2007).

It can be gathered from the case study that Katya was detained in the hospital for treatment under the Mental Health Act 1983 s3. This was due to her breakdown and a Compulsory treatment order (CTO) was granted, this authorises the detention and treatment of an individual in a hospital for six months. According to the MHA, the treatment of people with mental disorder restricts their liberty in certain circumstances. Although the Article 5 of the Human Right Act states that every individual has the right to liberty and security of persons. No one will be deprived of his or her liberty except it is in accordance with law. People should be respected for their: Diverse backgrounds as individuals and be assured that account will be taken of their age, gender, sexual orientation, social, ethnic, cultural and religious background, but that general assumption will not be made based on any one of these characteristics" (Department of Health, 1999). The human right Act 1989 is also an important legislation to be considered in this case study. Article 2 refers to Katya's right to live. Article 14 also refers to no discrimination. Mental health patients should not be discriminated against because of their illness. "Staffs and providers of services in the mental health fields have the duty of care to treat people with dignity

and respect people's human rights in everything they do. (Mental Health Foundation).

According to (Brown et al, 2009) cited by Godefroy, 2015 The mental health Act 1983 (MHA) provides for both informal and compulsory care treatment of people who have a mental disorder. The Mental Health Act 1983: Code of Practice, practitioners are provided with statutory guidance in the Mental Health Code of Practice on how they should carry out their task under the Mental Health Act. There are five guiding principles which give guidance on the definition of mental illness, focuses on equality and human right consideration in relation to the Act. These five guiding principles fundamentals should be evaluated when making all decisions in correlation to care, support or treatment provided under the act. The least restrictive option and maximizing independent should always be taken into consideration during decision making, empowerment and involvement, respect and dignity, purpose and effectiveness and efficiency and equality (Department of Health).

Katya's compulsory admission was because of the MHA 1983, as she needed to be protected from further harm and to protect Sofia. However, the Article 8 of the Human Rights Acts states that every individual has the right to respect for one's private and family life, his home and his correspondence. Although the rights might be meddled with the security of the rights of others, on condition that it is essential, equal and in agreement with the law (Braye et al 2016). Therefore, it very well may be contended that the law considers a man self-governance to be controlled when it is important for protecting other individuals in their condition or even themselves.

The best approach to support Katya will be to use the Care Act 2014, it emphasizes the significance of the entire household approach framework. This helps the Local Authority to meet the lack of adults and their household. This approach examines the wants of the service user and how these impacts on the family (Katya and Sofia) in the given case study. All specialists involved are urged to execute the whole family viewpoint to take a comprehensive perspective of the individual's needs, and how these necessities affect other relatives and individuals in their support group of people. In any case, it has been challenged that Local Authorities should have effective strategies for recognizing issues and likely wants of children and their families (Working Together to Safeguard Children, 2015). several policies were introduced by the government to help households who are striving to fulfil the wants of their children. The think child, think parent, think family guide was pioneered to help parents with mental health issues and their children (Social Care Institute 2011).

The Care Act 2014 Section 9(1) has the commitment to evaluate a person that may have necessities for care and support and what the necessities are in advancing the well-being of the individual. The requirements evaluation should be done notwithstanding the adult's financial capacities and the level of care and support required. A practitioner will have to carry out a needs assessment on Katya to see how her illness will affect her need and the impact the needs will have on her family or support network. Feldon, (2017) argues that the purpose of an assessment is to distinguish an adult's care and support needs, or a carers support needs and what outcomes can maintain and improve their wellbeing. A needs assessment is both the portal to care and support and a method by which people can benefit from taking an active role in addressing their needs. People will unfold a better understanding of their needs and how their desired result could be reached. Hence, they can take steps to diminish or delay greater needs developing which makes people make better use of their own abilities, networks and community resources. After assessment comes the eligibility determination, there are standard eligibility

criteria for Local Authorities in England which will be used in determining eligibility. Then comes the duty and power to meet needs. (Feldon, 2017).

There are practice dilemmas when dealing with a case such as the given case study, these dilemmas make it reasonably complicated for Practitioners to carry out their role effectively, hence disappointing service users in some cases. Some of these ethical dilemmas associated with this case study are:

Care and Control - Practitioners have the dual mandate of supporting and safeguarding children and adults as well as their families. With this case scenario, the practice dilemma will be if Sofia should remain under the care of her mum due to her mental illness, as Katya (mum) is very concerned that she is not able to manage Sofia due to her present situation. However, the least restrictive approach should be used here as Sofia's wish of staying with her should also be considered. Having in mind not to break up the family unit. Therefore, an intervention with adequate support system to reduce stress for Katya and to keep to the family together is important.

Choice and Resource Constraints: This has always posed as a practice dilemma with the gradual growth in funding cuts, hereby presenting a conflict between service user's choice and local authority rationing of limited resources, hereby leaving practitioners in an impossible situation. Practitioners are encouraged to always carry out their duties to always get a good result for service users.

Another practice dilemma is multi-agency professional working together to create a working support plan for the family. An individual professional may have distinctive procedural and authoritative framework they follow which may linger the inception of a service and support. Some professionals have a very tight schedule, and this makes it impossible to agree to an appointment time, hence making it difficult to sit and progress issues. Hierarchy is a major issue when multi-agency professionals are working together. The Social worker remains the one in the middle of all professionals working together, they also take the lead and chairs meetings as necessary.

The role of the Social Worker in resolving this dilemma will be to always make sure there is effective communications, making sure all agencies involved are aware of every development in the given case. Resolving ethical dilemmas requires professional judgements after weighing up one principle against other.

The Working Together to Safeguard Children, this is a guide to Inter-agency Working to Safeguard and Promote the Welfare of Children (H M Government, 2010) sets out how organisations and individuals should work together to safeguard and promote the welfare of children in accordance with the Children Act, 1989 and the Children Act, 2004

In conclusion, the duty of a social worker is fundamentally a moral activity, the values knowledge and skills are all interconnected and always put into practice when working with service users. Due to the situation of this family, the intervention that will be put in place should consider all positive outcomes for this family. Both the Mental Health Act and The Human Right Act should thoroughly be considered when dealing with a case study as this. According to Banks, (1995) the law does not tell us what we need to do but what can be done. Therefore, decisions made by practitioners encompasses multifaceted interaction of legal, ethical, and

political issues that are all unified.

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