

# Social Work Law in Practice

a research project to explore social work students' law learning on practice placement

Written for the SWAP community by

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## Social Work Law in Practice

**a research project to explore social work students' law learning on  
practice placement**

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## SWAP funded projects 2005-2006

In 2005 SWAP funded eight projects in social policy and social work education designed to promote the use of effective learning, teaching and assessment activities; to encourage the development and sharing of innovative approaches and to raise awareness of the importance of evaluating the effectiveness of educational methods. The following is the final report *Social Work Law in Practice: a research project to explore social work students' law learning on practice placement*.

### Executive Summary

#### Why research social work law in practice?

Law is an important part of social work and has far reaching implications for people's lives. However, previous work on law in social work has identified that it often has a low profile in students' practice learning and that more needs to be done to maximise the benefit of learning about law in practice. Indeed, most of the development work to date has focused on college-based social work law learning.

#### Project objectives

The project aimed to promote good practice in law learning for social work students whilst on practice placement. Specifically, it intended to:

- Review and clarify the range of law learning opportunities on placement;
- Build knowledge and understanding of learning processes that occur in relation to law in practice;
- Review the barriers to students' law learning on placement and ways of overcoming these;
- Develop resources for use by practice teachers and others in promoting students' law learning.

#### Methodology

The project brought together educators, practice teachers, students, service users and carers to explore law learning in practice. Using a structured workshop format, participants were asked to discuss their practice-based experiences of helping students to learn about law or of being a student on placement. Building on the difficulties encountered and examples of good practice, ideas were shared about how law learning should be provided and assessed in placement. Materials to support law learning in placement were disseminated and discussed.

## Findings

- Law is implicit rather than explicit, both in expectations of placement learning and in the learning opportunities provided to students on placement. This mirrors how law is sometimes a less visible aspect of practice;
- The role of the organisation is influential in creating or constraining a learning environment in which law can be seen as a significant feature of practice;
- The legal knowledge and skills of the practice teacher, and their recognition of these, are influential in enabling students to engage with law learning. Maintenance and development of legal competence is a neglected aspect of practitioners' continuing professional development in law, but is crucial in enabling practitioners to respond to organisational constraints on practice;
- The contribution of experts by experience to students' law learning on placement is under-developed, yet there are rich opportunities for their involvement to raise the profile of more rights-based aspects of the legal framework;
- Students' approach to learning law tends to divorce it from policy and practice, but where placement experience of law learning is good, their learning is reinforced and enhanced through the opportunity to apply the law and reflect on its application;
- There have traditionally been few resources to support practice teachers in promoting students' law learning on placement, mirroring poor resourcing to practitioners generally about the legal frameworks. However, recent developments have seen a number of useful approaches and frameworks becoming available;
- The links between academic law learning and placement law learning are important, with a need to make transparent how students build their law competence through both, and to ensure a stronger focus on the contribution of placements;
- The factors identified above all contain negative (barriers), positive (facilitators) and neutral features, which if addressed strategically can build a richer learning culture around law in practice placement.

## Recommendations

- The development of quality standards for practice teaching and assessment should include law;
- The development of the social work post-qualifying framework provides an opportunity for ensuring that social workers who act as practice teachers and assessors update their knowledge of legal mandates and their skills in its application to practice;

*“The law is a dynamic thing and social workers have helped to change it”  
(practice teacher)*

- Equally the PQ framework offers the opportunity for the processes of practice education to be more fully understood and used by practice teachers in relation to students' law learning;
- Continuing professional development should involve both managers and practitioners working together, and should aim for organisational as well as individual change;
- There are aspects of law learning that can emerge from other topics of focus on placement, and these should be maximised. Equally, more structured activities are necessary in order to develop a more consistent focus on law in all placement settings;
- Social work degree programmes should have a practice curriculum that makes explicit how law learning on placement is pursued and resourced. This should include an emphasis on how powers, duties and rights are operationalised, as well as on critical perspectives on law in practice and the ways in which practice developments such as inter-professional working are underpinned by law;
- Social work degree programmes should be able to demonstrate where legal knowledge and its ethical and skilled implementation are addressed in the practice curriculum.

## Introduction

The rationale for this research project arose from a systematic review of learning, teaching and assessment of law in social work education (Braye and Preston-Shoot et al, 2005) which identified amongst its findings a lack of empirical evidence on how practice placements maintain and develop students' law learning. In particular:

- It is uncommon for students to address law learning outcomes on placement;
- There is inconsistency in the extent of their law learning on placement;
- Students are dissatisfied with this aspect of their law learning;
- Practice teachers vary in their recognition of legal rules and are apprehensive about their competence to facilitate students' learning about law;
- Service users consider their expertise is under-used in helping students learn about the law in practice;
- Agency context influences how students pursue law learning on placement.

Law is an important part of social work and has far reaching influence on people's lives. However, the systematic review identified potentially significant gaps in social workers' knowledge and understanding about the law as a result of failure to support students' law learning in practice. Indeed most of the development activity relating to social work law to date has focused on college-based learning. Only a minority of programmes surveyed had law-related learning objectives for placements and there was little law-related support for practice teachers. There were diverse interpretations of the requirement (DH, 2002) that students gain experience of statutory work.

This present research project aimed to address these lacunae. Specifically, the project was seeking to achieve four aims:

- To ascertain what law-related learning opportunities exist in placements;
- To understand the learning processes that occur in relation to law in practice;
- To identify the barriers to law learning on placement and ways of overcoming these;
- To develop resources for use by practice educators and others in promoting students' law learning.

*“I don’t think we know how much we know until we apply it to practice. I think we know an awful lot more than we think” (student)*

## Why research social work law in practice?

Law was the only subject for which the rules and requirements for the Diploma in Social Work (CCETSW, 1995) provided explicit direction on teaching and assessment. For the new social work degree, governments in all four countries of the United Kingdom specified the inclusion of law within their requirements (Care Council for Wales, 2004; Department of Health, 2002; Department of Health, Social Services and Public Safety, 2003; Scottish Executive, 2003). Knowledge of the legal rules and, to some degree, skills in their application are prominent in the social work subject benchmark statement (QAA, 2000) and in the National Occupational Standards (for example TOPSS, 2002) that inform all four sets of requirements.

Social workers must understand the relationship between law and practice, and know how to respond as that interface changes and develops. If practitioners enter situations and engage with service users without adequate knowledge of how to proceed lawfully, they deny service users access to an empowering resource, and equally open up themselves and their employing agencies to liability for negligence. They may also call into question their continuing registration under the Care Standards Act 2000 (and equivalent legislation in Scotland). Nor is this simply an academic question. Judicial reviews of agency practice have found restrictive assessments, inappropriate care planning, lack of understanding, failure to follow statutory duties and policy guidance, and evidence of how organisational (resource) pressures can distort practice (Preston-Shoot, 2000; 2001).

The emphasis on law in the curriculum arises in part from longstanding concern. Ball and colleagues (1988), for example, identified shortcomings in students’ knowledge and understanding of the law. Subsequent theory building in respect of teaching, learning and assessment of law in academic curricula appears to have had a beneficial impact on how students experience their education. Later surveys (Ball et al, 1995; Wallis-Jones and Lyons, 2003) found an encouraging increase in the range of topics taught and improvement in student perceptions and satisfaction ratings of teaching and assessment. The General Social Care Council in its annual report (GSCC, 2006) commented that external assessors generally commended teaching and learning on law. However, it also noted that outcomes still varied between programmes and felt it necessary to recommend that law teaching should always include assessment of application in practice. Marsh and Triseliotis (1996) and Preston-Shoot and colleagues (1997) have sounded similar cautionary notes. Both newly qualified and more experienced social workers lack confidence and experience a steep decline in social work law knowledge that is not routinely used in practice. This points again to the importance of giving attention to students’ practice learning.

Benefits of practitioner contributions to law teaching have been identified (Braye and Preston-Shoot, 2006b):

- Placing the focus on law in the practice context;
- Enabling students to work through issues and dilemmas raised by using law in practice;
- Experiencing the impact of agency accountability frameworks on how law is used;
- Implementing specialist knowledge, such as approved social work, youth justice, adoption, welfare rights, housing and asylum, giving topicality and relevance to case study material used in the academic curriculum;
- Aligning practice learning with the aims, methods and outcomes of students' law learning generally.

Thus, researching social work law in practice offers the prospect of filling a serious gap in the knowledge base available to educators and others in how students' learning may best be promoted. It can illuminate how the emphasis on law in the academic curriculum can be translated into understanding of good practice in practice learning.

## The existing evidence base

Focus groups with students and practice teachers and discussions with service users, reported in the systematic knowledge review (Braye and Preston-Shoot et al, 2005), provide evidence of current views about law learning on practice placement.

### Student perspectives

Students reported that they were fearful and apprehensive of the law. Some saw it as a specialist subject that was “not really social work”. Others were deterred by its complex and technical jargon or by the different type of learning that was required – the high volume of factual information to learn and the wide range of sources to consult.

Some students reported positive experiences on placement:

*You can learn some of it in classes but it's not until you're actually doing it, and you're in the situation, that you can understand it. Seeing it in practice makes it real.*

*I don't think we know how much we know until we apply it to practice. I think we know an awful lot more than we think.*

Other students reported negative practice learning experiences. Confidence could be undermined by the expectation of holding detailed specialist knowledge or by seeing law used as a tool of blame. Equally, learning could be frustrated by having to work with out of date policies and procedures.

### Practice Teacher perspectives

Practice teachers acknowledged the law as important but reported difficulties in accessing legal resources and training in order to keep their own knowledge up to date. They experienced a lack of confidence in helping students learn about the legal mandates and, therefore, difficulty in responding to students' anxiety. Practice teaching and student learning could be “distorted” by an agency focus both on organisational procedures rather than the legal rules and on performance targets.

There appeared to be considerable variation between agencies and teams with respect to knowledge and confidence in the application of the legal rules. Equally, two different approaches to practice teaching emerged. Some practice teachers emphasised a technical approach:

*You just need a working knowledge of the bits of it you use that would be relevant for your work.*

*I've often said to social work students, when you're qualified you really can't go out there and change the world, you can only work within the requirements and statutes that your local authority allows you to.*

Other practice teachers emphasised a rights-based approach, namely:

*For me, that is part of the skill of a practitioner – to know sufficiently about what people are entitled to under the Act.*

*The law is a dynamic thing, and social workers have helped change it. It's important students know the shortcomings of the law and also engage with the politics of social care.*

## **Service User perspectives**

Service users and carers were clear that social workers should not just be technically competent in respect of the legal rules but also able to think critically about the mandate and their actions derived from it. This required an ability to make connections between different legal mandates, since “families do not come in boxes”. It meant the involvement of experts by experience in what should be addressed and how it might be achieved. Indeed, service users and carers could be co-learners in the process of getting to grips with the law in practice.

Service users and carers were clear that social workers should pass on information about their rights, including the process by which they could challenge agencies and complain. They differentiated social workers who had failed in their responsibility to keep up to date from those who were knowledgeable but constrained by their employing organisation’s interpretation of the legal rules.

## **Conclusion**

The knowledge review concluded that the failure to carry law learning into placement represents a major missed opportunity to consolidate, reinforce and extend understanding of this aspect of the curriculum and to reinforce alignment of learning with the tasks of practice. The practice curriculum is under-developed although the literature cited in the knowledge review does indicate how such a curriculum could be constructed around:

- A differentiation between interim and final competence;
- Teaching and assessment methods, such as workbooks and case studies;
- The legal components of core social work skills such as recording, advocacy, engaging in inter-agency work, risk management, information provision and service provision.

## Methodology

The approach taken in this present study drew upon the methodology of “user reviews” in education research (Bassey, 2000), bringing together researchers and research users to develop education practice. This community of interest drew on their experiences of the challenging mix of legal, organisational, professional and ethical issues and questions which impact on how cases are approached and student learning is facilitated, to explore their approach to students’ law learning and to develop ideas for research-informed education practice. Workshops used a group-based format which had proved successful in the earlier systematic review of law (Braye and Preston-Shoot, 2005) in order to promote the participation of a range of stakeholders in the research. It combined focus group discussion and structured workshop activities with dialogue and debate.

Focus groups are a structured, efficient and disciplined method of collecting information, promoting voice and engaging people in sharing expertise and experience (Raynes et al, 2001; Swift, 1996) and in devising recommendations based on the data generated within the community of interest. They facilitate exploration of experiences and generate creative insights into attitudes, feelings and behaviours.

Workshops are useful ways of involving stakeholders in collecting and analysing data, and beginning the process of action planning (Harrison, 1999). As with groups, they provide a support system for members, enabling participants to feel more comfortable than might be the case in individual interactions, where the power balance between researcher and respondent is starker.

The workshops were convened opportunistically, building on networks known or notified to the researchers. Five workshops took place in England and one in Scotland. Overall participation patterns were as follows:

	1 Scot- land	2 Mid- lands	3 North- west	4 South- east	5 South- east	6 Mid- lands	Total
<b>Practice teachers</b>	3	7	19	21			50
<b>PQ students</b>					20		20
<b>Degree students</b>	6					13	19
<b>Service users</b>	3	1					4
<b>Academic tutors</b>	3	2					5
<b>Total</b>	15	10	19	21	20	13	98

Individual telephone and email consultations with an additional three practice teachers were arranged through the National Organisation for Practice Teaching (NOPT). A reference group of educator, practitioner, student and service user representatives met on one occasion to give their own responses on the research topics and to advise on the approach to be taken in the workshops.

Appendix One contains the workshop outline, the discussion questions and the case scenarios that were used in the workshops to generate data about types of law-related learning opportunities and barriers to law learning. A presentation of the key findings from the systematic review (Braye and Preston-Shoot et al, 2005) was used to facilitate discussion of social work law learning in practice and materials from the resource guide (Braye and Preston-Shoot, 2006b) to supplement participants' own resources for promoting students' law learning. Key points from discussion were recorded on flip charts and in researchers' notes made during and immediately following the sessions.

## Data Analysis and Findings

Following the workshops the flip charts from each of the groups were typed, together with the researchers' notes. These transcripts provided the data for analysis. The transcripts were analysed using both inductive and deductive methods. Firstly a thematic analysis was carried out to identify, by means of coding and categorising the data, the themes that were emerging. Secondly the data provided evidence to answer the original research questions, namely:

1. What law-related learning opportunities exist in placements?
2. What learning processes occur in relation to law in practice?
3. What barriers are there to law learning on placement, and what ways are used to overcome these?
4. What resources are used by practice educators and others in promoting students' law learning?

### Thematic analysis

After each of the workshop sessions the researchers recorded what were perceived as the key themes or 'big ideas' (Vaughan et al, 1996) emerging, noting those that were particular to each group and those that appeared as shared concerns. The process of transcribing the workshop materials from four of the groups expanded these provisional ideas, confirming the following issues as important aspects of the analytic framework:

- The impact of the organisational context;
- The influence of the practice teacher's/assessor's own knowledge;
- The importance of continuing professional development;
- The lack of tools and resources for teaching and assessing law in practice.

The transcripts from those four groups were then initially coded for the above categories. Whilst it was recognised that the number of times an issue is mentioned does not necessarily reflect the relative weight accorded to it, a frequency count was undertaken to establish any patterns of similarities and differences in the apparent prominence of these issues in each of the groups (see Appendix Two: Table 1).

Across these very broad initial themes there was a degree of consistency between the groups, the most significant features being the emphases on organisational context and on practice teachers' own knowledge and skills. It is of interest that a group of experienced practice teachers from local authorities gave less emphasis to organisational context, focusing more on their own expertise. This frequency count broadly supported the initial view that these categories represented important themes in the transcripts. They were, however, very broad categories and in the re-reading and coding of the transcripts for these categories more subtle differences and other themes were noted as they began to emerge.

It was therefore decided to re-code the transcripts from these four groups using a larger number of categories based on those emerging ideas. Twelve categories were defined for this next stage of analysis, intended to clarify further the intentions or meanings of the participants. These categories were:

- Law in practice is often an ‘afterthought’;
- Practice is driven by agency policies rather than legislation;
- Legal updates are needed as part of continuing professional development;
- Organisational culture creates constraints on law learning;
- Law is viewed differently in the voluntary and statutory sectors;
- Practice teachers’ own knowledge and skills are important;
- Law learning is about application, not just knowledge;
- Students’ application of legislation is often retrospective rather than prospective;
- Experts by experience have a role in teaching and assessing law;
- The type of agency is important;
- Students’ attitudes to law learning are significant;
- There is a lack of availability of tools/resources.

A further frequency count, in the same four groups’ data, was undertaken for these expanded themes and again there was a high degree of consistency across the workshops (see Appendix Two: Table 2)

The same emphases, on organisational context and practice teachers’ knowledge and skills, emerged, alongside a concern about the low profile of law itself, and an awareness of the role of experts by experience. What also emerged was that some of the themes were inextricably related to each other – for example different perceptions of law in the voluntary and statutory sectors only appeared in the context of comments on organisational culture. What is more, some of the relationships were hierarchical, with some comments acting more as a refinement or sub-set of a first level category.

Whilst this observation produced some interesting juxtapositions of ideas and potentially a visual means of comparing the views of all of the groups, the researchers considered that the data might have yet more to reveal. Even the revised categories were potentially too broad and therefore not revealing some of the more subtle nuances within the data. There was also concern that these themes and categories were still ‘impressionistic’ and potentially subject to the researchers’ own biases or preconceptions. It was therefore decided to begin again with a fresh coding exercise from the original transcripts, at this stage adding in the data from the final two groups to make six group sources in all, and to include also responses

from the telephone interviews and reference group discussion. This time the researchers decided to use an open coding method:

*Open coding is achieved by what is known as 'the constant comparative method'. This involves a line by line, or even word by word analysis of the data during which the researcher gives each discrete incident, idea or event a name, aiming for the name.....to be at a higher conceptual level than the word or words in the text. Proceeding through the text the researcher generates new codes and finds other examples of already identified codes. (Miller, 1995 p.8)*

The intention was that the codes would be rooted in the data, perhaps using the participants' own words (in-vivo coding). Whilst similar themes in fact emerged from this, it was possible to regroup them, drawing on those that were dominant across all of the groups, recognising their hierarchical nature and further refining the categories emerging from the data.

Table 3 (See Appendix Two) delineates the redefined themes and sub-themes of the framework. In Table 4 (See Appendix Two) *illustrative quotes and comments from the workshops* demonstrate how the first and second level themes of the framework are evidenced in the data.

The selected quotes in Table 4 above are representative of the range and diversity of views of the participants in this study but also underline the consistency of views across the various focus groups. Many of the themes identified in this analysis echoed those findings from the original knowledge review (Braye and Preston-Shoot et al, 2005) but also substantiated and developed themes that had been only suggested previously.

## **Using these findings to address the original research questions**

### **What law-related learning opportunities exist in placements?**

When initially asked about the three most important things about social work that students can learn on placement, law, if it figured at all, was implicit - underpinning and embedded within other learning, such as relationship building and assessment frameworks. Values, communication skills, professional role and boundaries, organisational procedures, reflection and use of self were more likely to be emphasised. One practice teacher was typical in considering that:

*The law does not have enough prominence.*

Other than in contexts where the law was very visible, for example Approved Social Worker functions under the Mental Health Act 1983, provision of law learning was felt to be dependent on the enthusiasm and orientation of individuals. Thus, one practice teacher encouraged students to trace local authority procedures back to the legal rules. Another sought to expose students to:

*The way that the law can be applied to affect positively people's lives and well-being,*

and saw as their primary objective:

*...for the student to understand not just the process but to apply an understanding of law, politics, social policy and research to an individual case while seeing it in its larger context and how these areas interact in service users' experience of care management. Without this understanding of context I believe it is difficult to understand how law impacts on adult care practice and how a social worker can practise in this area while retaining their adherence to social work values.*

Even where law was an explicit focus of learning, it was not necessarily included in practice assessment. Other practice teachers admitted that they were much more likely to focus on ethical approaches to practice, or agency procedural learning, for example, rather than the law. There was some feeling that law should not be over-emphasised at the potential expense of other aspects of knowledge that underpin practice.

As the groups worked through the workshop material, including presentations from the knowledge review (Braye and Preston-Shoot et al, 2005) and the resource guide (Braye and Preston-Shoot, 2006b) and discussion of the broad topics and case scenarios, participants' perspectives shifted. From an early emphasis on technical competence in the legal rules, participants made stronger connections between the law and social work values, envisioning a more rights-based approach. Participants began to discuss how to enable students to learn to interpret the legal mandate and to apply their legal knowledge for the benefit of service users and carers. The law became more explicit and visible. It became something not just to be known but also interpreted and applied.

The task of identifying learning opportunities related to law was considered difficult in the absence of a consistent practice curriculum for the teaching and assessment of law in placement learning. Some focus groups specifically noted that:

*There is not the same standard curriculum in placement learning as there is in the classroom.*

and

*(We don't know) what is the minimum law knowledge required to pass the placement.*

These responses suggest that whilst practice teachers, students and service users might be aware of the need to assess students' understanding and application of law in practice, there is a high degree of uncertainty of what is being assessed and the level of knowledge or skill required, and consequently a lack of consistency in what is provided. Some groups took the view that 'specialist teams', for example mental health and child protection, had a much clearer view of what was required

and students placed in such teams noted that:

*The type of agency is important. If you work in an agency where the law is implicit (rather than explicit), it is more difficult to learn.*

Another student, placed in a child care team, noted that some social workers in the placement team were:

*..... unaware of changes in legislation, for example, in relation to parental responsibility. The practice guidance and team knowledge were not up to date with recent changes.*

Students and practice teachers were aware of the role here of organisational culture and the degree to which agencies prioritised their collective knowledge of the law. Where an organisation was perceived to devalue this knowledge and where this coincided with practitioner uncertainty about how to research for legal understanding and to evaluate advice and guidance, this undermined confidence.

More positively, focus group participants were able more easily to identify how practice learning opportunities differed, both generally and in respect of law teaching and assessment, from the university-based curriculum. Practice learning was seen as an opportunity to link theory with practice, to make learning real for students, and to apply learning to real life challenges. In respect of law learning, placements offered opportunities to reflect on care and control issues, to apply the legal mandate anti-oppressively, to make the law explicit with service users and carers, and to interpret the legal rules through the lens of social work values. Practice placements enabled academic learning to be consolidated, acknowledging that learning was less likely to decay if it was being implemented.

The very unpredictability of practice presented a learning opportunity where law learning could be covered as and when appropriate or, as the workshop groups increasingly engaged with the materials being presented, as a standard topic within the knowledge and skills to be embraced on placement. The complexity of people's needs and the breadth of legal knowledge likely to be required meant that practice teachers encountered areas of law of which they had little working knowledge. Sometimes the only legal content addressed would be that thought to apply in the relatively narrow context of the particular team or agency. Deciding where to place the focus was again made more difficult by the absence of a standard law practice curriculum. Thus, for example, where practice teachers and students envisaged building on law knowledge and skills across two or three practice learning opportunities, or transferring, consolidating and extending law knowledge and skills from previous placements, it proved difficult to capture this process.

Students and practice teachers referred to feelings of responsibility – fear of getting it wrong, the daunting range of knowledge to be applied and skills to be practised, and the (often negative) images of, or processes within, the law to be tested. For example, some processes were

experienced by students as conveying potentially alienating messages – in adoption, the judgement on capacity to parent; in carers’ assessments, offering support without undermining an individual’s belief in their capacity to be a carer. Besides traditional skills, such as containment of anxiety within the learning process, practice teachers identified the need for support on the requirements to be covered, highlighting again missed opportunities in the new post-qualification framework and particularly in practice teaching programmes.

Where people who use services and/or carers were involved in the focus groups they tended to focus on the students’ need to learn about the law in a more holistic manner. The distinction was drawn between a ‘powers and duties’ based approach to the law and a more evaluative, empowering, rights-based interpretation of the legal rules. It was noted that the involvement of experts by experience in the teaching and assessment of law in practice provided:

*..... direct feedback from service users ....(which is) not only knowledge based, but application and rights based.*

When asked to identify the opportunities for law learning in given scenarios most groups concentrated at least initially on listing the available legislation. Whilst this was generally wide ranging and appropriate, they appeared to miss the opportunity to make the links between law, rights and values, which were elsewhere being identified as important components in developing a student’s understanding of the legal rules. This would therefore appear to indicate a common tendency, when asked to focus on law, that it is then isolated from the practice which it informs, and that knowledge of specific provisions is emphasised as opposed to the skills necessary for effective implementation of a legal mandate. Conversely, the student-only group tended to focus on the interface between law and practice, avoiding listing the available legislation but clearly linking law with practice issues. They also identified the student him/herself as a source of learning. For example, in Scenario 3 (see Appendix One) the students noted the fact that this involved a white student in a multi-cultural area. They saw this as a focus for ensuring that both race relations and age discrimination legislation were addressed, noting that:

*...how the student will be interacting in this sensitive area of practice....*

is as important as acting within the law. Issues of power imbalance and anti-discriminatory practice issues also were clearly identified.

### **What are the learning processes that occur in relation to law in practice?**

All groups identified that placement learning differs from academic or classroom based learning, although there were differing views about the extent to which students were ‘taught’ about the law by their practice teachers and how much they ‘learned’ by doing. One student noted:

*(I am) learning more (about law) in practice than in the classroom,*

*“Knowledge lasts longer when we’ve done something”*

while another noted:

*Knowledge lasts longer when we've done something.*

A practice teacher noted:

*I have found that understanding and learning about law is always better understood and questioned when it arises out of actual work so I choose cases that will allow them the opportunity to understand how processes are driven by law and policy and then look back at what that law actually entails, and its political purpose.*

Different learning styles were highlighted by a number of groups as being important in how students were taught about the law in practice. A good example, using a learning styles questionnaire, was given by a practice teacher who used Kolb's model of experiential learning (Kolb, 1984) applied directly to the teaching of law. Other groups also noted that the different learning processes in practice learning needed different teaching styles but no one articulated this in a way that could be encapsulated. Practice learning was viewed by all groups as being 'hands-on' and therefore 'real'. The main vehicle for assessing a student's knowledge of law, however, appeared to be the University's assignment linked to placement:

*Law [assessment is] often located in reflective case study, [so seen as] retrospective rather than proactive/ driven by law.*

This was seen to be largely negative, in that the law component of the case study assignment was an 'add on' rather than the primary focus or driver for the intervention. Law learning therefore was often seen to be something that 'emerged' from other tasks. Some practice teachers however had developed creative ways of enabling students to develop their understanding of law. In particular one practice teacher described encouraging students to undertake an 'audit trail' to trace agency policies and procedures back to their legal source. Similarly research skills were also seen as useful in enabling students to research law and guidance and link these with theories and methods.

The links between knowledge and skills were seen as important but concerns were raised by all groups about the level of law knowledge maintained by practice teachers and experienced practitioners. One practice teacher, an experienced mental health social worker, expressed genuine surprise when she realised, as a result of the group discussion, that it is only Approved Social Workers who are required to have regular legal updates in order to maintain their 'approved' status. This issue of continuing professional development was one which emerged regularly both in relation to the practice teachers' need to maintain an up to date knowledge base in order to teach students but also as an opportunity missed by the four Care Councils in the United Kingdom to embed a requirement for legal updates into the requirements for re-registration.

For learning processes generally, and for law learning specifically, to be effective, thorough attention to placement induction was thought to be required. Besides an introduction to an organisation, and to the needs and resources of those involved most closely in the placement, induction provided an early opportunity to focus on relevant legislation. This included

the underpinning framework relating to equal opportunities, human rights, standards, and records, to which could be added the specific powers and duties attached to the work with service users and carers. Induction was an opportunity also to complete an audit of a student's knowledge and skills because:

*The level of law learning prior to placement is significant as it gives the practice teacher an understanding of what pre-existing knowledge/academic skills/experience of applying theory the student has in order to build on that understanding.*

### **What are the barriers to law learning on placement, and what ways currently exist of overcoming these?**

One of the key themes emerging from this study is that of the law in practice not being explicit. This lack of explicitness, or of overt use of the law to inform practice, tends to create a dependency on agency policies and procedures rather than the legal rules themselves. It is in this context that law learning tends to be seen as 'secondary learning'. Practice teachers and students often address agency policies as if they were the law:

*Students are not always aware of how law underpins practice because they are working within guidelines, etc. and practitioners are not explicit.*

*I find that practitioners don't always make the law evident in their work nor sometimes are they aware themselves that law and policy guide how their work is done. Social workers often follow procedures without questioning their function or derivation and are then unable to pass this understanding on to students. Without decent law training this understanding is not stimulated.*

This has the effect often of discouraging students to examine the legal rules and encourages a reliance on agency policies as their guiding principles for practice. It was also perceived that practitioners are not explicit about the law because they do not have up to date knowledge. Employer organisations were viewed as placing little emphasis on practitioners' law knowledge. Coupled with a general fear of the law and with reluctance to challenge senior staff and their practice or decision-making, what emerged was a sense of collusion – the law was something not to be talked about, something not to worry about:

*I know that in my work place that if I ask my manager about the law, she'd be out of the door.*

*Everybody's quite happy not to talk about legislation.*

This marginalisation was also felt to be institutionalised by the relative neglect of the law in national occupational standards, the post qualification framework and the performance assessment framework standards against which local authorities are evaluated:

*(There is)...no great emphasis from employers on social workers' law knowledge.*

*There are few explicit references to law and policy in the National Occupational Standards and this suggests that law is peripheral to the practice of social work.*

Lack of emphasis on legal updates as part of all practitioners', and especially practice teachers', continuing professional development, was identified as potentially a barrier to law learning. Practice teachers were viewed by all groups as having variable knowledge and understanding of the law, with concern raised at the lack of guidance from the four Care Councils on the criteria for practice teaching/assessment.

*The guidelines on who can be a practice assessor do not include law knowledge as a requirement.*

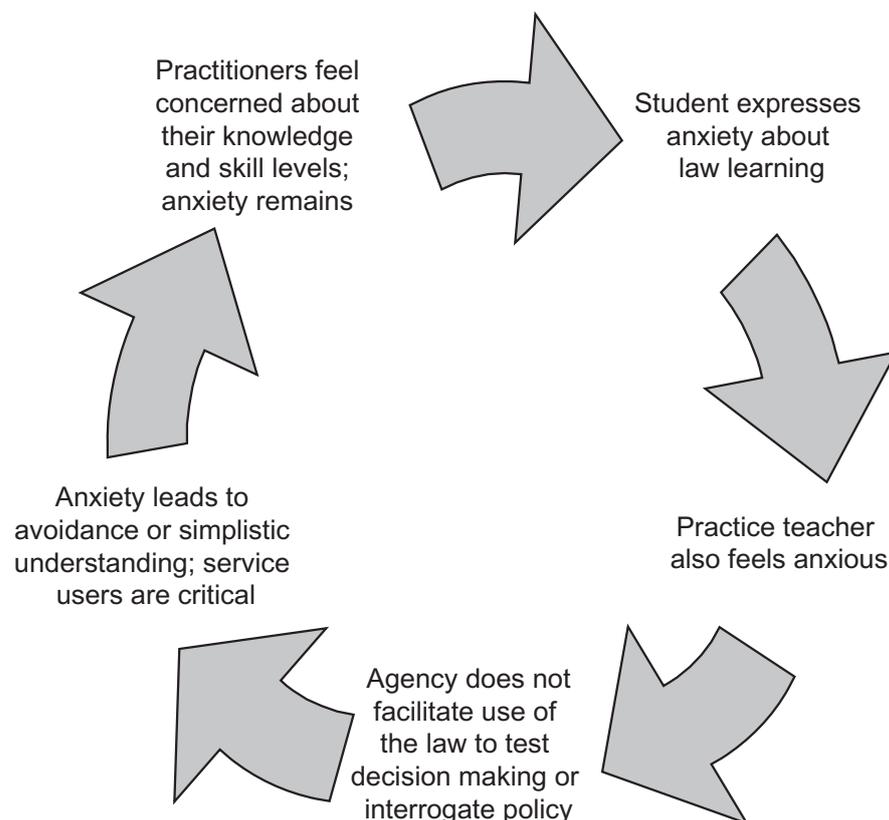
*Whilst I am an experienced practitioner, I would not have the confidence in my knowledge to try to pass on that information.*

*I think it [the law] is actually fundamental and only the recent willingness of the authority I work for to invest in legal training of high quality has meant that my understanding and skills have developed.*

If one barrier is the volume of law to be covered and the variety of locations where the legal rules are to be found, another is developing critical reflection on the application of the legal rules in particular agency cultures. For example, some students experienced that legal rules were more likely to be emphasised when organisations were rationing services. Others found the law heavily emphasised at certain points, such as initial protection of children, but then followed by:

*a more laid back approach to what the law says should happen once the child was in care.*

Recognition of the volume and complexity of legal frameworks creates anxiety, itself then creating a further barrier. This can be seen as a vicious circle:



The location of practice learning was also identified as a barrier to law learning. The perception is that either the law is less evident in placements outside the statutory sector or that it has little relevance to social work practice in voluntary and private sectors:

*Non statutory agencies seem, from my experience [a practice teacher] less aware of their place in a legal structure than statutory ones and may have less access to significant levels of legal training.*

In addition, given the increasing emphasis on broadening the availability of opportunities for practice learning into other sectors such as health and education, concerns were expressed both about the availability of opportunities for law learning on placement and the skill base to ensure that this happens.

*There is devaluing of assessors and their knowledge if they are not seen to be social work trained.*

Discussion of the case scenarios in the workshops enabled this mindset to be challenged by identifying the range of legislation that governs all social work practice and has a broad relevance across organisations and professions, for example law relating to human rights, data protection, recording, standards, and equal opportunities.

### **What resources do practice educators currently use in promoting law learning and how might these be further developed?**

It was interesting to note here that the group comprising only students did not make any comment on the need for tools and/or resources for learning about the law in practice and were the only group that did not identify this as a need. They did, however, note the importance of the practice teacher's role in facilitating law learning, both positively and negatively.

*Some practice assessors know a lot and force learning.  
Some are unhelpful and do not contribute to (law) learning.*

Another student felt strongly that:

*(Some) practice assessors forget you are there to learn.  
Once they think you are competent it's 'get on with the job', no time to reflect.*

Students and practice teachers acknowledged that practitioners vary in their knowledge, in the way they communicate what they know to facilitate a student's learning, in their expectations of students, and in their willingness to accept and respond to what students do not know. Not all students felt that they could express their uncertainty, their 'not knowing'. Not all practitioners felt sufficiently secure to share their ignorance and to use practice teaching as an opportunity for discovery together.

However, a number of tools were used by practice teachers and assessors to facilitate student learning. These included:

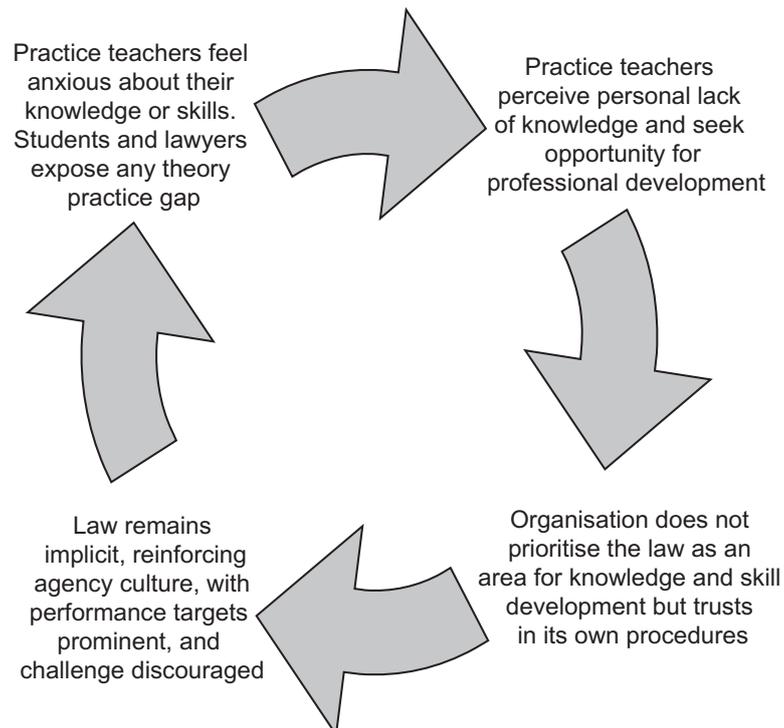
- 'What if' scenarios;

*“Social Workers often follow procedures without questioning their function” (practice teacher)*

- Question and answer law files;
- Research tasks, for example to connect different topics;
- Building a resource bank of legal materials;
- Work sheets where students must list legal issues and indicate how legislation informs their practice in cases;
- Attendance at in-house training events;
- Shadowing and observing social workers;
- Casework discussion in supervision;
- Practice analyses that require reference to the law;
- Reflective diary;
- Distance learning facilities provided by universities, providing discussion opportunities, marked quizzes, and support.

However, practice teachers once again identified familiar barriers to their identification and use of opportunities and resources. Practice teachers did not routinely know what had been covered in the academic curriculum and felt that it would be beneficial, for their learning and that of students, if they were involved and their practice issues were covered in presentation of the academic curriculum. One participant who had held positions as an academic tutor and as a practice teacher observed that the gap between academic law learning and practice experience, coupled with the absence of practice assessors and academic tutors sharing the “teaching stage”, meant that students could not apply their learning immediately or thoroughly reflect on it.

For some, the barriers revolved around agency culture and continuing professional development, perceiving that organisations were not emphasising legal knowledge and skills as an area of competence. For others, if they were unsure of their legal knowledge and/or short of time for personal study, this impacted on their confidence. When the two sets of barriers interact, what emerges again is a vicious circle:



Experts by experience were an under-used resource for promoting law learning but, where involved, offered opportunities to share and enable students to develop:

- Understanding based on people’s personal stories and experiences;
- Detailed knowledge of the legal rules that matter to service users;
- Advocacy skills;
- Awareness of the impact of legal rules and social policy, bringing transparency to legal knowledge and skills, including “political” use of the law;
- Experience of practice challenges and dilemmas, such as confidentiality or the fine line between law as a source of empowerment or a means of social control;
- Skills in presenting the legal basis of a proposed intervention;
- Skills in challenging organisations, using legal knowledge as one source for argument;
- Reflection on practice through feedback, what is valued about the application of law in practice;
- Appreciation of practice realities, making situations and knowledge come alive.

## **Integrating understandings**

Through the process of drawing on the data to illuminate the original research questions, as discussed in the preceding section, it becomes clear that there are a number of factors which act as barriers to law learning in practice and factors which promote or facilitate the same. These factors can add a useful secondary dimension to the thematic framework that emerged from the original analysis of the data, in effect demonstrating that within each of the themes there are negative (barriers), positive (facilitators) and neutral factors in relation to law learning on placement. Table 5 (see Appendix Two) demonstrates this further development in understanding that arises from iterative analysis of the data.

A number of key barriers and facilitators of learning can be identified on how education policy and practice can be developed and what tools and resources can help. Strategies may focus on:

- Attempting to remove barriers;
- Strengthening and maximising the influence of facilitators;
- Turning neutral factors into more positive contributors.

Many of the barriers can be seen to be deeply embedded in organisational and professional cultures, and therefore resistant to change. More productive may be a focus on strengthening the positive factors already identifiable, and finding ways of ensuring that currently neutral factors can make a more positive contribution.

## Discussion

It is clear that developing good practice in law learning for social work students on placement turns on a range of factors that are embedded both within the roles and approaches of the individuals involved and within the organisational context for the learning. Significant also is the broader agenda of the visibility of law within social work practice.

The theme of the 'implicitness' of law in practice is one which features strongly throughout the study, both in relation to the way law in practice is viewed by practitioners and students, and in the way organisations do not make explicit the underpinning legal rules in agency policies or practice guidance. This is clearly seen as a barrier to effective practice learning, both at qualifying and post-qualifying levels. This implicitness encourages a perception that law is unimportant in practice and also that practitioners do not need to be aware of the legal underpinnings of their practice. There was evidence, however, that the participants developed their ideas during the course of the workshops and were able to examine the issues with greater confidence as the workshop progressed. From this it might be argued that practitioners generally and practice teachers, in particular, may not be unaware of the legal framework in which they practise, but that they do not consciously work with the legal rules at the forefront of their minds. In working through the scenarios and other materials the participants were, in most cases, able to move beyond a simple listing of the relevant legislation to a more considered application of the same, taking a rights-based and empowering perspective, linking legislation with social work values and practice. The ability to tease out a more explicit understanding and application of legislation to the scenarios might suggest that knowledge of the legal rules becomes 'unconscious' in competent practice.

The notion of 'unconscious competence' as the pinnacle of a professional's development of competence is embedded in a four stage model of adult learning, the origins of which are the subject of some dispute. It appears to have first been used by Howell and Fleishman (1982) in relation to communication and has since been taken into both business and education as a model to explain the acquisition of skill. This model is frequently used in practice teacher training programmes and other learning and development situations where notions of 'adult learning' and skills development are a focus. The model offers four stages, the first of which, 'unconscious incompetence', represents a stage that many social work students find themselves at early in their studies, not knowing how much they yet have to learn, therefore unconscious of their lack of competence. At this stage students can have a false confidence and be unprepared for the volume of learning and skills development ahead of them to achieve the required level of professional competence. The next stage is 'conscious incompetence' when the student has a dawning realisation of the enormity of the task ahead. For some students their first encounter with social work legislation and the curriculum to be covered can be a trigger to this stage, early in the programme. This is the stage at which they will tend to feel de-skilled, lose confidence in the knowledge

and abilities they believed they had and become aware of how much they have to learn in order to achieve their qualification. This may help to explain some of the 'fearful' reactions identified by students in this study.

The model next progresses to the stage of 'conscious competence', during which the learner is acutely aware of the process of skill application and the relationship with the knowledge base. This has variously been described as a 'robotic' or hesitant phase, where application in practice is stilted by the conscious processes. Students begin to gain confidence in their understanding and application but this is not yet fluently articulated in the practice context. The model concludes with the stage of 'unconscious competence' in which the practitioner has integrated the knowledge and skills into their professional being to such an extent that these are unconscious, and therefore to some extent implicit in their practice. The analogy here is often drawn with driving a car, when the experienced and competent (i.e. licensed) driver arrives at their destination but is unable to recall if a set of traffic lights on a familiar journey was at red.

This model therefore suggests that skilful practitioners may be unaware of the knowledge and skills that they use in practice. The concept of reflective practice, however, challenges this notion and Schön (1983) notes that professional knowledge is itself embedded in skilful practice, what he calls 'artistry' or 'reflection in action', in which the skilful practitioner engages in a 'reflective conversation with the situation'. His later work notes that this is, in fact, difficult to do whilst in the midst of a complex task and he further developed the notion of 'reflection on action' (Schön, 1987) as a more realistic (i.e. achievable) process. This has resonance with the ways in which social work students are encouraged, or required, to keep a reflective journal or learning log, in which their practice is recorded, reflected on and evaluated and can be further developed through dialogue with their practice teacher/assessor. In this way the application of knowledge to practice can often be seen to be retrospective, as the conscious process occurs after the event and in response to an external requirement to record or evidence practice 'reflectively'.

One of the major barriers to an explicit application of law in practice, therefore, may be seen to be the lack of value accorded to reflective practice in organisations. In relation to the 'implicitness' of law in practice therefore, the practice teacher may need to address with the student the dissonance between their own 'unconscious competence' and the student's 'conscious incompetence'. Practice teachers may thus be able to make explicit their knowledge and application of the legal rules in a manner which encourages students to become consciously competent in the application of their developing knowledge.

The notion of 'unconscious competence' in which knowledge and skills are embedded needs to be further refined to demonstrate the dynamic relationship between knowledge and skills in practice in which the competent reflective practitioner moves constantly between the stages of conscious and unconscious competence. If a practitioner believes that they are 'unconsciously competent' there is nothing currently in place

to encourage them to check out and evidence the basis for this belief. It may be that they have, in fact, returned to the stage of unconscious incompetence, by virtue of not maintaining their knowledge base through continuous professional development, another factor that has been clearly identified as a barrier to effective law learning in practice.

Recognising the importance of law learning within continuing professional development, and embedding such learning with the Specialist, Higher Specialist and Advanced Awards being developed within the new PQ Framework is a key way forward. It is clear from the present study that the practice teacher's own competence and confidence in the legal arena is a key mediator of students' experience. This is particularly the case in mitigating the effect of organisational barriers – experienced and confident practice teachers in this study were far less concerned about constraints imposed by the organisation. They were better able to negotiate the tensions arising from policy and procedures and to articulate the contribution of law to a rights-based approach in practice.

Another important way forward is to place a stronger emphasis on law learning in placement. This can be done in a number of ways, some of which will recognise the process of emergence of law learning from other, more overt, topics of focus, and capitalise on these opportunities. For example, in focusing on values in practice, a common priority for students and practice teachers, it is possible to emphasise the congruence between law and values – how law can be drawn upon not just as an underpinning mandate for social work intervention to meet needs, but also as a tool and resource for promoting rights.

Equally, however, a more structured approach will be appropriate. Douglas, H (forthcoming) uses a structured approach to enabling students to prepare for contact with individual service users and carers. This tool enables students to explore and reflect on the knowledge required to inform practice, potentially appropriate methods and skills, relevant prior experience, and considerations of values and ethics. Legislation is specifically listed:

- What provides a mandate for intervention?
- What about statutory roles, responsibilities and requirements?

This structured approach will provide information about the student's ability to locate and understand relevant legislation, policies and procedures. It will offer evidence of the student's practice in relation to particular roles within national occupational standards (TOPSS, 2002). For further development, the approach could make more explicit the linkages and/or any disjunction between law and agency policies, and the importance not just of technical knowledge but also the processes required for its skilled implementation.

Graham and Megarry (2005) report the use of a portfolio to aid students' reflection and integration of learning. Students are required to discuss practice placements from perspectives that demonstrate an understanding of core disciplines of the academic programme, including law. They must

discuss how legislation regulates practice in agencies. Other requirements include focusing on how social policy is reflected in agency policy and how this in turn impacts on practice in an agency. This could be extended to a focus on law besides social policy.

Ford and colleagues (2005) report how the use of evidence sheets and placement projects, which include requirements that students focus on the connections between practice and legislation, facilitate learning about legal processes. Here the focus is not just on law as a knowledge resource but also on implementation skills, such as working within legal frameworks, challenging procedures and practice, and presenting case plans.

Doel and Shardlow (2005) devote a chapter to law-informed practice. It contains exercises designed to enable students to reflect on their attitudes towards the law.

Clifford and Burke (2005) present a model for ethical decision-making. This includes the legal rules (incorporating human rights and equal opportunities) alongside ethical professional codes, service user perspectives and social work values. Braye and Preston-Shoot (2006a) similarly juxtapose research knowledge, practice wisdom and service user and carer perspectives in a critical appraisal of the law, and knowledge, skills and values as resources for responding to conflicting imperatives and practice dilemmas.

Ward (2005) highlights the potential for law learning in residential care settings. This resides in focusing on the legislation supporting group care provision and its significance for the institution and for individual service users.

A law resource guide (Braye and Preston-Shoot, 2006b) contains several tools that practice teachers might use to assist students with their law learning, namely:

- Self-audit – a tool that provides a baseline and subsequent measures of the degree to which students find the skills for practising social work law difficult;
- Critical reflection on case studies – questions with which to explore assessment, intervention and decision-making;
- Law learning outcomes for students on placement – descriptions of competencies;
- Locating evidence for social work law learning in practice – identifying potential sources of evidence of law learning for the six key roles in the National Occupational Standards;
- Interim and final learning outcomes – a tool that captures the distinction between different stages of law learning in practice;
- Placement-related assignment – a law related task for practice placements;
- Developing law materials – a task for constructing and updating a personal set of law materials for practice.

*“Everybody’s quite happy not to talk about legislation”*

Many of these resources contain ideas that will be helpful to practice teachers, particularly if programme documentation and placement requirements place a higher emphasis on law as a routine focus for placement learning. Perhaps the most significant resources, currently under-used but rich in opportunity, are the views and perspectives of service users themselves, whose own commitment to contributing to law learning is overt and on record (Braye and Preston-Shoot et al, 2005). Ideas range from the inclusion of service users in the production of materials that are used with students to more challenging proposals for students and practice teachers to engage in dialogue with service users about the impact of legal interventions.

## Conclusion and recommendations

The findings to emerge from this research project have clear echoes and parallels with previous studies, namely:

- Lack of continuing professional development for practitioners and managers (Preston-Shoot et al, 1997);
- Ignorance of legal rules, their location and their development (Hogg et al, 1992; Preston-Shoot et al, 1997);
- Difficulties connecting the academic and practice curricula surrounding teaching, learning and assessment of law (Hogg et al, 1992; Braye, 1993; Preston-Shoot et al, 1997);
- Conflation of legal rules with agency procedures (Preston-Shoot et al, 1997).
- Lack of confidence and anxiety (Lancashire Polytechnic, 1991; Hogg et al, 1992; Preston-Shoot et al, 1997);
- Implementation of the legal rules is affected by opening assumptions and values, for example about needs (Crawshaw and Wates, 2005); and by anxiety about the ability to transfer academic understanding of law into practice (Braye and Preston-Shoot et al, 2005).

Thus the problem is neither new nor unknown. What the present study offers is a much more detailed understanding of the significant factors that influence law learning on placement, and the way in which they interact to produce both barriers to and facilitators for good practice.

The Practice Learning Taskforce (2006) reports that there is an urgent need for consistent, accessible quality standards for practice teaching owned by all relevant agencies. In our judgement, this should include an emphasis on law in practice. The national occupational standards for social workers (TOPSS, 2002) and other professional groups such as residential child care managers (TOPSS UK Partnership, 2003) require that practice is underpinned with critical evaluation, understanding and application of the philosophy, scope and use of relevant legislation.

In the same report the Taskforce notes that:

- Service user and carer involvement has focused mainly on the academic curriculum;
- Students are concerned about inconsistencies in standards of practice teaching and assessment.

Each social work programme should have a practice curriculum that demonstrates how law learning and assessment will build through the social work degree. The legal knowledge elements should include, in addition to an understanding of how powers and duties are operationalised, an emphasis on the practical manifestations of equal opportunities, health and safety, complaints, and advocacy with or for

experts by experience. The skills components should include inter-agency and inter-professional working, (for example with legal practitioners and police officers), research skills in order to develop knowledge and understanding, and the ability to question and challenge how agencies are proposing to meet the needs of service users and carers. The practice curriculum should also identify how service users and carers will be involved in practice learning and assessment of law, and the expectations of support for the continuing professional development of practice assessors' knowledge of law.

The variable and generally inadequate provision of continuing professional development opportunities in law means that learning is lost and that practice teachers will continue to experience difficulty in supporting social work students to transfer knowledge of law into skilled practice. The development of the social work post-qualifying framework should be configured to ensure opportunities for social workers to update their knowledge of legal mandates and their skills in its application to practice. Within this framework social work agencies and higher education institutions need to develop modular provision that provides practitioners and managers with opportunities to develop their understanding of the legal rules and skills in their implementation. However, since sustainable change is more likely where training is not restricted to development of an individual's practice, provision should involve (Read and Clements, 1999; Crawshaw and Wates, 2005):

- Practitioners working alongside their managers;
- Linking individual professional development with desired change in the working context and with performance review;
- Follow up to consolidate and reinforce practice and procedural change.

Attention must be given to the law learning opportunities that emerge from other topics of focus in practice learning. For example, inter-professional learning, where different professional groups learn with and from each other, should include a focus on the legal frameworks:

- That mandate inter-professional work;
- For activities in which social workers and other professions must collaborate, such as child and adult protection, multi-disciplinary and integrated assessment, data protection and information sharing, and the provision of evidence in courts and tribunals.

Equally, more structured activities are necessary to ensure that a focus on law is developed and maintained, particularly in contexts where assumptions of its lack of relevance or prominence may lead to neglect of this aspect of students' learning. Many of the resources identified above will be of value here in supporting practice teachers to address this agenda.

The integration of practice education as a core element of post-qualification education and training for social workers (GSCC, 2005)

represents a major opportunity to increase practitioners' understanding of the learning processes associated with the development of competence, in both their own and their students' cases. Core to practice education units of study within the new Specialist Awards must be an emphasis on the cognitive and affective processes which influence learning in the workplace, with a view to maximising the degree to which experienced and qualified practice teachers, engaging implicitly with law, can meet the needs of students to explore law explicitly as a core component of practice.

Equally, practice learning opportunities will expose social workers in training to conflicting imperatives, such as the balance to be struck between needs and resources, rights and risks or autonomy and protection. They will encounter practice dilemmas, such as when to share information with other organisations, to prioritise health and safety of staff over duties to service users, or when to challenge an agency's view of what is a lawful and/or ethical response to need. Thus a critical perspective on law is vital, moving beyond a powers and duties emphasis to engage with the political impact of law and its potential role in promoting rights-based practice. As one practice teacher commented:

*I am currently undertaking PQ1 and this is the first time that the current political climate has been a feature of the social work education on law. Without this context the law and the social worker's part in applying it is meaningless.*

Without these components practitioners may become technically proficient in following procedures but will lack critical awareness and the skills, rooted in values and knowledge, to challenge the policy framework and agency interpretation of appropriate service outcomes. It is this critical faculty that experts by experience value alongside technical proficiency (Braye and Preston-Shoot et al 2005). Accordingly, degree programmes must be able to demonstrate where legal knowledge and its ethical and skilled implementation are addressed in the practice curriculum.

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## Appendix One: Research Materials

### Workshop outline

10.00 am - 10.15 am	Welcome and Introductions
10.15 am - 11.00 am	Background to the research
11.00 am - 11.15 am	Coffee
11.30 am - 12.30 pm	Group discussion 1
12.30 pm - 1.00 pm	Lunch
1.00 pm - 2.00 pm	Scenario discussion & feedback
2.00 pm - 2.30 pm	Group discussion 2
2.30 pm - 3.00 pm	Plenary and next steps
3.00 pm	Tea/ Coffee and close

## Discussion topics

1. What do you think are the three most important things about social work that students can learn on placement?

Prompts:

- If law included, why?
- If law not included, why?

2. Why do you think students say they don't learn much about the law on placement?

Prompts:

- Is the type of agency significant?
- Is the practice teacher's own (lack of) knowledge of law significant?
- Is the timing of the placement significant (ie before or after academic law module)?
- Is the level of learning significant (ie first, second, third, postgraduate)?

3. Can you give examples of how you have helped students learn about law whilst on placement?

Prompts:

- If yes, tease out whether law learning was the primary objective, or whether it arose as a secondary opportunity in the course of other objectives? What helped you to promote law learning?
- If no, tease out why this is the case - what barriers might there be?

4. Thinking of placement learning generally, how does it differ from classroom-based learning?

Prompts:

Does it...

- Offer different opportunities;
- Address different content;
- Use different learning processes?

How might these differences be applied to law learning?

5. How can service users and carers contribute to students' law learning on placement?

## Case scenarios

### Scenario 1

#### **Level 2 student in a statutory agency in First Response Team**

Denise is a 25 year old British born student of African Caribbean descent who had limited experience of social work prior to starting her degree programme.

She is a third year BA student whose first practice learning opportunity was in a Youth Offending team. She has been offered a placement in a Children's Intake Team. Dawn, the Practice Assessor is new to the task, she completed her own social work qualification (Dip.SW) five years before and is currently undertaking the Practice Teacher course at the local University. The team is supportive of having students placed with them and has had student social workers in the team several times a year for the past four years. Dawn has worked with students in the past, taking them on visits to families and joint working on initial and core assessments.

Dawn needs to identify the learning opportunities available for Denise prior to her arrival and also plan a period of induction. What law learning opportunities might Dawn identify for Denise in this context?

### Scenario 2

#### **Level 1 student in Private Care agency for adults with Learning Disabilities**

Rose is a 36 year old African woman who has been in the UK since arriving in the UK.

She is a second year BA student undertaking her initial 80 day placement in private residential care home for adults with learning disabilities, most of whom also have physical disabilities. The manager of the establishment is a qualified Learning Disabilities Nurse and has provided placements for nursing students in the past. She will act as the on-site work supervisor. Rose is the first social work student to be placed in the home. Bill is an off-site independent practice teacher who will be responsible for social work supervision and practice assessment.

Rose has some experience of residential care having worked as a care assistant in a residential establishment for older people prior to starting her degree course. She is concerned that the setting is 'too similar' to her previous work experience to enable new learning. She also complains to her tutor that she does not think this is a suitable placement as there are no social workers in the home and the links with the local Social Services Learning Disability Team appear limited. How might the tutor advise Rose on maximising the law learning opportunities in this placement?

### Scenario 3

#### **Final Year post-graduate student in Voluntary Sector agency, working with older people in the community**

Gareth, aged 45 years, is a white male post-graduate student. He studied for his first degree in Social Science as a part-time mature student whilst working in a variety of social care jobs, having had a background in industry. For the past three years he has been working as a Community Support Worker in a team for older people.

He is in his final year and is about to begin a 100 day placement in a voluntary sector agency working with older people, providing day care and domiciliary support. The agency employs a number of registered social workers and also has a long established history of providing placements for social work students. His practice teacher will be Marion, who has just completed the practice teaching award.

Gareth undertook his first 100 day placement in a Family Group Conference Team in his employing authority and was keen to gain experience outside of the statutory sector in his area of practice interest, i.e. older people. Gareth is unsure, however, how his understanding of the legislation and policy framework relating to older people and vulnerable adults will be developed in this placement.

How could Marion, as his practice teacher, demonstrate to Gareth that he will be able to develop his law learning in this placement?

### Scenario 4

Angela, a white student in her mid-30s with quite extensive pre-course experience in adult care is undertaking her first placement in a voluntary agency that works with families as part of a Sure Start scheme on a large local housing estate. She is disappointed in the prospect of the placement, because she feels that she will not be able to gain sufficient experience of 'real' social work with the kind of children who usually come to the notice of social services, and she feels disadvantaged by the non-statutory nature of the agency she is placed in.

Her practice teacher will be Simon, the manager of the Sure Start project, a qualified and experienced social worker who has supervised students before, although not in this context.

How might Simon plan to ensure that Angela gains suitable experience in the legal context for practice whilst in this placement?

## Appendix Two: List of Tables

**Table 1: Frequency count (initial themes)**

Initial themes	Group 1	Group 2	Group 3	Group 6	Total
Organisational context	7	7	2	9	25
The Practice Teachers' own knowledge and skills	4	2	5	3	14
Continuing professional development	1	1	0	0	2
Lack of availability of tools/ resources	1	1	3	0	5
<b>Totals</b>	<b>13</b>	<b>11</b>	<b>10</b>	<b>12</b>	<b>46</b>

**Table 2: Frequency count of expanded initial themes**

Initial themes	Group 1	Group 2	Group 3	Group 6	Total
Law in practice is often an 'afterthought'	2	0	7	4	13
Practice is driven by agency policies rather than legislation	1	1	0	1	3
Legal updates are needed as part of continuing professional development	1	1	0	0	2
Organisational culture creates constraints on law learning	3	3	1	3	10
Practice teachers' own knowledge and skills are important	4	2	5	3	14
Law learning is about application, not just knowledge	1	3	0	2	6
Students' application of legislation is often retrospective rather than prospective	1	0	0	0	1
Experts by experience have a role in teaching and assessing law	5	2	2	3	12
The type of agency is important	3	3	1	5	12
Students' attitudes to law learning are significant	2	2	1	0	5
There is a lack of availability of tools/ resources	1	1	3	0	5
<b>Totals</b>	<b>24</b>	<b>18</b>	<b>20</b>	<b>21</b>	<b>83</b>

**Table 3: Re-defined themes and sub-themes**

<b>Redefined first level themes</b>	<b>Second level sub-themes</b>
<p><b>There is a lack of explicit focus on law</b></p>	<ul style="list-style-type: none"> <li>o Law is often implicit rather than explicit in social work practice</li> <li>o There is no practice curriculum for placement learning</li> <li>o Law is added to case discussions as an afterthought</li> </ul>
<p><b>The role of the organisation is significant</b></p>	<ul style="list-style-type: none"> <li>o Practice is driven by agency policies and procedures</li> <li>o Organisations can constrain professionals' actions</li> <li>o The type of agency is important – law is viewed differently in the voluntary and statutory sectors</li> <li>o The service context is important – law is viewed differently in adults' and children's work</li> </ul>
<p><b>The role of the practice teacher is significant</b></p>	<ul style="list-style-type: none"> <li>o The practice teacher's own knowledge and skills are important</li> <li>o There is no requirement for legal knowledge in the role of the practice teacher</li> <li>o There is a need for legal updates as part of continuing professional development</li> <li>o The practice teacher is important in creating reflective space for the student</li> </ul>
<p><b>The role of experts by experience is under-developed</b></p>	<ul style="list-style-type: none"> <li>o The contribution of experts by experience to law learning is overlooked</li> <li>o Experts by experience have much to contribute to students' learning on placement</li> </ul>
<p><b>Students' approach to learning is significant</b></p>	<ul style="list-style-type: none"> <li>o Students can lose sight of the connections between law, policy and practice</li> <li>o Students' application of legislation is often retrospective rather than prospective</li> <li>o How students build their learning over time is important</li> </ul>
<p><b>Tools and resources are not easily available</b></p>	<ul style="list-style-type: none"> <li>o There are few resources to help practice teachers promote students' law learning</li> <li>o Practitioner teams are not well resourced about law</li> <li>o Relationships between social workers and lawyers are not facilitative of learning</li> </ul>
<p><b>The links between academic law learning and law learning on placement are important</b></p>	<ul style="list-style-type: none"> <li>o Law in theory and law in practice are different</li> <li>o The timing of teaching and assessment in relation to placement learning is important</li> <li>o Law learning is about application, not just knowledge</li> </ul>

**Table 4: Illustrative quotations from workshops**

Redefined themes	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6
There is a lack of explicit focus on law	Everybody is quite happy not to talk about legislation.	Practice teachers and assessors use law implicitly and do not always make this explicit for students.	Law learning is seen as 'secondary learning'.	There's a culture of not talking about knowledge that underpins practice.		Law is not explicit - it is possible to work in an agency but not know much about the law.
The role of the organisation is significant	Students experience not being supported (by agency) when there is a conflict between the law and what they are being told/required to do.	Cultures within organisations are powerful. The organisation has power to curtail the employment/career of a stroppy/demanding practitioner.	There is no great emphasis from employers on social workers' law knowledge.	We need to teach students to implement agency policy. Law is really much more relevant in statutory organisations.	Practitioners can be told to give certain evidence in court, even if this is contrary to their own professional opinion. We have more to do with law in child care.	(Law teaching on placement) is not seen as the organisation's responsibility.
The role of the practice teacher is significant	As a long-arm practice teacher I realise that I need to use the on-site staff to ensure the law is properly covered where it is not my area of expertise.	The guidelines on who can be a practice assessor do not include law knowledge as a requirement.	The practice teacher's own (lack of) knowledge can be a barrier.	You really need to know why you're arguing for something, and the legal knowledge gives you confidence.	Ignorance is no defence – you have to take responsibility for self-directed learning.	(Some) practice assessors forget you are there to learn. Once they think you are competent it's 'get on with the job' - no time to reflect.
The role of experts by experience is under-developed	Agencies often use legislation in an oppressive way. Service users can show how it can be used in an empowering way.	Service users may be able to assist in the student's developing knowledge of discrimination, i.e. "the law says... but our reality is ..."	(I had) lost sight of the notion of service users as 'experts'.	We have to be careful about the boundaries with service users.	Service users see us using the law against them, so it would be difficult to involve them.	I don't know that we routinely ask service users for feedback – maybe as students but not as workers.
Students' approach to learning is significant	Law (assessment) is often located in reflective case study, (so seen as) - retrospective rather than practice being proactively driven by law.	Often a student has more fixed and limited ideas of what social work is, especially in early placements.	Students do not connect/reflect agency policies to legislation.	Really law is not the thing that's uppermost in the student's mind.		(I) don't really use the law in placement ... (but I am) always being asked questions by colleagues and service users about the law.
Tools and resources are not easily available	(We tried) working from pieces of work the student was doing, using the reflective diary (to unpick practice and the underpinning law)	(We can) teach the difference between law and Codes of Practice/ policies/ procedure - explain decision making.	(It can be useful) to do an audit trail of procedures and where they come from (in law).	In the real world there's no time to reflect – we just act – the environment is just too hectic and there is no time.	We're surrounded by lawyers but we don't learn about law. We know we cannot keep ourselves up to date.	
The links between academic law learning and law learning on placement are important		Integration of law is part of a holistic process, i.e. an integrated part of the whole learning experience; it has to be taught in context.	There is not the same standard curriculum in placement learning as there is in the classroom.	Law is something students learn in the classroom, and what they learn there does not help them apply it in practice. We have to help them crystallise it.	Knowing the law in theory does not help you when you get into the witness box.	(I am) learning more (about law) in practice than in the classroom.

<b>The lack of explicit focus on law in practice</b>	<b>Group 1</b>		<b>Group 2</b>	<b>Group 3</b>	<b>Group 4</b>	<b>Group 5</b>	<b>Group 6</b>
<b>Negative factors (barriers)</b>	<i>Lack of legal discourse in organisations</i>	<i>Law used implicitly by practitioners and not make explicit for students</i>	<i>Law learning seen as 'secondary learning'</i>	<i>Culture of not talking about the knowledge that underpins practice</i>		<i>Law not explicit in some placements</i>	
<b>Positive factors (facilitators)</b>							
<b>Neutral factors</b>			<i>Law learning may emerge from other things</i>			<i>It is possible to work in an agency but not know much about the law</i>	
<b>The role of the organisation</b>							
<b>Negative factors (barriers)</b>	<i>Lack of interest from managers</i>	<i>Lack of organisational back-up for practice teachers</i>	<i>Lack of knowledge of law within teams</i>	<i>Focus on agency policy and procedures</i>	<i>Agency instructions that challenge professional opinion and ethics</i>	<i>Staff training not law based Law learning not the agency's role Lack of law talk</i>	
<b>Positive factors (facilitators)</b>	<i>Agency training where students can learn and develop alongside staff</i>	<i>Certain legislation underpins all agencies</i>			<i>The relevance of law in statutory agencies</i>		
<b>Neutral factors</b>	<i>Accountability to the code of conduct under Care Council registration requirements</i>	<i>Different agencies have different expectations in relation to law</i>	<i>Increase in specialist teams (in organisations)</i>				

**Table 5:  
Thematic analysis  
of negative, positive  
and neutral factors  
relating to law  
learning on  
placement (with  
illustrative quotes)**

<b>The role of the Practice Teacher</b>	<b>Group 1</b>	<b>Group 2</b>	<b>Group 3</b>	<b>Group 4</b>	<b>Group 5</b>	<b>Group 6</b>
<b>Negative factors (barriers)</b>		<i>Devaluing of practice assessors who are not social work trained</i>	<i>Practice teacher not knowing how to teach/include law</i>			<i>Students expected to get on with the job, no reflective time</i>
<b>Positive factors (facilitators)</b>	<i>Using the specialist knowledge of on-site staff who have specialist expertise</i>		<i>Knowledge and confidence is higher in specialist teams</i>	<i>Legal knowledge is a source of confidence</i>		
<b>Neutral factors</b>	<i>How do you teach anything when people learn differently?</i>	<i>Law (is) crucial to practice, but must be made explicit by the practice teacher</i>	<i>The practice teacher's own knowledge</i>		<i>Practice teacher's responsibility for self-directed learning</i>	<i>Variable expectations by practice teachers of what students should know</i>
<b>The role of experts by experience</b>						
<b>Negative factors (barriers)</b>			<i>Knowledge of law may vary from service user to service user, client group to client group</i>	<i>Concern about boundaries with service users/carers</i> <i>Service users not perceived as experts</i>	<i>Concern that negative experiences make it difficult to contribute to learning</i>	<i>No expectation of feedback from service users in practice</i>
<b>Positive factors (facilitators)</b>	<i>Direct feedback from service users – not only knowledge base but application and rights based</i>	<i>Learning from experts of their experiences of the law – for or against them</i>	<i>Service user/ carer feedback on experience</i>			<i>Service users/ carers can inspire towards continued professional development</i>
<b>Neutral factors</b>						

	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6
<b>Students' approach to law learning</b>						
<b>Negative factors (barriers)</b>	<i>Law applied retrospectively for the purposes of assessment task</i>	<i>Limited understanding of social work during early stages</i>	<i>Student does not connect agency policies to legislation</i>	<i>Other priorities are perceived as more pressing</i>		
<b>Positive factors (facilitators)</b>		<i>Understanding that the purpose of placement is to learn, not to replicate practice with all its constraints</i>				<i>Being asked about law by colleagues and service users</i>
<b>Neutral factors</b>		<i>(The) type of agency and students' expectations are equally important</i>				
<b>The availability of tools and resources</b>						
<b>Negative factors (barriers)</b>			<i>No standard law curriculum in placement</i>	<i>Lack of time in a hectic environment Few legal resources available in the workplace</i>	<i>Defeatism about being able to keep up to date</i>	
<b>Positive factors (facilitators)</b>	<i>Use of the learning styles questionnaire to target approach Working back to law from what the student is doing</i>	<i>Looking at interface of law, rights and values</i>	<i>Students researching connections between agency policies and law</i>			
<b>Neutral factors</b>					<i>Involvement with lawyers in practice</i>	

<b>Links between academic and practice learning</b>	<b>Group 1</b>	<b>Group 2</b>	<b>Group 3</b>	<b>Group 4</b>	<b>Group 5</b>	<b>Group 6</b>
<b>Negative factors (barriers)</b>		No work before the placement to identify continuity and links	Lack of minimum expectations of students' law knowledge & skills	Law seen as a classroom topic	Classroom learning fails to prepare for practice and is discouraged	
<b>Positive factors (facilitators)</b>	University has input and support for law teaching so students have proactive expectations	Holistic view of learning with a clear role for practice	Social context/ social policy - trace back agency procedures to (knowledge of) law and policy	Clear vision of role of practice learning in crystallising students' learning		Using knowledge consolidates it
<b>Neutral factors</b>		The responsibility (in practice learning) is more tangible - daunting but not paralysing	Different learning processes (need different teaching styles)			Recognition that practice learning is a different learning process and offers different opportunities

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