



The Role of the Social Worker and Legal Literacy

Homes not Hospitals



This document is for Social Workers who work with people with learning disabilities and/or autistic people.



Social Workers help to challenge judgements made about people with learning disabilities and autistic people.



They work to understand and support the people they work with individuals and not just their diagnosis.



Social Workers can support people when they use, Children and Family services and Adult Social Care services.



They also support people in hospitals and in the community.



Social Workers use their skills to stop people going into hospital, support them when they are in hospital and make sure that a plan is made so the person can go back to their home as soon as possible.



People with learning disabilities and autism still suffer from abuse and often receive bad care and support.



The Care Quality Commission (CQC) 'State of Care' report shows that people with learning disabilities and/or autistic people are getting a lower quality of care and support than they have in the past.



In the last year, lots of inpatient services for people with learning disabilities and/or autistic people have been found 'inadequate' or not good enough.



Inpatient services are medical services like a hospital, where people are admitted and have to stay.



Some people may have been restrained more often which could have caused them harm.



Social Workers play a key role in challenging poor quality care and preventing abuse and making sure that something is done about it.



It is important that Social Workers have the right skills and information so that they can best support the people they work with.

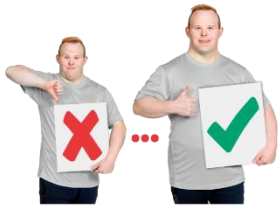
Why has this document been developed?



Over the last 50 years, there has been a national push to get people with learning disabilities and autistic people out of hospital settings and into the community.



In 2015, The Transforming Care Programme was set up to help people get out of hospitals and into the community.



The aim of Transforming Care was to improve the care the people with learning disabilities and autistic people were getting.



It also wanted to see people move from hospital based settings back into the community.



However, there are still lots of people with learning disabilities and autistic people staying in hospitals for long periods of time.



The number of inpatient services that have been rated 'inadequate' and not giving people good care has gone up.



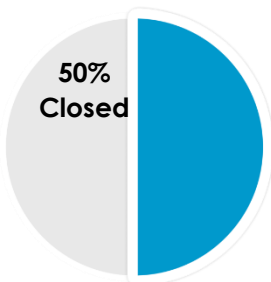
There is a concern about more use of restraint and abuse in these services.



The abuse at Winterbourne View, Whorlton Hall and Yew Trees hospital are examples of this.



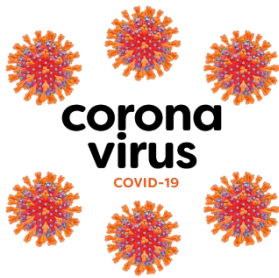
The NHS Long Term Plan which came out in 2019 said that improving the care and support for people with learning disabilities and autistic people should be a priority.



The new aim is to close 50% of the inpatient hospital services by the year 2023-24.

The Covid-19 pandemic has only highlighted that people with learning disabilities and

autistic people are not getting the good care and support that they need.



What does this document do?



This document helps Social Workers understand their role when working with people with learning disabilities and autistic people.



This document gives key information, policy and guidance for Social Workers who support people with learning disabilities and autistic people.



This document and the 'Top Tips for Social Workers – Homes not Hospitals' document give Social Workers the information they need to work with individuals and support their rights.



And finally, this document looks at the role of the Named Social Worker.

Understanding laws and policies



Social Workers play a key role in championing the rights of people with learning disabilities and autistic people.



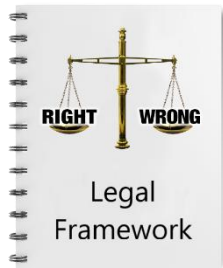
To give people the best support, Social Workers need to be up-to-date with all laws and policies that apply to the people they support.



Understanding these laws and policies will help them make decisions, provide the best quality care and protect the people they work with from discrimination and abuse.

Social Workers need to know when to use laws and policies when championing the rights of

people with learning disabilities and autistic people.



This is called the Legal Framework.

Please see the 'Quick Guide: Legal Literacy' for more information.



Key laws Social Workers need to know of when working with people with learning disabilities, autistic people and their families are:



- The care Act 2014
- Mental Health Act 1983 (2007)
- Human Rights Act 1998
- Equality Act 2010
- Autism Act 2009



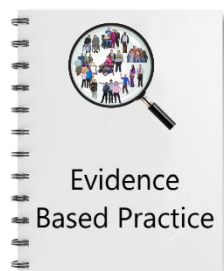
- Children Act 1989
- Children and Families Act 2014
- Children and Social Work Act 2017
- Child with special educational needs (SEND) guidance
- Mental Capacity Act 2005
 - Deprivation of Liberty Safeguards 2009 and Liberty Protection Safeguards which will be released in 2022.



Using evidence and policies



Social Workers should use evidence and policies to help them deliver the best care possible.



This is called Evidence Based Practice.



They should look at laws and research to help them make decisions about care and when championing the rights of people with learning disabilities and autistic people.



Social Workers need to keep up to date with policies and laws to best support people with learning disabilities and autistic people.

Supporting Human Rights



Social Workers should promote human rights for all people with learning disabilities and autistic people that they support.



This includes supporting their rights to make decisions.



Supporting their right to a family and private life and to choose how they would like to live.



This is called Human Rights Based Practice.



Social Workers must support people to access information and services that can help them.



They should always check to make sure any decisions about care and support have included people's human rights.



Social Workers should work with individuals and their family to make sure they understand their rights and how they should be treated.



Sometimes, people may not understand their rights and may not be able to make decisions for themselves.



These people may not have capacity to make their own choices.



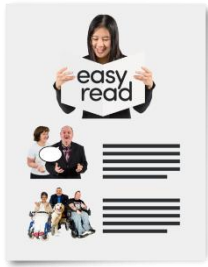
Social Workers must work with them and their families and use policies to help make the best decisions for them.



For more information on current ethical guidance from The British Association of Social Workers (BASW) please click here:
<https://www.basw.co.uk/about-basw/code-ethics>



Reasonable adjustments may need to be made to make sure the person they are supporting gets the best care possible.



A reasonable adjustment might be having accessible information like Easy Read or it could be making changes to the way support is delivered.



All reasonable adjustments must be put into someone's care plan and shared with all other professional organisations.



A care plan tells you information about the person, how they should be communicated with and how they like to be cared for.



They may also have a Hospital Passport.



A Hospital Passport gives the hospital information about people's health as well as information about who they are and what they like or do not like.

The Named Social Worker



The Department of Health wanted to see if having a Named Support Worker for people with learning disabilities or autistic people could improve the care and support they received.



The Named Social Worker has an ongoing relationship with individuals and their families.



They help the person they are supporting to lead an independent and full life.



The British Association of Social Workers believes this role should exist all over the country.

What do Named Social Workers do?



Named Social Workers get to know the person and their families really well and give them professional advice.



They help people to make the best decisions about their support.



They get to know what people's hopes and dreams are and try to make them come true.



Named Social Workers work with other professionals to make sure the person gets the best care and support and that their human rights are respected.



Named Social Workers need to have the following skills:

- To believe in what people can do rather than what they can't do

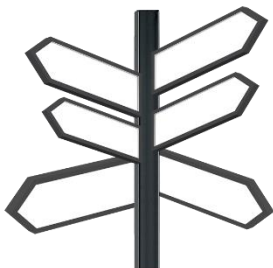


- To listen and learn from the people they support and their families
- To understand policies and laws that apply to people with learning disabilities and autistic people
- To know what services there are to help the people they support
- To work well with other professionals
- To work in the best interest of the people they support

Why are Named Social Workers important?



Named Social Workers build trusting relationships with individuals and their families.



They can help families and individuals when they are using the care system and work with other professionals.

Care Services



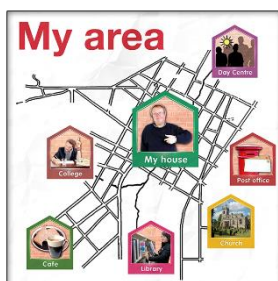
A study by The Family Trauma Project found that when people and their families have bad experiences of using the care system, they can be traumatised.



Named Social Workers take time to work with individuals and their families to understand the system and make sure they have positive experiences.



Working together was found to be positive for individuals and their families.



Named Social Workers get to know what services there are that can support individuals and their families in the community.



They help people to keep good mental and physical health and care about their wellbeing.



They put the needs of the person first and build the support around them.



Named Social Workers make sure information is shared in an accessible way.



They understand the barriers people with learning disabilities and autistic people face when getting support to meet their needs.



Named Support Workers can also help during the Care and Treatment Review Process (CTR).



A Care and Treatment Review looks at the person as a whole, the care they are receiving and make sure it is best for them.

In a Care and Treatment Review the Named Social Worker can:



- Make sure the person's support needs are being met
- Make sure that they know what their rights are
- Make sure the person and their family/support network have good communication
- Make sure they are all included in their care and the treatment plan
- Make sure the person is being treated well
- They can challenge others when people aren't getting the care and support they deserve.



Where to find more information

If you would like to read more about NICE guidelines on care and support for people with learning disabilities and autistic people, click on these links:

www.nice.org.uk/guidance/ng53



www.nice.org.uk/guidance/CG136

www.nice.org.uk/guidance/qs14/chapter/Quality-statement-8-Inpatient-meaningful-activities

www.nice.org.uk/guidance/qs101_1



To find out more about accessible information, please click here:

<https://www.england.nhs.uk/ourwork/accessibleinfo/>