research
in practice

Legal Literacy Change Project

Examples of organisational initiatives to support legal literacy

Dartington Trust

www.researchinpractice.org.uk

Examples of organisational initiatives to support legal literacy

This resource provides examples of initiatives that organisations have put in place to support the development of legal literacy.

Learning groups

Learning groups were set up for people in unregistered roles, social workers, line managers and senior leaders to support the continuing professional development of colleagues across the organisation. Each quarter a different topic is covered but legal literacy, strengths-based practice and risk enablement are always a focus regardless of topic.

The learning groups offer practitioners the opportunity to discuss direct work with people, practice issues, best practice, and more, relating to the current topic. Examples of topics covered are:

- legal literacy with a focus on the *Care Act 2014* and the *Mental Capacity Act 2005*
- safeguarding
- conflict and difficult conversations.

The biggest impact has been reiterating to practitioners that they are working to the *Care Act 2014*. The groups have received positive feedback, with practitioners saying it is valuable to meet with their peers and gain their views.

As the groups for people in unregistered roles and social workers are held first in the sequence of meetings, we can subsequently discuss themes raised with managers and senior leaders.

Journal club

These draw in social care practitioners and health colleagues within a particular locality. A relevant journal article relating to the group of adults colleagues' work is sent out to everyone a week before the meeting so they can read it in advance. One person summarises the article, then shares their summary with those present at the meeting and facilitates discussion on the topic. The discussion is useful as it allows people to see each other's perspectives. This is particularly valuable when working in multi-disciplinary teams.

Research resources that might be useful:

- Research in Practice Research Summaries
- Social Care Online
- Athens
- Open access articles online
- Google Scholar.

Colleagues with a **.gov.uk** email address can register for free access to Athens.

Drop-in legal advice sessions

Drop-in legal advice sessions happen weekly and anyone across adult social care can, without a prior appointment, call in to discuss complex issues with the solicitor, who attends the team offices. The benefits of these discussions are:

- Clarity for practitioners about how to proceed.
- Greater awareness of the requisite law and the legality of their positions on the part of individual practitioners, the wider team and their managers.
- Continuous professional development for those involved.
- Decisions can be actioned at a faster pace – particularly important if there are urgent circumstances that require an approach to the Court.
- Immediate response to queries, without having to formally apply for legal advice, thereby reducing stress for practitioners.
- If necessary, the solicitor can signpost to the in-house solicitors for more in-depth discussions and legal interventions/directions.

Ordinary residence panel

Ordinary residence panels include a lawyer, a project manager and a team manager from the complex care team and a colleague taking minutes. The panel oversees all instances where there is a dispute about which local authority is the responsible authority. The panel:

- Hear from practitioners who are working with **ordinary residence**.
- Discuss the legality of the organisational position with regard to the person's situation.
- Give advice.

There is also an email inbox managed by solicitors so colleagues can receive timely advice. Most of the direct work discussed at the panel meeting is complex, and involves very high packages of care.

The benefits of the panel are:

- Clarity for practitioners about how to proceed.
- Increased practitioner awareness of the law and the legality of their positions.
- Continuous professional development for practitioners.
- Increased practitioner confidence and ability to advocate from a stronger position.
- Reduced stress for practitioners through the support of the panel in decision-making.
- Provision of timely advice.
- Faster dispute resolution for people and carers.

In-house solicitors also directly communicate with other local authorities – having that support and legal presence makes our legal reasoning stronger.

Bi-monthly legal meetings

Bi-monthly legal meetings involve solicitors, operational managers and practice leaders. The group review current legal work where common learning has been identified. The group also explore themes that have been identified from direct work with people where the solicitors have been involved, and from recent case law. Examples of recent themes include:

- Capacity to engage in sexual relationships (prompted by recent case law and a number of similar legal referrals).
- Ordinary residence (promoted by case law in which the authority had direct involvement).
- *Care Act 2014* assessment.

For each of the themes, the legal team develop practice guidance that is shared with wider colleagues and is added to team meeting agendas.

The inclusion of practice leaders within these meetings means that every supervisor with responsibility for practitioners is involved and legal literacy across the organisation is improved.

Practice leaders

In this example practice leaders in the Mental Capacity and Deprivation of Liberty Safeguards (MCA/DoLS) team further enhance awareness of legal literacy within the department by:

- Providing one-to-one and group supervision to practitioners acting as Best Interests Assessors, with a view to empowering supervisees to improve their practice by developing greater knowledge and understanding of legislation.
- Co-ordinating monthly MCA/DoLS forums for Best Interests Assessors where relevant policy and practice issues are discussed, including updates on case law.
- Organising twice yearly MCA/DoLS training for Best Interests Assessors, which include discussion of case law and its relevance for practice. Participants are encouraged to bring an item for discussion or share good practice or complex practice examples, for example mental capacity assessments for sexual relationships or situations where the **inherent jurisdiction** may apply.
- Providing support to practitioners carrying out mental capacity assessments by:
  - accompanying practitioners on assessments and making reference to the *Mental Capacity Act 2005* and the **Code of Practice**
  - promoting independent decision-making by empowering practitioners to access, understand and use relevant guidance.
- Attending team meetings to share updates on MCA/DoLS/Liberty Protection Safeguards (LPS) related issues and changes to local safeguarding policy.
- Attending local and regional MCA/DoLS and safeguarding working groups and sharing new developments with the department.
- Leading on preparations for implementation of the Liberty Protection Safeguards in 2022 by attending steering group meetings and chairing task and finish groups, which include partner agencies.
- Attending local care sector conferences to explain developments in the changeover from DoLS to LPS.
- Developing a specialism with safeguarding and MCA matters to promote best practice throughout the department.
- Meeting with care providers on an individual basis to promote understanding of MCA and DoLS-related matters.

Legal strategy meetings

Legal Gateway Meetings are chaired by a senior manager and are supported by in-house legal colleagues. The purpose is to support practitioner decision-making and improve legal literacy. The practitioner presents an example of direct work with a person and the group explore what the most appropriate legal strategy might be. Sometimes the outcome is that there is no appropriate statutory instrument, but this decision is then recorded. The focus is on the *Care Act 2014*, *Mental Health Act 1983* and *Mental Capacity Act 2005*, but meetings have also considered whether:

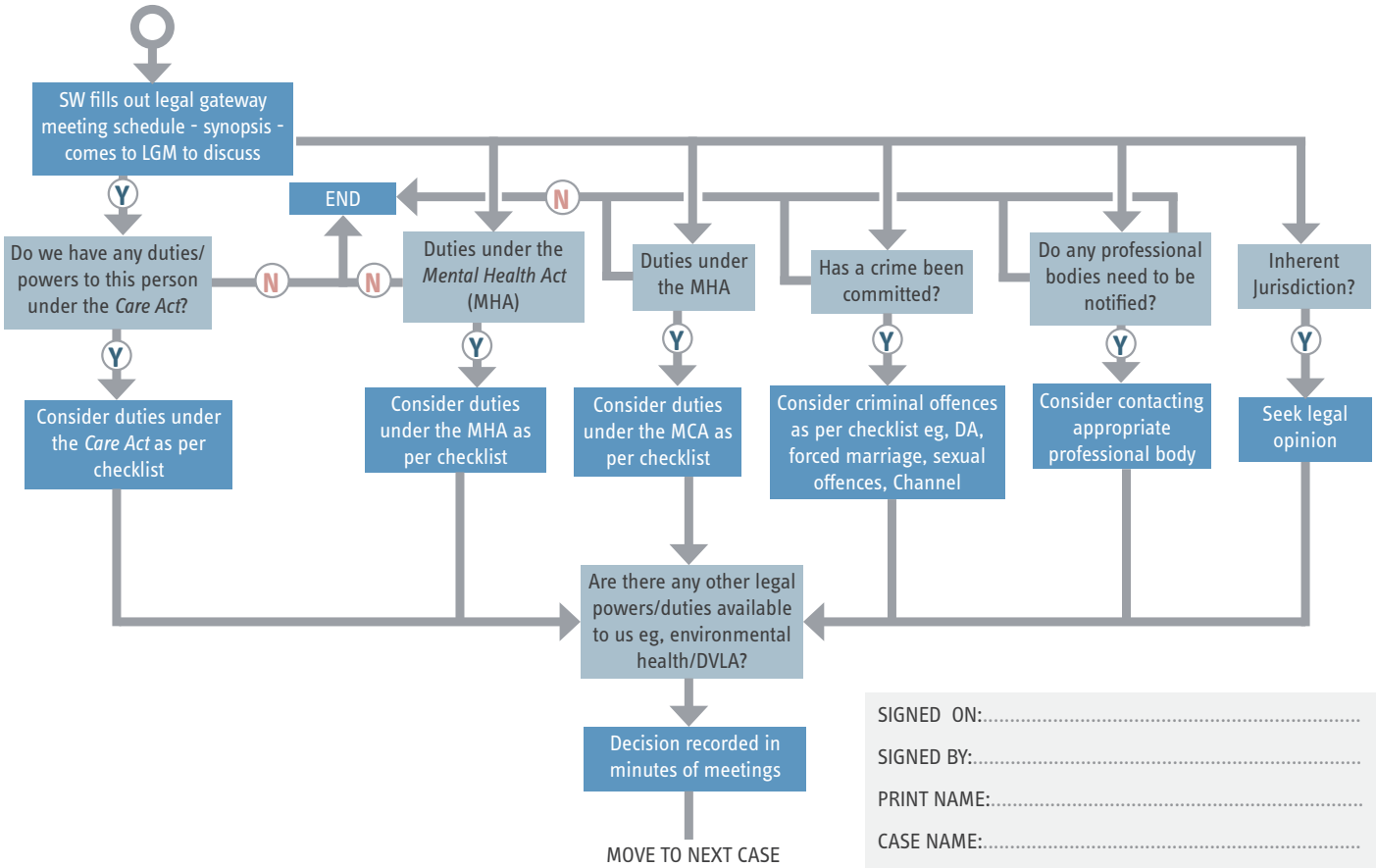
- another agency needs to take action
- the authority has other duties and powers (for example regulatory services)
- whether the **inherent jurisdiction** might apply.

The chair then:

- reviews the duties and powers that have been considered using a checklist (influenced by the College of Policing's National Decision Model) to ensure the meeting has considered all available duties and powers
- records the decision and signs it.

Along with the minutes, this leaves an auditable account of decision-making on legal strategy.

LGM - CHAIR'S CHECKLIST



SIGNED ON:.....

SIGNED BY:.....

PRINT NAME:.....

CASE NAME:.....

Funding research

This is an example of a local authority funding research. In this example a manager is undertaking a five year doctorate to explore legal literacy in social work. The research question is:

'What are social workers' lived experiences of becoming legally literate?' A phenomenological reflection.

The aim of the research is in part to better understand individual lived experience in order to develop methods of practice education in the field of learning and development.

The findings will contribute to the existing body of knowledge in social work, and provide a more in-depth understanding of legal literacy at an individual, experiential level. With the literature suggesting gaps in our understanding of how social workers develop their sense of legal literacy within post-qualified practice, the study aims to consider social workers' experiences, questioning how they become legally literate and the meaning behind practice and the professional tasks, activities, dilemmas and situations they encounter in the everyday. The aim is to make a unique contribution to the field of social work education and to extend the knowledge base to include greater consideration of meaning and lived human experience in the professional issue of social work and legal literacy.

A range of initiatives to support legal literacy

(a) A first stop legal literacy resource

This is an example of a local authority creating a 'Legal Literacy Resource' on their intranet system, which can be accessed by all practitioners. It includes a list of relevant law, with a very short summary on each with links to more detailed documentation already in the public domain. It provides a first 'go-to' location where practitioners can explore the detail they need. The resource also includes links to:

- Safeguarding Adults Reviews
- Local Government and Social Care Ombudsman reports
- related case law.

A program of team visits is planned to raise the profile of legal literacy and introduce practitioners to the online resource and to the local authority's plan to embed legal literacy within supervision.

(b) Supervision

This is an example of a local authority introducing legal literacy to the supervision agenda for practitioners as a fixed agenda item. The aim is to set baseline expectations of legal literacy and embed legal literacy in the day to day work of practitioners.

Supervisors commence with a baseline audit to identify gaps in supervisee's legal literacy and use supervision to develop practitioners' knowledge and application of relevant legal frameworks. Practitioners are asked to review case law relevant to their work with people (using the new 'go-to' resource on the intranet system). Supervisors assist and encourage practitioners to 'show their workings' and to critically reflect on recent decisions. The Good decision-making: Practitioners' Handbook (2013) and Legal Literacy Change Project resources support this work.

(c) Team meetings

This is an example of a local authority using team meetings to encourage teams to add legal literacy to their team meeting agendas to enable wider discussion and learning amongst team members.

(d) Legal Literacy Champions

This is an example of a local authority developing Legal Literacy Champions linked to regular meetings with practitioners. It is hoped Legal Literacy Champions will support the development of the legal literacy intranet resources.

(e) Continuing Professional Development

This is an example of supervisors reminding practitioners to summarise / note their discussions regarding their learning and reflections to support the development of their Continuing Professional Development record.

Tools to support legal literacy in direct work with people

These are descriptions of tools that have been developed with practitioners which have been informed by dialogue about legal literacy and are intended to support practitioners to link law into their local practice.

(a) Care practice audit tool

This tool links the phases of assessment, eligibility decision and support planning, and identifies quality standards in each phase. It features tick-box and comments sections in relation to each of the phases. It was primarily designed for those authorising assessments and support plans but can also be used by practitioners to check they have covered the necessary information.

The documents relate closely to the Care and support statutory guidance by giving emphasis to strengths as well as needs and to the person in the context of their life. The tool aims to make explicit the application of eligibility, with the thread of eligible needs continued and addressed in the support plan. The document also seeks to ensure that practitioners comprehend and reference desired outcomes, as well as eligibility outcomes, through both the assessment and support plan.

The support plan section gives further reference to specific outcome goals that are meaningful to the person in relation to eligible areas of need.

(b) Risk enablement tool for adult social care services

This tool is intended to encourage a positive approach to risk in practice. It involves:

- accurately describing the risk from a range of perspectives
- understanding the medium and longer term benefits of taking the risk
- agreeing actions that can be taken to reduce the risk in the short term with a view to improved recording of evidence-based decision-making.

Developments to support legal literacy

(a) Live audit

This is an example of using live auditing to develop practitioners and managers legal literacy. It involves an external person and a senior manager meeting with a practitioner to review their direct work with a person. The practitioner talks about their work with the person and together the group look at the recording and decision-making. It's a great way of including and engaging senior managers. The process needs to feel collaborative so that everyone can learn together.

(b) Drawing attention to Ombudsman decisions

This is an example of sharing learning from recent ombudsman rulings. Managers send pertinent rulings to relevant teams, including finance teams, to support the development of legal literacy across the organisation.

(c) Group supervision

This is an example of using group supervision to examine and facilitate discussion of direct work with people and decision-making. Led by lead practitioners, it is designed to support practitioners to engage in legal literacy thinking.

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