

**UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCES
DEPARTMENT OF SOCIOLOGY AND SOCIAL WORK
RE-SIT EXAMINATION QUESTION PAPER, JULY 2018**

TITLE OF PAPER: LEGAL ASPECTS OF SOCIAL WORK METHODS

COURSE CODE: SWK 423

TIME ALLOWED: TWO (2) HOURS

**INSTRUCTIONS: 1. ANSWER ANY THREE (3) QUESTIONS
2. ALL QUESTIONS CARRY EQUAL MARKS
3. TOTAL MARKS 100**

**THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION IS GRANTED
BY THE INVIGILATOR**

Question 1

Examine the notion of conflicting imperatives in law and its implication for social work practice.

Question 2

'Law is not neutral' within the text of the law itself (statutes, regulations) and through to implementation, value positions are revealed. Discuss this statement in relation to its implication for social work practice.

Question 3

Examine the role of social workers in protecting the elderly population against abuse.

Question 4

"All courts exist to uphold the law . . . Without the rule of law and courts to enforce it, each one of us would be free to push and bully our fellow citizens and (which may be thought more important) our fellow citizens would be free to push and bully us. The justification for the law, the courts and the rule of law is that they protect us from unfair and oppressive actions by others; but if we are to have that protection we must ourselves accept that the law applies to us too and limits our freedom" (Sir John Donaldson in *Heaton's Transport v. TGWU* (1972)).

Discuss this quote paying attention to its implication for social work practice.

Question 5

In what circumstances is discrimination lawful? Use examples to support your views.

Question 6

The basic rule is that lower courts must follow the decisions of the higher courts in cases which are, in all material respects, the same. The operation of precedent, or *stare decisis* (roughly translated as 'the decision is to stand') depends on being able to find out what the higher courts have decided and on a clear system of courts in a defined relationship to each other.

Critically discuss the implications of precedents in the courts in relation to social work practice.