

**UNIVERSITY OF ESWATINI**

**FACULTY OF SOCIAL SCIENCES**

**DEPARTMENT OF SOCIOLOGY AND SOCIAL WORK**

**MAIN EXAMINATION QUESTION PAPER, NOVEMBER/DECEMBER  
2018**

**TITLE OF PAPER: LEGAL ASPECTS OF SOCIAL WORK PRACTICE**

**COURSE CODE: SWK423**

**TIME ALLOWED: TWO (2) HOURS**

**INSTRUCTIONS: 1. ANSWER ANY THREE (3) QUESTIONS**

**2. ALL QUESTIONS CARRY EQUAL MARKS**

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

### **QUESTION 1**

Compare and contrast the language used in the Sexual Offenses and Domestic Violence Act of 2018 with the Women's And Girl's Act of 1920.

### **QUESTION 2**

Based on your knowledge and understanding of Swaziland Children's Protection and Welfare Act of 2012. Discuss the following questions and support your answers with examples:

- a. What do you notice about how this primary legislation is structured?
- b. How easy or difficult is it to understand the wording of the Act or to comprehend what it would mean in your day-to-day practice as a qualified social worker?
- c. Describe the user group to which this Act would apply.
- d. How easy or difficult would it be to use this document to guide
- e. your professional work with children?
- f. How does the policy define the 'best interest' of a child?
- g. What might be some of the advantages and disadvantages of having a universal charter of children's rights which countries of the world are expected to abide by?

### **QUESTION 3**

- a. Discuss critically the process of preparing children for court.
- b. Explain the difference between children's courts and child friendly courts.
- c. Examine the importance of informed consent.
- d. What is meant by confidentiality, privileged communication and duty to warn?

### **Question 4**

Discuss critically the relationship between law and social work practice.

### **QUESTION 5**

Based on The Election of Women Members to the House of Assembly Act 2018.

- a. Discuss the impact of the underrepresentation of other minority groups (openly gay, transgendered, people living with disabilities) in parliament and what role would social workers undertake?

- b. How does this underrepresentation of these various groups influence what statute law is passed in Parliament?
- c. How might the underrepresentation of women influence the ruling made by judges at each level in the court system?
- d. What is the significance of this Act?

### **QUESTION 6: Barbara**

For the last five years Barbara aged 7 has lived with her father Luke, who is of Pakistan heritage, and his partner Debbie who is Mozambican and six months pregnant with Luke's child. Debbie's two children, Sheila aged 10 years and David age 12 years, also live with them. Both Luke and Debbie are unemployed. They rent a two-bedroom terraced house with one small living room and kitchen downstairs from a local housing association. The roof has leaked for the last eight months and there is rising damp in the kitchen.

A year ago Barbara was admitted to Mankayane Hospital with a broken arm after what her father tells the doctor was 'a fall down the stairs at home'. Hospital staff raises no concerns although medical notes describe Barbara as being underweight for her age. A month ago Barbara was admitted to Accident and Emergency at Mbabane Government Hospital due to a gash in her arm, which needed eight stitches. While the doctor could not determine whether the injury was non-accidental she alerts the hospital social worker to her concerns about Barbara. The hospital social worker asks Barbara and her father about the injury, but both of them maintain that she hurt herself while playing with friends. The hospital social worker makes a referral to your community-based team to conduct an initial assessment.

Three weeks later when you make a first home visit, Debbie tells you that Barbara is in bed as she is off school with a cold and having an afternoon nap. You are not permitted to see her. You return to the house at about 3.00 pm five days later, but only catch a glimpse of Barbara through a glass-paneled door as her father takes her out of the house while you are talking to Debbie. Debbie complains to you that the doctor at Accident and Emergency did not attend Barbara until everyone else, including patients who arrived after Barbara and her father, were treated first. Debbie insists this occurred because all the other patients were locals. Debbie also tells you that Barbara's birth mother has contacted Luke to demand that Barbara comes to live with her.

A few days later the out-of-hours duty social worker for your team receives a telephone call from the hospital social worker at the Accident and Emergency Department of Nazarene Hospital requesting a home visit for David who has just been discharged home following

treatment as an out-patient for several fractured ribs. A consultant pediatrician due to staff shortages did not see David, but the junior doctor who treated him accepted Debbie's explanation that he had been in a road traffic accident. The hospital social worker thinks the family needs support services and makes a referral to your team for an initial assessment. It is a further month before this referral is allocated to anyone because three social workers on your team are on long-term sick leave with stress-related illnesses. You are also beginning to feel unwell due to the relentless work pressures of covering for absent colleagues.

Question:

1. How might knowledge of the law help you as a qualified practitioner to work with this family?
2. Discuss the advantages of domestic violence courts or child courts with regards to this case?
3. What are their advantages over traditional civil and criminal courts?