

UNIVERSITY OF ESWATINI  
FACULTY OF SOCIAL SCIENCES  
DEPARTMENT OF SOCIOLOGY AND SOCIAL WORK  
RE-SIT EXAMINATION QUESTION PAPER, JULY 2019

TITLE OF PAPER: LEGAL ASPECTS OF SOCIAL WORK PRACTICE

COURSE CODE: SWK423

TIME ALLOWED: TWO (2) HOURS

- INSTRUCTION:
1. THERE ARE TWO SECTIONS IN THIS EXAMINATION PAPER.
  2. SECTION A CONSISTS OF ONE (1) QUESTION, WHICH IS COMPULSORY.
  3. IN SECTION B ATTEMPT ANY TWO (2) QUESTIONS.
  4. ALL QUESTIONS CARRY EQUAL MARKS
  5. TOTAL MARKS 100.

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

## Section A: Compulsory

1. Read the following case carefully and respond to the questions.

### CASE

For the last five years Nomsa aged 7 has lived with her father Nassir, who is a migrant from Pakistan, and his partner Zodwa who is a Swazi and six months pregnant with Nassir's child. Zodwa's two children, Fezile aged 10 years and Sifiso age 12 years, also live with them. Both Nassir and Zodwa are unemployed. They rent a two-bedroom terraced house with one small living room and kitchen downstairs from a local housing renter. The roof has leaked for the last eight months and there is rising damp in the kitchen.

A year ago Nomsa was admitted to Mbabane Government Hospital with a broken arm after what her father tells the doctor was 'a fall down the stairs at home'. No concerns are raised by hospital staff although medical notes describe Nomsa as being underweight for her age. A month ago Nomsa was admitted to Accident and Emergency Unit 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 Nomsa. The hospital social worker asks Nomsa 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, Zodwa tells you that Nomsa 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 Nomsa through a glass-panelled door as her father takes her out of the house while you are talking to Zodwa. Zodwa complains to you that Nomsa was not attended by the doctor at Accident and Emergency until everyone else, including patients who arrived after Nomsa and her father, were treated first. Zodwa insists this occurred because all the other patients were Swazis. Zodwa also tells you that Nomsa's birth mother has contacted Nassir to demand that Nomsa 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 Unit of Mbabane Government Hospital requesting a home visit for Sifiso who has just been discharged home following treatment as an out-patient for several fractured ribs. Sifiso was not seen by a consultant paediatrician due to staff shortages, but the junior doctor who treated him accepted Zodwa'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.

## QUESTIONS

- a) How might knowledge of the law help you as a qualified practitioner/social worker to work with this family?
- b) How can you establish which is true? Can you simply walk into people's homes because you are a social worker and demand to interview their children?
- c) Can parents simply refuse to let you speak to their children?
- d) What are your powers as a social worker and what rights do parents have when they disagree with you?
- e) What would be your response as a social worker if Luke and Debbie want to continue to look after Barbara and refuse to let her birth mother see Barbara again?

### Section B: Answer Any Two Questions.

2. Discuss the major considerations regarding the child in forensic interviews.
3. According to the Sexual Offences & Domestic Violence Act 2018 of Eswatini a sexual act committed under any of the following circumstances is considered as sexual offences. Describe each of them.
  - a. Coercive circumstances
  - b. False pretences or by fraudulent means
  - c. Person who is incapable in law of appreciating the nature of the sexual act
  - d. Duress
4. By illustrating with examples, examine the situations when a social worker's court report is considered as a failing to reach expected standards.
5. According to Children Protection and Welfare Act 2012 of Swaziland, under the "Child in Need of Care and Protection" section, medical officers, members of family and child care givers are bestowed with their own duties. Illustrate the duties given to these three entities.
6. Discuss the expected areas of expertise (knowledge, method and skills) that a social worker who work with children in court system should develop and practice.