

empowering youth and community work practice

# Law and Youth Work

MARY MAGUIRE



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# Law and Youth Work

**MARY MAGUIRE**

Series Editors: Janet Batsleer and Keith Popple



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## *Foreword from the Series Editors*

Youth work and community work has a long, rich and diverse history that spans three centuries. The development of youth work extends from the late nineteenth and early twentieth century with the emergence of voluntary groups and the serried ranks of the UK's many uniformed youth organisations, through to modern youth club work, youth project work and informal education. Youth work remains in the early twenty-first century a mixture of voluntary effort and paid and state sponsored activity.

Community work also had its beginnings in voluntary activity. Some of this activity was in the form of 'rescuing the poor', whilst community action developed as a response to oppressive circumstances and was based on the idea of self-help. In the second half of the twentieth century the state financed a good deal of local authority and government sponsored community and regeneration work and now there are multi-various community action projects and campaigns.

Today there are thousands of people involved in youth work and community work both in paid positions and in voluntary roles. However, the activity is undergoing significant change. National Occupation Standards and a new academic benchmarking statement have recently been introduced and soon all youth and community workers undertaking qualifying courses and who successfully graduate will do so with an honours degree.

*Empowering Youth and Community Work Practice* is a series of texts primarily aimed at students on youth and community work courses. However, more experienced practitioners from a wide range of fields will find these books useful because they offer effective ways of integrating theory, knowledge and practice. Written by experienced lecturers, practitioners and policy commentators each title covers core aspects of what is needed to be an effective practitioner and will address key competences for professional JNC recognition as a youth and community worker. The books use case studies, activities and references to the latest government initiatives to help readers learn and develop their theoretical understanding and practice. This series then will provide invaluable support to anyone studying or practising in the field of youth and community work as well as a number of other related fields.

Janet Batsleer  
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# Chapter 1

## Introduction

### CHAPTER OBJECTIVES

The key purpose of youth work is to:

enable young people to develop holistically, working with them to facilitate their personal, social and educational development, to enable them to develop their voice, place and influence in society and to reach their full potential.

National Occupational Standards 2008

In order to meet the key purpose, the book will make the case for why some understanding of the law is necessary in order to help the worker to contextualise their engagement with young people. Without understanding the concept of place the worker is placed at a distinct disadvantage in empowering and enabling young people to have influence in society and develop a sense of citizenship.

This book is targeted primarily at youth workers embarking on the academic stage of their continuous professional development. It is intended to supplement your knowledge of how the developing and established law relates to your own professional practice. It does not cover all aspects of the law nor does it profess to provide all the answers to the complex issues you might face as professional workers. It should, however, help you to understand some key legal principles and provide a basis for further enquiry. It may, therefore, also be helpful to youth worker practitioners who have had limited opportunity to update themselves on developments in the law which affect their work.

It is based on fundamental principles of human rights and social justice, which lie at the heart of youth work values. The law is about values. It is also about a framework and sets of rules for regulating human behaviour. This is why it is important. A statement of youth work values taken from the National Occupational Standards for Youth Work is included, but it is worth reminding ourselves at the outset of the definition of youth work in order to determine its purpose and distinguish it from other professions that engage with young people in order to promote their social and emotional wellbeing.

## Professional standards

Youth work training has undergone fairly significant changes in recent years with new qualification requirements and professional standards for practitioners. The revised Occupational Standards for Youth Work were finalised in February 2008 and cover the outcomes, behaviours, knowledge and skills that professional youth workers should conform to. Before we consider what knowledge of the law has to do with youth work, we need to

understand that youth work does not operate in isolation but forms part of a range of interventions in young people's lives designed to improve their life chances. It operates within a political and social climate which has high aspirations for young people and expects high standards from those who work with them. Failures of previous policies and practices in both social and educational settings have led to a significant shift away from a less well regulated or laissez-faire approach to professional competence. There is a greater requirement to raise our professional standards if we are to create an environment where young people are able to develop and achieve higher aspirations.

Increasingly as multidisciplinary working becomes the norm, workers should expect to develop competence within their own practice areas, but to operate within a set of standards that are shared with a wider group of professional colleagues.

The occupational standards are represented in Table 1.1. You may already be familiar with them presented diagrammatically as the Summary Functional Map for Youth Work (National Occupational Standards, 2008).

Included within the table are the knowledge requirements. You will note that knowledge of legislation is explicitly listed under Section 2 which deals with the welfare and rights of young people, but it is essential in assisting you in promoting access to information and support (Section 1.4) and in understanding how youth work operates within a political and ethical environment (Section 4).

Throughout the book we will refer to key competencies to illustrate how your interpretation and application of legal principles aligns to your own professional development.

This book, therefore, considers the interrelationship between the law and professional youth work competencies. It asks you to consider which of the competencies are common to all those who engage with young people and which are those that help to distinguish youth work from other professional disciplines. It remains, therefore, quite focused on the unique perspective of the youth worker, but should help the worker to develop a better understanding of the public and professional duties of their colleagues. This, in turn, helps to equip the youth worker to provide more effective support to young people, particularly during times when intervention by other professionals becomes necessary. It may additionally help to reduce conflict between the worker and other agencies whose intervention, at least from the young person's perspective, is involuntary. It should help you to understand the rules that regulate other professions and help you to operate alongside others to get the best outcome for the young person.

There is no intention here to replace any proper legal advice or advocacy to which a young person is entitled, nor is this book a potted guide to all aspects of the law that impact on a young person. Instead it aims to combine a straightforward approach to the law as it relates to youth work with some practical exercises for the professional worker to work through independently or with colleagues.

You are encouraged to reflect on your approach to your work and consider the values that underpin your practice as well as those that underpin the development of human rights law, because it is within the framework of human rights that we will consider the impact of the law on young people. You will discover that what we value is important in

Table 1.1 National Occupational Standards – Framework

First-level function	Second-level function	Essential knowledge	
1	Facilitate the personal, social and educational development of young people	1.1	Facilitate learning and development of young people through youth work
			Understanding of the impact of the broader social environment on young people's learning and development and of your own role and responsibilities as a professional worker
		1.2	plan and implement learning activities in youth work
		1.3	promote young people's self awareness, confidence and participation
		1.4	promote access to information and support
2	Promote equality and young people's interests and welfare	2.1	work with young people in promoting their rights
			Understanding of legislation, policy and practice which underpins a young person's human rights and basic entitlements
		2.2	safeguard the health and welfare of young people
		2.3	promote equality and the valuing of diversity
		2.4	fulfil regulatory and organisational requirements