


Legal Literacy Practitioner Briefing


This briefing aims to raise awareness of and help practitioners and their managers understand Legal Literacy.

Legal literacy is the ability to connect relevant legal rules with the professional priorities and objectives of ethical practice. It is a combination of law (doing things right), ethics (doing right things) and human rights (rights thinking). These three components should be integrated and applied in the context of each and every unique set of circumstances. **What legal literacy mean?** Legal awareness, sometimes called public legal education or legal literacy, is **the empowerment of individuals regarding issues involving the law**. Legal awareness helps to promote consciousness of legal culture, participation in the formation of laws and the rule of law.



Why it matters: Legal literacy matters because legal rules determine how and when the state may intervene in the lives of its citizens. Knowing how legislation protects children, young people and adults helps practitioners make better decisions. Legal rules and an ethical duty of care lies at the heart of practice and both, informed by rights-based principles, must influence decision-making.

Practitioners must also observe standards in the use of their statutory authority: make timely decisions, take account of all relevant considerations, avoid bias, share information, consult and provide a rationale for their exercise of discretion. Practitioners must respect their employer's policies, procedures and guidance provided these are lawful. How they manage their responsibilities will be influenced by how they interpret the relationship between law & practice and how they negotiate practice dilemmas. Practitioners should take advice from their legal teams (where appropriate) in addition to discussing legal issues in supervision.



Information: Public authorities must act lawfully. Failing to act when there is a duty to do so or acting outside their powers & duties is unlawful. Decisions must take account of the requirement to eliminate unlawful discrimination, promote equality & respect human rights. The European Convention on Human Rights is central to decisions about care and support, risk, safeguarding, best interests and restriction of liberty.



Legal literacy has three key components:

1. Sound knowledge of the legal rules and understanding of their relevance to practice - this enables people to 'do things right'.
2. Strong engagement with professional ethics - this enables people to 'do right things'.
3. Respect for principles of human rights, equality and social justice - this enables people to bring rights thinking' to decision-making. (Braye and Preston-Shoot, 2016b).

Questions for practitioners to consider:

- How is your work influenced by your personal code of ethics and values?
- Are you familiar with relevant legislation including [Human Rights Act](#), [UN Convention on the Rights of the Child](#), [Mental Capacity Act](#), [Sexual Offences Act](#), [Equality Act](#), [Children Act](#),
- Do you know your own organisation's policies, procedures and guidance?
- Do you use the [Pan Bedfordshire Inter-agency Child Protection procedures](#)?

In supporting the development of legal literacy, the supervisor's role is two-fold:

Professional accountability - Supervision plays a vital part of decision-making in complex situations, where fundamental questions of risk, safety, wellbeing and liberty must be addressed. The critical reflection that takes place in supervision plays an important role in enabling practitioners to be confident in their decision-making and professionally accountable.

Organisational accountability - Supervision is a central element in the organisation's management of practice, in the fulfilment of its purpose and in ensuring accountability for actions carried out by its employees. Addressing legal literacy through supervision can mitigate the risk of an authority needing to answer, through the judiciary, for the lawfulness of decisions made by practitioners on its behalf.

A legally literate organisation is one that:

- Understands the nature and importance of legal literacy, in particular the integral relationship between knowledge of legal rules, professional ethics and a commitment to upholding rights.
- Recognises that it takes time to develop confidence in understanding and applying complex legal knowledge, and that this is an ongoing and career-long undertaking.
- Recognises that training on its own – important though this is – is unlikely to be enough to secure and embed legal literacy, and that practitioners need ongoing and sustained support, for example through supervision.
- Is committed, even in the face of organisational pressures, to protecting space for practitioners to explore legal issues within supervision, and to offering opportunities for discussion of complex cases in wider meetings that include specialist expertise input.
- Considers the need for training and ongoing guidance and support, in particular aspects of legal intervention where practitioners identify such a need – for example, financial abuse.
- Is committed to embedding legal literacy through a whole system approach that embraces leadership from social workers, supervisors, operational and strategic managers and elected representatives.
- Recognises that legal literacy extends beyond social work – people in many roles need to be familiar with the powers and duties of the local authority – and so supports managers to consider how best to promote legal literacy (for example, in supervision arrangements) for a wide range of practitioners and with differing levels of experience.
- Has leaders who, in the face of organisational pressures (including limited resources and large and complex caseloads) recognise their vital role in supporting practitioners to remain resilient, creative and resourceful.

([Managing and supervising legal literacy in adult social work. An Evidence Scope - Executive Summary 2021](#))



Further sources of information;

[Research in Practice](#) have a suite of resources on legal literacy including tools to ensure that legal literacy is embedded in supervision and organisational culture.

Access the [Pan Bedfordshire Child Protection Procedures](#) and register for updates.