

Legal Studies for Social Care 1

7.1 Module Overview									
Module Number		Module Title	Legal Studies for Social Care 1						
Stage of Principal Programme			2	Semester	2	Duration. (Weeks F/T)	12	ECTS	5
Mandatory / Elective (M/E)	M	Hours of Learner Effort / Week	2						
Analysis of required hours of learning effort									
Teaching and Learning Modalities						✓if relevant to this module	Approx. proportion of total (hours)		
Contact Hours									
In person face-to-face						✓	24		
Synchronous									
Indirect/Non-Contact Hours									
Asynchronous									
Work Based									
Other:						✓	101		
<ul style="list-style-type: none"> Independent reading, engagement with VLE, research and preparation of assessments 									
Total							125		

Pre-Requisite Module, if any. Module # and Title	N/A
Co-Requisite Module, if any. Module # and Title	N/A
Maximum number of learners per instance of the module	60
Specification of the qualifications (academic, pedagogical and professional/occupational) and experience required of staff working in this module.	
Role e.g., Tutor, Mentor, Lecturer, Research Supervisor, etc.	Qualifications & experience required
Lecturer	A minimum level 9 qualification in Law or closely cognate area
	Staff - Learner Ratio X:Y
	1: 60

Assessment Techniques – percentage contribution			
Continuous Assessment	40%	Proctored Exam – in person	60%
Project		Proctored Exam - online	Work Based
Capstone (Y/N)?	N	If Yes, describe	

7.2 Minimum Intended Module Learning Outcomes (MIMLOs)	
MIMLO On completion of this module a learner will be able to:	Related MIPLO #
1. Outline an overview of the Irish Legal system.	1, 2
2. Explain the international legal order with reference to citizenship and rights.	1, 2
3. Explain the legal basis of a profession.	1
4. Examine family law and the legal basis for separation agreements, judicial separation and divorce.	2, 7
5. Discuss the legislative framework for human rights with a focus on the elderly and individuals with disabilities	1, 2

7.3 Indicative Module Content, Organisation and Structure

The aim of the module is to ensure learners have a working knowledge of law that applies to the work of the Professional Social Care practitioner and are able to apply their knowledge in a practical way within the boundaries of their professional responsibility. The core elements addressed are as follows:

1. Introduction to the legal system - Criminal and civil law
2. The Social Care Worker and the Law – courtroom roles and skills.
3. Introduction to the international legal order, concept of citizenship, European citizenship, ECHR and ICC.
4. Constitutional rights and the family
5. Introduction to marriage breakdown, separation agreements, judicial and divorce.
6. Introduction to juvenile justice – offending behaviour.
7. Introduction to the law and vulnerable individuals within the community including those with special needs and the elderly. How the law has developed in relation to the taking of evidence of individuals/complainants who have special needs and/or are unable to communicate without assistance is explored. Learners will consider the practical consequences of the *Assisted Decision-Making (Capacity) Act 2015*, and will also consider autonomy rights in general.

7.4 Work-based learning and practice-placement (if applicable)

N/A

7.5 Specific module resources required (if applicable)

Spaces and equipment to support the following learning approaches:

- Role play – an essential element of teaching legal studies
- Attending Court where possible

7.6 Application of programme teaching, learning and assessment strategies to this module

This module aims to

- Promote deep learning techniques for learner engagement, interactivity through role play activities and case study discussions.
- Support inclusive teaching by engaging in legal case studies and examples from case law.
- Provide opportunities for collaborative learning using courtroom scenes and/or courtroom visit.

Assessment

The Case study assessment is ‘practiced’ in class when students are invited to engage with cases presented in legal format and language. This encourages the student to become more aware of the distinct and complementary roles of Social Care and legal representatives.

7.7 Summative Assessment Strategy for this module

<i>MIMLOs</i>	<i>Technique(s)</i>	<i>Weighting</i>
1, 3, 4	Case study (formative/summative)	40%
1-5	Exam	60%

7.8 Sample Assessment Materials

Case Study:

Example: “Write a case note on the case of the *McGee v Attorney General* [1973] IR 284.” (1000 words)

Assignment guide notes:

- Set out facts of case (BRIEFLY- 150 words)
- Set out what the law was.
- What was the purpose of the hearing?
- Set out the judgment of the Supreme Court
- What legal principles were discussed/applied?
- Analysis - NB: fundamental (unspecified) rights.

How to read a case

- Reported? Unreported case? What's the difference?
- Headnotes – summary of the case
- Read the text
- What's the case about?
- What are the legal principles being discussed?
- What did the court determine?

Essay (Part A)

Write a briefing document for Social Care staff on 'the functional assessment of capacity required for a Capacity Application under Part 5 of the Assisted Decision Making (Capacity) Act 2015.' Your answer should include reference to the legal basis for capacity legislation in Ireland and to the four key changes that occur upon commencement.

Note that this Essay is part of a Joint submission with *Principles and Practice of Social Care 2* module assessment.

Exam:

2 hours duration; 2 questions to be answered. Sample Exam Questions:

- Statutory registration is in the process of being established for social care professionals. This process is likely to be a challenging period for social care workers. However, the standards of behaviour that the public are entitled to expect from social care professionals will likely increase as a result.
- Write a detailed note on the significance of registration for Social Care Workers with reference to legal and statutory responsibilities.

Marking of assessments will be in line with the Marking Assessment Guidelines as outlined in Section 3.3 of the College's [Regulations in Relation to Assessment and Standards](#) unless otherwise indicated.

7.9 Indicative reading lists and other information resources

Indicative Core Reading:

Bracken, L. (2018) *Child Law in Ireland*. Dublin: Clarus Press.

Campbell et al (2021) *Criminal Law in Ireland: Cases and Commentary*, (2nd edition). Dublin, Clarus Press.

Faulkner, M. and MacCartaigh, D. (2022) *Essentials of Irish Law*. Dublin: Clarus Press.

Harding, M. and McGowan, D. eds. (2023) *Family Law in Context*. Dublin: Clarus Press.

Murphy, V., Gulati, G., Whelan, D., Dunne, C., & Kelly, B. (2023). The changing face of Capacity legislation in Ireland: Algorithms for clinicians. *Irish Journal of Psychological Medicine*, 40(2), 109-113. doi:10.1017/ipm.2020.7

O'Mahony, C and Quinn, G. (2017) *Disability Law and Policy: An Analysis of the UN Convention*. Dublin: Clarus Press.

Shannon, G. (2016). *Children and Family Relationships Law in Ireland Practice and Procedure*. UK: Clarus Press

Shannon, G. (2010). *Child Law*, (2nd edition). Thomas Reuters (Round Hall)

Assisted Decision-Making (Capacity) Act 2015 <https://www.irishstatutebook.ie>

Disability Act 2005: <https://www.irishstatutebook.ie/eli/2005/act/14/enacted/en/html>

Indicative Other Resources:

Bracken, T. (2016) *The Modern Family: Relationships and the Law*. Dublin: Clarus Press

Cohen, R. (2013). *Garda Powers: Law and Practice.*, UK: Clarus Press

Coffey, G. (2010). *Criminal Law*. Dublin: Round Hall Press

Healy, J. (2009). *Medical Malpractice Law*. Dublin: Round Hall

<https://www.courts.ie/>

The Court System <https://www.courts.ie/acc/alfresco/cbfc27ea-8a90-4ed5-9ee0-cd1336a6745c/Explaining%20the%20Courts%20Complete%20booklet%20for%20web.pdf/pdf#view=fitH>

Going to Court <https://youtu.be/l1NKZZLAnL8?si=SWAbc2Wm3UJ4u6Hz>

Irish Disability Legislation <https://nda.ie/disability-policy/irish-disability-legislation>