

Preface

The cover of this fourth edition signals two changes from previous editions. One is perhaps cosmetic: by adding 'Social Work' to the title 'In the Shadow of the Law' we intend only to signal a little more emphatically that this book is concerned with the practice, and practitioners, of social work; the 'law' part of the title is a context within which social work takes place. In the first edition, Phillip Swain explained why he chose the title 'In the Shadow of the Law', saying that it had been

part of my vernacular as a social worker-cum-lawyer for many years. Where I first heard it I cannot say ... Whatever its origin, I am indebted to those who coined it, as I believe it aptly portrays both the philosophy of this book and the practice reality for social workers.¹

Quoting Phillip brings us to the second and more substantial change: this edition is the first that Phillip has not edited. He had invited Simon Rice to join him for the third edition, and that was a happy and productive partnership. When Federation Press asked for a new edition, Phillip had retired – at least formally so – and was under orders to take it easy. Simon was keen to stay involved, and our publisher introduced Andrew Day, an experienced author and welfare practitioner, as a new co-editor. We are delighted that Phillip is still writing for the book, and has been available to us for advice and counsel.

In the preface to the first edition, Phillip wrote that *SWITSOTL*, as we like to call it, 'attempts to examine legal aspects of social work practice not as a lawyer would see them, but as practitioners have found them, through experience and the wisdom of practice, to be'.² In the years since, social workers, lawyers, reviewers, teachers and students have agreed that Phillip's 'attempt' succeeded, and we are grateful to him for his faith in our ability to maintain his vision in a fourth edition.

As in previous editions, *SWITSOTL* draws on the professional experiences of a large number of academics and practitioners who are writing for social workers and human service workers generally. We have, however, structured this edition differently, while maintaining substantially the same content. In the first part, Phillip Swain and Spencer Zifcak each offer their deeply considered reflections on the relationship between social work and law. The second part follows from that broad, contextual beginning, and each chapter – in alphabetical order by title, from Adoption to Social Security – examines a particular practice setting or user population where social work practice typically interacts with the law and lawyers. It remains

1 Swain, P (ed), 1995, *In the Shadow of the Law*, Federation Press, xv.

2 Ibid, 2.

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the case, as it has been in successive editions, that a chapter 'does not attempt to encompass all the relevant legislation and case law which a practitioner ... might need to know, but seeks to raise for a variety of settings issues of practice, of skill, and of the intricacies of dealing with the legal system and legal advisers'.³ The final part looks at the law not as it bears on the clients of a social worker, but as it sets bounds on a social worker and their own practice, addressing issues such as confidentiality and ethics, courts, tribunals and interpreters, record keeping, administrative law, and evidentiary rules.

All of the chapters from the third edition have been updated, with fresh accounts, references and perspectives. Some of the chapters have been re-titled, and some have re-focused, such as the chapter on people with an intellectual disability which, in this edition, offers an account of the new National Disability Insurance Scheme.

It has been very gratifying to work with so many authors who continue to write for all previous editions. The few who were unavailable for this edition regretted they could not take part, and we welcome the new authors.

The legal context of a social worker's practice can cause confusion and uncertainty. It is our hope that social workers – armed with knowledge and insights from experienced practitioners in this edition of *Social Work In the Shadow of the Law* – can achieve enhanced results, for their clients and for systemic reform, by working confidently with lawyers and the legal system.

Simon Rice and Andrew Day

3 Ibid.