

## IV. SOCIALINIO DARBO TEORIJA IR PRAKTIKA

### THE IMPACT OF LEGAL REGULATION ON THE FORMATION OF A STATUS OF SOCIAL WORK PROFESSION

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#### **Summary**

The article analyzes legislation regulating practice of social workers in Lithuania. The legal regulation and the status of profession which it provides for usually takes time to establish and remain for a long time (Abbott, 1988). The laws regulating social work in Lithuania are still developing so it is important to analyze and to improve those involving professionals from different fields: lawyers, social workers, political scientists.

The article analyzes such documents as Conception of Social Support, Law on Social Services, orders of the Minister of Social Security and Labour on requirements for qualification of social workers and on approval of catalogue of social services, Code of Ethics of Social Workers.

**Keywords:** social work profession, legal regulation, status of social work profession.

#### **Introduction**

Legal system is an area that helps to settle the outer limits of a status of a profession. Contest for legal competence takes place in three main areas. The first one is legislation that endows legal rights for particular professional groups. The second one are courts where these rights are defended, and which are obliged to protect the groups. The third area is administrative and planning structure. This area strengthens the limits of status of profession that are provided and defined by the public opinion (Abbott, 1988). The status of profession depends on the defined limits of the profession and on ascribed or bounded action areas in the legal system. As the author of this article could not find data about the practice of courts concerning the status of social work profession in Lithuania and about administrative and planning structure, this article analyzes the legislation and other legal documents regulating social work practice and its status.

According to Abbott (1988), many professional questions depend on legislation. Most authors analyzing social work profession and practice of social workers point out that legislation regulating work of social work specialists is one of the important factors determining the quality of practice and the nature of the services provided (Švedaitė, 2006, 2007; Švedaitė, Gvaldaitė, 2005; Bagdonas, 2001; Bagdonas, Lazutka, 2007; Žalimienė, 2006). Nevertheless, so far nobody has presented a thorough analysis of the issue. This determines the novelty of this article in the context of the articles on a similar topic.

The purpose of the article is to analyze legislation and other legal documents regulating practice of social workers in the context of the status of social work profession. The object of the article is legal regulation of social work practice. For this purpose, the document analysis method was used, which helped to analyze the content of the documents and to compare them.

### **The analysis of legislation regulating practice of social workers**

The legal entrenchment of a profession among other professions is long-lasting, so the legal system has to be very clear. This leads to the conventional determination of the professional jurisdiction limits. Clear limits of professional actions lead to clear and mostly higher status of profession. The limits of areas are described by formal descriptions that are not interpreted. The result of extreme formality is a legally determined professional system that denies complexity of professional life. Such insistence forces to ignore ambiguities that professions may nurture in the public opinion. This results that legally defined jurisdiction and the status of profession entrench slowly but remains for a long time. The legal jurisdiction of profession usually is estimated in the early stages of development of profession, but it need more time for entrenchment (Abbott, 1988). Legal documents defining social work in Lithuania are still developing and this confirms Abbott's statement that it needs more time. But it is important to analyze them and to invoke different specialists (social workers, lawyers, political scientists etc.) in order for these documents to reflect the essence of social work profession, as they are created for a long time.

The author of this article has found several legislative documents that concern social work. In the article they are analyzed from the point of view of social work profession and its status.

In Lithuania the first legal document to define social work and its competence is the Conception of Social Support of 1994. It states that social workers perform social support. The important fact is that this conception was formulated three years after the higher education institutions in Lithuania started to prepare professional social workers. At that time the number of qualified social workers was not sufficient so the conception notes that individuals from different professions may work as social workers if they strive to get any theoretical knowledge in higher education institutions that prepare social workers. Still there is no a clear time limit to do this. Now a new document – the "Law of social services" (2006) is valid, which determines that current social workers who practice without social work education are to obtain one by 2011. Nevertheless, in 2006 a new phenomenon in Lithuania started to be observed – social workers with social risk families. Practice has shown that they were not always engaged in this profession according to their education and readiness to work.

An important part of social work profession – ethics and values – is mentioned in the Conception of social support (1994). It is also noticed that these are to be developed with the help of foreign specialists.

Another important step in developing social work profession in Lithuania is made in this conception. The micro, mezzo and macro levels of social work activities are described. Although they are not identified like this, three spheres of social work activities are clearly distinguished: social work with individual and families, social work with groups and social worker forming social politics. These spheres match micro, mezzo and macro levels in social work practice.

Though the description of social work in the Conception of Social Support (1994) is quite general, not exhaustive and not quite clear, this was the first and very important step defining social work practice area on the national level. This helped social work to gain the status of a legally accepted profession.

Another legal document that is concerns social work is the Law on Social Services. For the first time it was adopted in 1996, after ten years it was revised and changed. Both editions of the document define the concept of a social worker. From the point of view of the author of this article the first edition defines the purpose of social work profession more precisely, which is to re-establish interrelations between a person and his environment, when the person himself/herself is not able to do this. This is the essence of description of social work profession and the profession itself. Meanwhile the new document defines social work as help for the person dealing with his/her social problems. When the limits of help are not defined, it is difficult to define the limits of the profession and its status. The help to deal with social problems, as it is defined in the Law on Social Services may provide not only qualified social workers, but other specialists as well and even not specially educated. So the new version of the law leaves less coherence of social work profession than provided by the older version.

It is relevant that the Law on Social Services also defines the requirements for social workers' competence. These requirements have been made stricter in the newer version. In 1996 the person did not need a special higher or equivalent social work education if he/she wanted to be a social

worker. The person only needed to participate in the qualification courses for social workers. The law of 2006 determines that after 2011, a person without a higher or equivalent education in social work could only work as an assistant to a social worker under the supervision of a social worker. The newer version of the law also envisages a periodical attestation of social workers.

Consequently, the changes of the Law on Social Services allow distinguishing two main tendencies concerning the changes of the social work profession and its concept. The first one is that the limits of the concept of social work profession are disappearing. It is more difficult to define social work profession and to distinguish it from other professions. This diminishes the status of the profession.

The second tendency shows that the requirements for social workers are growing and by law a person without a social work education will not have a right to be a social worker. Thus the profession will gain a higher legal status in the society. It is beginning to be viewed not as any assistance for a human being, but as qualified assistance which could only be provided by adequately qualified professionals.

The analysis of these acts clearly shows the ambiguity of the status of social work profession.

The relating documents to the Law on Social Services are the orders of the Minister of Social Security and Labour that define qualification requirements for social workers. Notably, this regulation is subject to most frequent amendments. The author of this article has found twelve changes of qualification requirements for social workers (see table 1). It shows that the ministry has not yet developed clear principal attitudes on the requirements for social workers' qualification. These requirements change up to several times a year, making it difficult to understand them deeper.

**Table 1.** Changes of Orders of the Minister of Social Security and Labour on the requirements for qualification of social workers

No.	Name of Order of Minister of Social Security and Labour	No.	Date of constitution	Date of hold start	The date of hold finish in the Law	Stops holding
1.	On the confirmation of requirements and order of attestation for social workers	31	1998-01-29	1998 01 29	2001-01-01	2002-10 24
2.	On the partial change of the order of Ministry of Social Security and Labour No.31 1998 01 29 „On the confirmation of requirements and order of attestation for social workers“	31	2001-03-07	2001 03 15	2003-01-01	2002-10 16
3.	On the partial change of the order of Ministry of Social Security and Labour No.31 1998 01 „On the confirmation of requirements and order of attestation for social workers“	135	2001-10-25	2001 11 01	-	2002-10 16
4.	On the confirmation of social workers qualification requirements and order of attestation	127	2002-10-16	2002 10 24;	-	2006 01 13
5.	On the change of the order of Ministry of Social Security and Labour No.127 2002 10 16 “On the confirmation of social workers qualification requirements and order of attestation”	A1-29	2003-02-17	2003 02 20	-	2006 01 13
6.	On the change of the order of Ministry of Social Security and Labour No.127 2002 10 16 “On the confirmation of social workers qualification requirements and order of attestation	A1-190	2003-12-13	2003 12 13	-	2006 01 13
7.	On the confirmation of the description of social workers' attestation order	A1-218	2005-07-27	2005 08 05	-	2006 07 01
8.	On the change of the order of Ministry of Social Security and Labour No. A1-218, 2005 07 27 “On the confirmation of the description of social workers' attestation order”	A1-3	2006-01-04	2006 01 13	-	2006 07 01
9.	On the confirmation of description of social workers qualification requirements and qualification improvement order for persons performing social work	A1-2	2006-01-04	2006 01 13	-	2006-07-01
10.	On the confirmation of descriptions of social workers and social workers assistants qualification requirements, order of qualification improvement for social workers and social workers assistants and social workers attestation order	A1-92	2006-04-05	2006 07 01	-	
11.	On the change of the order of Ministry of Social Security and Labour No. A1-92 2006 04 05 “On the confirmation of descriptions of social workers and social workers as-	A1-185	2006-07-05	2006-07-21	-	Change of A1-92

No.	Name of Order of Minister of Social Security and Labour	No.	Date of constitution	Date of hold start	The date of hold finish in the Law	Stops holding
	sistants qualification requirements, order of qualification improvement for social workers and social workers assistants and social workers attestation order”					
12.	On the change of the order of Ministry of Social Security and Labour No. A1-92 2006 04 05 “On the confirmation of descriptions of social workers and social workers assistants qualification requirements, order of qualification improvement for social workers and social workers assistants and social workers attestation order”	A1-216	2006-07-31	2006-08-06	-	Change of A1-92
13.	On the change of the order of Ministry of Social Security and Labour No. A1-92 2006 04 05 “On the confirmation of descriptions of social workers and social workers assistants qualification requirements, order of qualification improvement for social workers and social workers assistants and social workers attestation order”	A1-237	2006-08-22	2007-01-01	-	Change of A1-92

The first orders determine their expiry dates, but none of them remained valid as envisaged, and were amended or invalidated before the date of their expiry.

An order of a minister does not have a status of law and it is not expected to be valid for long, but their frequent change introduce instability and confusion in practice. Social workers cannot feel secure, when the requirements for their qualification are constantly changing even though these changes are not substantial and significant. Besides, this situation has a negative influence on the status of the social work profession. Absence of a clear strategy and perception of social work among the authorities does not allow to clearly define the boundaries of the profession and the requirements for professionals.

The fact that qualification requirements are regulated by the orders of minister not by law shows that quite little attention is paid for the formation of social work policy and that also defines a low status of social work profession.

The best way to analyze the changes of the qualification requirements is by comparing the first and the last orders.

First, from 1998 to 2006 the requirements for persons willing to work social work became higher. Importantly, the first document already defines the first stage of social workers attestation. It determines quite low education requirements: the person has to have collected 10 to 20 credits of social work and 2 to 6 years of practice in order to gain a qualification of a social worker. Since 2006 a person willing to work as a social worker is required to have or seek higher education in social work. The person who holds a higher education degree in another profession has to have five years of practical experience and to gain qualification of social workers which is 40 to 60 credits of social work subjects at a higher education institution preparing social workers. This clearly shows that a person seeking a qualification degree of a social worker has to fulfil higher requirements than before.

The new document defines more clearly the qualification of social work assistant. This is a person who has a lower or does not have any education of social work, has less practical experience of social work, etc.

The evaluation criteria have been amended too. In the first stage there are two main criteria – education (the credits collected) and work experience disregarding the basic education of a person.

Since 2006 there are different criteria for assessment of professional practice according to the gained education. The practice of a person with social work education is assessed by:

- the results and efficiency of practice,
- communication, collaboration and management,
- personal features and values.

The professional practice of a person who does not have social work education is assessed by:

- the length of improvement of professional qualification;
- assessment of practice;
- presentation of personal practice.

The possibility to assess social workers' value attitudes, their understanding of social work and position towards social work profession appear in the new order of attestation. So it is possible to differentiate social workers not only on the basis of formal criteria of education or length of practical experience but to have an in depth look at the actual knowledge and skills of a person, his values and

their relation to the profession. On the other hand, these criteria are not very clear and well defined and they provide subjectivity for attestation of social workers.

New regulation defines stricter requirements for the members of attestation commission. In 1998 it was noted that commission of social workers attestation is formed of social work professionals with a qualification degree of social workers expert or guiding social worker. The degree of social worker expert and guiding social worker might be gained by persons holding a master's degree in social work or persons of lower qualification. Since 2006 no less than 2/3 of the commission members are required to hold a master's degree in social work or PhD in social sciences and master in social work.

These changes of qualification requirements during the last eight years show the growing requirements and stricter selection of persons willing to work as social workers. At the same time these changes show the higher legal status of social work profession.

It is relevant to discuss the requirements for social workers knowledge, skills and values defined in the orders. In 1998 the order of minister "On the confirmation of requirements and order of attestation for social workers" the social work areas where social workers must have knowledge and skills are defined specifically and quite widely. The new order is limited to the knowledge of laws, social security system and society. Other necessary knowledge for social workers is ascribed to skills. This diminishes the status of social work profession.

The new order does not mention the Code of Ethics of Social Workers as one of the documents regulating social work practice, but the values that are necessary in social work are described more clearly and widely than in the order of 1998. The acknowledgement of the Code of Ethics of Social Workers might be an important step towards the development of a legal status of the social work profession.

The order of the Minister of Social Security and Labour of 2006 lists the features that are necessary for social workers. This is an important move towards clearly defining requirements for social workers as not only knowledge or developed skills but also features of social worker himself/herself as a main instrument of help.

On the other hand the qualification requirements for social workers become lower for the highest categories of qualification. That means that in the first version of qualification requirements social workers who do not have social work education did not have a possibility to gain the highest qualification categories – expert social worker and guiding social worker. It is not applicable in the new requirements.

The first qualification requirements of 1998 are classified logically – in accordance with the parts of social work process. So it is easy to use the information in order to assess social work practice and to analyze the qualification requirements. This logic is absent from the new version of requirements.

Another document which is closely connected with social work is an Order of the Minister of Social Security and Labour of 5 April 2006 "On the confirmation of the catalogue of social services". This catalogue classifies, lists and describes social services in Lithuania, the main constitution of their provision and lists the professionals providing them. The impact of this document on the status of social work profession is twofold. On the one hand there is no single service in the catalogue which would not be provided by social workers. This shows the growing need of social workers dealing with social problems and the understanding of this need. At the same time it shows the growing status of social work profession. That means that social work profession is gaining higher importance dealing with problems not only from the point of view of professionals themselves, but its importance is also legally recognized.

On the other hand, this document points only at one service which is provided only by a social worker and an assistant. It is – "settlement in the home of independent residence". Two main aspects may be identified here. First, this shows multidimensional and complex character of problems that social workers deal with. On the other hand this shows the narrowly defined competence of social work. Social work profession still does not have such a clear scope of competence as medics, teachers, lawyers or other professionals. This diminishes the status of the social work profession as it is more difficult for social workers to define the boundaries of social work profession and how it differs from other professions as psychology. In the sense of professional status this legal attitude diminishes the status of social work profession.

According to Švedaitė (2006) the legally formed social work definition does not fully match the essence of social work profession and its function in the society and the profession is still unable to dictate a suitable perception about itself.

Another document regulating social work practice is a not so influential, but no less important document – Code of Ethics of Social Workers (1988). Abbott (1988) states that professional code of ethics is a means of control, which allows protecting boundaries of profession and defending its status.

According to him, the codes of ethics become operative quite late in the process of development of a profession. On the one hand it would be possible to contradict by stating that in Lithuania talks about a code of ethics of social workers were initiated quite early. The Code was adopted in 1998, at the same time when it was started to talk about attestation of social workers and the qualification requirements were adopted. But this time it is more important to talk not about legal acknowledgement of a code of ethics but about its actual implementation in practice. Of course it would be difficult to determine an accurate date, when code of ethics was started to apply in practice, but several empirical researches allow making some assumptions. The code of ethics may have controlling power only when social workers apply it in practice. The research of Varžinskienė and Ivanauskienė (2006) has shown that 33 percent of social workers with no social work education who participated in the research had never heard about the Code of Ethics of Social Workers. Besides, 44 percent of respondents did not use the code of ethics in practice or used it only rarely (Ivanauskienė and Varžinskienė, 2007). The data show that the presence of the code of ethics does not mean that it is used in practice or has any impact on the social workers.

## Conclusions

1. The status of a profession depends on boundaries and prescribed or limited practice spheres of profession defined by law. The legal status of a profession is entrenched slowly but remains for a long time.

2. Legislation regulating social work practice in Lithuania is still developing, it often changes, little attention is paid to the formation of the policies of the profession.

3. Legally the requirements for social workers' qualification grow – the social work education is required, personal features, efficiency of practice are started to be assessed during attestation, the members of attestation commissions are selected on the basis of stricter requirements.

4. The inclusion of social workers in the catalogue of social services display dual information: the functional need of profession is shown by appointing a social worker as a provider of all services, but information that he can only provide one service shows the narrow scope of the professional boundaries.

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## **TEISINIO REGULIAVIMO YPATUMAI FORMUOJANT SOCIALINIO DARBO PROFESIJOS STATUSĄ**

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### **Santrauka**

Straipsnyje nagrinėjami socialinių darbuotojų veiklą reglamentuojantys įstatymai ir kiti teisiniai aktai, kurie turi reikšmės profesijos statusui. Teisiškai nustatyta jurisdikcija, o su ja ir profesijos statusas įsitvirtina lėtai ir išlieka ilgam laikui. Lietuvoje socialinį darbą apibrėžiantys teisiniai dokumentai vis dar yra tobulinami, todėl svarbu juos analizuoti ir reikalui esant pertvarkyti įtraukiant skirtingų sričių specialistus, tokius, kaip teisininkai, socialiniai darbuotojai, politologai.

Straipsnyje analizuojami tokie teisiniai dokumentai, kaip Lietuvos Respublikos socialinės paramos koncepcija, Lietuvos Respublikos socialinių paslaugų įstatymas, Socialinės apsaugos ir darbo ministro įsakymai dėl socialinių darbuotojų kvalifikacinių reikalavimų ir dėl socialinių paslaugų katalogo patvirtinimo bei Socialinių darbuotojų etikos kodeksas.

**Pagrindinės sąvokos:** socialinio darbo profesija, teisinis reguliavimas, socialinio darbo profesijos statusas