

# BALANCING REGULATION AND SUPPORT IN CHILD PROTECTION: USING THEORIES OF POWER TO DEVELOP REFLECTIVE TOOLS FOR PRACTICE

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## Abstract

The aim of this paper is to explore the theme of Regulation and Support in Child Protection with a view to considering how selective use of abstract theory (in this instance, related to power) can be used to enhance existing practice guidance and tools for supervision. By way of illustration, I use the example of understanding the balance between support and regulation in Child Protection to show how theories of power can inform practice. The focus is specifically on the skill of mediating between care and control/support and regulation in child protection and welfare. A number of frameworks for reflection in supervision are proposed. The paper concludes with the argument that we need to think of power along a continuum from No power to All power, accepting that it is rarely the case that we find ourselves, our organisations or our service users with totally no power or absolute power.

**Key words: Child protection, Thresholds, Power, Regulation, Support.**

## Introduction

The particular challenge of doing child protection practice well is a longstanding and persistent one in Ireland, (e.g. Burns & Buckley, 2015), as elsewhere (e.g. Parton, 2014). One way to help develop refine and advanced skills in doing child protection – which is effectively mediating between regulating and supporting families – is the engagement in exercises focused specifically on power and power relations. This article provides some frameworks, drawing from theories of power that allows for well-informed critical framework that can be used in training or supervision to help to develop and advance these essential skills for child welfare practice. The focus is specifically on the skill of mediating between care and control/support and regulation in child protection and welfare.

Reflecting on the development of child protection and welfare in Ireland since the introduction of the Child Care Act 1991, it is remarkable to note how the knowledge base for child protection and welfare practice has become so immense (McGregor, 2014). The field is arguably one of the most well developed within Irish social work with regard to access to theory, knowledge, research and evidence. Finally, nationally and internationally, we have ample access to a range of theoretical perspectives spanning the individual to the societal level from the passive descriptive to the strongly critical and radical. Specifically, we can draw from extensive publications from the UK (*Review in particular journals such as British Journal of Social Work; Child Care in Practice and Child and Family Social Work*) Europe (see *European Journal of Social Work*), America & Canada (See for e.g. *Child and Youth Services Review*), Australia (See *Australian Journal of Social Work*) and Asian and African Perspectives (see for Example *International Journal of Social Work*). Access to such knowledge is becoming more readily available to those who study and practice social work with open access sites become more widely developed and resourced (See for e.g. HSE Lenus; <http://rian.ie>; <https://www.openaire.eu/>; <http://aran.library.nuigalway.ie/xmlui/aboutaran.html>; Academia.edu).

However, notwithstanding this impressive array of knowledge resources at our disposal; the major moves forward in our thinking and understanding about child protection and welfare practice and diversity of perspectives available to make sense of this, there is a continued and ongoing need to ensure we do not get to a point where knowledge and evidence becomes un-problematized due to it becoming embedded in the processes and systems. It is equally challenging if social work becomes overly-problematized and critiqued to a point of paralysis whereby the essential purpose and intent of the profession is called into question without any remedy against this. So in the case of power and power relations, it is of little use to talk passively about 'empowerment' as if it was an automatic, simple and non-problematic activity and equally useless talking generally about power in simple polemic terms of who has it and who has not. While it is difficult to reconcile the many tensions we have in social work between its therapeutic, reformist and transformational roles (Payne, 2006) or its remedial, developmental and activist function (Midgley, 2001) it is necessary for us to avoid polarisation. And to do this, we can develop nuanced and critically reflective tools to help enable well informed, critical, ethical and 'empowered' practice informed by that theory. We can then use these to interrogate, apply, break-up, contradict and critically analyse a theoretical frame, as applied to a particular practice context, within a set of tangible parameters. In this paper, for illustration, I have taken theories around power and the practice of child protection with this intention in mind.

## Child Protection as Regulation and Promotion of Subjectivity- Starting Assumptions and Theory

My starting assumption is that social work is about balancing care and control and that in child protection, it is a socio-legal activity focused on balancing regulation and support. And historically, social workers have always been, amongst other things, mediators as defined by Abraham Flexner as far back as 1915 (See Cree, 2011;3). This position and understanding of social work is well rehearsed in Skehill 2003; 2004, which is largely influenced by Nigel Parton's interpretation of child protection social work in England and how it evolved from 1980 to the present (See for e.g. Parton 2014). The following quote captures the core point well:

'What I have argued (Parton,2014) is that social work is the only profession which is based on a socio-legal expertise and which continually tries to mediate across a series of tensions which occupy the space between the family and the state and which I characterise as an intermediary zone - 'the social'....( Parton, 2014; 2053)

He goes on to argue that:

'In particular, social work plays the key role in putting into operation the state's legal basis for intervening into some families where there are concerns about children while trying to ensure that not all families become clients of the state, and in a way that no other occupation is able to do' (Parton, 2014; BJSW P. 2053).

More recently, my view of the relationship between regulation and support, and the centrality of the promotion of the subject in child protection has been influenced further in two directions. First, the establishment of TUSLA has led to a live debate, in action, about orientation of the child welfare system, the new practice model of Parenting, Prevention and Family support and Meitheal/Networks to interface (seamlessly) with the child protection system and the discussions that derive from that about the level of need /risk, nature of intervention (support, regulation) (Tusla, 2015). Second, I have added to the repertoire of reading about power which to date has focused on Foucault and Foucault inspired work alongside some excellent social work publications such as Chambon et al (1999); Smith (2008) and Tew (2006) from some exploratory engagement with the broad political science body of work by Haugaard and Ryan (2012) specifically and the Sage Handbook on Power edited by Haugaard & Clegg (2013) more generally that have helped develop the reflective tool referred to below.

But some direct input from Foucault in the first instance seems helpful. In one of his best publications about the subjectivity and power- aptly called *The Subject and Power*, in 1982, Foucault sets out that human beings are made subjects through three processes:

- The objectification of the 'speaking subject' as represented in intellectual writing where the subject is objectified and categorised through discursive

description –(The client; the patient; the social worker's etc.)

- the objectification of the subject through 'dividing practices' which can be either inside the self (e.g. good-bad; sane-insane) or the self-divided from others (delinquent-non-delinquent; bad parent-good parent)
- The creation of subjectivity by the individual – i.e. how individuals create their own subjectivity through practices of self-regulation and knowing oneself (i.e. The potential to change /improve parenting capacity).

And when we think of the 'subject' (others will refer to the subject as the agent/ the individual) there are two main ways to think about it: being subject to others- by control and discipline and resistance to this; and being tied to one's own identity by a conscience or self-knowledge (O'Farrell, 2005) This implies that as subjects, we balance between subjectification and objectification from 'outside' and promotion of subjectivity from 'within'. Applied to child protection, this means that there are objective criteria (thresholds, evidence and indicators of abuse) that are applied when assessing a situation. This is assessed alongside the person, their potential, their story – their 'subjectivity' as the person beyond the objective act of abuse or neglect as measured by the Threshold criteria. There is power from within alongside this for the person (subject) to advocate for their 'potential sociability' (from Philp, 1979) that suggests they either did not mean, or will not repeat, the objective behaviour classified as abuse or neglect.

Mark Philp (1979) in the *Sociological Review* wrote about the form of knowledge in social work and explains this process brilliantly by suggesting that social work's 'regime of truth' – i.e. its modus operandi – was the creation of subjects and the mediation between potential sociability/subjectivity and the objective requirements for surveillance and regulation. Discussing his work in 2003, I explained that 'Philp, reflecting a perspective similar to that of Foucault (1977, 1979), argues that the particular function of social work in this context is the creation of subjects. This implies that one seeks to promote the potential sociability of the individual, for example, the potential of an abusing parent to engage in more acceptable child-rearing practices. As long as the individual's potential for reform outweighs their objective status – for example, as a child abuser – social workers intervene on the basis of moralization and normalization. (Skehill 2003; page 143)

## How Can Investment in Wider Theorisation Relating to Power and Power Relations Impact on Child Protection Practice?

Using the current guidance from the TUSLA Thresholds Document, Table 1 attempts to capture the applicability of this conceptualisation of child protection as an essentially 'socio-legal' practice involved in balancing between promoting subjectivity and regulation of objective behaviour referred to as mediating the



social. The matrices of need are drawn from the 2014 Thresholds guidance document which are explicitly intended to be an ‘illustrative guide’ to inform professional judgement. The document emphasises how children can and do move across levels and that Children in levels 2-4 also need universal services. If we think of the threshold just, for now, in relation to the discussion on ‘regulation’ and support, with a focus on risk of harm, the table gives a snapshot of how we may apply the theory aforementioned. In addition to the 4 levels, I suggest, for illustration that an additional 4a is added which is the point beyond which mediation is possible or advisable. This is the cases where abuse and neglect/harm are of such severity that they are dealt directly through the criminal justice system. Such cases are incidences where the objective behaviour of abuse and harm far outweighs any potential, as judged in that moment in time, for reform or resolution.

Level	Definition	Nature of Mediation
<b>1</b>	‘No additional needs/ child achieving expected outcomes’ (Thresholds Document, 2014; 2)	Self-regulation
<b>2</b>	‘Children with additional needs’ (ibid)	Socio-legal support and mediation (high level support, low level regulation)
<b>3</b>	Children with multiple (complex) needs (ibid)	Balancing support and regulation –meeting need and risk management
<b>4</b>	Children with highly complex, acute (need) and/or immediate risk of harm (ibid)	
<b>4a</b>	This author has proposed this distinction on the basis that some aspects of Level 4 fit in the clearly defined, forensic, illegal acts of child abuse that require immediate legal intervention and charges made against the offender.	Objective Behaviour outweighs potential sociability - mostly Legal intervention required.  Where Risk turns to <u>Danger</u>

The ‘higher up’ the model, the more intense the need for risk management/regulation and the lower down, the more reliance is on expecting self-regulation. Communities and individuals generally look after children and protect them from harm. While maybe not aware of the Child Care Act or Children First, most individuals, families and communities show a level of awareness of what is and what is not acceptable with regard to child care. Families self-regulate and regulate each other, support each other when struggling or gently or otherwise point out if we think a loved one is not caring for or protecting their children. It should be noted also that while there can be a progression within the model – between levels 2 and 3 for example – a referral

could go from Green to Red if, for example, sexual or physical abuse is discovered. Neglect tends to be more progressive through the levels as it is the persistence of this over time that is of core significance.

So if for now, we accept this conceptualisation of child protection as socio-legal mediation, regulation / monitoring while supporting /caring, the next question is how this is helpful to us in practice?

### **How Can Further Interrogation of Theories of Power Help Develop Tools for Supervision and Reflection?**

Further thinking about power and power relations can help to make further sense of the idea of socio-legal practices of mediating in the social work support families and monitor risk for children at one and the same time. Firstly, we can summarise the following underpinning assumptions as a guide:

- Power is multi-directional and non-linear
- Power is everywhere and somewhere in differing degrees
- Power is not in itself either good or bad –power exists and can be used to either effect
- Where power exists, resistance will also be found – ‘le resistance’

Power needs to be understood from a range of dimensions in terms of process; products, relations

Tew (2006; 41) helpfully explains how productive modes of power can be protective or co-operative while limiting modes of power can be oppressive or collusive. Smith also contributes significantly to our understanding of power and explains that it be viewed as a process, a product, and a practice (Smith, 2008). The Houston (2015) Model of reflective practice for supervision is an impressive, sophisticated and well informed toolkits to help apply theory to practice and supervision currently available. Commissioned by the Northern Ireland Social Care Council ( who carry a similar regulatory role as CORU in Republic of Ireland), he developed a framework around an ‘inter-linked, yet separate domains of experience, categorised as: (a) psychobiography (b) relationship (c) culture (d) organisation and (e) politics/ economy.... Power is central to them all’ (Houston, 2015, 9). Later in the toolkit, he considers the interlinking concepts are Power, Agency and Structure and thus read across well to this work as it too draws, even if briefly, on the work of Foucault (p. 41).

The recent Sage Handbook on Power (2013) offers extensive analysis of power and power relations from a range of perspectives that build on the frameworks already developed within social work. The editors, Mark Haugaard and Stephen Clegg, usefully encourage the reader to consider the different theories as one would a family where there are different characters and emphases. Whatever the approach, it seems that we

can locate power analysis within the context of certain dualisms which are helpful frames. These include:

- Power over and power to;
- External and Internal (also can be referred to as Intransitive/Transitive or Agency and Structure),
- Potential and Actual
- Good and Bad/ Positive –Negative.

Table 2 and Table 3 illustrate some important considerations that inform a reflective tool for thinking about power and power relations in child protection that are adapted from this reading on power and developed with view to assisting in framing a reflective tool to use in supervision or teaching or practice. The references used are recommended as primary resources to consult to get a fuller overview of the points summarised here for illustration.

**Table 2: Matrix of Power for Social Work – adapted from Tew 2006; 41**

	Power Over	Power With
Productive Modes of Power	<b>Protective power</b> Deploying power in order to safeguard vulnerable people and their possibilities for advancement	<b>Co-operative power</b> Collective action, sharing, mutual support and challenge – through valuing commonality and difference
Limiting Modes of Power	<b>Oppressive power</b> Exploiting differences to enhance own position and resources at the expense of others	<b>Collusive power</b> Banding together to exclude or suppress ‘otherness’ whether internal or external

**Table 3: POWER MATRIX adapted from GOHLER, 2013.**

Power To & Power Over*	POTENTIAL	ACTUAL
Reference to Outside**	Capacity	Influence
Self-Reference***	Self-Binding	Empowerment

\*Note that these dimensions ‘are so hard to distinguish...what they mean is in both cases ambiguous and mutually entwined’ (Gohler 2013; 25)

\*\* Transitive Power: Reference to the Outside ‘power which translates the will of an actor into another actor’s will and thereby exercises influence’ (2013; 25)

\*\*\* Intransitive Power – Self-Reference ‘power relating to the inside’ ‘power that is produced and preserved by itself, by society’ (2013; 25)

**Table 4: A Reflection Tool for Child Protection: Dialectical and Critical Thinking About Power**

DUALISMS to REFLECT ON	
<ul style="list-style-type: none"> <li>• Power over / power to</li> <li>• External/ Internal</li> <li>• Potential and Actual,</li> <li>• Good and Bad.</li> </ul>	
<b>AUTHORITATIVE POWER</b> (Power Over Used Well)  <i>How do I use my Power to Influence and Advocate?</i>  <i>How can I use my power positively?</i>	<b>COERCIVE POWER</b> (e.g. Power OVER used BADLY)  <i>Do I abuse my power? Do I use it for wrong reasons?</i>  <i>Is someone exercising coercive power over me? How do I know different between authoritative and authoritarian/coercive power?</i>
<b>POWER TO RESIST</b> (Internal Power used positively or negatively)  <i>What skills can I use to gain Trust?</i>  <i>How do I resist Resistance?</i>  <i>Do I resist to obstruct or to stand for what is right?</i>  <i>Does my service user resist to obstruct? Or for what is their right?</i>	<b>POWER TO EMPOWER</b> (e.g. Internal Power USED WELL)  <i>What Power do I have?</i>  <i>What Power does my Service User Have?</i>  <i>How are they using this?</i>  <i>How am I using this</i>

Another way to develop reflection is to take one of those aspects (or another) around power be it authoritative, participatory and mediation and using the taxonomy by Gohler (2013) and assisted by work of Tew (2006) and Smith (2008) alongside the overarching influence of Foucault. The broad frame is provided in Table 5-7. Table 8 offers some questions that can be raised at different levels of systems to develop further reflection. These tables can be adapted and applied to questions focused just on one domain –such as the professional worker or individual agency or service user – or a number of them. (See also Houston 2015 for excellent reflective tools for supervision including a focus on power).

The big question then is how this framing and breaking down of power and power relations can help as a reflective tool in child protection. Table 4 represents such work in progress that points to useful questions and considerations.

**Table 5: Critical Reflection on Power Matrix: AUTHORITATIVE POWER**

Internal Power	Positive Use of Power		External Power
	Resistance of abuse and danger Resilience Confidence Knowledge of law empowers	Effective Use of Law in cases of abuse/suspected abuse  Practice and engage according to core principles of Supporting Families/ Best Interest of Child  Use of disclosure processes	
<b>Authoritative POWER</b>			
	To become disempowered Abuse leads to feelings of loss of control over self Refusal of abuser to engage /resistance of acknowledgement of responsibility Passive resistance of intervention Decision to not trust Personal choice to operate to Procedure over person	Abuse of children by adult Abuse of position of power Use of Coercive / authoritarian rather than authoritative power Withhold information about a case without due cause Act oppressively towards an abuser/suspect Intimidate threaten worker with help of others	
<b>Negative use of Power</b>			

**Table 6: Critical Reflection on Power Matrix: Participatory Power**

Internal Power	Positive Use of Power		External Power
	Power over own situation Relationships are positive and trusting Sense of having some power –	Effective power sharing Honest about scope of participation and limits Open Information sharing Consultation Involvement in decision making Processes in place	
<b>PARTICIPATORY POWER</b>			
	Misinformed Disempowered Lack of belief and use of power to resist/sabotage efforts at partnership	Tokenism Broken promises Unmet expectations No clear process to facilitate participation	
<b>Negative use of Power</b>			

**Table 7: Critical Reflection on Power Matrix: Mediation of Regulation and Support in Child Protection.**

Internal Power	Positive Use of Power		External Power
	Healthy resistance and ability to stand up for self Belief in promoting rights and power sharing Good skills in use of authority Commitment to use power of knowledge CPD to be best informed	Facilitate maximum participation Appropriate use of legal power Share as much knowledge as possible Supporting and regulation in balanced open and honest way	
<b>Mediation of Regulation and Support in Child Protection</b>			

Lack of belief in right to a chance to change and passive resistance	Too passive –support but not enough risk management
Minimal effort	
Use of power to not engage	Too authoritarian without the supportive element and promotion of the potential to change
Resistance to Sabotage	
<b>Negative use of Power</b>	

that it is rarely the case that we find ourselves, our organisations or our service users with totally no power or absolute power. Most practice operates along the power continuum through a complex array of relations and inter-relations where power can be used positively or negatively. This article is concerned about the exercise and use of power along the full continuum, be it care-control or, as is normally the case, a complex, intricate, dynamic and fluid interchange that can rarely be disaggregated. It is a more a matter of degree as opposed to distinction and irrespective of the emphasis on regulation and support, a critical awareness of use of power; understanding of power processes at inter-playing levels is an essential requirement for the effective and ethical child protection worker.

**Table 8: Reflective Questions to apply and adapt for Critical Reflection on Power Matrixes**

The Worker / Team	The Client/ Service User	The Organisation / System	The Cultural Context	Structural Context
What power do I/we have?	What Power does the service user (adult or child) have?	What power does the organisation have (e.g. Law, policy, authority)?	What social attitudes are influencing the situation?	Where does the power to transform lie?
How can we use it positively?	What internal power do they have?	How is power used positively?	What is the power of the attitude e.g. dominant cultural attitudes?	How are societal structures imposing negative power effects (e.g. dominance of patriarchal views)?
Am I using power negatively?	How are they using it? Positively? Negatively?	Can we use power in other ways to advocate?		
What internal power do I have as professional?	How can I help them use it more positively?	Can we challenge negative use of power?		How can we use policy, law and influence to challenge structural constraints?
What external powers do I have?	Can I share any of my power? How do I do that?			

## Conclusion

In child protection, the well-established core of the activity is to effectively balance between regulating the parent/carer/family who is neglecting or abusing their children, or deemed to be at serious risk of doing so and supporting them to amend or avoid such behaviour. Balancing Care and Control is one of the most basic concepts underpinning social work presented to new students but yet the manner in which one manages this ‘control’ or ‘monitoring’ can often be challenging. I have suggested that we need to think of power along a continuum from No power to All power, accepting

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