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## Child protection and family support practice in Ireland: A contribution to present debates from a historical perspective

### Abstract

This article takes the opportunity of the current child welfare system change in Ireland to promote the value of learning from history to better understand the interface between family support and child protection. The paper draws from the histories of child protection and family support to illuminate the commonalities and differences that have come to define the two practices. Using findings from two historical studies - one on family support and the other on child protection – the paper demonstrates the unique features and the many integrated elements of family support and child protection in Ireland. It is argued that students and practitioners need to be provided with a stronger sense of the historical developments that have shaped the present. This will enable comprehension of the complex context within which current relations between ‘protection’ and ‘support’ are negotiated and help to avoid operating in a vacuum of a present only viewpoint. The paper concludes with reference to the need for students and practitioners to navigate the complex relationship between family support and child protection at practice, policy, and organizational level through a well-informed knowledge of the historical as well as the present context.

### Key Words

Child protection, family support, child welfare, history, practice, learning

## Introduction

A major child welfare systems change is underway in the Republic of Ireland with a new independent Child and Family Agency, Tusla. The Agency has been in operation since January 2014. For the first time in Ireland, child protection and welfare services are delivered separately to a broader health and social service statutory model of provision. The agency is an independent statutory authority governed by an expert Board (see [www.tusla.ie](http://www.tusla.ie)). Its intention is to reorientate the way in which child welfare services are delivered to maximise the preventative and early intervention capacity of the system. The opportunity to systematically interrogate the relationship between protective, preventative and support services at this moment of change in Ireland has relevance far beyond the national context. As Whittaker (2009) outlines, in many systems, a 'fault line' in children and families services means that we have "continuing tension between 'front-end', preventative services and 'deep-end' highly intensive treatment services and the unhelpful dichotomies these tend to create and perpetuate" (p.167).

This paper focuses on the interface between child protection and family support. Specifically it considers key learning from how both practices have developed in Ireland over the past century and a half. It is argued that discursively child protection and family support have evolved as two distinct strands which continue to be influential in the present design of the new Tusla system. However, in practice, they have always been necessarily intertwined. Now is the time to maximise the potential to integrate the approaches in a way that achieves the ultimate goal of the new Agency, better outcomes for children and families.

This paper has five sections to follow. Firstly, a brief discussion of a global perspective on child protection and family support is provided. Secondly, an overview of significant periods and events in the child welfare system in Ireland is offered. The next section reviews the history of education and training programmes for social workers and social care workers. The discussion then considers the future challenges in considering child protection and family support. The conclusion reiterates the key message presented in relation to the practices of protecting and supporting.

### **Global perspectives on the interface between child protection and family support; a brief overview.**

Historically, countries around the world have had different responses in their attempts to meet the needs of children and their families depending on their ideologies, cultures and political climates though there have been some seminal global influences that have shaped some of this development. Three main types of child welfare systems are commonly identified internationally: those mostly orientated towards protective risk management systems such as Australia, the United States of America (US) and the United Kingdom (UK); those identified as being more welfare oriented (e.g. Nordic countries and central Europe) and those that are more community orientated (e.g. African, Saharan and some Asia-Pacific models).

International comparisons of child protection and welfare such as that provided by Gilbert (1997) and Gilbert et al. (2011) consider child welfare broadly in terms of protection services and support or care services. In his work in 1997, Gilbert identified two main orientations of child welfare services: family support and child protection. By 2011, with colleagues, this was triangulated to a third element focused on child development and children's rights (Gilbert et al., 2011; see also, Gilbert, 2012). Rather than looking to separate these systems too starkly, Gilbert et al. (2011) and Gilbert (2012) argue that most can be considered within a three dimensional context having features of family support, child protection and child-centered approaches.

In reviewing histories of child protection and family support from a global perspective, one can observe that throughout, implicitly or explicitly reorientation from child protection towards support and prevention is a common theme (Lonne et al., 2009; Tunstill and Blewett, 2015). The Munro Review of Child protection (2011) attempts to establish a specific set of practice principles to integrate child protection and re-orientate towards family support practice. Munro refers to the principle that 'the child protection system understands its dual mandate to support families and to help them to provide adequate care, and to intervene authoritatively when children and young people need protection (2011b, p.19). This recommendation reinforced messages from recent debates emanating from child abuse inquiries (e.g. Laming, 2003); country specific research studies (e.g. Daro & Donnelly; 2002; Pinkerton et al., 2004) and authors on child welfare and protection (e.g. Parton, 2014) and family support (e.g. Featherstone, 2004; Lonne et al., 2009; Devaney and Dolan, 2014; Frost, Abbott and Race, 2015; Canavan, Pinkerton and Dolan, 2016).

Of particular relevance for this paper is the way in which systems are deemed to negotiate between support and regulation through socio-legal processes on the one hand and family support interventions on the other (Parton, 2014). It would seem that the legal and risk management responsibilities of many child welfare systems have a major influence on overall orientations and that there is a constant push - pull dynamic between a quest for early intervention and prevention and the demands of ongoing risk management and protection. For example, Daro and Donnelly highlighted the difficulties in translating a rather universal agreement that prevention of harm is an important matter to the actuality of delivering of services that achieve this goal (2000). The push - pull between prevention and protection underpins this debate. Likewise, in Northern Ireland, Spratt (2001) originally found that child protection social workers wanted to 'reorientate' their approach but felt they needed permission to take the focus away from risk management. Spratt, with Hayes reviewed his ongoing research over a decade later and found that; 'whilst there has been a reduction in the headline numbers of child protection investigations undertaken... the everyday patterns of practice with families and children where parenting concerns remain evident reflect child protection risk management priorities and practices' (Hayes and Spratt, 2014, p. 615). Schmidt (2010) makes a similar argument in her history of child welfare in South Africa, though

focusing more widely on the relationship of child protection and social development. She argues that 'this history of the present identifies that a child protection discourse continues to dominate current child welfare legislation and policies, both at a state and an agency level... The dominance of the child protection discourse allows service users and service providers to be constructed in such a way that maintains the use of an intrusive, individualistic approach to child welfare that effectively overlooks the impact of structural factors on the lives of vulnerable children and their families' (p. 2102). A wider contextualized approach is advocated in child protection and welfare services where practitioners have scope to orientate their practice towards support and prevention while also working to ensure children are safe.

Building on Tomison's (2001) review, Churchill and Fawcett (2016) reporting on one area of Australia offer a similar analysis and add updated insight into the relationship between child protection and family support. Indeed, the international study by Daly et al. (2015), in its country specific commentaries relating to family and social support, give similar expression to the diversity that exists across the globe in terms of how child welfare support and protection services are constructed. While the work of Gilbert and colleagues, as described, has focused on countries in Western and Central Europe, America and Canada, their findings about child protection and welfare also resonate more globally. For example, with regard to Eastern European countries, a number of publications have contributed significantly to the history of how child welfare and protection services developed (e.g. Hering & Waaldijk, 2006; Hauss & Schulte, 2009). In addition, a number of specific country analyses of themes relating to child welfare under socialism demonstrate again the complex context within which child protection and family support services have developed in the former Soviet Bloc (Hering & Waaldijk, 2006; Lorenz, 2006). Covering all of Europe, Daly (2007) in her report commissioned by the Committee of Experts on Children and Families provides an overarching account of the emergence of the third dimension in child welfare - the focus on child development and children's rights along similar lines to Gilbert et al. (2011). A vivid example of the specific Nordic context of change in child protection and welfare is provided by Satka and Harrikari (2008) who consider history as a resource to think critically about the increased social control and neo-liberal discourses underpinning child welfare. For example, they discuss how the orientation of child welfare in Finland during the 1990's, a time of great recession in the country, moved discourses of universalism and support to discourses of social control and risk management. They document how the classic core functions of balancing care and control in child welfare interventions as documented by Donzelot in 1979, still persist.

Considering Ireland as a country specific case, Shannon (2009) noted a similar trend as is evident internationally, arguing that: "Ireland seems to be straddling both the child protection system and a family support system with a large amount of inconsistency throughout the jurisdiction" (p.x). For the most part though, the system tends to be debated with a focus either on child protection and welfare (Buckley, 2003; Ferguson, 2011; Buckley & Burns, 2015, McGregor, 2014) children in care (Moran, Mc Gregor and Devaney, 2016) or family support (Canavan et al., 2016; Devaney, 2011). The Hardiker four level model of intervention has been developed over time as a means for setting thresholds and framing the service delivery model in Ireland. The implication is that as children's needs vary in complexity and intensity, so too must the formal support services provided to meet their needs, when necessary (Hardiker et al.,

1991). While the 'whole picture' of the system captures the range from universal to specific and targeted, it seems we think of child protection and family support in a fragmented way.

In sum, this brief commentary on the global literature indicates a complex interplay between support and protection. It is a reminder of the need to capture how present dilemmas, challenges and opportunities are a product of the past which needs to be well understood to inform present and future decision making. It is clear from reading histories within different selected countries that no present system is without a backstory about state-family-child relations; orientations; support responsibilities and legal protection. As Satka and Harrikari (2008) argue, 'knowing that child welfare took on many forms in the past helps us to understand the complex and contradictory nature of child welfare as a balance -seeking activity between care and control in a particular spatial space' (2008, p. 658). The next section presents an overview of the development of family support and child protection in Ireland as a way of informing present debates that center around: the challenges of maintaining a good protection system while re-orientating towards greater early intervention, prevention and family support (Tusla, 2015).

#### Child Protection and Family Support in Ireland: A shared history

In order to examine the issues which inform and impact on the dialogue surrounding family support and child protection in the Irish context it is necessary to reflect on the journey as it evolved. As aforementioned Tusla, an independent Child and Family Agency was established in Ireland in 2014. This reform marks a significant shift in the structuring and orientation of the statutory child protection and welfare system. It is essentially the culmination of a series of developments and events dating back (in the main) to the 1970s. In order to appreciate the present day debate a brief overview of the developments in child protection and family support during this period is provided. The historical overview is divided into a number of time frames or specific events. It firstly considers the provision of services for children, young people and families prior to circa 1970 with the key changes that took place after this point in time then outlined and discussed. The Task Force Report, of 1980 and its associated impact is then discussed as a driver of change in the social service system. The introduction of the Child Care Act in 1991, a landmark in children and families service provision is considered. Finally, the impact of subsequent child care inquiries and the move towards the development of a new agency to respond to the needs of children and families is reviewed. The paper also then considers the education and training provided to social workers and social care workers in Ireland in order to further illuminate the debate on the interface between child protection and family support.

From the foundation of the Irish State (in 1922) onwards the provision of support services was primarily provided by the Churches, particularly the Catholic Church, with an overriding view that families and communities should generally service themselves. Together, the 1908 Children's Act and the Irish Constitution (Bunreacht Na hÉireann, 1937) provided the main legal framework for child care until the early 1990s. As the Constitution has enshrined the protection of the family from undue interference from

the State, a sensitive and largely minimalist approach to intervention in family life found its way into child protection and welfare discourse (Skehill, 2003b). A tension for professionals existed between the use of minimal intervention into family life as prescribed by the Constitution, and the powers available under the child care legislation (Skehill, 2003b, 2007). The Irish Society for the Prevention of Cruelty to Children (ISPCC), initially established under the auspices of the National Society for the Prevention of Cruelty to Children, administered the child protection services in Ireland until the late 1960's. In addition, the State also held a long-standing residual role for protection of the children who came directly within the remit of the statutory services. This work originated under the Poor Law provision and included the boarding out (fostering) of children from workhouses and subsequent county mother and baby homes established in the 1920's. Inspectors of 'Boarded Out' children were employed from 1902 up to 1970 to carry out the statutory duties of finding foster families for children in the workhouses, supervising these placements and monitoring private arrangements. From the 1940's, they were gradually replaced by child care officers which by 1970 were mostly social workers though some nurses and community welfare officers also acted in this capacity. The services offering residential care to children in Reformatory and Industrial Schools were administered by religious organisations. Children who were involved in crime, as well as children who were orphaned, neglected or 'illegitimate' were housed and cared for in industrial schools, with no distinction between the two groups. However, in the 1930s, State attention began to focus on the differing needs of these children and a Commission of Inquiry was established to examine the operation of the institutions which incarcerated a wide variety of children. The resultant Report stated that it had a number of reservations with respect to the operation of the schools, mainly in regard to the nature of the education and training obtained, the large numbers of disabled children to be found in the schools, the lack of support from local authorities and the stigma attached to the schools (Department of Education, 1936). Following on from this, the Tuairim Report published in 1966 argued for the replacement of the 1908 legislation to take into account the present needs of Irish society and contemporary theories and methods of child care and protection. The report also advocated for all child care services to be administered through the [then] Department of Health. It was recommended that children could be better cared for without splitting up the family (Raftery and O' Sullivan, 1999; O'Sullivan, 2009, Devaney, 2011). In response to this a committee was established to review the Reformatory and Industrial Schools systems in operation. The Report of this committee (the Kennedy Report, 1970) was instrumental in highlighting the unrealistic nature of dealing with children in care in isolation, with a strong emphasis on preventing children from being placed in care. O' Sullivan (2009) argues that from a family support perspective the recommendations of the Kennedy Report (1970) had far reaching consequences. As he highlights: "the Report brought about a remarkable shift in emphasis - from punitive to caring, from controlling to understanding, from custodial to educative..." (2009, p. 310). The publication of the Kennedy Report coincided with a major reorganisation of the health and social services with the passing of Health Act (1970). This legislation decentralized the delivery of these services to the eight regional Health Boards and the Community Care programmes became responsible for the delivery of the personal social services which included those of residential childcare and child protection (Skehill, 2003b; O Sullivan, 2009). As a result of the recommendations in the Kennedy Report committee a Task Force on Child Care Services was established in 1974 to look at all aspects of children's services with the intention of preparing a new Children's Bill. The Task Force reported an absence of co-ordinated planning across Departments with responsibility for children, and a mirroring of this at service delivery level (The Task Force Report, 1980).

The Report was instrumental in advancing long-awaited legislation on children's care and protection and in informing and shaping associated service developments. Of note is the emphasis which the Report placed on training of [then] child care workers [now social care workers] with a recommendation that training includes not only working with children but also with their families and the local community (Ibid, p.401).

As the first major legislation enacted since the formation of the State the 1991 Child Care Act represented a landmark in the history of children's services in Ireland. The Act (currently in use) is founded on the premise that it is generally in the best interest of children to grow up at home. The Act places a statutory duty on Health Boards [now Tusla] to identify and promote the welfare of children who are not receiving adequate care and protection and to provide a range of child care and family support services. In performing these duties the [then] Health Boards must regard the welfare of the child as the first and paramount consideration, have regard to the rights and duties of parents, give due consideration to the child's wishes and have regard to the principle that it is generally better for the child to be brought up in their own families (Section 3). The overall aim is for the State to support the role of parents in a humane way, rather than supplanting it (Ferguson and Kenny, 1995).

The Act mirrored provision in the 1989 Children Act in the United Kingdom where family support had gained impetus from the emphasis placed in Section 17 on supportive work with children and families (Featherstone, 2004). One important historical point to note here is that it was only after the 1991 Act was introduced that practitioners other than social workers were employed by the statutory services for the child protection and welfare service. Social care workers were added to child protection and welfare teams in an effort to put into place an explicit re-orientation of a child welfare system that had been primarily reactive under the 1908 Act to proactive in attempting to prevent child abuse and neglect occurring in the first instance. A focus on a child centered approach to service provision was also supported by Ireland's ratification of the United Nations Convention on the Rights of the Child (UNCRC) in 1992. The Convention recognises that children have a range of civil, political, economic, social and cultural rights. In an effort to realise such rights the National Children's Strategy, *Our Children - Their Lives*, was published and outlined its vision for the future to be: "an Ireland where children are respected as young citizens with a valued contribution to make and a voice of their own; where children are cherished and supported by family and the wider society; where they enjoy a fulfilling childhood and realise their potential" (2000, p.10).

However, subsequent inquiries reinforced a major policy and practice concern about the inadequacy of the Irish child welfare system in protecting children at risk. Inquiries into the abuse of children at home (see McGuinness, 1993), in industrial schools (see the Commission to Inquire into Child Abuse, 2009) and greater awareness around failings regarding child deaths in Ireland (Devaney, 2011; Shannon & Gibbons, 2012; Devaney and Dolan, 2014) added impetus to the need to do child welfare differently into the future. The current reform, in part a response to such inquiries and to the child welfare journey as it has evolved, is the establishment of the Child and Family Agency. The Agency is underpinned by the Report of the Task Force on the Child and Family Support Agency (2012) and legislated for by the Child and Family Agency

Act, 2012. Its duties are: to 'support and promote the development, welfare and protection of children'; 'support and encourage the effective functioning of families'; and to 'maintain and develop support services including support services in local communities' ([www.tusla.ie](http://www.tusla.ie)). These duties are performed by both social workers, working mainly in child protection teams and social care workers, working for the large part in family support services or roles. Although both disciplines are educated and trained separately, similar to the history of service provision, there are also some shared developments.

#### Child Protection and Family Support Education and Training

At one level child protection and family support have had a distinct trajectory in terms of education and training. In many instances, though it is not solely the case, practitioners qualified as social workers (graduating from accredited social work programmes) practice child protection and those qualified as social care workers (graduating from social studies programmes) practice family support.

Prior to 1971 there was no generic social work training but rather specialized training for social studies graduates such as Almoner Training (medical social work), child care officer training (child welfare worker) and later in the mid-20th century, psychiatric social work training. Furthermore, this training was not available in the Republic of Ireland so candidates travelled to Northern Ireland or England to achieve their professional qualifications. In 1971 a specific social work qualification was provided when the Central Council for Education and Training in Social Work (of the UK) was established and introduced the generic professionally accredited social work qualification. Social work courses were accredited in Ireland from 1971 to 1993 after which time an Irish organization - the National Social Work Qualifications Board (NQS WB) took over. Since, 2011, accreditation is overseen by CORU, Ireland's multi-profession health regulator ([www.coru.ie](http://www.coru.ie)). Social Care education has not been accredited in the same way as social work but it too shares a long history of professionalization which is reflected in its training and education structure. It is also in the process of becoming a registered profession under CORU. The term 'social care worker' and its previous iteration, 'child care worker' also only emerged from 1970's onwards. The first child care course (mainly focused on residential care) was established in the mid – 1970s with the broader social studies programmes set up in the late 1980s. Increasingly, the commonalities across the two disciplines, as well as the unique differences, are becoming well established and underpinned by common knowledge bases (O' Connor & Murphy, 2006). One could argue that the early social studies training cited above relates as much to the history of social care training as social work.

Despite being an accredited profession in Ireland since 1970, by the time of the introduction of the Child Care Act in 1991, social work had only just established itself on the professional standing it now takes for granted. The aftermath of the 1991 Act provided the first real opportunity for social work to emerge as a profession with distinct expertise; primarily the mediation between care and control and support and regulation through the child protection system. While social workers are employed in other dimensions of the statutory services such as alternative care, the majority operate within what is designated as 'child protection'. Social Workers are the frontline profession responsible for this aspect of the system. Thus, the actuality for social workers in statutory practice is that it remains focused mostly on the child

protection system and only in very recent years has an emphasis shifted towards a family support orientation in child protection (Frost et al., 2005; Devaney, 2011). One other historical development in education is also important to note. In 2003, a postgraduate programme in Family Support Studies aimed at practitioners working from a family support perspective was introduced in one university in Ireland. At the time of introducing the Family Support programme there was a sense that family support was under-conceptualised at a policy and practice level, with many practitioners continuing to work without a common view of its meaning. A fundamental aspect of the Family Support programme is the multidisciplinary nature of the student group who are employed in a wide range of roles and agencies working on behalf of children and families. This reflects the view that family support is an approach to working with children and families which is applicable across disciplines, roles and agencies as opposed to being the remit of one practitioner (Devaney, 2011).

### Discussion

At an overall level there has never been a clear cut off between child protection and family support in Ireland. Instead, it can be seen in terms of an enduring and enmeshed interface based on co-operation between a diverse mix of statutory and voluntary inter-disciplinary provision. For the majority of activity involving the engagement, support, protection and regulation of children and families, the underpinning essence of practice is mediating between support and protection. Expertise in this practice is expected and required from practitioners across the system irrespective of disciplinary origin or primary emphasis in their designated roles or positions with regard to thresholds of need or service provision.

The histories of child protection (Skehill, 2004) and family support (Devaney, 2011) and the historical journey briefly outlined above demonstrate the continuities of the development of child protection and family support as practices alongside wider change such as the Kennedy Report, the Task Force Report, the Child Care Act and the creation of a new Child and Family Agency. The unique orientation that underpins both approaches is also clear. Both share a history of professionalisation that did not occur automatically but rather was sought via unions, associations and advocates. Both, in the present day, share a regulator, CORU, who currently registers social workers and will soon follow suit with regard to social care workers. A shared struggle for recognition is evident; with regard to social work and child protection, up to 1991, a major focus was on establishing recognition for the expertise that was to emerge from the 1990's onwards. And with regard to those in family support, the focus was on a quest to gain a clear definition and recognition of what this meant in theory and practice.

For those within Tusla, social workers and social care workers also share a common challenge and opportunity (McGregor, 2014) to be involved in the process of transformation of a child welfare system towards a parenting, prevention and family support ethos, underpinned by a children's rights perspective and a holistic approach. This ethos has to take account of the requirement of a clear forensic demarcated child protection system and a clear universal support system for children and families. Those doing child protection need skills to do this in a way that promotes children's rights and family support; those working in family support must be highly proficient at identifying, reporting and managing risk if and when it arises.

The need to effectively integrate the statutory child protection services within a wider family support approach has been identified as the issue confronting child welfare in the twenty first century in various contexts, including Ireland (Buckley, 2003; Featherstone, 2004; Connolly, 2004; Laming, 2003; Munro, 2011b). The new Agency shows great potential to improve how this balance can be managed with the child as the centre of the concern. However, it is well established that there are tensions involved in this debate on many levels. Devaney's history (2011) provides evidence that this tension has been expressed through perceived and actual relations between voluntary, community and statutory sectors in child welfare service provision. Skehill's history (2004) focuses more on how professional social work has vacillated between a quest to be a community based generic strategy and a specialist child welfare profession and that debate continues within the discipline more broadly at different times in the past. It is necessary to identify 'family support' and 'child protection' as practices; actions not disciplines or professions. In so doing, a focus on how to maximise the interface and integration between the two, in a way that better serves the needs and interests of children becomes more visible.

In the Irish system change, the ingredients for this dual mandate to operate within a parenting, prevention and family support framework are now arguably all there. It is necessary to now focus attention as to how these ingredients are best blended, mixed, set in harmony alongside constructive critical dialogue to produce the best overall 'outcome'. This challenge is a momentous one within many systems that requires many factors to influence change. One major opportunity to take further steps towards this challenge lies within pre-service and in-service training and continuing professional development. In general, there is a need to maximise opportunity for joint training and shared learning on family support and child protection across the board not just limited to in-service training. In developing such shared learning opportunities, it is necessary to emphasise both distinction and commonality of role and function and recognise that it cannot just be a re-orientation of child protection towards a more family support related ethos but also for family support to be more child protection oriented in terms of explicitly sharing the risk management responsibility. In essence, supporting families who are subject to child protection investigations and working to ease the necessary tension that is inevitable where child protection concerns interface with family interest and support. In order to do this, further expertise on the nature of socio-legal practice and on managing the support and regulation function is required.

## Conclusion

Family support and child protection often happen at one and the same time. The practice of protecting children and supporting families must be informed by both expertise and experience. If the ideals of Tusla and the recent high level policy statement on parenting and family support (Department of Children and Youth Affairs, 2015) are realised, those children and young people in need of protection may well reduce in number but difficulties for families will always be present. In reality, most countries have a long history of child protection legislation or activity in light of the fact that irrespective of other factors, cruelty to children occurs, is illegal and needs to be policed and monitored. The same long history in most countries will be found for services that support families. Observing the Irish systems-change that is presently underway offers an ideal place from which to influence the way in which the role of supporting families and protecting children is negotiated in a uniquely in-depth manner. This opportunity, along with learning from the shared histories, will shape and inform future current and future practice in protecting and supporting children, young people and their parents.

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