

**REFRAMING CHILEAN SOCIAL CARE FOR CHILDREN**

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## **ABSTRACT**

This thesis explores the implementation of a rights-based policy for children in Chile by examining progress within two programs: rights protection and juvenile imprisonment. By applying a combination of organisational and institutional theories, and relying on multiple sites, case-based, qualitative method, this study explores how organisational and cultural dimensions interact to support or hinder this fundamental shift in the framework for children's policy. Findings showed the role of power as the major device affecting the implementation process. Structural power in organisational arrangements unveiled a prevalent model of top-down implementation, marked by patronage and symbolic implementation. Institutional power exerted in the cultural and normative Chilean context showed a persistent hierarchical society infused with conservative beliefs based in dichotomous conceptions of people. This resulted in policy implementers distinguishing strongly between those they considered worthy or not worthy, good or bad, service provider or user, either or, with no room for overlap and little appreciation of difference as a positive societal feature. Interplay between organisational and cultural variables evidenced the strong legacy of deep-rooted understandings of the place of child care services in family life. Until this legacy can be effectively challenged, the implementation of a rights-based approach will remain partial and ineffective.

## CONTENTS

### LIST OF FIGURES

### LIST OF TABLES

### LIST OF ABBREVIATIONS

<b>INTRODUCTION</b> .....	1
1. Research Aims.....	1
2. Chile, the context of the policy for children.....	3
3. Policy implementation.....	8
3.1. Implementation: “Top-down” analytical model.....	9
3.2. Implementation: “Bottom up” analytical model.....	12
3.3. The Comprehensive Model.....	15
4. Thesis overview.....	23
<b>DEVELOPMENT OF SOCIAL POLICY FOR CHILDREN IN CHILE</b> .....	25
1. Introduction.....	25
2. 1928-1970: Original frameworks of social care for children in Chile.....	26
3. Main developments in social care for children in Chile 1970-1990.....	28
4. Current Chilean Social Policy for Children.....	33
4.1. Core Principles.....	33
4.2. Legal framework.....	40
4.3. Operationalisation of core rights.....	46
4.4. Policy guidelines for services.....	53
4.5. Local Right Protection Offices (LRPOs).....	56
4.6. Juvenile Imprisonment Services (JIS).....	62
5. Conclusions.....	77
<b>EXPLORING ORGANISATIONAL FACTORS INFLUENCING POLICY IMPLEMENTATION</b> .....	80
1. Introduction.....	80
2. Organisational Structures.....	84
2.1. Formalisation.....	91
2.2. Power and organisational structures.....	98
3. Organisational Resources and Relationships.....	100
3.1. Resource Control.....	101
3.2. Inter-organisational relationships.....	105
4. Organisational capacity mediated by structural and relationships variables.....	108
<b>EXPLORING CULTURAL FACTORS INFLUENCING POLICY IMPLEMENTATION</b> .....	111
1. Introduction.....	111
2. Institutionalism.....	113
3. Power, legitimacy and desinstitutionalisation.....	119
4. Conclusions.....	128

<b>RESEARCH DESIGN</b> .....	130
1. Introduction.....	130
2. Understanding the challenges of a rights-based perspective for child social Services.....	131
3. Research questions and methodological options.....	135
3.1 Methodological Perspective guiding the research.....	139
3.2 Case study as research strategy.....	140
<b>RESEARCH METHODOLOGY</b> .....	142
1. Introduction.....	142
2. Theoretical Sample.....	142
2.1 Embedded cases study design with multiple sites.....	150
2.2 Selection of multiples sites.....	151
3. Research methods and data collection.....	157
3.1 Focus Groups.....	159
3.2 Interviews.....	165
3.3 Field Notes.....	169
4. Approach to analysis.....	173
5. Conclusions.....	176
<b>ASSESSING PROGRESS TOWARDS A RIGHTS PERSPECTIVE IN LRPO</b> .....	178
1. Introduction.....	178
2. Right of Non discrimination.....	180
2.1 Systematic data collection to recognize the specific needs of the community.....	180
2.2 Public services at the communal and regional levels.....	183
3. Rights of children best interest and protecting their survival and development .....	184
3.1 Inter professional practices.....	185
3.2 Regular communication with local, regional and national authorities.....	186
4. Rights of respecting the child's view.....	190
4.1 Participative strategies.....	190
5. Right to live in family .....	192
5.1 Promotional and clinical interventions with families.....	192
5.2 Staff visions about families.....	193
6. LRPOs advancements toward a rights perspective.....	194
6.1 Community and individual assessment.....	195
6.2 Interagency network.....	196
6.3 Local policy of children's rights.....	197

<b>ASSESSING TOWARDS A RIGHTS PERSPECTIVE IN JIS AND GENERAL ASSESMENT</b>	200
1. Introduction.....	200
2. Right of non discrimination.....	202
2.1 Systematic data collection to recognize specific needs of the Community.....	202
3. Right of children best interest and protecting their survival and development.....	203
3.1 Inter-workers practices.....	203
3.2 Organisational conditions.....	205
3.3 Regular communication with local, regional and national authorities.....	207
3.4 Coordination with gendarmerie and other agencies providing required services.....	209
3.5 Infrastructural conditions.....	212
4. Rights of respecting the child's view.....	214
4.1 Participative strategies.....	214
5. Right to live in family .....	217
5.1 Promotional and clinical interventions with families.....	217
5.2 Staff visions about families.....	220
5.3 Trained staff to develop family interventions.....	220
6. JIS advancements toward a rights perspective.....	221
6.1 Infrastructural requirements.....	221
6.2 Organisational requirements.....	222
6.3 Social reintegration requirements.....	223
7. General conclusions about rights based advances in LRPO and JIS.....	225
7.1 The right of non discrimination.....	225
7.2 Rights of children best interest and protecting their survival and development.....	227
7.3 Right of respecting child's view.....	228
7.4 Right to live in family.....	229
<b>ORGANIZATIONAL INFLUENCES</b>	230
1. Introduction.....	230
2. Organisational structures affecting programme outcomes.....	231
2.1 Exercise of Authority.....	231
2.2 Participation in programme design.....	237
2.3 Access to integral services.....	239
3. Organisational relationships and resources affecting programme outcomes.....	241
3.1 Staff composition.....	242
3.2 Common information system.....	248
3.3 Reflective practices.....	252
3.4 Management skills.....	255
3.5 Organisational relationships and resources mutually conditioned.....	262

4. General conclusions.....	267
<b>CULTURAL INFLUENCES</b> .....	274
1. Introduction.....	274
2. Pervasiveness of stereotypes of families among staff.....	274
3. The legacy of a dysfunctional perspective as a barrier to respecting children's rights.....	281
4. Conflicts among professional cultures.....	291
5. Conclusions.....	295
<b>THESIS CONCLUSIONS</b> .....	301
1. Introduction.....	301
2. Main obstacles to an advance towards a rights perspective in social care Services for children.....	305
2.1 Institutional Control.....	305
2.2 Legitimised notions of stratification.....	313
3. Main supporting to an advance towards a rights perspective in social care Services for children.....	317
4. Concluding Remarks.....	321
5. Final reflections about the experience of carrying out this research.....	325
<b>REFERENCES</b> .....	328
<b>APPENDIX A</b> .....	345
<b>APPENDIX B</b> .....	346
<b>APPENDIX C</b> .....	347
<b>APPENDIX D</b> .....	348
<b>APPENDIX E</b> .....	343
<b>APPENDIX F</b> .....	354



## LIST OF FIGURES AND TABLES

<b>TABLE I</b>	Variables affecting implementation process.....	22
<b>TABLE II</b>	Evidence of core rights: Minimal requirements.....	53
<b>TABLE III</b>	Local Rights Protection Offices:Dimensions of Rights Based Services.....	59
<b>TABLE IV</b>	Juvenile Imprisonment Services: Dimension of Rights Based Services.....	68
<b>TABLE V</b>	Organizational Strategies.....	86
<b>TABLE VI</b>	Chilean Social Care for Children: Organization and Dependency.....	145
<b>TABLE VII</b>	Differences in programmes.....	146
<b>TABLE VIII</b>	Official staff requirements for JIS.....	148
<b>TABLE IX</b>	Official staff requirements for LRPO.....	150
<b>TABLE X</b>	Projection of adolescents at regional level in JIS for 2007.....	155
<b>TABLE XI</b>	Participants in JIS focus groups.....	163
<b>TABLE XII</b>	Participants in LRPO focus groups.....	165
<b>TABLE XIII</b>	Interviewed staff from JIS.....	167
<b>TABLE XIV</b>	Interviewees in LRPOs.....	169
<b>TABLE XV</b>	National Sample Recruitment Strategies.....	172
<b>TABLE XVI</b>	Key positions in JIS.....	242
<b>TABLE VII</b>	Spheres for monitoring policy implementation.....	324
 <b>FIGURE 1</b>	 Interaction among organisational structures, relationships and outcomes.....	 83
<b>FIGURE 2</b>	Chilean maps: regions and zones.....	152

## **LIST OF ABBREVIATIONS**

CTC	Children Town Councils
DJCR	Department of Juvenile Criminal Responsibility
IIP	Individual Intervention Plan
JIS	Juvenile Imprisonment Services
LRPOs	Local Rights Protection Offices
MIDEPLAN	Ministry of Development and Planning
RPD	Rights Protection Department
SENAME	National Service for Children
UNCRC	United Nations Convention on the Rights of the Child

# CHAPTER 1

## INTRODUCTION

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### 1. Research Aim

This thesis explores the implementation of rights-based approach to policy for children in Chile, which constitutes a fundamental shift in the framework for social policy. Transforming social services for children in Chile has taken, until now, twenty three years, since the return in 1990 to civilian rule after 17 years of military dictatorship, and the ratification of the United Nations Children Rights Convention by the Chilean government on the same year. There is no research evaluating the whole process of implementation of the new policy, but a few studies suggest that the goal of installing a rights perspective has been hindered mainly because of lack of appropriate resources.

(UNICEF 2005, Comisión Expertos RPA 2006, Comisión Expertos RPA2007, SENAMEa 2005)

This research will look in greater depth to the problem of progress in policy implementation, by exploring the experiences and perceptions of street level implementers within two distinct programs: rights protection and juvenile imprisonment. The aim of this thesis is to understand the organisational and cultural factors fostering or inhibiting the implementation of policy for children based on a rights approach. Therefore, the concern is not to evaluate the content and effects of the interventions produced by the policy, but to realise how the core rights and policy dimensions of this new approach are translated by implementers in the work they carry out in their specific organisational settings and cultural contexts.

Scholarship on social policy and public administration will be reviewed, illuminated by organisational and institutional theories, and considered under the premise that in policy implementation, organisational structures, in a recursive relation with normative and cultural contexts, affect the practices and outcomes of a policy. Therefore, by applying a combination of these theories, and relying on a multiple site, case-based, qualitative method, this study explores specifically how organisational and cultural dimensions interact to support or hinder this deep change in policy for children.

Policy implementation theories constitute the basic roadmap for this research, understood as the transit from a symbolic world of decision makers, planners, and producers of knowledge, to the lesser known world of front-line workers, social contexts, resource scarcity, power relations, competing values, and resistances (Etzioni 1967, Brehm and Gates 1999, Martínez 2007). In this transit, policy theorists have found what has been called the ‘implementation gap’, or the deficit between planned policy and its results. Explanations of this gap can be found in different studies of policy implementation over time (Pressman and Wildavsky 1973, Lipsky 1980, Hogwood and Gunn 1984, Creegan et al. 2003, Blackmore 2001). Outcomes from these studies stress that implementation does not take place in a vacuum: there is a difficulty in translating policy into public organisations, which have to perform often conflicting societal tasks (Fotaki 2010: 703), especially in the realm of social policy, which is concerned with delivering human services or ameliorating social problems (Hansselfeld and Brock 1991: 452) that we know are complex, multidimensional and diverse. Thus, for implementation analysis we have to review the conditions under which policy design leads to the expected outcomes (Berman 1978: 158).

Given that this research is carried out in a general context not familiar to the readers, in the following section a synopsis of main demographic trends in Chile is provided, especially those affecting children's lives. Subsequently, the theoretical discussion on policy implementation is broached, so as to develop the basic roadmap that guides the research. The chapter concludes with an overview of the research.

## **2. Chile, the context of the policy for children**

Chile is located in the Southern Cone of South America, bordering the South Pacific Ocean, South of Peru and West of Argentina. It has been commonly considered an archetype of privatisation and neoliberal economic and social policies as strategies for economic growth and social equity (Marcus 2004). However, the neoliberal model of development has increased long-standing forms of social and economic stratification, negatively affecting the perception of economic and social security, equity and trust among Chilean (UNDP 2009, Marcus 2004). According to Marcus (2004) Chile's labour market is organised roughly in two segments: permanent, more skilled, and better paid employees, and temporary, less skilled and poorly paid workers. These differences underlie a persistence of inequity in access to social security and health insurance (services privatised in the 1980s) for a group of the population, since access is mediated by permanent and formal employment. The poorest segments in Chilean society, thus, are users of the lower cost and lower quality social services provided by the state.

Demographic data and information about governmental social spending is presented below with the aim of helping readers contextualise this research. The last census was carried out in Chile in 2012, but its final official results are not yet available. Official

figures from the 2002 census indicate a population of 15,116,435 inhabitants, with a rate of population growth of 1.2 people for each hundred inhabitants (while in the 1982-1992 decade the average annual growth was 1.6). This figure puts Chile among of the countries with weakest population growth in Latin America, compared to a regional average for Latin America and the Caribbean of around 8 percent growth (INE 2003, PRB 2011). Most of the population (86%) lives in urban areas; a trend produced by population displacement as well as accelerated urbanisation. The population is greatly concentrated in the central region of the country, with 40% inhabiting the Metropolitan Region of the capital city, Santiago.

This high concentration reflects a tradition of strong centralisation: the main political and business decisions are made in Santiago. The neo-liberal economic model put in place since the late 1970s led to a concentration of production, investment, and consumption in the Metropolitan Region of Santiago, further pressing towards the demographic concentration of the metropolis. The ‘Assessment of Decentralisation Processes’, commissioned by the Chilean government in 2000, pointed to political factors influencing the tendency to centralisation: the unitarian (as opposed to federal) form of the State favours national policies over regional variation. The regional authorities are designated by the central government, instead of being elected by universal suffrage within the region, and are primarily responsible for managing national programs and services in their jurisdictions, follow central government guidelines and instructions.

A second political factor buttressing centralisation is the presidential (as opposed to parliamentary) character of the political regime. The president is elected directly by

the electorate, to an office endowed with the executive power, and to legislative functions that equal in importance those of Congress. Political parties and all national and highly centralised as well. From a legal point of view, the Chilean Constitution (1980) distinguishes between government and administration. Only the latter is legally susceptible of decentralisation.

Turning now to quality of life indices, measures of economic growth show large and sustained progress for the past 30 years, way above the Latin American average. The increase in the size of Chile's economy has helped reduce poverty. The estimation of the magnitude of poverty in Chile, as in most of Latin American countries, is based on identifying poor households whose income is lower than a certain poverty line. The poverty line is set at the monetary value of the goods and services needed to satisfy essential needs. In Chile, economic growth and social policy in the period from 1990 to 2009 reduced poverty from 38.6% of the population to 15.7% (UNDP 2010). This figures put 2.5 million Chileans in situation of poverty, and over 600 thousand in extreme poverty.

Social indices generally show systematic advances: elementary education has almost universal coverage, high school reached in 2000 coverage of 90%, and access to higher education has increased steadily through time to current levels of close to 50% of the college-going age group. There is almost universal access to medical care during and after pregnancy (Raczinski 2000). Housing programs for medium and low income groups have almost eradicated shanty towns, and electricity, clean water, and sanitation are universal, increasing the living standards of most of the population during the last

decades (Raczinski 2000: 295), and putting life expectancy at par with developed countries.

The advances in measures of quality of life are explained by a combination of economic growth, social policies and focalised assistance programs, and the reduction of the birth rate. Yet households under the line of poverty remain a concern for social policy.

According to UNICEF (2005), by 2003 poverty and extreme poverty affected children and adolescents more than the rest of the Chilean population by 43% and 55%, respectively. Poverty and extreme poverty were higher among households headed by women, a fraction of households that has been in the rise in the last decade, reaching now almost one-third of all homes.

Children are especially affected by a territorial concentration of poverty, based on large economic disparities across the regions of the country (UNICEF 2005).

Income distribution in Chile is among the most unequal in the world and has not much changed since 1990. The Gini coefficient was 0.58 in 1990 and 0.57 in 2003, placing Chile among the ten most unequal countries of planet (UNICEF 2005). Similarly, inequality in the share of a country's wealth captured by the richest quintile relative to the poorest quintile (Index 20/20) is practically unchanged: it was 14 times in 1990 and 14.3 times in 2003.

To mitigate these acute social inequalities, in the past decades governments have increased social spending, from 12.6% of GDP in 1990 to 14.7% of GDP in 2003



(UNICEF 2005). Additionally, there has been an effort to improve the targeting of such spending, to make it an effective tool of wealth redistribution.

The structure and organisation of Chilean families has also undergone major transformations. According to 2002 population census, the number of households increased by 26% between 1992 and 2002 and their average size was reduced from 4 to 3.6 people. In 2002, although the most common familial organisation was still the nuclear two-parent household with children, this configuration represents only 38.1% of households. In the decade covered by the 2002 census households without children increased by 20.9%, and single-parent households with children, by 9.7%. Thus, in 2002 approximately 1 in 6 children under the age of six was living in a single parent home. Marriages have decreased from 67% of households in 1992 to 58% in 2002, whilst unmarried cohabitation has increased from 6% to 10% in the same period. In 2002, 1 out of 3 children under the age of six was living in a household whose head of household was not married (in 1992, it was 1 in 4). Half of children are born outside a marriage relationship.

In sum, the Chilean population has benefited from modernisation, as attested by the country's age structure, improvements of social indices, and several socio-demographics changes produced by increases in schooling, female labour, and changes in family conformations, among others. We have also seen that poverty in Chilean families is rooted in structural, unequal social factors, so that even though their quality of life has improved, there remains the challenge of transforming the life conditions of the poorest families. Advances in improving the living conditions of these groups require not only the design of good policy ideas, but also the successful implementation

of those ideas. The following section describes major models of policy implementation, analyses their contributions and their weakness, and finally offers a comprehensive model of implementation including the main dimensions that any process of policy implementation should consider in order to improve its chances of success. The model constitutes a guide for the analysis of the implementation of a rights-based approach in Chilean policy for children.

### **3. Policy implementation**

Attending to the gap typically produced between policy design and implementation, this section is devoted to identify core dimensions for a successful implementation process, reviewing the contributions of Mazmanian and Sabatier (1989), Winter (1990), and Hassenfeld and Brock (1991). Even though each one of them represents singular implementation frameworks, Ryan (1996: 34) unified these perspectives in a pluralistic model, which seeks to address implementation from the point of view of practitioners in public administration. I argue that this model can be analysed through the policy, organisational, and cultural dimensions, and I explain this argument throughout this chapter.

This conceptual discussion is of high relevance in the Latin American context, where much attention is paid to processes related to policy design and evaluation (Cortázar 2007, Revuelta 2007), but very little to policy implementation, mainly because it is expected that if those stages of policy are done right, then implementation and results will improve automatically. However, implementation presents its own conditions affecting the attainment of policy goals, both associated to competing values, objectives, or methodologies (Van Meter and Van Horn 1975, Sabatier and Mazmanian

1980, Mazmanian and Sabatier 1989, Pressman and Wildavsky 1973), and to the problems arising from the complexities of everyday routines, activities, and interactions in the institutions implementing the policies, as well as their structures. These dimensions have been already observed by many authors in developed countries (Lipsky 1980, Winter 1990, Ryan 1996).

Through the development of policy analysis, two main perspectives have been advanced to understand implementation: the top-down and the bottom-up perspectives. The next section describes the main elements of each perspective.

### **3.1 Implementation: ‘Top-down’ analytical model.**

Top-down studies are primarily concerned with how the implementation process is structured to accomplish policy objectives decided by authorities, where centrally located actors are seen as most relevant to accomplish policy (Matland 1995:146, Ryan 1996, Hassenfeld and Brock 1991). Implementation, under this view, is generally understood as a process that ‘encompasses those actions by public or private individuals (or groups) that are directed at the achievement of objectives set forth in prior policy decisions’ (Van Meter and Van Horn 1974: 447-8)

Main representatives of this analytical model are Mazmanian & Sabatier (1989), even though Ryan (1996:34) considers their view as one of the most comprehensive, combining the top-down and the bottom-up perspectives. Elements of the former can be found in their emphasis in central control (supervision, guidelines, performance measures, sanctions and incentives) as means to govern the actions of front-line implementers (Maynard-Moody, Musheno and Palumbo 1990: 834). Furthermore more,

Sabatier and Mazmanian (1980) have been seen as more concerned with helping central governments to better control public administration than to ensure effective implementation (Hjern 1982: 302).

A top down model takes for granted that in the process of implementation there will be a driving force pursuing a rational process. Three dimensions should ensure such a process: the tractability of the problem, the ability of the policy in structuring implementation, and non-statutory dimensions affecting implementation.

The tractability of the problem is the degree of difficulty in solving the identified social problems. This difficulty depends on the ability of state agents to achieve policy objectives and on the existence of technologies to successfully change behaviour in the target group. It also comprehends the capacities to measure changes occurred in the social problem being attended and to relate such changes back to modifications in the behaviour of the target groups (Mazmanian and Sabatier 1989)

The ability of the policy for structuring implementation depends on the selection of the right implementing institutions, the provision of legal and financial resources to those institutions, the influencing of the probable policy orientations of agency officials, and the regulation of the opportunities for participation by non-agency actors in the implementation process. All of the above is more likely to happen when there is a carefully drafted statute that incorporates a valid causal theory linked to the expected behavioural change and impacts, with clear and ranked objectives, adequate funds for the implementing agencies who do not have excessive veto points, sanctions to reduce

resistances, and decision rules biased toward the achievement of the key policy objectives (Mazmanian and Sabatier 1989: 544-548).

Lastly, non-statutory dimensions affecting implementation alludes to the need of permanent political support in order to defeat inertia and delays coming from staff who sees itself threatened by the successful implementation of the policy, and to overcome the effect of continuous changes in the environment that may affect the general support given to policy objectives by the general public, interest groups, and government leaders. The authors emphasise that a well-defined statute should provide policy direction and legal resources to face possible changes in public or political opinion (Mazmanian and Sabatier 1989: 548). These changes occur because the perception about the relevance of the problem can decrease, which may increase demand for flexibility, thus augmenting the levels of discretion, a situation that can divert from policy objectives (Mazmanian and Sabatier 1989: 548-53).

Most of these dimensions are also found in the studies of Van Meter and Van Horn (1975) and Pressman and Wildavsky (1973), giving shape to a highly prescriptive model with dimensions that can be manipulated from the central level (Matland 1995: 147).

Critics of the top-down model concede that the aforementioned dimensions are required for a comprehensive model of policy implementation, because they give account of what has been defined as the main classes of influence on implementation (Hill 1997a: 267, Hassenfeld and Brock 1991): policy processes (design, resources, validity of the

causal theory, and external interests) and conditions within the implementation environment (target groups' behaviour, public opinion, and economic conditions).

But there are also factors that are not accounted for in the original model. Hill (1997a) and Hassenfeld and Brock (1991) introduce the dimensions of organisations and their background (organisational characteristics affecting policy outcomes, professionals skills shaping policy outcomes), and agents' influences (preferences, values). The latter constitute central dimensions proposed by bottom-up perspectives.

In view of all these relevant influences, a comprehensive analysis of an implementation process should bring together dimensions from the two traditional perspectives analysing implementation (Ryan 1996).

### **3.2 Implementation: 'Bottom up' analytical model.**

The bottom-up model emerged as a critique of the top-down perspective. Its analysis of implementation brings elements from the perspective of organisations and actors responsible for developing policy (Hassenfeld and Brock 1991:452). One of its first representatives, Berman (1978), emphasizes the adjustments faced by policy design when it goes through federal bureaucracies and their resistances to change, as well as through local service delivery organisations, affected by direct political environments and 'street-level' professionals. Thus, the author gives central importance to the interaction of a policy with its organisational setting, arguing that policy outcomes depend more on local providers than on the federal administration (Berman 1978: 157).

Similar considerations were expounded by Lipsky (1980), who claimed that rather than rule-bound implementers of social policies, street-level workers were the ultimate policy makers. Therefore, policy should consider the views of the target population and the service providers, since most implementation problems occur in the interaction between the formal policy and the agency implementing it. While there are contextual factors introducing broad variations between national policies and local implementations, as Hjern (1982: 307) points out, implementation analysis has been exposed 'to the danger of becoming more and more entrapped in the public administration notion of stable and sequential relationships between politics and administration', resting under the assumption that policies' meanings are shared among policy authors, implementers, and their managers.

Underlying the bottom-up model, then, there are two main driving forces. One is related to the need of organisation-policy environment fit (Hassenfeld and Brock 1991:454) which explains the implementation gap as a result of the lack of organisational ability to fit dominant patterns of service provision. Under this view, organisational structures as well as staff competences play a relevant role in fitting policy provisions. This argument sets up the need of discerning what the policy means in terms of everyday practice: when policy is not clear about this and there is a lack of knowledge or technologies for the attainment of a policy, socially known paths of implementation may prevail among implementers, especially when they recognise their lack of skills or knowledge to implement the new policy faithfully, and when implementers lack structures to support their learning (Hill 1997a: 268)

The second driving force obeys to bureaucratic discretion and adaptation by front-line workers (Hassenfeld and Brock 1991: 454), who twist policy outcomes in benefit of their own interests or produce unintended innovations. Therefore, their influence may contribute positively, responding to community and individual needs, but also negatively, displacing service goals with self-interest (Maynard-Moody, Musheno, and Palumbo 1990). Elements such as implementers' views, beliefs, values, and understandings related to the problem being solved are seen as decisive in the types of outcomes delivered by the policy. This approach acknowledges proposals from interpretive policy analysis which emphasises questions as to how 'the policy issue [is] being framed by the various parties to the debate' (Yanow 2000:11); answers to this question allow an understanding of the different values various policy actors give to different elements of a particular policy.

Interpretive policy is defined as an approach intended to anticipate the meaning that a policy has for different audiences, and its first step would be then to begin identifying those different communities of meaning' (Yanow, 2000:vii). This approach focuses on values, beliefs, and feelings as a set of meanings, and in human action as expressive of meaning (Yanow 2000: ix).

The inductive nature of this model, looking to describe factors that cause difficulties in reaching stated policy goals, has meant the achievement of few explicit policy recommendations (Matland 1995: 149). One of the clearest is the need for flexibility in the implementation strategies to facilitate adaptation to local difficulties and contextual factors. Here the consideration of institutional settings emerges as crucial for any implementation, since bottom-up models predict that different types of policies and



organisations produce different conditions for implementation (Bredgaard, Lene and Flemming 2003: 7). A second recommendation can be found in the central argument proposed by Maynard-Moody, Musheno, and Palumbo (1990) that street-level worker's perspectives ought to be considered, rather than ignored. This would entail granting them the prerogative to participate in policy making.

Criticism of these proposals rests on the need to ensure central control in contexts of decentralisation. Matland (1995) argues that if policies are public choices representing sovereign decisions, then flexibility and autonomy should be kept to a minimum to ensure tuning between policy formulators and implementers, favouring policy goals and avoiding the overemphasis on local autonomy. This critique reveals one of the tensions between top-down and bottom-up perspectives, where the need for co-ordination between implementing actors proposed by the bottom-up school (Winter 1990) is opposed to the hierarchical integration suggested by Mazmanian and Sabatier (1989). The need for more comprehensive models to understand policy implementation has been underscored by Ryan (1996: 34) given the significant demand to integrate implementation dimensions in a unified implementation model. This need and the model to satisfy it are discussed next.

### **3.3 The Comprehensive Model**

The need for a comprehensive model has been ascertained by a variety of authors (Winter 1990, Matland 1995, Ryan 1996, Palumbo and Calista 1990) mainly with the idea of coming up with explanatory models that cut across the research dichotomies of the prevailing top-down and bottom-up approaches, and advancing in the development of an implementation theory that provides these theoretical models with closure and

coherence (Matland 1995:145), and thus overcomes one of the most nagging deficiencies in implementation studies.

In trying to answer to this need, Winter (1990: 21) built an inclusive model which showed how the constraints of implementation processes were linked with policy formation, among other dimensions. His search of explanations for implementation outcomes brought him to the identification of four socio-political conditions that affect implementation and that interplay among themselves in different phases of policy formation and implementation: 1) the character of the policy formation process, prior to the law or decision to be implemented, 2) the organisational and inter-organisational implementation behaviour, 3) street-level bureaucratic behaviour, and 4) the response by target groups and other changes in society.

This model includes the dimension of policy formation in understanding policy implementation and combines the most promising theoretical elements from the previous perspectives represented in top-down and bottom-up proposals, with the objective of reaching general applicability across different countries and policy areas. Winter (1986: 380) points out that few scholars of policy formation and legislation, as well as few scholars of implementation, had studied the articulation between design and implementation, generally restricting their search in the very limits of their own areas. His claim is that implementation problems are explained not only by aspects related to the implementation process, but also by the character of policy-making process (Winter 1990:23).

This consideration was also included in Ryan's comprehensive model (1996: 34), specifying that 'the causal theory developed during policy formulation is a central determinant of implementation outcomes'. A second element described by Ryan (1996) in regard to policy making is the clarity of policy guidelines, which can be affected by political conflict and instability (Winter 1990) and inadequate legal structures (Mazmanian and Sabatier 1989). Finally, Ryan (1996) identified the need in programmes of common and congruent goals and clarity about what is being pursued, which was highlighted by most scholars reviewed in this section.

In regard to organisational and inter-organisational implementation behaviour, Winter (1990) established that understanding the way organisations alone or in inter-organisational relationships respond to policy mandates helps to explain implementation outcomes. Organisational interests can support the mandates of the policy being implemented or not. It is not unusual that organisational interests or organisational members' interests prioritise goals in conflict with the policy, producing lack of coordination, delays, or use of resources in a different way to that prescribed originally (Winter 1990: 26). Mindful to this tendency, the author gives relevance to the role of public authorities, specifically in regard to tensions emerging between local and national interests. He explains that policy implementation usually involves central and local government, and that the latter tend to disagree with the objectives set up at the national level, producing coordination problems, as found in several studies (Pressman and Wildavsky 1973, Williams and Elmore 1976, Elmore 1978, Sabatier 1986). These considerations naturally fit the bottom-up perspective; however, the conditions within the implementation environment distinguished by Mazmanian and Sabatier (1980) also

help to anticipate organisational reactions to policy design, such as the consideration of target groups' behaviour and public opinion.

We can identify in the organisational dimension a dimension related to the distribution of power in the decision making process among different hierarchies. The solution of the conflicts emerging from that distribution will depend on the model being used to understand implementation. Mazmanian and Sabatier (1981, 1983, Sabatier 1986) for example, emphasise the relevance of 'hierarchical integration within and among implementing institutions combined with the specification of the formal decision rules of the implementing agencies' (Winter 1990:27). From a bottom-up perspective it could be argued that legal hierarchical subordination does not guarantee successful implementation (Winter 1990: 29), since there can be countervailing reactions in subordinate agencies, taking advantage of the limitations of hierarchical control (Elmore 1978).

In general, the main themes discussed in regard to the organisational behaviour are related to conflict and decision making, as we already discussed. However, the theme of resources emerges also as relevant, especially when the social policy brings an organisational change, which in general implies significant transfer of resources and shifts in power within and across organisations (Yanow 1987). From a top-down perspective, this dimension is coincident with the elements described as part of the ability of the policy to structure implementation, ensuring resources and a structured plan to manage them, as well as to prevent conflict through the selection of agents and agencies who are in harmony with the policy. From a bottom-up perspective, resources are also relevant, but since this vision proposes the consideration of the implementers'

perspective, resources are defined not in terms of 'their attachment to a specific programme but in terms of their relevance to a specific problem' (Winter 1990:28). The bottom-up proposal, then, enhances implementers' power position to access to needed resources.

Both perspectives discussed here, the bottom-up and the top-down, acknowledge the relevance of conflicts of interest, resources distribution, decision making process, and type of hierarchical differentiation when studying implementation process. All of these subjects can be analysed using organisational concepts. Moreover, if we include the other two dimensions considered by Winter (1990), the explanation of the implementation outcome can increase its power, since it does not ignore individuals as actors (Yanow 1987), in both their conditions as state agents or street-level bureaucrats, and as actors from an ampler society where they play a role as citizens.

The third dimension described by Winter (1990) as part of a comprehensive implementation analytical model includes street-level bureaucratic behaviour, related to the fact that individual field workers may follow other rationales than the organisational ones (Hjern and Porter 1981, Lipsky 1980). There are some negative effects on policy outcomes observed in implementation research produced by the excessive discretion implementers have on direct action, such as 'coping strategies that deviate original policy ends to simpler or easier ones, or degrees of routinisation of work, at the expense of more complicated, nonprogrammed, and time-consuming cases' (Winter 1990: 30). Top-down perspectives have given little attention to street-level bureaucrats, which in turn are relevant contributions coming from the bottom-up perspectives.

Even though there is no satisfactory theory to understand street-level behaviour (Winter 1990), attention to organisational relations offers interesting contributions for a better understanding, considering the effects of more or less bureaucratic institutions in their workers' job involvement, resistance to policy, perceptions of excessive workloads, all of which can be interpreted as part of the organisational relationships, affected also by professional backgrounds (see also Elmore 1978, and Allison 1971). It is helpful to include in implementation research this organisational dimension, given that, as Elmore (1982) indicates organisational actors' personal experiences of fieldworkers in dealing with their clients and their working conditions are rarely taken into consideration when policies are developed and revised. These themes are discussed in Chapter 3, bringing to the argument the effects of organisational structure and relationships in fieldworkers' behaviour.

The last point proposed by Winter's (1990) model is another invisible dimension in policy implementation analysis, referred to target group attitudes, which may be reflected in organisational and inter-organisational relations, since they represent social beliefs, norms, and values. There is a need of knowing how a target group as a whole responds to specific programmes, but also on how behaviour varies between individuals according to attributes such as educational and social background. These behaviours are representative of society's culture and the relevance of acquiring this knowledge is based on the fact that policy expectation is to regulate behaviours or provide services, and this is not independent of group norms internalised by individual members through socialisation. Winter (1990: 34) postulates that 'as a general rule, the successful implementation of a statute is more likely when its prescriptions are in accord with already existing behaviours and norms'. This does not mean that the trend of social

policy should be the maintenance of social norms and beliefs, but the need to consider it as a factor affecting policy. Bottom-up perspectives are more sensible to this consideration, but top-down visions have also included it by being careful in arguing an adequate causal theory for the problem being treated.

Interpretative policy analysis constitute a pertinent approach to acknowledge this last point, given its core presupposition ‘that we live in a world characterized by the possibilities of multiple interpretations’ (Yanow 2000:5) therefore policy audience will have diverse readings of a policy, producing unexpected outcomes. This approach gives space to contrast ‘policy meanings as intended by policy makers –‘authored texts’- and the possibly variant and even incommensurable meanings –constructed texts- made of them by other policy relevant groups’ (Yanow 2000:9).

Carrying out this type of policy analysis enables more informed policy deliberation, bringing several audiences to the discussion, telling other communities’ stories all of which helps ‘decisions- makers and citizens develop alternatives that speak to their own needs and interests rather than those defined and shaped for them by others’ (Fischer 2003:15)

Chapter 4 in this research brings to discussion the relevance of different policy audiences’ view and deals with specific cultural dimensions affecting policy implementation, drawn from institutional theory. The role of power concentrates special attention, and the way in which it facilitates the ability of some groups to achieve their goals, hindering the attempts of others, often in ways hidden from view (Fischer 2000:29).

The synthesis developed by Ryan (1996), is showed in Table 1, conveying the dimensions discussed before, linked to specific dimensions brought to the discussion after the inductive reflection carried out through the whole research

**TABLE 1**  
**DIMENSIONS AFFECTING IMPLEMENTATION PROCESS**

<b>Dimension</b>	<b>Top down elements</b>	<b>Bottom up elements</b>	<b>Research considerations</b>
<b>Policy formulation</b>	Problem tractability (problem difficulty, technology availability) Ability of the policy to structure implementation (causal theory; goal and objectives definition)	Clarity of policy guidelines Policy and Program common and congruent goals and clarity about what is being pursued	Core principles sustaining the policy and its assessment through specific operationalization of program under study
<b>Structures</b>	Legal hierarchical integration Few degrees of differentiation in power and decision making Highly prescriptive structures that can be manipulated from central level	Power distribution Resources access Participation in decision making process	Organizational dimensions: complexity, centralization, formalization
<b>Relationships</b>	Few considerations	Street level Bureaucrats' Job involvement, adherence to routines, resistance to policy, perceptions of excessive workloads Influences of professional backgrounds	Discretion, job involvement, alienation, professionalization
<b>External influences</b>	Political and general public support	Target group visions, values. Socialization process affecting implementation	Chilean Cultural background

The question about policy implementation and its gap with policy discourse posed in this chapter has brought as main dimensions to consider in the process of understanding implementation processes the type of policy formation developed, the organisational implementation behaviour, the street-level bureaucratic behaviour, and the external factors affecting practice and procedures. The inclusion of these dimensions minimises the negative effects produced by the weakness of top-down and bottom-up perspectives to understand implementation, while at the same time brings to bear the specific contributions of each model. Winter (1990) and Ryan (1996) produced substantive tools



for developing a comprehensive implementation model, which includes organisational and cultural dimensions. The model described in this section offers a scheme that will constitute the roadmap for this research

#### **4. Thesis overview**

The present chapter essentially outlined the context of the research and the background to the remainder of the thesis. Basic information about Chile was provided to contextualise the reader in the demographic, geographical, economic, and political relevant issues.

Chapter 2 is devoted to a review of the main developments of Chilean social care services for children and to develop an assessment framework to study the process of implementing the rights-based approach in the policy for children.

Chapter 3 examines organisational theory, reviewing two other components of our comprehensive model: organisational structures and organisational relationships. The last component adopted by the implementation model, called external influences in policy implementation, is treated in Chapter 4.

Chapter 5 introduces the research questions and the premises from where I decided to investigate my research subject: a social constructionist, qualitative view, that uses a research strategy based on case studies, because of their interpretative possibilities.

Chapter 6 presents and justifies various methodological decisions I made to organise and conduct this research. Taking this framework as a point of departure, this chapter provides further clarification on the methodological scaffolding of this study.

Chapters 7 and 8 present a description of the data gathered through my field work in Local Rights Protection Offices (LRPO) and in Juvenile Imprisonment Services (JIS), respectively. The chapters are organised by reference to the main rights discussed in Chapter 2 as a framework to assess the advances of programmes towards a rights perspective, identifying what helped and what impeded such progress.

Chapter 9 analyses the organisational factors affecting the advancement towards a rights perspective in the programmes being studied. Chapter 10 acknowledges the impact of culture on the development of the new policy perspective. In both chapters I compare the experiences of the JIS and the LRPOs in establishing organisational and cultural factors that enable or inhibit the development of supporting contexts for the implementation process. The thesis is concluded in chapter 11, where specific constructs for future analysis of policy implementation are proposed, and the limitations of the study are identified.

## **CHAPTER 2**

### **DEVELOPMENT OF CHILDREN SOCIAL POLICY IN CHILE**

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#### **1. Introduction**

This chapter is devoted to a review of the main developments of Chilean social care services for children, with emphasis on the influences in Chile of the frameworks coming from developed countries. The original inspirations for social policy for children in Chile were the ideologies and legal reforms in industrialised countries, in particular, the American Juvenile Court and Reformatory System, as well as similar trends in Europe, namely, a tutelary system with a strong role for the state, and an interest in protecting social order so that the social structure remains stable.

Today, the system of social care for children faces the discourse of children's rights, embraced in Chile from 1990 onwards by the new democratically elected government after the military dictatorship of General Augusto Pinochet. The same coalition of political parties governed the country for almost 20 years until the opposition won in 2009, and dominated policy definitions and public rhetoric. Yet its influence on services provided to children and families appears negligible when measured by direct observation (Farías2004).

The chapter presents, first, the original frameworks guiding the development of the Chilean social care system. Then, the main components of the social policy for children are presented, to finally develop a framework for the assessment of the two programmes under study in this research.

## **2. 1928-1970 Original frameworks of social care for children in Chile**

In the third decade of the twentieth century a special legal status for children emerged in Chile. This early stage of development reflects what had happened in developed countries during the late nineteenth century. Similar to that summarised by Donzelot (1979: 83), the state could not intervene inside the family without the authorisation of the parents, because the privacy and autonomy of families was sacrosanct.

Before 1928, Chile did not have legislation especially aimed at children. In this period, childhood was considered an exceptional state in relation to the only status that was relevant: that of adulthood. Hence, the legal status of children in Chile carried the early European conception of children as lacking legal status, subject to their father under all circumstances, and, most important of all, lacking a statutory protection system.

Chilean social services for children find their first milestone in 1928, with the passing of the first ‘Ley de Menores’ (Law on Minors, henceforth LM), which created a special legal status for children. Its main impact was on the social and judicial practices around child-related issues, as a consequence of the creation of a Court of Minors, where the government, through the Court, acted as a surrogate father, when the family father was missing, or was deemed unfit. Thus, the Court received the ultimate power to decide about a child’s future (Congreso de Chile 2005).

The new Law was mainly concerned with ‘social deviation’, i.e. children who were outside the social norm: beggars, children affected by sexual exploitation, abandoned children, delinquents, drug users, the mentally ill, or children from families with social problems. These conditions or behaviours were named ‘situations of moral or material

risk' or 'irregular situations', under the framework of what is called in most of the Latin American countries the 'Doctrine of Social Irregularity' (Congreso de Chile 2005).

Donzelot records similar trends in France at the end of the eighteenth century. Philanthropic French societies (akin to the Child Savers movement) influenced legal transformations to intervene in 'families in risk'. These societies faced barriers –based on parental authority—to intervene in families, until their lobby helped pass legislation in 1889, 1898, and 1912, to expedite the lockstep cession of dominion from the 'morally deficient' family to the community of philanthropic actors (Donzelot 1979: 83). In general, these laws postulated a causal link between incompetent families and problematic youth, the consequence of which was the withdrawal of family authority.

Analogous legal arrangements for children occurred in England through the Act of 1908, which created juvenile courts. This reform in the judicial system for children was heralded at the time as pioneering in the field: the new courts were concerned more with treatment and rehabilitation, than with control and punishment, and imprisonment for children and young people was abolished (Hayden et al. 1999: 22). With the Children and Young Persons Act of 1933 a step was taken to overcome the distinction between Industrial Schools for neglected children, and Reformatories for young offenders. From these changes followed a loosening of the distinction between children who were viewed as 'depraved', because they were being anti-social by choice, and those who were viewed as deprived, innocent victims of social ills (Hayden et. al.1999: 23-24).

One can track the repercussions of all these developments in the process of elaboration of the LM in Chile. Like in England, and France, all the strategies implemented under

the LM were applied to children and adolescents who either had been neglected or were law offenders. The fusing of services for neglected children and young offenders under the same system introduced a sort of criminalisation of poverty and marginalisation. The next section describes in detail the actions implemented in Chile.

### **3. Main developments in social care for children in Chile: 1970-1990**

The development of a framework for social care for childhood has been a long process in Chilean social policy. Children have not had a public space as social actors with fundamental rights assured by the state, as free and equal citizens. What happened, instead, is that throughout the twentieth century children appeared as a specific category of public policy only as part of problems in the private familial space, such as physical or sexual abuse, issues previously invisible to public policy, which later became social problems demanding state intervention” (Pilotti 2000: 15).

Children were defined by the state as *objects of intervention*. State responsibility to children was activated only in the presence of social risk. Since social risk indices have been generally associated with precarious social contexts, the intersection between state and childhood involved children of the lower social classes. This explains why in Chile the social concern for children is focused on children in poverty. Thus, the objective of public action has been not to guarantee their rights, but to improve their social condition.

The system serving children in Chile up to 1990 was a tutelary one, as organised originally by Act 4.447, LM, in 1928, which aimed to deal with infractions of the law, abandonment, need for protection and, generally, ‘irregular social situations’ affecting

children (Tello 2003). This system was reinforced by Act 16.618 of 1967, which focused on irregular family relationships and children's behaviour. During this period, children and families facing social problems were understood in terms of this notion of social irregularity.

The concept of 'irregular' families and children, as Donzelot (1979) explains, was convenient because although not strictly medical, it did suggest a deficit of socialisation, with moral connotations. Of course, all of this required an idea of the 'regular', which coincided with the characteristics of middle class families. The irregular, then, would be the pattern of behaviour of poor families and children.

Together with this labelling of some children and their families as deviant, there was a reformulation of the role of the state, which incorporated a protective '*parens patriae*' responsibility to children, in the place of parents, as it were (Pilotti 2000: 18), whereby the state has a duty to supervise the discharge of parental responsibilities and other tasks associated with the satisfaction of basic needs of children.

This vigilant role over children's lives derived from social control practices exerted upon children and their families, justified by the families' alleged failure to properly raise their children. From this followed the policy of separating children from their families, and segregating them for long periods in out-of-home care institutions, which were to act as substitute parents.

The medical model underlying the understanding of these social processes, typical of early twentieth century social intervention, led to a classification of parental roles as

dysfunctional when they affected the system, legitimating state intervention and affecting families' self-perception.

The consequences of institutionalised views of children and families as deviant were particularly acute in Chile between 1973 and 1990, a period characterised by an authoritarian government and its systematic violation of human rights. The National Service for Minors (SENAME) was established early in this period (1979), with the mission of stimulating, guiding, co-ordinating and technically supervising public and private institutions sharing its objectives (MIDEPLAN 1997: 19).

SENAME was to carry on with the work done until then by a National Council of Minors, and to transfer some of its programmes to private organisations. SENAME was created as public service under the authority of the Ministry of Justice. Both SENAME and its predecessor organisation worked under the sway of the Doctrine of Social Irregularity, and saw their role as one of providing assistance to children by taking charge of them in substitution of the natural family, when that family was deemed dysfunctional for their developmental process (SENAME 2005: 5).

Under the prevalence of a paternalistic perspective, state services defined some children's environments as poor and inadequate, and marked some social and familial configurations as risky. One of the main characteristic of this period was the increasing numbers of children living in residential care.

At the end of the 1980s, SENAME had increased its coverage of children in care by 55% compared to 1970. By the end of the 1990s, 45.1% of the children in SENAME's



care were in residential care (MIDEPLAN 1997:19). This large proportion was in part a result of a perverse incentive carried by the funding mechanism for private agencies collaborating with SENAME, which paid four times as much for a child living in residential care than for home based or agency based services. Not surprisingly, a 1989 evaluation carried out by SENAME found that 40% of the children living in out-of-home care services did not need such services, that more than the 20% had been institutionalised for more than 5 years, and that close to 40% stayed for more than a year, developing institutional patterns of replacement of the parental role (Contreras 2003: 5).

The model implemented by SENAME had characteristics that, later on, would affect the context for the reforms introduced by the democratic governments (Tello 2003). Specifically, these features are a) the ample powers given to Minors Tutelary Judges, b) jurisdiction over issues ranging from social protection to juvenile law infractions under the same social service, and c) outsourcing of some social care programmes to the private sector through agencies appointed as ‘collaborative agencies’.

Chile’s evolution is not unlike that of England at roughly the same time. Hayden et al. (1999) recount that around the 1960s the responsibility of the English government was asserted for dealing with child care problems. The conception of the problem was focused more on social deprivation than on psychological factors. The same broad analysis, emphasising the influence of various forms of deprivation, was evident in the 1969 Children and Young Persons Act. Hayden et al. remark that ‘the most significant – and contentious— feature of this Act was the replacement of the specific sentencing powers of magistrates with the power of the issue of Care Order, placing the child in the

care of a local authority, who was then to provide the most appropriate (that is, beneficial for the child) placement.

At that time in UK the 1975 Children Act gave greater roles to local authorities, foster parents, and adoption (Fox Harding 1997:66). Several authors, like Kellmer Pringle (1974), Tizard (1977), Lambert and Streather (1980), among others defended this approach stressing state power to intervene between parent and child and increasing surveillance of children and families where there is thought to be a risk of maltreatment, with the consequent effects on families' stigmatization and labeling, and a growing defense of adoption and substitute families.

Even though in England the sole focus on welfare began to be complemented with an acknowledgment of rights (Hayden et al. 1999), still, under the paternalistic perspective, the overarching right was the child's right to suitable development and protection, not self-determination (Fox Harding 1997:41-42).

These characteristics, reminiscent of the history of child care services in the industrialised world (Donzelet 1979: 88), form the basic constitutive elements of the Doctrine of Social Irregularity. We can see Chile following in the steps of twentieth century child welfare policy in developed countries: beneficent state action to protect children's welfare, courts and social workers as key decision makers on what would be best for the child, disregard of likely negative effects of state surveillance and intervention in child rearing, compared to the benefits of 'saving' children in distress by transferring them to better homes (Fox Harding 1997, Freeman 1983: 51).

Political changes in Chilean society, following the recovery of democracy in 1990, created an opportunity for renovation of this longstanding framework. The new aims of social care for children were framed under international agreements and more elaborated technical approaches to social policy. These are reviewed next.

#### **4. Current Chilean Social Policy for Children**

After Chile signed the United Nations Convention on the Rights of the Child (UNCRC) in 1990, a new policy for children was developed. I describe in this section the core principles of the new Chilean social policy for children, the legal structure sustaining this policy, and the policy guidelines for the services (Ryan 1996: 34), all of which will serve as a basis for me to develop a framework for assessment, which will be defined for each of the programmes being studied in this research: the Local Rights Protection Office and the Juvenile Imprisonment Services.

This effort is quite unique in the analysis of Chilean social policy in general, let alone in the field of social policy for children. In part this is an effect of the insufficient follow-up and evaluation of new laws, through targets and objective metrics of achievement. To compensate for this deficit, I shall use international instruments to develop a frame for assessment, which will base my detection of obstacles and facilitators in the implementation of a rights perspective in social policy for children in Chile.

##### **4.1 Core Principles**

In the course of the late twentieth century society underwent a deep process of legalisation and recognition of children's rights, whose landmark was the ratification of the United Nations Convention on the Rights of the Child (UNCRC) in 1989, by the

United Nations General Assembly. The UNCRC reflects the most progressive and universal approach to the guarantee and protection of human rights, through the adoption of legal instruments that benefit from representative power and universal consensus.

We have seen that Chile endured 17 years of dictatorship, after which roles and ideas about social actors were transformed under the principles of citizenship and human rights. This process included an ample debate about the conception Chileans had about children and the services provided for neglected children and young offenders. After Chile subscribed in 1990 the UNCRC, the reform of national child care began.<sup>1</sup>

The reform entailed a departure from the prior perspectives framing children services towards promotional ones, where children's rights as human beings are at the core of children development, and where a rights perspective becomes the framework for social services for children. Children are thus seen today as bearers of multiple needs and potentials, able to participate and contribute to solving their own problems, according to their development stage (MIDEPLAN 2000). The rights perspective underpinning the new paradigm proposes a new conception of childhood, and its relations with family, society and state, leaving behind the predominant idea of a child defined on the basis of his or her needs.

Abramovich (2006:40-41) has noted that once the rights perspective is adopted in public policies, the starting point is no longer the existence of social sectors with unmet needs,

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<sup>1</sup> This reform took notice of similar developments elsewhere: the "Estatuto del Niño y Adolescente del Brasil" (Law N° 8,069, 1990); the "Ley Orgánica para la Protección del Niño y del Adolescente de Venezuela" (1998), and, at later stages, the Ley Orgánica de Protección Jurídica del Menor from Spain, 1996.

but the existence of people who are rights holders, who can claim those rights, and are entitled to enforceable obligations onto third parties, through the corresponding guarantee mechanisms. This brings a change in the relationship between state –or social services providers—and the policy’s beneficiaries, who now hold a quantum of power to equilibrate the previous scenario of disparity. To make this effective –the direct relation between a right, its obligation, and a guarantee—there is a need of monitoring mechanisms to ensure government accountability.

The new policy perspective considers that children must count with an integral and special protection system, configuring a new kind of social relation and culture that recognises, values, and promotes children’s rights. This requires a stronger support of families so that they can fulfil their protective role, and the regulation of the mechanisms used by the state when facing neglected rights of children. It also defines a role for the community, which should strengthen a culture of rights (MIDEPLAN 2000).

The development of Chilean child welfare can be analysed through the classification of childcare welfare proposed by Fox Harding (1997, 2008). This classification offers a distinction of the value positions dominating in the policy process of child care in UK. The author identifies four perspectives in this process. The first perspective is that of ‘laissez-faire and patriarchy’, where domestic and family life are seen as relatively private arena (Fox Harding 2008:182) and power of adult males over women and children in family appears as untouchable (Featherstone 2004:70). This development is identified in the first stage of children services in Chile (1970-1990), given that children were considered as ‘property’ of their parents and family was a private sphere. The

second perspective proposed by Fox Harding (1997) is ‘state paternalism and child protection’, which emphasizes state intervention to protect children from poor parental care. ‘The child protection machinery of the state in fact takes on a potentially authoritarian character in this perspective, with an extensive surveillance and intervention role’(p.187). This description constitutes the ideological basis for a *Doctrina de la Irregularidad social*, dominant in Chile and Latin America 1970 and 1990, particularly because state had an intrusive role in families that were considered deviant from the traditional patterns of being family, especially when these families were affected by poverty

The third perspective is known as ‘the defence of the birth family and parents’ rights’. It promotes the centrality of biological families in children lives and the actions helping to maintain children and parents together (Fox Harding 2008:181), according to Featherstone (2004:72) ‘the role of the state is seen as ideally neither paternalist nor laissez-faire but a supportive of families, providing the various services that they need to remain together’. The fourth perspective corresponds to ‘children’s rights and child liberation’, which ‘emphasises the importance of the child’s own viewpoint and wishes, seeing the child as a separate entity with rights to autonomy and freedom, rather like an adult’ (Fox Harding 2008:181).

Even though, the Chilean policy has been known as the children’s right policy, it clearly represents much better the defence of the birth family and parents’ rights, not only because it gives centrality to keeping the family together, but also because of the explanatory theory underlying family and children problems. Whilst there are clear parallels, the Chilean and UK legislation also has key differences, as we will see below.

The Chilean reform shares and differs with the experience of the UK in regard to the centrality of the family as a foundation of social policy for children. Both policies promise a 'pro birth family view', defending the rights of the birth parents and the birth family, emphasising the importance for both children and their parents of maintaining the family as a goal of social policy and intervention (Fox Harding 1997: 70). The Chilean policy establishes that where children have to enter substitute care, parent-child links must be maintained, receiving services needed to function well and remain together (MIDEPLAN 2000). Therefore in both policies, family is defined as the best provider of care for children, even when in need of external support, while the role of the state is defined as preventing children from entering state care through monitoring and supportive intervention, rather than coercive, punitive or intrusive ones (Fox Harding 1997: 71).

A second commonality between the Chilean reform and its precedents in UK lies not only in the roles of family and state in children's care, but also in the causal theories underlying families' deprivation. Explanations about how families come to need external support are far from based on cause-effect rationalities, like those prevailing in the former perspectives. Poor parenting is seen as a consequence of environmental conditions such as unemployment, single parenthood, social disadvantage, and deprived neighbourhoods, among others - all of which is seen to influence parenting behaviour and child rearing methods. In sum, multi-causal conditions are make families unable to meet the essential norms for child care expected by society (Holman 1987: 86).

A critical difference with the consolidation of UK policy lies in the restricted notion about what families the state should support in Chilean policy. While in the UK, as Featherstone (2004) has pointed out, from the 1980s onwards family support replaced the emphasis in UK policy on prevention. This was ‘designed to signal the desirability of a broader focus –a signal which was strengthened by its use in the guidance associated with the Children Act 1989’ (p.3). Under the National Child Care Strategy, in particular, there was an acknowledgement from the government that childcare was a public and private responsibility (analysed from a broad perspective and leaving apart the limitations indicated by Featherstone, 2004); in Chile, there still persists a service provision strongly inclined towards targeting provision for specific groups, restricting the role of the state to only support families defined as vulnerable, instead of assuming state’s universal duty with childcare. This situation is rooted in the lack of legislation mandating the role of state in providing universal integral support for children; instead the Minors Law is still in place (Morlachetti, 2013).

In regard to the children’s rights and child liberation perspective, the Chilean policy shares the idea that children should have participation in defining what happens to them (Fox Harding 1997: 108-110), but Chile’s stance would still defer to the adult’s viewpoint over what is best for the child

In sum, the Chilean reform rests on three core principles enfolding the already discussed conceptualisation of childhood: children’s centrality, family as main responsible in children’s care, and a support role of state and community in ensuring children’s (and families’) rights. These principles imply a new configuration of children’s world: the children themselves go from being seen as ‘objects’ of interventions to rights holders, in



a position of centrality, protected by the principles of non-discrimination and the gender perspective (UN 2009: 7). Children's families are defined as the most important and natural group for children's upbringing, so that social services must strive for the child and family to stay together or reunify, or, when appropriate, find support in other close family members. Regarding the role of state and social services, states should grant support for families, respecting always the child's view, but considering his/her developmental stage and the access of information he/she has. Interventions should take place only when the family, even with suitable backing, is unable to care for its children by itself. In this case, alternative care ought to be provided by authorities at the local level, or by duly authorised organisations of civil society. Finally, the role of communities is defining and achieving rights-based environments (UN 2009:6).

One of the weak points of this new policy agenda, as it was earlier pointed out, is the legacy of a legal framework that does not acknowledge state responsibility in ensuring every child's care, but only those in trouble, and even though there is currently a bill abolishing the Minor Law and legislating a new Integral Protection law, the actual service provision is still highly targeted. Additionally, the policy does not bring to discussion criticisms that have been made of rights approaches to children's welfare. In this regard Huntington (2006:637) has claimed that implementing a rights-based model of child welfare is not enough to protect the interest of parents or children, 'because it obscures the important role of poverty in child abuse and neglect and fosters conflict, rather than collaboration, between the state and families'. Similar criticism can be found in Featherstone (2004) and Churchill (2011), among others.

Specifically from the legal perspective, Minow (1986:3) challenged the rights' perspective, arguing that 'we need to develop a perspective on children's rights that refrains from comparing the abilities of children and adults and instead addresses their mutual needs and connections'. She claims that embodying 'feminist concerns about the importance of connection, care-taking, and social relationships; pursuing a theory of children's rights holds promise for a wider feminist approach to new forms that rights could take'

The Chilean policy for children has incorporated the orientations of the UN, which constitute the policy's core values. In the following section I will describe the policy's legal framework and guidelines, sources of the specific requirements social services for children should meet to favour a rights-based perspective in the delivery of services.

#### **4.2 Legal framework**

Even though Chile signed the UNCRC in 1990, only in 2000 did SENAME redefined its mission to protect and promote children's rights when these are infringed, and to contribute to young offenders' social inclusion. The reform of the Children Justice and Protection System challenged SENAME to specialize its programmes in coordination with public and private actors. The proposals and institutional changes contained in this reform aimed at improving public and private support systems for children, in order make them coherent with the UNCRC (Congreso de Chile 2005).

The measures adopted sought to modernise the legal system and the social policies available to guarantee and promote the integral development of children. One of the main changes was that protection services were separated from the juvenile justice

system, offering differentiated programmes for each service population, thus responding to one the main criticisms levelled against the previous regime. To acknowledge and ensure young offenders' procedural guarantees of law, the figure of minor tutelary judge were abolished, and replaced by a procedure with the guarantees of a due process of law (Congreso de Chile 2005).

To set the grounds for this Integral Reform, the main legal changes were the creation of Family Courts, the new Subsidisation Act of 2005, and the establishment of a specialised Social Services System for young offenders. Family Courts were created in 2004 through Act N° 19.968, with specialised jurisdiction over family problems and their resolution, complemented with a system of alternative means of conflict resolution (mediation), outsourced from the courts. This Act also establishes legal procedures for the protection of children, where Courts are slated to replace the figure of the Judge of Minors (SENAME 2004:7).

The approval of the Subsidisation Law in 2005 established a new welfare system for children, which favours non-institutionalisation and family life. The new financial scheme replaced the subsidy paid for each attended child with a system of calls for proposal, where each private agency would periodically present its projects for funding and be evaluated according to the achievement of the goals it set.

The approval in 2007 of Act N°20.084, after five years of discussion in Congress, created a specialised judicial system for young offenders, establishing procedures to investigate and assign responsibility for acts committed by adolescents between 14 and 18 years of age who break the law. The system's objectives are, among others, to

introduce penal and procedural guarantees, to eliminate the declaration of moral awareness which was required to prosecute an adolescent between the ages of 16 and 18, and to apply less severe sanctions together with socio educative measures. These measures are administered directly by SENAME and by private organisations. This law brought a momentous change in how justice was administered for young offenders, as the figure of the Court of Minors disappeared, and children older than 14 were to be considered accountable for their actions, if found guilty in a trial with all the guarantees of the due process of law.

Chile's progress cannot be overlooked: subscribing the UNCRC, launching a policy for children based on the UNCRC, and sanctioning specific laws to sustain the policy. But these advances are limited in their impact by the dearth of monitoring mechanisms to ensure the effective guarantee of rights, which, as asserted earlier, is a requirement to ensure the exercise of rights. In this regard, one characteristic defect of the Chilean legislative process is not identifying clear and measurable objectives for new laws that would enable the assessment of their efficacy in terms of outcomes or impacts (Manzi 2011).

Chile is not alone in this lack of supervision and control of effectiveness of public policies and public services. Abramovich (2006: 46) points out that, even though many Latin American countries have ratified the main international instruments granting civil rights, few of them count with indicators more precise than the minimal legal standards, to monitor the exercise of rights.

In Latin America, states have frequently subordinated to their own discretion the management of social provisions established as rights in international agreements, making the legal tie between the state and the user of the social policy precarious (Abramovich 2006). Given that the commitment with constitutions and international agreements carries with it the imposition of obligations to the public powers in order to ensure the rights consecrated in them, through appropriate institutional structures, there follows a duty of developing mechanisms for monitoring and guarantee of children's rights.

Europe enjoys solid structures for access to justice and rights guarantee, overseen by communitarian organs<sup>2</sup>, thus becoming a useful parameter for supervision of national policies and services (Abramovich 2006: 48). I have, therefore, turned to EUROCHILD<sup>3</sup> and the Council of Europe, as well as to UN specific policy guidelines for implementing UNCRC proposals, to build an appropriate framework to monitor and assess rights-based social services.

One could think that a country with a more liberal political economy, such as Chile, compared with the welfare regimes characterising European countries, would not fit with a framework developed for welfare state governments, since liberal models generally assign limited influence to governments to prescribe specific pathways for civil society. However, Chilean political and cultural features, which will be discussed

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<sup>2</sup> See for example Group of Specialists on Access to Social Protection (n/d): *Guidelines for Improving to Social Protection and Explanatory Memorandum*, European Council,

[http://www.coe.int/t/dg3/socialpolicies/socialrights/guidelinessocprot\\_en.asp](http://www.coe.int/t/dg3/socialpolicies/socialrights/guidelinessocprot_en.asp).

<sup>3</sup> Eurochild is a network of organisations and individuals working in and across Europe to improve the quality of life of children and young people. Its work is underpinned by the principles enshrined in the United Nations Convention on the Rights of the Child (UNCRC).

in the next two chapters, as well as the leading political role that the President has in this country as co-legislator, allow for a strong government influence in defining legal frameworks and guidelines, and gives viability to instruments based on UN and European guidelines.

Accordingly, in building my guideline for assessment I considered the EUROCHILD proposal (2009) as a general framework for assessing children rights services, as well as specific guidelines for children's judicial services produced by the Council of Europe (2010) and UN guidelines for alternative care of children, useful to monitor protection services.

EUROCHILD is an organisation for the promotion of the welfare and rights of children and young people in Europe, which monitors and influences policy development at the national and European level. In 2009, D'Addato, a researcher from this organisation, developed a proposal to assess and monitor rights-based services, with emphasis on setting clear targets and improving monitoring and evaluation mechanisms to appraise progress, assesses impact, and design effective policy measures. This proposal, useful for my interests, sets up four main rights as an umbrella from which other rights and policy principles can be assessed.

In view of the two specific programmes being studied, I searched for precise guidelines for protective and judicial services, and found out that in 2009 the UN put together 'Guidelines for alternative care of children', produced by the international community after five years of discussions among key actors: the UN Committee on the Rights of the Child, governments led by Brazil, UNICEF, experts and academics, representatives

of non-governmental organisations, and young people with care experience. These specific guidelines turned to be useful to review the implementation of protective services such as the Rights Protection Local Offices.

For services for children in conflict with justice, in 2010 the Council of Europe developed specific ‘Guidelines for a child friendly justice’, used by member states to adapt their judicial and non-judicial systems to the specific rights, interests, and needs of children.

Based on the UNCRC normative framework, Chilean children policy privileges ten principles: children as rights holders, right of not being discriminated, children’s best interest, non-legalisation, integral services, participation, transitory services, territorial management, family support and development of parental skills, and gender parity. These principles are barely described in the policy, even though they represent a first approach to achieve the three core principles of centrality of children’s view, family rearing responsibility, and state and community role in ensuring a rights culture and upholding child well-being.

In search for a more comprehensive understanding of the scope of the ten principles, I found D’Addato’s (2009) guidelines for measuring and monitoring a child-rights perspective, where the conceptualisation of child well-being is described through four main rights: non-discrimination, children’s best interest, respecting the view of the child, and protecting the survival and development of the child.

Even though these rights are comprehensive, the longstanding exclusion provoked by the Doctrine of Social Irregularity against families that were users of children services made it advisable to include specifically the right to live in family, since special policy measures were planned to incorporate the role of these families in children's well being. Thus, I decided to enfold indicators of children's best interest and protecting the survival and development of the child into one right, on the grounds that will be explained below, and develop an additional section for assessing the right to live in family based mainly in Chilean policy guidelines. The following conceptualisation and operationalisation of these core rights encompasses the principles highlighted by the Chilean policy, and help in the development of a template for assessment.

#### **4.3 Operationalisation of core rights**

Non-discrimination is defined in article 2 of UNCRC as 'States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members'. The clause recognises the life situations and well-being of excluded groups of children and considers their special needs, providing individualised assistance and ensuring that no child is taken into care due to poverty, disability or ethnic origin (D'Addato, 2009).



Underlying this right is a gender parity perspective that allows for the identification of different realities for boys and girls and understands the different roles, needs, and interests emerging from different spheres, as well as the differences in power interacting in them. The gender perspective, as an analytical method, not only contributes to more equity, but also to a more democratic and sustainable development. Because of that, the gender dimension must be developed transversally through social intervention, avoiding stereotyped and discriminatory programme designs (MIDEPLAN 2000).

Children best interests (article 3)<sup>4</sup> requires the consideration of each child in her or his developmental process from a holistic and multi-dimensional view, stressing that his or her rights are interrelated, universal and indivisible (D'Addato 2009). According to the UN (2009:7) determination of 'the best interests of the child shall be designed to identify courses of action for children deprived of parental care, or at risk of being so, that are best suited to satisfying their needs and rights, taking into account the full and personal development of their rights in their family, social and cultural environment and their status as subjects of rights, both at the time of the determination and in the longer term. The determination process should take account of, inter alia, the right of the child to be heard and to have his/her views taken into account in accordance with his/her age and maturity'.

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<sup>4</sup> **Article 3 UNCRC**

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision

The focus of this right on the development of the child pairs it seamlessly with the right to the protection of the survival and development of the child, which provides that ‘States Parties recognise that every child has the inherent right to life and States Parties shall ensure to the maximum extent possible the survival and development of the child, setting standards in health care; education; and legal, civil and social services’ (UNCRC article 6).

The complexity of children’s lives is suggested in this right, which from the perspective of social services, translates to the principle of integral services, defined by the Chilean children policy as the joint work of civil society and the public and private sectors, with the objective of developing articulated services, sharing diagnosis, strategies, objectives and programmatic offers. In short, best interest of the child, in general, and his/her survival and development, in particular, require the offer of integral services as envisioned by article 3 of the UNCRC.

The central idea of this principle is to facilitate an interdisciplinary action, oriented to the restitution of rights, through restorative actions that facilitate familial and social integration (SENAME; 2000). It is achieved through the inter-professional work among programs’ staff as well as via interagency coordination.

Inter-professional work ensures the capacity of bringing together comprehensive visions and perspectives in children intervention plans; interagency collaboration warrants coherent work among different actors involved in children social services. All of which supposes an active participation of and collaboration with public authorities, municipalities, social services, and non-governmental organisations (NGOs) working on

child welfare, as a critical component of the design of integral and multidimensional plans of action (D’Addato 2009). Later, in the chapter devoted to organisational analysis, this concept will be further discussed.

We can see that the principle of territorial management arises from the general right of the best interest of the child, since it demands local actors interaction and a synergic relation among local services, with the objective of offering more pertinent services and improve the use of resources (MIDEPLAN 2000). Thus, social interventions for children should involve local institutions to develop an inter sector network to support families and protect children, facilitating their access to public resources different to those already assigned by SENAME. To achieve the aforementioned, an efficient territorial insertion of social care agencies is needed in order to organise the support network in sharing diagnosis, coordinating resources, and using the right instruments such as directories, resource maps, and pertinent derivations for each case, and avoiding resource segregation (MIDEPLAN 2000). Integration of policies at the local level is essential because this is the level with the most likely impact on the lives of people. Considering also that these type of policies directly affecting children – health education, family support, and early years – are not always the competence of state level government (D’Addato 2009), interagency collaboration becomes a must in order to achieve a rights-based service, a requirement that needs to be accompanied by measures of decentralisation, ensuring local public services capacities not only to make decisions, but also to include other non-governmental actors in those processes.

The right of respecting the view of the child (article 12)<sup>5</sup> implies the acknowledgment of children as rights holders, and as such the obligation that they be heard and to have their view taken into account in all matters affecting them. This right involves the development of strategies and mechanisms to ensure children participation in defining objectives of intervention plans and means to achieve them; the capacity to ensure integral services and availability of resources to cover the array of children's rights (MIDEPLAN 2000).

Finally, in regard to the right to live in family, article 18 of the UNCRC emphasises States Parties' role in granting common responsibilities to both parents and their primary responsibility for the upbringing and development of the child. Appropriate assistance to parents and legal guardians must be granted for pertinent child-rearing responsibilities, and institutions, facilities and services for the care of children must be provided. Child care services need to be ensured for working parents.

The UN (2009: 5) has proposed the concept of necessity as an indicator of the efforts 'to support children to remain with, and be cared for by, their family. Removing any child from his/her family should be a measure of last resort, and before any such decision is taken, a rigorous participatory assessment is required and the State should ensure that families have access to forms of support in the care-giving role'.

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<sup>5</sup>Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law

Chile's National Policy for Children captures the centrality of family in its own legal framework, establishing that children must count with an integral and special protection system, configuring a new kind of social relation and culture that recognises, values, and promotes children 'preferential right' to live in their family, to exercise their rights inside it and to count with state support in a subsidiary way. The right to live in family ensures children wellbeing and requires a strengthening of support for families so that they can fulfil their protective role (MIDEPLAN 2000).

The policy declares that placement in an institution should be the last resort after family support services and family-based care fail, and that interventions will always be oriented to reconstruction of relationships with their families and community. This statement requires from operators to be rigorous and systematic to advance in recognising, reinforcing, and broadening capacities and aptitudes, removing obstacles to contribute to the progressive autonomy of children and families (MIDEPLAN 2000).

These skills appear as new requirements for social care implementers since in the previous system, permanency of children in out-of-home services was the pattern, and no work towards family reunification was done, as it was discussed at the beginning of this chapter. The new policy carries with it a great challenge in terms of training, technical assistance, and workers' confidence in their facing new roles. Social services guided by the principle of transitory services should develop strategies of family support and parental skills training (MIDEPLAN 2000).

The State has the task of temporarily assuming the caring, upbringing and education of children, when those who should do it neglect their duty or are unable to fulfil their

function. The main efforts must be oriented to facilitate families' role in protecting and promoting children development, but when this is not possible, the state has to provide those functions while trying to re-establish families, or finding an alternative family to do those tasks, considering always the child's best interest (MIDEPLAN 2000).

These core rights ought to underlie current social programmes for children, as fundamental guidelines implementers should not only know, but also understand as base of their interventions, as well as be able to apply them. In bottom-up models of policy implementation, dimensions such as implementers' views, beliefs, values, and understandings, are decisive in the types of outcomes delivered by the policy. Therefore, the understanding from the implementers' views of the principles underlying the policy is crucial to when assessing policy advancements.

Policy core principles, the legal framework, and core rights, help us develop a basic guide of minimal requirements for social programmes for children, which should be guaranteed in order to ensure rights-based services. The following table provides such basic guide.

**Table II**  
**CORE RIGHTS: MINIMAL REQUIREMENTS**

<b>Rights' based social services for children (Eurochild)</b>	<b>Program dimensions based on legal framework</b>
<b>Non-discrimination</b>	<p>Guarantee of specialized programs, recognizing particularities of life situations and well-being of excluded groups of children</p> <p>Tailored programs and individualized intervention plans, including differentiated offer for children whose rights have been neglected and young offenders</p> <p>Programs underlined by gender parity perspective; allowing the identification of different realities for boys and girls</p>
<b>Children best interest</b>	<p>Integral Services: availability of inter-professional work; existence of interagency collaboration</p> <p>Territorial Management: existence of levels of decentralization and participation of public and non public actors in decision making processes</p> <p>Provision of education, health care and appropriate life conditions</p>
<b>Respecting child's view and protecting the survival and development of the child</b>	<p>Warranty of strategies and mechanisms that allow children participation in defining objectives of intervention plan and means to achieve them.</p> <p>Capacity to ensure integral services: Availability of resources to cover the array of children rights, including cultural and social resources; Infrastructural conditions to ensure appropriate treatment for each developmental stage</p>
<b>Right to live in family</b>	<p>Promotion of social relation and culture that recognises values and promotes children preferred right to live in their family.</p> <p>Guarantee of assistance to parents and legal guardians in the performance of their child-rearing responsibilities and the development of institutions, facilities and services for the care of children.</p> <p>Promotion of transitory services, which seeks to avoid institutionalisation.</p> <p>Programs count with rigorous and systematic operators able of recognizing, reinforcing and broadening capacities and aptitudes in parents, re-signifying their resources and removing obstacles to contribute to the progressive autonomy of children and families</p>

#### **4.4 Policy guidelines for services**

Since the onset of the new policy for children, SENAME has been working to adequate its programmatic offer to the contents of the UNCRC, updating intervention models to make them coherent with the idea of children as rights holders and families as main actors in children development.

According to the new policy for children, the state is responsible for adopting appropriate measures to ensure that every child enjoys complete and effectively her or his rights and guarantees. The bases to achieve that aim were established by the core rights described earlier. To fulfil these responsibilities SENAME has divided its functions into two departments: the Rights Protection Department (RPD) and Department of Juvenile Criminal Responsibility (DJCR).

RPD produced policy guidelines for programmatic offer establishing different and specialised systems, including financial channels and support programmes, according to the characteristics of each child (SENAME 2005). These advances have been remarkable, because before the reform, there were no specialised services for children. From 1997 onwards SENAME has established a specialised area of projects to assist children affected by diverse types of neglect. One of the most innovative programmes developed under the reform were the Local Rights Protection Offices (LRPOs), services implemented at the local level, with preventive aims, conceived as the entrance to the system of children services. Rather than treatment, these offices were to develop community work promoting a children rights culture, and to offer a referral service through which neglected children could be assessed and derived to specialised services.

From the other side, the DJCR was charged in 2002 with the design and implementation of a programme for children involved in law infractions and misconduct affecting their social integration. In June, 2007, SENAME began to offer specialised services for young offenders, through diverse programs. Concretely, young offenders sanctioned for serious crimes are to be placed in so called 'Conduct Rehabilitation Centres', implemented as closed institutions providing compulsory education, psychological



services, and work with the families. When sanctions are less severe, young offenders are placed in semi-closed institutions, staying during the night but free to go to school during the day. Both types of programmes contemplate a special offer to treat addictions.

There are many programmes that SENAME has developed during the last twenty years trying to adjust its work to the new paradigm, dealing with promotion, prevention, protection, and restoration of children's problems. However, the most paradigmatic change occurred with the creation of the two programmes pertaining to the departments described: Juvenile Imprisonment Services (JIS) and LRPOs.

JIS represent a whole new approach to services for young offenders. The previous former child services system provided undifferentiated programmes for children needing protection and those who had committed a crime. In spite of it being a new program, the basic institutional setting as well as the staff has remained the same from the previous era, so it shall be interesting to observe how the staff has reacted to a new way of providing services. LRPOs, on the contrary, are not reconverted programmes, but entirely new ones. New staff, new infrastructure, and new guidelines to implement the central aim of this new policy: to promote children rights from their territories, keeping families together, and avoiding incurring in legal procedures.

Comparing these two programmes will allow us to search for factors that operate as obstacles or supports for social services in achieving the objectives of the new policy, since JIS bring into discussion the legacy of past practices in a new legal framework, while LRPOs put into play new challenges previously unknown by a service that, for

first time, privileges the territory and makes an effort to decentralise the services. The next section discusses the main characteristics of these programmes and develops a guide that builds on the previously discussed for rights-based social services, adding now the specific requirements posed by the policy guidelines of both programmes under study.

#### **4.5 Local Right Protection Offices (LRPOs)**

The main goal of LRPOs is to protect children's rights through territorialised services looking after children in situation of social exclusion and contributing, at the communal level, to develop conditions favouring a culture of rights. LRPO's work should decrease the entrance of children into judicial circuits, reduce the level of child social exclusion, diminish the local rates of children in care, and increase and strengthen children programme networks.

LRPO are decentralised from SENAME: administratively located in municipalities, they have double dependency, from SENAME and from the local authorities. Municipalities contribute to the funding of LRPOs, and participate in the definition of LRPO activities, with SENAME in the role of setting up the technical orientations for action. The spheres of activity of LRPOs include: 1) management of children rights protection, solving children's exclusion or vulnerable situations in the local space, integrating family as a protagonist actor; 2) legal representation or advice of children and their families' before courts of law; 3) articulation of the local circuit for children's right protection, facilitating access to resources and networks. These three spheres hark back to the rights of non discrimination, child best interest, respect of children's views,

and the right to live in family. The following discussion analyses the consequences of these anchoring in rights for a programme like the LRPO.

For the management of child protection, LRPOs implemented an administrative model, instead of a jurisdictional solution. Its specific objectives are to provide professional services for children and families, referring them to specialised services for solving conflicts through alternative ways; provide access to psychosocial and judicial services as necessary; and to strengthen networks between public and private institutions to articulate service provision. The work of these offices needs the integration of families in the process of decision making regarding the restoration of their children's rights. The main outcome of this offer is service management through referrals towards public and private institutions, and is usually labelled as clinical service. These services comprehend families' legal representation or advice in front of courts and include actions for familial strengthening, such as training for parents and intermediate agents to reinforce their protective role, support of actions that favour parental skills, as well as active attitude to detect significant harm to children.

For the articulation of local circuits for children's rights protection LRPOs contribute to the design, execution, and evaluation programmes and plans at the local level in the sphere of the promotion and protection of children's rights. LRPOs also support and strengthen the development of 'Rights Protection Communal Councils', consultative and advisory entities promoted from the municipality to define actions towards children. Generally these are chaired by the local mayor, and health, educational, and other children services (police, women organisations, food programs, etc.) participate in them. The main outcome of this area is the implementation of community actions oriented to

the development of systems of protection and care for children and adolescents, or, as it has been called by policy guidelines, to the building of a culture of rights and delivering multi-agency services. In this level of intervention there is an emphasis on the complementary capacities of the State and civil society engaged in community actions sustained in local assessments, social network strengthening, and social actors' reinforcement (children, families, neighbours, agencies, community organisations).

It is expected that LRPOs will develop a process of systematisation of knowledge about practice that will make understanding and transferability possible, informing practice through feedback. All these considerations are summarised below in Table 2, and linked to the core rights discussed earlier.

**TABLE 3**  
**LRPO DIMENSIONS OF RIGHTS-BASED SERVICES**

<b>Rights based social services for children (EUROCHILD)</b>	<b>Social Services dimensions based on the legal framework</b>	<b>LRPO dimensions based on policy guidelines and UN requirements for protective services</b>
<b>Non-discrimination</b>	Guarantee of specialised programs, recognising particularities of life situations and well-being of excluded groups of children.	Guarantee that family-oriented policies are in place to strengthen family environments without discrimination.
	Tailored programmes and individualised intervention plans, including a differentiated offer for children whose rights have been neglected and young offenders.	Ensure the systematic collection of relevant data on the causal factors of family vulnerability and ensure that relevant data informs service delivery in support of families.  Foresee appropriate interventions to support and strengthen families. These interventions are resourced, targeted, and implemented
	Programmes underlined by gender parity perspective, allowing the identification of different realities for boys and girls, and guaranteeing responsibilities for mothers and fathers.	Recognise and promote the common responsibilities of mothers and fathers (equally empowered with attitudes, skills, capacities, and tools to provide a caring environment for the child).  Provision of clinical services to children and their families to solve their conflicts. Screening and risk assessment counselling, evaluation and intervention plan
<b>Children best interest and protecting the survival and development of the child</b>	Integral Services: availability of inter-professional work and interagency collaboration.	Develop interdisciplinary assessment and intervention.  Provision of psychosocial and legal assistance to children, and articulation with family tribunals and judges.  Ensure that comprehensive criteria are used to assess the capacity of the family.
	Capacity to ensure integral services: availability of resources to cover the array of children rights, including cultural and social resources.	Interagency work promotes local availability of comprehensive services Foster complementary capacities of the State and civil society. Supportive social services.
	Infrastructural conditions to ensure appropriate treatment for each developmental stage.	Programme provides the needed infrastructural conditions to achieve its objectives: 1. Children's corners (children space). 2. Pleasant waiting rooms with access to educational material. 3. Professionals' offices with space that offers privacy.
	Territorial Management: existence of levels of decentralisation and participation of public and non public actors in decision making processes.	Warrant coordinated service provision and a range of relevant services to ensure tailored and appropriate responses to families facing difficulties.
	Provision of education, health care, and appropriate life conditions	Internal or external referral and monitoring, in order to facilitate the access of children and their families to local community resources, provincial, regional or national, public or private. Constitution of communal councils of children rights protection.

<b>Respecting child's view</b>	Warranty of strategies and mechanisms that allow children participation in defining objectives of intervention plan and means to achieve them.	Intervention plans include children participation. Guarantee that parents and children fully participate in the decision-making process. Intervention plans include work with children's significant others: peers, community, neighbours.
<b>Right to live in family</b>	Guarantee of assistance to parents and legal guardians in the performance of their child-rearing responsibilities and the development of institutions, facilities and services for the care of children.	Promote and support a range of appropriate family support services (measures to ensure children can be cared for within their families, particularly their right to appeal against a decision to remove a child, use of home visits, group meetings with other families, case conferences). Provide for parenting education. Training for parents. Family strengthening services.
	Promotion of transitory services, which seeks to avoid institutionalisation.	Monitoring of alternative care, frequent reviews.
	Programmes count with rigorous and systematic operators able of recognising, reinforcing and broadening capacities and aptitudes in parents, removing obstacles to contribute to the progressive autonomy of children and families.	Programme workers value children's right to live in family, and see families as the main responsible in children upbringing and as able to fulfil their roles. Programme workers have the technical capacities to train families in parental skills, to develop clinical interventions, and to promote a culture of rights at the local level. Workers have the space and time to analyse their practices.

Non-discriminatory practices depend on LRPO's capacity to recognise specific needs of communities, which is accomplished through community assessments, mainly because systematic data collection and analysis informs decision making and invites to critically review stereotypes. In addition, individual assessments are required to identify children in special situations. Furthermore, non-discriminatory practices entail interagency network, guaranteeing wide-ranging and tailored interventions, and they suppose the existence of a local policy promoting communities that support children rights and make these practices sustainable.

The rights of children best interest and protecting their survival and development is met by LRPO through comprehensive services for children, guaranteeing interdisciplinary assessment and intervention, and providing psychosocial and legal assistance to children whose rights have been harmed. Interagency network allows for resource articulation from diverse agencies, contributing to meet special needs, through mechanisms of referrals and monitoring, making possible the access of children and their families to private or public resources in all levels: local, provincial, regional, and national. The constitution of communal councils of children rights protection, as advisory and consulting bodies supporting the work undertaken by the municipality to offer adequate local services, constitutes a relevant dimension to guarantee the right of children best interest. Finally, these rights consider that interventions should be provided in pleasant and private infrastructural conditions that stimulate children to receive services.

In regard to the right of respecting the child's view, in the LRPO these rights are ensured in first place by guaranteeing the participation of children and their families in

the process of decision making, as well as the inclusion of children's significant others in the action plans.

Finally, the right to live in family guarantees in LRPOs family support services as preventive measures to ensure children are cared for within their families. These services comprehend a range from individual services, to social assistance, to training in parenting skills. It also ensures that workers value family as main responsible in children upbringing and as able to fulfil their role, and that programme workers have the technical capacities to train families in parental skills, to develop clinical interventions, and to promote a culture of rights at the local level.

#### **4.6 Juvenile Imprisonment Services (JIS)**

Act 20,084, promulgated in November, 2005, gave origin to a specialised system of justice for young offenders, granting due process of law and strategic interventions to promote social integration. Diverse programmes were created to implement this law, all of which were underlined by the principle that young offenders can be held accountable for their actions (a fact that the former system denied), and at the same time, because they are adolescents, justice for them requires acknowledging that they are still in their development process and less morally accountable for their offences than adults.

Previous programmes had been criticised for confining children in remote institutions, rather than rehabilitating them in programmes that would maintain some close connection with their families and communities. These programmes seemed inappropriate not only because of their heavy hand against children whose criminal offences were often minor, but because they seemed to increase the likelihood that



children would continue to commit crimes. In short, the programmes were both unjust and ineffective. The new policy encourages efforts to reintegrate the young offenders into their communities and families

The UNCRC establishes the overall regulatory framework for application of justice with youth in conflict with the law. This framework rests on the bases of the general recognition of individual rights and responsibilities of adolescents, the guarantees of due process, and a system of proportional criminal penalties for children between 14 and 18 years of age (Ayora 1997). Young responsibility is a new concept embedded in the juvenile justice systems (Muncie and Hughes 2002, Tiffer 2003, Silva 2000), in view of minimal judicial intervention, and in view of social integration expressed in access to education, training, and general social services. Based on article 40 of the UNCRC, the individual receiving a criminal sanction is defined as a subject in development. Therefore, the sanction should be accompanied by an educational component, embodied in programmes designed to promote skills development, so as to lessen the risk of a new infringement.

Control and social development demand from SENAME's teams the capacity to give similar attention to each area, understanding their complementarities (SENAME 2005). The latter implies that the sanction seeks to re-establish control in young offenders and their significant others, considering their development stage and degree of autonomy. When they are imprisoned, most of their daily activities are permeated by control measures. Control supposes responsibility: the sanction faces young offenders with their actions in order to help them assume responsibility for them, through a process where they become conscious about the consequences of their actions –on their victims and on

themselves—arriving in the best case to the acknowledgement of their own condition as a subject with rights, as well as their victims' equal condition, and their legitimate aspiration to live in social peace. Along this process specific procedures must be arranged to investigate and assign responsibility for acts committed by adolescents between 14 and 18 years of age who break the law. These procedures introduce penal and procedural guarantees—eliminating the declaration of moral awareness previously required to prosecute as adults adolescents between the ages of 16 and 18—and project less severe sanctions, together with socio-educational measures to be administered directly by SENAME or by private organisations under its supervision (SENAME 2005).

Social development in JIS require the implementation of measures that help children meet their generic needs as people in development, and the special needs they may present as a result of biographies usually marked by abandonment and neglect. These social aims show the paradigm shift in judicial services for young offenders: a transit from a punitive and tutelary model towards a model integral protection of rights, which demands of all actors involved in the new juvenile justice interventions according to this new legal and institutional reality.

In this specialised judicial system young offenders sanctioned for serious crimes are to be placed in Juvenile Imprisonment Services, closed institutions providing compulsory education, psychological services, and work with the families. When sanctions are less severe, young offenders are placed in semi-closed institutions, where they must remain locked down during the nights. The ultimate of these programmes is to help juveniles to integrate to society. Both programmes must count with special services to treat

addictions, outsourced by the government. The least severe infractions are no grounds for any form of imprisonment, but require intervention to be administered under the notions of restorative justice. There is to date very little information on the outcomes of these measures.

Juvenile Imprisonment Services must ensure accountability, responsibility, and empowerment. Accountability is achieved by assimilating the penalty, explaining the young offender the reason for confinement, and warranting the conditions in which the sanction will be addressed. Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice (Council of Europe 2010: 4) establish that in this process ‘children should be treated with care, sensitivity, fairness and respect throughout any procedure or case, with special attention for their personal situation, well-being and specific needs, and with full respect for their physical and psychological integrity. This treatment should be given to them, in whichever way they have come into contact with judicial or non-judicial proceedings or other interventions, and regardless of their legal status and capacity in any procedure or case’. The right of non-discrimination is at stake here, according to the same Guidelines, insofar as when procuring children accountability, their rights ‘shall be secured without discrimination on any grounds such as sex, race, colour or ethnic background, age, language, religion, political or other opinion, national or social origin, socio-economic background, status of their parent(s), association with a national minority, property, birth, sexual orientation, gender identity or other status, and specific protection and assistance may need to be granted to more vulnerable children, such as migrant children, refugee and asylum seeking children, unaccompanied children, children with disabilities, homeless and street children, Roma children, and children in residential institutions; moreover

children shall not be subjected to torture or inhuman or degrading treatment or punishment' (Council of Europe 2010: 4).

Children are entitled to the due process of law. In this regard, the Guidelines include the principles of legality and proportionality, the presumption of innocence, the right to a fair trial, the right to legal advice, the right to access to courts and the right to appeal. Lastly, children should have the right to access appropriate independent and effective complaints mechanisms (Council of Europe 2010: 4).

Reparation involves guaranteeing complementary protective alternatives, to address abuses and violation of rights in adolescents' personal history. Comprehensive protection requires that young offenders not only have the guarantees enjoyed by adult citizens, but also access to specialised mechanisms of repair of their harmed rights. Reparation abets the right of best interest of the child, which according to the Council of Europe (2010: 3) implies that social services should assess the best interest of the affected children, considering their views along with their rights to dignity, liberty, and equal treatment. Authorities should adopt this comprehensive approach based on an ample range of interests, from psychological and physical, to legal, social, and economic, all of which demand concerted efforts to establish multidisciplinary approaches.

Lastly, empowerment supposes a process of systematic socialisation and skills development of young people towards social reintegration. Participation is requirement for this process as highlighted by the Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice (2010: 3), including 'giving due weight to

the children's views bearing in mind their maturity and any communication difficulties they may have in order to make this participation meaningful. Empowerment also requires children be considered and treated as full bearers of rights and be entitled to exercise all their rights in a manner that takes into account their capacity to form their own views as well as the circumstances of the case'.

The fulfilment of the required JIS social development and control measures, underlined by accountability, responsibility, and empowerment, involves several actions that respond to the core rights defined earlier in this chapter. The operationalisation of these core rights into specific requirements for JIS programmes are summarised in the following table and explained in detail at the end of this section.

**TABLE 4**  
**JIS: DIMENSIONS OF RIGHTS-BASED SERVICES**

<b>Rights-based social services for children EUROCHILD</b>	<b>Social Services dimensions based on legal framework</b>	<b>JUVENILE IMPRISONMENT SERVICES DIMENSIONS</b>
<b>Non-discrimination</b>	Guarantee of specialised programs, recognising particularities of life situations and well-being of excluded groups of children.	Children rights are secured without discrimination on any grounds (sex, race, colour or ethnic background, age, language, religion, political or other opinion, among others). Specific protection and assistance is granted to more vulnerable children. Principles of legality and proportionality, presumption of innocence, the right to a fair trial, to legal advice, to access to courts and to appeal is guaranteed for children as they are for adults. Children have access to appropriate independent and effective complaints mechanisms.
	Tailored programmes and individualised intervention plans, including differentiated offer for children whose rights have been neglected and young offenders.	Interventions where children are treated with care and fairness.  Children shall not be subjected to torture or inhuman or degrading treatment or punishment.  Development of Individual Intervention Plan (IIP).
	Programmes underlined by gender parity perspective, allowing the identification of different realities for boys and girls.	Provision of specific and separated services for girls and boys.
<b>Children best interest and protecting the survival and development of the child</b>	Integral Services: availability of inter-professional work and interagency collaboration.	Multidisciplinary approach allowing close co-operation between different professionals. Assessment of the legal, psychological, social, emotional, physical, and cognitive situation of the child. Availability of an ample array of services (health, psychological, social, interpretation and translation, and others). Organisational conditions to provide support as well as the means of accessing the needed services.
	Capacity to ensure integral services: availability of resources to cover the array of children rights, including cultural and social resources.	Comprehensive approach is adopted so as to take due account of all interests at stake. Team work. Resources to implement workshops and activities planned by staff.
	Territorial Management: existence of levels of decentralisation and participation of public and non public actors in decision making processes.	Provision of psychosocial, legal services and daily care for each child; articulated intervention provided by the different workers. Promotion of a network among public and private institutions to achieve articulation and strengthening of services. Regular communication with local, regional and national authorities; in-site capacity to make decision to face crises.
	Provision of education, health care, and appropriate life conditions.	There is a policy to coordinate with gendarmerie. Articulation with agencies providing drug treatment and job training. Articulation with other social service provision in the territory. In-site provision of education and basic health services.

<b>Respecting child's view</b>	Warranty of strategies and mechanisms that allow children participation in defining objectives of intervention plan and means to achieve them.	Children are informed about their rights, are given appropriate ways to access justice are consulted and heard in proceedings involving or affecting them. Children's views and opinions are given due weight. Intervention plans count with mechanisms to include children participation. Intervention plans include work with children's significant others: peers, community, neighbours.
	Infrastructural conditions to ensure appropriate treatment for each developmental stage.	Programme provides the needed infrastructural conditions to achieve its objectives: Provision of security; landscape and gardening and chromatic range; Spaces of recreation and sports. Implementation of mechanism to prevent social isolation (closeness of imprisonment centres to city ensuring accessibility; access to telephone)
<b>Right to live in family</b>	Promotion of social relations and culture that recognises, values, and promotes children preferential right to live in family.	Intervention plans include work with families
	Guarantee of assistance to parents and legal guardians in the performance of their child-rearing responsibilities and the development of institutions, facilities, and services for the care of children.	Maintenance of regular and meaningful contact with parents, family and friends through visits and correspondence, except when restrictions are required in the interests of justice and the interests of the child. Restrictions on this right should never be used as a punishment.
	Promotion of transitory services, which seeks to avoid institutionalisation.	Offer of parental skills training. Support family reunification when needed/possible.
	Programmes count with rigorous and systematic operators capable of recognising, reinforcing, and broadening capacities and aptitudes in parents, removing obstacles to contribute to the progressive autonomy of children and families	Programme workers value children's right to live in family, and see families as the main responsible in children upbringing and as able to fulfil their role.  Programme workers have the technical capacities to train families in parental skills, to develop clinical interventions, and to promote a culture of rights at the local level.

Juvenile Imprisonment Services respond to Chile's commitment to procure children's well-being, protecting UNCRC core rights through the development of a national system of socio-educative assistance implemented by SENAME, based on the recognition of young offenders as subjects of rights, but also responsible for the acts they commit, from a reparative, empowering, and inclusive perspective. The socio-educative model is constituted by four basic dimensions: 1) individual, 2) familial, 3) community, and 4) access to social services and public policies. International agreements have established that these four dimensions require, in order to be successfully implemented, a proper organisational context. The concurrence of measures from each dimension and the proper organisational context tend to UNCRC core rights with different emphases. These dimensions and organisational requirements are explained next.

The individual dimension considers the antisocial behaviour and the cognitive, emotional, and cultural elements that explain it to help young offenders in a comprehensive way. JIS must provide an Individual Intervention Plan (IIP) that includes needs, motivations, and protective factors constituting personal resources of young offenders favouring responsibility and social reintegration, as well as the explanatory factors for antisocial behaviour. Schooling and specific intervention on drug abuse are services that must complement this intervention. Rights of non-discrimination and the best interest of the child should be assured when attending the individual dimension, through the acknowledgment of young offenders' life situations explaining the transgression and the offer of basic services (education, health, proper living conditions) to meet young offenders' needs. Considering the complexity and diversity of conditions of children involved with justice, the Guidelines of the European



Council (2010: 6) state that ‘all professionals working with and for children should receive necessary interdisciplinary training on the rights and needs of children of different age groups, as well as on proceedings that are adapted to them. Professionals having direct contact with children should also be trained in communicating with them at all ages and stages of development, as well as with children in situations of particular vulnerability’.

The familial dimension focuses on intervening in parental competence development, to favour behavioural control of the young. Since the penalty falls solely on the adolescent, family participation is not within the legal requirement. Consequently, the executor team should develop the necessary steps to involve family and significant adults in a permanent way, based on the premise that they represent an indispensable source for the purpose of intervention. The programme should help create conditions that facilitate family integration, through strengthening of family ties, and proper exercise of parental roles, thus promoting family participation in the IIP. Evidently, the children’s right to live in family underlies this dimension. European Council Guidelines (2010) stress that given the vulnerability of children deprived of liberty, the importance of family ties and promoting the reintegration into society should be considered paramount, maintaining regular and meaningful contact with parents, family, and friends through visits and correspondence, except when restrictions are required in the interests of justice and the interests of the child. Restrictions on this right should never be used as a punishment. Social reintegration should be achieved through the dimensions of access to social programmes and public policies, explained later.

The community dimension encompasses the interventions meant to strengthen the youths' primary network in the community, with the peer group and neighbours. The idea is to reinforce and broaden the young's social bonds with different systems, constituting a support network for social reintegration. Under this dimension the sub principle of promoting a territorial perspective, included in the core right of child best interest, appears as central. Besides, the principle of respecting children's views underpins the idea of acknowledging the relevance of the peer group and of children's social ties, thus overcoming the classical prejudice about the need of 'rescuing' children from damaged communities (without considering the relevance these may have in children lives). Lastly, the involvement of actors that appear as meaningful for children requires of children's participation in defining who these actors are and the way of relating to them in the intervention process.

Finally, access to social programmes and public policies is a dimension that seeks to ensure that interventions are oriented to facilitate the access of adolescents and their families to pertinent social programs, favouring social integration and the exercise of their rights. European Council Guidelines indicate that this dimension entails that children should receive appropriate education, vocational guidance, and training, medical care, and enjoy freedom of thought, conscience, and religion, and access to leisure, including physical education and sport, as well as access to programmes that prepare children in advance for their return to their communities, with full attention given to them in respect of their emotional and physical needs, their family relationships, housing, schooling, employment possibilities, and socio-economic status (Council of Europe 2010: 7).

These actions need to be achieved through inter agency collaboration. Child best interest as well as the principle of non-discrimination turn up in this dimension, since it fosters the exercise of children rights' exercise through access to universal public policies, such as education and health, as well as to the specific programmes each child may need, tailoring the intervention plan according to each case, without discrimination regarding to the condition of the child, such as the type of offense they committed.

Alongside these dimension, JIS policy guidelines establish that intervention cannot be disconnected from the organisational functioning of each program. SENAME, based on the Juvenile Responsibility Penal Law, proposes management strategies that will support the achievement of programme objectives and specific infrastructural conditions, all of which are discussed next.

The European Council Guidelines (2010:6) indicate that the availability of services such as health, psychological, social, interpretation, and translation, requires of organisations which can provide support as well as the means of accessing such services along with emergency financial support. The Council stresses the need of a multidisciplinary and cooperative approach among professionals in different fields (such as lawyers, psychologists, physicians, police, immigration officials, social workers and mediators) to attain a holistic understanding and assessment of the legal, psychological, social, emotional, physical, and cognitive situation of the of the child. The Guidelines recommend a common assessment framework for these professionals to assist decision-making in proceedings or interventions involving children.

The organisational context is also highlighted by Chilean policy guidelines, specifying the organisational conditions that allow inter-professional work and interagency collaboration. Concretely, the programme should achieve an internal functioning sensitive to the stress experienced by its human resources: staff suffers some of the effects of imprisonment as a consequence of long shifts in the centre.

JIS programmes should be staffed by professionals of diverse profiles, to promote comprehensiveness and coherence in interventions. Staff requires management to strengthen organisational collaborative styles and consistency among teams, mechanisms of evaluation and coping with stress, as well as coordination among teams and external programs. Finally, another relevant feature of the management in this type of programme is the ability to develop burnout prevention strategies and healthy labour environments. These labour conditions encourage better delivery of services for children, contributing to reduce the possible discriminatory effects of restrictions on young people's freedom.

The complexity and permanence of the intervention in this type of programme requires an explicit effort to promote team work: the head of a technical team must implement several coordination mechanisms with other programme actors, ensuring coordination and information transfer about decisions and actions affecting young offenders, through technical discussions and case studies. These coordination mechanisms should promote inter-professional work, with regular meetings among different organisational layers as one of the visible indicators of such coordination. From the technical perspective of this program, team work is vital for the quality of the intervention, as well as for achieving healthy labour environments.

The development of an organisational model promoting innovation, initiative, and participation through devices designed and agreed by the same teams is an asset. Recommendations towards this model include the implementation of actions such as technical meetings with staff from different areas, agreement of common goals, permanent planning and evaluation, development of participative labour practices, technical discussions, and validation of different roles in the organisation (DJCR 2007).

All these requirements represent the component of inter-professional work, which was defined early as an indicator of the right of children best interest, since it facilitates integral and holistic plans. The contribution of diverse staff knowledge and skills in one individualised intervention plan can only be achieved through permanent and planned inter-professional work.

Besides, interagency coordination appears as a central component of organisational functioning, since the expected outcomes from these programmes are related to the achievement of objectives requiring collaboration from specialised agencies. One core relation for these programmes is the link with gendarmerie (prison wardens), which ensures the proper achievement of the control measure pursued by JIS, contributing to guarantee security and young permanency. A permanent staff of officials from gendarmerie must provide vigilance and custody, control of people entering the centre, collaborate in conflict management when asked by the director of each program, and help in transferring young offenders to tribunals or other external places. These actions need to be framed by policies for preventing and reacting to critical events, mechanisms to evaluate prevention, contention, and intervention in critical events, and plans to promote integration among staff from different programmes.

A permanent articulation with drug treatment programmes must be secured in order to share similar intervention objectives and strategies, ensuring coherence among rehabilitation and social integration programs. A similar line of action needs to be developed with educational and job training programmes in each centre, always with the purpose of guaranteeing consistency among the different types of intervention provided to young people. Inter-agency collaboration has been defined early as an indicator pertaining to children's best interest, since it ensures the development of strategies to develop coordinated plans with other programmes serving young offenders (gendarmerie, educational programmes, job training, and drug abuse treatment). Lack of interagency coordination can produce damage to children from excess of disconnected interventions.

Finally, Guidelines of SENAME's Department of Juvenile demand specific infrastructural conditions for the provision of basic services, spaces for daily safe coexistence, the implementation of compulsory daily activities, and infrastructural and geographical conditions to offer accessibility to the programme and social integration. Safety considerations comprise the presence of officials of gendarmerie and perimeter security, and preventive security plans to avoid risks of accidents as well as risks of physical and psychological damage to adolescents and staff. Reactive security plans should be related to formal procedures to face conflictive situations and emergencies.

Programmes must also have environmental considerations such as landscape, gardening, and chromatic range, well equipped basic services (bathrooms, bedrooms, offices) and common spaces (classrooms, recreational spaces). In general, there must be a policy of

management of common spaces to minimise the negative effects of imprisonment and ensure quality of life.

Infrastructural conditions ensuring accessibility to the programme and social integration refer to the development of mechanisms and strategies that minimise the risk of deepening social disintegration and family break up. They include flexibility in visiting hours and in days of visits, monetary support to finance transportation for family visits, and ensuring communication channels among children and families, among others.

The provision of a safe and harmonic place to live for young people in conflict with justice answers to the principle of non-discrimination, since there is a public effort to ensure quality of living standards for these children, regardless of their infractions, and a mandate to ensuring the preservation of bonds relevant to the users, facilitating access and communication with family and relevant ones. However, it may be argued that a fundamental obstacle to non-discrimination is the very measure that entails loss of freedom for children population.

## **5. Conclusions**

From what has been presented until now, it follows that a new discourse has been put in place for state intervention over the Chilean family, and that changes have been made in the design of social programmes to protect and reintegrate children to society. It seems that, after a system meant to keep children in need separated from society, the government has set forth a kind of revolution in the understanding and serving of children whose rights have been affected.

Policy implementation requires that Chilean society be permeated by the new perspective, which can be difficult when there is a long history of seeing children in need as “minors” and irregular people that only need to be disciplined and normalised towards middle class standards of behaviour (García Méndez 1997).

Ensuring advances in the new policy for children is helped by having a formal framework for assessment: failures in policy evaluation in Chile usually stem from a deficient design of policies. This chapter has put forth a framework to assess advances in two specific programmes of policy for children, identifying its core principles and developing specific indicators for each program, which safeguard the fulfilment of core rights based on Chilean policy guidelines and international instruments. The use of international instruments compensates for a weak operationalisation of the general policy and its policy guidelines in Chile, becoming a new resource for monitoring advances and obstacles in the implementation of social policy for children.

The indicators detailed in the previous analysis presume the existence of organisational capacities, styles of collaborative work among the members of the organisation and towards other organisations, levels of autonomy to make decisions, and support from different governmental and nongovernmental sources. They also posit specific considerations from implementers in regard to children’s rights, the role of their families and society, and the incidence of state decisions in children lives. The following chapters consider the theoretical backgrounds that sustain the achievement of the indicators, bringing to the discussion two main themes: organisational theory and institutional theory, two subjects that after being discussed from the theoretical perspective shall be articulated as the main dimensions guiding the research design and



field work developed in this research. In the following chapter I review organisational theory.

# **CHAPTER 3**

## **EXPLORING ORGANISATIONAL FACTORS INFLUENCING POLICY IMPLEMENTATION**

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### **1 Introduction**

Earlier discussions in this research have concluded that in order to study a policy implementation process, one relevant action is to understand how policy formulation interacts with the organisational systems that respond to such policy (Hassenfeld and Brock 1991, Elmore 1978). Our review of social policy implementation pointed to four central dimensions in this process, i.e. policy formulation, organisational structures for policy implementation, player relationships involved in implementation, and external factors influencing implementation. The authors reviewed (Winter 1990, Ryan 1996, Hassenfeld and Brock 199, Boyne 2003) agree that such dimensions would affect the results of the policy. Chapter 2 is dedicated to policy formation; in the current chapter, I examine: organisational structures which are captured in the implementation agencies and the distribution of power, and organisational relationships which are captured by the levels of influence organisational members exert among them and with other agencies, mediated by the access to resources of different type. The third dimension, called external influences in policy implementation, is treated in the next chapter, and responds to the role assigned to institutional arrangements in constructing rationality, referred to broader cultural-cognitive, normative, and regulatory institutions. The cultural and normative frameworks that bound and define organisational performance are reviewed in Chapter 4.

In regard to the dimensions this chapter develops, in the first place I refer to the type of adjustment that exists between policy and organisational structure, since implementation is a function of the organisation's ability to develop structures and processes that fit the service provision stipulated by the policy (Hassenfeld and Brock 1991:454). Secondly, I refer to the type of relationships of the organisation, both internally and externally, as aspects of organisational behaviour that interplay with organisational structures. These patterns of relations will affect the implementation outcomes, and therefore also need to be studied.

In section 4 of the present chapter, the effects of organisational structures, relationships and resources in the implementation process are presented in a general discussion.

Implementation of social policy is undertaken by organisations; therefore implementation may be examined as an organisational question, where the mandates of a new policy require new patterns of individual and organisational activity, and one of the outcomes may be intra-organisational conflict. Furthermore, such mandates usually involve the participation of other organisations; consequently there is a need to consider coordination mechanisms that are not always available (Montjoy and O'Toole 1979). The important role of the organisation in the matter of implementation is justified because organisational systems are constrained by what Hassenfeld and Brock (1991: 463) defined as policy instruments shaping the policy, including authority, resources, and program design, which determine the kind of demands that policy places on the organisational systems responsible for policy execution (see Chapter 2).

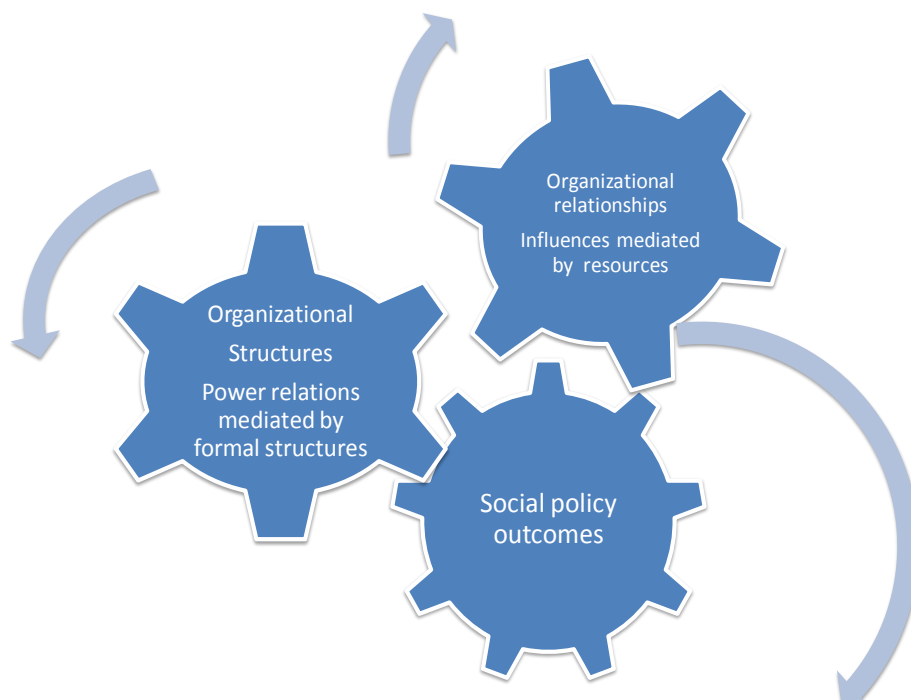
Social policy must deal with existing organisational structures and actors' relationships that may or may not be tuned to the provisions contained in the formal language of the policy. Such structures and relationships are set out by critical players that, according to Hassenfeld and Brock (1991), include the implementing agency and organisation's members and the other organisations related to the achievement of a policy. As a result, acknowledging the kind of organisational structures of the implementing agency allows anticipating to some extent the performance of the organisation (Greenwood and Hirings 1993).

The foregoing proposition stems from the taxonomy conducted by the authors on previous implementation studies. Their conclusion was that studies based on the top-down perspective emphasise rationality as the driving force of the analysis, explaining implementation processes by observing dimensions defined in the policy text as sufficient process predictors; whereas the bottom-up perspective, and the interpretative analysis in a more purposeful way, discussed in the Introduction, would emphasise the interaction among the various players involved in the policy, and how this last brings particular meanings for diverse audiences (Yanow 1996).

Hassenfeld and Brock (1991:467) adopt the bottom up view and point out that the forces involved include power and resources. Accordingly, in order to examine structures and relationships, the central dimensions of this chapter, the next section discusses organisational structures and how these affect and are affected by power distribution. Later, relationships will be analysed under the same lens of power, but according to its informal emergency, an expression with similar or even more impact than the former. These relationships bring to the discussion the role of resources, and

their impact on street level bureaucrat's performance and the coalitions they develop among them and with stakeholders. Therefore, a scheme illustrating the coming analysis could be:

**Figure I**  
**Interaction among organisational structures, relationships and outcomes**



For analytical purposes, the next section discusses the characteristics of organisational structures from the standpoint of the implementing agency as a critical actor, based on the types of formal power relationships affecting organisations in their decision-making process. To this end, I shall apply classical organisational theory, following my definition of the problem to be discussed as an organisational one, and will complement this analysis with public administration studies, to focus on the specific processes carried out by public services. Section 3 discusses the relationship dimension in light of resource allocation and the effects it will produce on relationships between the members

of the organisations and other organisations. These relationships will be influenced by the structures discussed in the previous section. A final section puts together the main organisational elements to be considered when analysing policy implementation.

## **2. Organisational Structures**

Implementing agencies conduct their work under the influence of the policy originating their mandate and their internal structures. The strategy pursued by the policy will be more successful if the latter is geared to the former; for this reason, implementation studies find that questions on organisational performance, in cases where organisational structure is only slightly adjusted to the strategy, are central (Andrews et al, 2008). In this context, alignment of policy and organisational structure is felt to be vital for attaining policy outcomes.

Examining the implementation of a policy requires knowing the implementing agency, which in this research corresponds to a social service within the governmental bureaucracy, responsible for putting together the elements of a program (Hassenfeld and Brock 1991:468). Social services are understood to embrace the activities and relationships involved in meeting the emotional and physical requirements of dependent adults and children, considering the normative, economic, and social environment in which they carry out their duties, in a context of state, social and family relations and responsibilities (Daly and Lewis 2000: 285).

The forces that mobilise implementing agencies are related to the use of power (Hassenfeld and Brock 1991). Power, in turn, is influenced by the organisation of authority and decision-making and the structure of formalisation. To better understand

the operation of implementing agencies and the use of power, I refer to organisational theory, which identifies structure as the vertebral column of the organisation. Organisational structure defines the type of organisation, the relations among its members, and the kind of practice they carry out (Sewel 1992, Ranson et al. 1980. Hall 1999).

As a rule, power tends to be examined from a purely formal perspective, based on hierarchical relations of authority (Astley and Sachdeva 1984). This view is particularly relevant in the case of public institutions, where the line of command plays an important role. Later, however, I will also examine other sources of power that affect the organisation in the relationships among its members and with other actors. The types of authority identifiable in the formal structure of the organisation reflect the levels of differentiation within the hierarchies, the degree of centralisation, and the scope of formalisation in an organisation. Constructing power as authority relationships is based on associating power with an official position resulting from a formal arrangement, where the right to exercise power is supported by virtue of the position filled, causing obedience obligations formalised in an institutional privilege rather than in an organisational necessity (Bacharach and Aiken 1976).

Thus, power distribution in formal organisational structures is effected by two main elements identified by organisational theory: centralisation and formalisation. These will give form to the levels of complexity of an agency, affecting its levels of vertical and horizontal differentiation. Centralisation constitutes a key structure to understand power distribution since it relates to degrees of authority in an agency and the levels of

participation in decision making. Formalisation, in turn, is related to the levels of autonomy organisational members hold to develop their tasks.

According to Andrews et al. (2008: 2), centralisation indicate how policy and objectives are decided and how resources are allocated, as it frames the hierarchy of authority and the degree of participation in decision-making. These factors decide power distribution throughout the organisation (Hage and Aiken 1967, Hall 2002). By hierarchy of authority, Andrews et al. (2008: 2) understand the location of the power to make decisions within the organisation, whereas participation in decision-making refers to staff involvement in the definition of policy. Centralised organisations tend to have a high degree of hierarchical authority and low levels of participation in decision-making on policies and resources, whereas decentralised organisations show low hierarchical authority and highly participative decision-making. There is agreement on the fact that more power concentration and less decision-making delegation implies more centralisation (Andrews et al. 2008, Aiken and Hage 1966, Hage 1980, Van de Ven and Ferry 1980, Pugh et al. 1965).

There are two relevant distinctions proposed by Aiken and Hage (1966) regarding centralisation: degrees of authority in the hierarchy and degrees of participation in decision-making. One relates to task variation among members of the organisation and the freedom of such members to implement such variation without being interrupted by superiors. Low task variation and high supervision levels mean a highly centralised system. Supervision is not necessarily counter-productive: with professional staff, close supervision may hinder their autonomy to develop their own work, but with non-professional staff, close supervision may ensure effective outcomes as well as workers'



self-confidence about their performance. In this regard, supervision and assessment standards can contribute to the sense of self-efficacy among members of the organisation.

The other dimension discussed by Aiken and Hage (1966) refers to organisational variations regarding the participation of members in establishing organisational goals and policies. In cases of high centralisation, with little member autonomy for implementation of individualised tasks, this would bring high rates of work alienation (1966: 498). Alienation of this kind would be stronger in organisations with professional staff than in organisations without such staff, mainly because the former tend to adjust to their own performance codes, favouring autonomy and participation in decision-making. The concept of alienation is discussed in the next section.

In spite of the former distinctions, research by Andrews et al. (2008) indicate that there are few studies investigating the effects of centralisation on the performance of public service organisations. Ouchi (1980) has suggested that in large bureaucracies centralised decision making is needed to ensure effectiveness and efficiency, whereas Lipsky (1980) insisted in that bureaucratic control increases street level staff's efforts to use discretion and accommodate goals towards their convenience. Andrews et al. (2008) reviewed prior research about centralisation effects in organisational performance and found out contradictory results, arriving to the proposition that the organisational performance will depend both on the level of centralisation and on the strategy adopted by the organisation.

The authors define strategy as ‘the overall way in which an organisation seeks to maintain or improve its performance’ (2008: 6), and conceptualise centralisation as both the hierarchy of authority and the degree of participation in decision making. They studied the effects of centralisation and strategy on organisational performance in 53 UK public services, developing a categorisation of strategies derived from Miles and Snow (1978) and Boyen and Walker (2004).

Boyen and Walker define strategy as how objectives and actions are selected or formulated, whereby a plan of action is proposed to achieve goals, change organisational conditions, or take advantage of latent opportunities (2004:232). Public organisations generally have a strategy imposed on them. Examples of these impositions are observable in the public sector in Australia having to adopt managerial strategies, or in local governments in United Kingdom that have been required to outsource some of their services. Strategy content is observable in two levels, first is the strategic ‘stance’ referred to the general approach that describes the organisation’s position in regard to how it interacts with its environment, showing the means to seek organisational maintenance or improvement. This is a highly institutionalised and hard to change dimension. The second level corresponds, according again to Boyen and Walker, to the strategic actions, which refer the steps taken by the organisation to operationalise its stance; this part of the strategy is easier to change.

The utility of their findings refers to classify organisations according to their capacity to change, proposing three types of organisation according the stance they adopt as prospector, defender, or reactor.. Each one of the identified strategies requires different degrees of centralisation in order to ensure expected outcomes.

Organisations with a defender strategy performed better with centralised authority and reduced participation in decision making, since they maintained stable service priorities, and top managers were in charge of operating efficiently. Centralisation reduced environmental uncertainties and introduced clear instructions in regard to service mission to middle and street level staff (Andrews et al. 2008:15), while low levels of participation in decision making facilitated stable objectives over time, which was valued by a defender organisation's staff.

Prospector strategy shows that increasing staff involvement in decision making improves services, as a result of enhanced senior managers' knowledge about daily interactions with clients, their needs, and opportunities to improve service delivery. The strategy allows more independent thinking to influence strategic management, increasing motivation and satisfaction, and improving staff morale based on more feedback in regard to performance (Andrews et al. 2008:16). However, this participation by staff appears to be positive only insofar as the final decision-making remained at the top. Participation played a relevant role in improving services, but safeguarding hierarchical organisational authority. Increased participation, especially from professional staff, yielded positive influence in organisational performance, but did not replace the chain of command, necessary to ensure accountability.

The reactor strategy does not show differences in performance associated to greater or lesser degree of hierarchy of authority and participation in decision making, basically because this type of strategy depends on external factors. It represents organisations with policies defined by national strategy frameworks where senior and middle managers do not influence the definition of service delivery decisions. Andrews et al.

(2008: 17) note here a lack of capacity to make authoritative decisions or encourage meaningful staff participation, even if there are chances to do so. If we add the complexity dimension to this conclusion, we could propose that organisations with low complexity would tend to have a reactor strategy, weakening decentralisation and participation in decision making.

The three types of categories can be related to diverse organisational positions when facing new challenges: to innovate (prospector), to consolidate (defender), or to wait for instructions (reactor) (Boyen and Walker 2004). However, it would be inappropriate to apply a single taxonomic criterion, because public organisations are framed by a mix of these, which may change over time according to new constraints and opportunities.

In sum, when analysing organisational performance, centralisation plays a central role that interplays with the type of organisational strategy prevalent in public organisations. The general nature of the political system affects strategy both as content and process. Thus, when studying policy implementation, one should consider that high performance in public organisations is an outcome of a good alignment between each organisation's decision making structure and its strategic stance (Andrews et al, 2008, Miles and Snow 1978).

Finally, an important dimension resulting from centralisation is its association with the characteristics of the society where these centralised organisations operate. Hall (2002) posits a relationship between the existence of a majority of highly centralised organisations with scant participation of their workers, and its replication in the participation of individuals in the society where those organisations are found. I will,

return to this possibility in Chapter 4, on how the Chilean cultural context affects the implementation of a child-oriented social policy.

Centralisation and strategic process need to be aligned with formalisation, a second organisational structure of interest here. Together, they affect the distribution of power within the organisation, producing greater or lesser organisational members' involvement with policy objectives. The next sections are devoted to describing those processes.

## **2.1 Formalisation**

The relationship between the degrees of formalisation of the organisational structure and the distribution of power in an implementing agency occurs because formalisation determines the mechanisms for controlling the action of the members of an organization through the division of labour, the specialisation of tasks, communication systems, and, more generally, the creation of procedures that provide guidelines for the implementers (Blau and Scott 1962, Aiken and Hage 1966, Rosengren 1967, Hall 1999). When an organisation is highly formalised, it has detailed objectives, job descriptions, functions, organisational rules, and enforcement thereof. Therefore, indicators of formalisation are job descriptions (degree of specification), rule observation (degree of supervision and standards of evaluation), and labour procedures (highly formalised or with space for discretion) (Hage and Aiken, 1967:79).

Organisational theory has stated that formalisation produces a routinisation of work and extremely standardised tasks, which in turn cause dissatisfaction at work, especially within highly professionalised staff (Aiken and Hage 1969, Pugh et al. 1965, Dornbush

and Scott 1975). However, in studies of public service, since the 1970s authors such as Hartman and Levi (1973) and Lipsky (1980) have found that in social services characterised by high levels of rationalisation and formalisation, workers on the front line exhibit high levels of discretion, as a way of responding to (and rejecting) what they see as the excessive formalisation of their organisations, which ultimately bounds implementers' individual decision-making with pre-programmed protocols. These veiled reactions of implementers to favour their own interests or views over the mandates established in policies do not always come to full realisation. This depends on how authority is distributed in each organisation, which justifies the study of formalisation as a dimension that has an impact on the exercise of power.

Both general organisational theory (Blau and Scout 1962, Aiken and Hage 1966, Rosengren 1967, Hall, 1999), as well as the analysis developed by scholars of public administration (Bacharach and Aiken 1976, Astley and Scachdeva 1984, Maynard-Moody et al. 1990) coincide in that, in general, formalisation affects autonomy, since employees will privilege the safety brought by sticking to rules, over taking initiative—and concomitant risk—at work. Organisational theory has established that this occurs when there are high levels of work standardisation and minimal allowance to deviation from those standards. Some authors have found that this work environment contributes to difficulties in adapting to change (Hall 1999: 69).

Adler and Borys (1996), conversely, stress the impact of formalisation in enabling individuals, since formalised procedures help organisational members accomplish their tasks. Even though their study was carried out among industrial organisations, their findings about the type of formalisation—as enabling or coercive—have bearing for

some relations I have established with other studies developed among public organisations, and can be illuminating to this research. Coercive formalisation entails enforcement of compliance, while enabling formalisation means the existence of mechanisms to make employees feel empowered or motivated by the rules and the systems in place. Adler and Borys (1996) recommend user involvement and professionalism as dispositive contributing to enabling formalisation. In concrete, they found that professionalism could be mobilised through a development process that is experience-based on existing skills, practices, and know-how of employees. This vision resembles bottom up models, similar to the proposal of engaging, rather than muting, street-level worker perspectives on how policy should be implemented, advocated by Maynard-Moody et al. (1990) and Musheno and Palumbo (1990). In a similar vein, Adler (1999) recognises in formalisation its capacity to recuperate deep organisational memory, which helps orient workers when they lack a common framework to act: ‘Having tossed out the manuals, many organisations discover that their employees are frustrated because now they have to improvise without even a common melody line let alone a complete score’ (Adler 1999 :33).

Findings in the public administration literature are similar to those of the general organisational theory: if formalisation is high, the distribution of authority tends to be constrained by procedures and rules, limiting implementers’ autonomy, creativity and ability to innovate. However, Bacharach and Aiken (1976), who studied 44 administrative bureaucracies in Belgium, suggested additional possibilities regarding the relationship between authority and formalisation. One alternative is a positive relationship between the formalisation of work and the delegation of authority within an organisation, which occurs when ‘work processes are formally specified, for such

formalisation acts as a check on subordinate use of authority' (Bacharach and Aiken 1976: 632). Thus, the administration of power appears only as the delegation of well-defined mandates, without yielding final authority. The second alternative occurs when the organisation requires the implementers' own, unique information, resulting in a negative relationship between the formalisation of work and the distribution of authority. Here, low formalisation indicates high levels of uncertainty in the task environments of workers, so that their unique knowledge becomes critical. In this case, granting authority to the implementers allows for important levels of discretion based on the expertise of members of the organisation, which would serve to increase the degree of authority in the different levels of the organisation, with a higher vertical differentiation.

Thus, both from the organisational perspective and from the specific study of public services it can be surmised that levels of formalisation will allow an increase or decrease in the distribution of authority, depending on the existence of expertise that can be managed in situations of uncertainty, as well as on the level of formal strictness of structures and work scenarios of the employees.

In the case of the public sector, Lipsky (1980) studied the impact of bureaucratic systems on the results of social policy, with focus on the role of implementers. The author defined street-level bureaucrats as public service workers who interact directly with citizens and who, within that relationship, exercise high levels of discretion, understood as the type, quantity, and quality of benefits or sanctions brought by social services. Lipsky (1980) explains that discretion is brought about by the levels of uncertainty facing implementers. In spite of the mechanisms developed by organisations



to ensure the achievement of organisational goals, they are limited by the operation of services in conditions that do not resemble the Weberian ideal type of bureaucracy. In this sense, Lipsky (1980) questions Weber's (1947) ideal type, reminding us that typically social services have few and inadequate resources for their work, high caseloads, vague, ambiguous, or conflicting organisational goals, little supervision, and lack of feedback when there are no performance indicators to measure the achievement of goals. These conditions of uncertainty at work reduce the usefulness of quality control measures of the service since these do not always reflect efficacy. For instance, they measure quality based solely on the implementer's experience, or the frequency of services, without considering the relationship between users and implementers. According to Lipsky (1980), situations like these favour discretion and tend to differ from the policy's expected outcomes.

Studies closer to the present day confirm Lipsky's initial findings in the 1980s. For example, when studying the behaviour of implementers in state-level welfare reform in the 1990s in the U.S., Meyers et al. (1998) discovered that regardless of the local officials' support for the reform, critical changes in programmes operation and goals did not happen automatically, and that the structure of rules, procedures and monitoring was enough to discourage welfare workers facing an uncertain reform aiming to change clients' motivations and behaviour. As Meyers and Glaser put it 'the legacy of contradictory goals and impossible expectations has produced too strong a tendency to substitute means for ends in the understanding of program mission' (1995: 35). In short, formalisation and an atmosphere of uncertainty can have a negative impact on the changes expected to take place.

Furthermore, already in the 2000s Katherine Ellis studied management practices in an English council implementing the Community Care (Direct Payments) Act, and concluded that despite managerialism (absent in Lipsky's time), the routinisation and regulation of professional practice made Lipsky's work still valuable for the analysis of the actions of front line workers around direct payments (Ellis 2007: 405). She explains that although the legislation on direct payments has consistently highlighted the scope of front line discretion in determining access, discretion was negatively constrained by the lack of clear standards in the direct payment scheme. Her study showed that although there was a managerial emphasis on achieving certain performance targets, at the same time there was little training, supervision, or guidance in the procedure, and scarce support to users.

Craig Matheson (2007) analysed the Australian public service to determine the relationship between bureaucracy and alienation, and found that high centralisation and formalisation decreased the work involvement of civil servants. Within the purview of formalisation, the necessary compliance of rules, the following of procedures, financial dependence, and an absence of appropriation at work created an erosion of the work bond, which affected the achievement of expected results in those organisations. When observing differences in the hierarchy levels of the organisations, it was noted that workers in higher positions had more freedom to exercise their skills and to engage in rule-governed activities, mostly when their professional abilities could be developed in structured, goal-oriented activities. In these cases there was a greater alignment between individual and organisational goals (Matheson 2007: 252-255). This did not happen in the case of workers with lower status within the organisation, whose skills were limited to mechanical, routine tasks. The author ascribed these differences to the nature of the

work carried out in each level, which was related to the complexity of each task: the more complex the tasks, the lesser the impact of procedures, standardisation, and control, in spite of formalisation. Matheson's research thus describes one angle of the effects of formalisation: when there is a professionalised bureaucracy with basic certainties (structured, goal-oriented activities, and specific goals), the effects anticipated by organisational theory regarding levels of work dissatisfaction dissipate.

Ultimately, discretion in public services can reduce the chances of achieving the results expected by the policy when there are organisational environments that are not adequately prepared to face the challenges that the policy stirs. In these contexts, formalisation can play a positive role, favouring the creation of routines that facilitate the performance of over-worked implementers labouring in inadequate organisational of the sort described by Lipsky (1980). Yet when staff is highly professionalised, the effects of job uncertainty may be further strained by regulations established under the formalisation that threaten professional codes. According to Hall (1999) professionalisation is inversely related to bureaucratisation, in the sense that major formalisation in professionalised environments would affect autonomy and job involvement, mainly because professionalisation requires more delegation and participation in the decision making process. Still, basic organisational certainties, such as structured activities and clarity of goals are vital to ensure professionals' alignment with organisational objectives. Thus deep formalisation may be adequate in nonprofessional organisations, or when there is a need of a general framework in highly decentralised environments.

At any rate, centralisation and formalisation constitute two main structures of organisations, which affect the exercise of power exercise in implementing agencies, as the following section will describe.

## **2.2 Power and organisational structures.**

Based on the foregoing discussion we can state that centralised organisations tend to concentrate authority and decision making in high hierarchies, and that a high level of formalisation correlates positively to centralisation, i.e., the more formalised an organisation is, the more centralised it would turn out to be. This happens because in formalised organisations there is ample control of prescribed activities, which facilitates centralisation. Highly centralised and formalised organisations tend to be formed by less professionalised staff, because they need more supervision, pre-programmed behaviour, and feedback, in order to perform better and increase role certainty. On the other side, highly professionalised organisations would tend to be decentralised and less formalised, because professionals guide their action by their own codes, requiring less supervision, so much so that their autonomy and job involvement would be threatened by centralised and formalised structures.

In less centralised organisations, knowledge is valued as a resource that helps to reach organisational goals and is conceived as a form of power in its influence on decision-making (Dooley 2002:4). Knowledge is usually operationalised through the number of different professional specialisations existing within the organisation. Differentiation affects how members of the organisation are capable of making sense of their perceptions, the demands of the organisation, and the type of effort needed to

implement effective action. Increasing professional specialisations and qualifications is a way to measure differentiation.

The general analysis of the theoretical description done until now shows that centralisation constitutes a core organisational structure, related to organisational strategy. The form of centralisation also frames the degrees of formalisation of an organisation, at least theoretically, since it has been evidenced by several studies that although organisations may emphasise clear performance targets and indicators, at the same time there may exist scant supervision and guidance, blunting the intended impact of formalisation. The effects of formalisation are varied and would depend of the levels of complexity of the organisations.

To pursue high performance in public organisations, centralisation and formalisation should be aligned with organisational strategic content and stance. Following the previous discussion about public services, these organisations relate positively with a reactor stance, given the restricted range of strategic actions they can select, framed by a political centralised structure correlated with high formalisation. As power is concentrated in a few political institutions, managers not only lack autonomy, but also are not willing to develop strategic actions that could be rejected by authorities bent on imposing their own strategies.

In more decentralised contexts it is possible to find a prospector stance, usually present in more complex organisations. This stance can also appear in the higher levels of the hierarchy of highly centralised services, wherein lies the power to make decisions and issue prescriptions. Next section describes the type of strategic actions organisations

develop within and outside themselves. These types of actions correspond to what scholarship on social policy implementation has called organisational relationships, the second dimension to be explored in this chapter. This dimension refers to the levels of influence organisational members exert among one another and with other agencies, mediated by the access to resources of different type.

### **3. Organisational resources and relationships**

In the previous section I gave account of organisational structures, understood as the manner of the division of work, the location and attributions of authority, and rules and procedures (Greenwood and Hinings 1993:1054).

Independently of the relevance of the organisational structure discussed before, when organisations experience problems and challenges there are other factors that affect the motivation, abilities, and the material, as well as nonmaterial, assets required to craft effective solutions. In this regard, organisational theory has acknowledged that considering only the organisational structure as the definitive dimension to understand outcomes is quite restricted, and that processes that connect to this structural framework need to be considered as well (Greenwood and Hinings 1993). These are the relationships established within the agency as well as outside of it, such that to capture organisational performance holistically one should include the convergence of the vertical and the horizontal structures of roles and responsibilities (structures), together with resource and organisational relationships (Daft and Macintosh 1984).

The current section is dedicated to introduce the issues of resource control, and the relationships within the organisation and outside of it, as aspects of organisational behaviour that interplay with organisational structures.

### **3.1 Resource Control**

Under the notion of resources I group agencies' funds, their staff, expert knowledge, skills, the setting of daily work routines, and the use of space and time (Astley and Sachdeva 1984, Hassenfeld and Brock 1991). In public services, agencies' funding correspond to a policy decision; under these circumstances, when studying public organisations the focus of attention tends to shift towards staffing, their expert knowledge, and the use of time and space.

Control of resources is considered one of the main forces affecting power distribution, so much so that power in organisations can be defined as an actor's capacity to control the resources on which others depend (Astley and Sachdeva 1984). Some organisational actors depend from resources provided by other actors in the same organisation, in which case the form of dependency in such exchanges creates asymmetry in power between the actors involved.

The organisational actors who provide more valued and scarce resources acquire power because of the dependencies that are thus generated, especially since organisational challenges are usually related to the uncertainty workers face on a daily basis, and the capacity to deal with such uncertainty can be regarded as a valuable resource (Pfeffer 1981).

To handle the contingencies of day-to-day work organisational actors use knowledge and the institutionalised 'memory' of the organisation, but this repertoire of organisational rules and procedures is not always clear or consistent, and often actors end up applying their own discretion, through selection, interpretation, and improvisation (Andersen 2008).

The resources available to organisational actors depend in part on their professional backgrounds and labour experience. Professions are defined by a unifying combination of specific training and skills, expertise, collective organisation and collegial control, ethical standards, to which some would add the feature of work in a public service (Carr-Sanders and Wilson 1933, Brint 1993: 261, Freidson 1986). The possession of specific knowledge and skills provide professionals with the ability to control how their work is to be accomplished within specific knowledge monopolies, which gives them control over organisationally significant information. Autonomy and power suppose certain technical self-sufficiency from organised hierarchy, which constitutes one of the central forces of professional power. Thus knowledge affects the performance of organisational actors, rewarding expertise with degrees of freedom within the organisation (Hill, 2003:96).

The levels of professional autonomy determine the right to regulate and control actors' own activities, in contrast to the regulatory mechanisms of occupations that are exercised by clients, employers, administrative officials or the State (Gyarmati 1984). Professionals also enjoy of 'professional monopoly', that is, an exclusive sphere of competence, preventing that any person who is not an officially accredited member of the profession may offer its services inside that domain of competence. Both properties



rely on professionals' systematic body of highly complex, scientifically based knowledge ('professional knowledge').

These features of professional training and work are behind the tensions discussed earlier in regard to centralised and professional organisations, where professionals see their autonomy constrained by concentration in decision-making and close supervision.

Professionals need to complement their services in the organisation with other activities, performed by various occupations of non-qualified workers, to meet the requirements of the community within a given field. Gyarmati (1984: 633).claims that professionals and other occupations relate through a map of relations that gives supremacy to professions, who coordinate the activities of the various occupations and regulate and supervise them. Thus the issue of power emerges as one relational characteristic, not only among different professions, but also between professions and occupations, constituting a vertical model of social distribution of work referred to a hierarchical organisation of workers and a horizontal distribution among workers in the same level. The diverse levels of hierarchy tend to share values, understandings, configuring a sort of membership identity (Morris and Murphy 1959: 234).

Although knowledge is positively correlated with autonomy and power, it does not follow that non-qualified workers are powerless by account of their lesser educational credentials. Each occupational category exercises some form of control based on the type of knowledge they administer, influencing the way work is done and how resources are allocated. Different roles are structured in a hierarchy of authority and power where rank-and-file workers tend to be concerned with the resolution of daily

problems, while qualified workers, their sights trained on organisation-wide matters, take charge of ensuring greater performance. The workforce becomes divided into those exercising administrative power, and those who turn out the products expected from the organisation (Friedson, 1986:15). This division of labour and attendant distribution of power may affect the relations between professionals and non-professionals, as the latter may feel a sense of powerlessness derives from their lower status of authority.

In sum, knowledge is a relevant source of control. Organisations can be seen as entities conformed by groups of people who compete for controlling and manipulating resources, practices, and the organisation itself (Minogue 1983).

A knowledgeable staff is crucial, but an adequate provision of other resources is also required to successfully implement a mandate. These other resources include quality information on the implementation process, the authority to help that policies are carried out as they are intended, and facilities such as land, equipment, and buildings. Scarcity here would mean that laws will not be enforced, services will not be provided, and reasonable regulations will not be developed (Makinde 2005: 63-64).

Thus, resource control will be mediated by a knowledgeable staff, among which hierarchical categories will denote different levels of power, risking the emergence of groups who see themselves as powerless, unless the different knowledge contributions of each group are valued and rewarded with appropriate measures of influence and prestige. Material resources are also relevant to achieve policy outcomes and to maintain staff satisfaction. Furthermore, a policy rich in resources becomes a beacon of attraction to other organisations, increasing the scope of impact of the implementing

organisation. The relevance of inter-organisational relationships is reviewed next, as the second component of the dimension of organisational resources and relationships.

### **3.2 Inter-organisational relationships**

As stated above, professional background is a key aspect in policy implementation, as outcomes depend on staff knowledge and skills. However, today it is not enough to ensure that staff possesses these required knowledge base. It is increasingly possible to observe demands that professionals collaborate within other organisations in the same or complementary field of services. The need to provide public services based on the needs of individual citizens is now recognised by governments as a major driver of collaboration and interaction between professions to achieve the expected level of service (Gannon-Leary, Baines and Wilson 2006). According to Ripley and Franklin (1982:9) implementing a policy requires the reunion of several actors that hold diffuse and competing goals, performing their tasks in complex relations with several government programs. Implementing agencies are challenged to increasingly develop alliances across professionals working in different agencies, in order to offer better services.

The increasing complexity of social problems turns solutions hard to manage within a single public authority. By cooperation (or inter-organisational relationships) in the public sector I understand, with Lundin (2007), the exchange among actors in different organisations or professional domains directed at solving public problems by associative work rather than separate or sequential interventions.

Notwithstanding the demand for professionals from different agencies to work across established boundaries, collaborative achievements tend to fail (Hudson 2007). Collaboration appears conditioned by resource interdependence, goal congruence, and trust. In regard to resource dependency, collaboration occurs because of the need to overcome lack of resources, which can be related to financial resources, as well as staff, information, legitimacy, political interests, authority, or other resources. Goal congruence refers to shared interests that are as powerful facilitators of cooperation when they exist, as diverging objectives are mighty deterrents of cooperation (O'Toole 2003: 239). Lastly, trust in the sphere of policy implementation refers to the reliance on another actor's statement about final intentions and commitments in the process of collaboration, and has been defined as a condition to make agencies work together (Bardach 1998).

A study on the effects of collaboration in health and social services found that instead of helping dialogue among services and professionals, the demand for collaboration furthered entrenched professional ideologies, cultures, and practices (Adams 1998). Norman and Peck (1999), in turn, showed that mental health professionals working within teams were reluctant to comply with operational directives demanding inter-sectorial and inter-professional collaboration. The reasons explaining this unwillingness to cooperate were classified by the authors in four key dimensions, which are explicative of the three main sources of collaboration (resource dependence, common goals, and trust). The four dimensions were the loss of faith by care professionals in the system within which they work, their strong adherence to mono-professional cultures, the absence of a strong and shared philosophy of community services, and mistrust of managerial solutions to the problems of inter-professional work. Besides, the existence

of ambiguous roles and responsibilities of health and social care staff, as well as fragmented services, jeopardised the possibilities of collaborative work.

According to Norman and Peck (1999) staff lost faith in the system because they were progressively less influential in defining patterns and procedures in the services they provided. In second place, the authors found that the strong adherence to mono-professional cultures based on differences in education, status, and financial rewards, were frequently singled out as cause for unsatisfactory inter-professional work (Norman and Peck 1999: 222). Autonomy is also threatened when professionals are drawn into inter-professional teams, or when they glimpse a chance of substitution of their professional roles. In this scenario, professionals fight to defend their identities and keep their professional status.

Lack of a strong and shared philosophy in social services was also cited by professionals in this study as a factor to reject collaboration within and among services. Finally, professionals pointed at managers' lack of skills to lead teams as a cause of mistrust of managerial solutions to the problems of collaboration. Management training is not always available and there is also high turnover of managers, possibly as incentives to retain managers are insufficient to keep them long enough for them to set the relationship bases necessary for successful inter-professional collaboration (Norman and Peck 1999: 223).

Success in collaboration and interaction among professionals and agencies calls for shared visions and agreements on forms of collaboration, lest agencies develop purely

symbolic implementations, meeting formal requirements of the policy but without achieving the expected outcomes (Montjoy and O'Toole 1979).

So far, I have argued that resources and the relationships derived from them affect organisational capacity to achieve policy goals, members' disposition towards a policy, organisations' availability for cooperation, and general organisational performance. Organisational structures and relationships give form to the organisational capacity to implement a social policy. The next and last section enfold the discussion carried out along this chapter.

#### **4. Organisational capacity mediated by structural and relationships dimensions**

As we have seen, resources act as incentives to positively engage implementers towards policy outcomes. Participation in decision making is one of the relevant incentives identified by the literature (Bacharach and Aiken 1976), which is produced in turn by influence based on expertise, experience, control of uncertainty, use of skills, among other sources. Resource interdependence constitutes another factor affecting organisational performance because it helps overcome lack of resources. While inter-organisational relationships threaten autonomy, the benefits of cooperation are associated not only to financial resources, but also may imply access to information, legitimacy, and legal authority.

Lack of resources deriving from insufficient skills, knowledge and staff capacities, as well as limited inter-professional and inter-organisational collaboration, produce negative effects not only in service delivery, but also on staff satisfaction, affecting job

involvement and relations among agency members and across agencies. However, organisational relationships do not occur in a vacuum, they happen in organisational structures that will interplay with them, allowing different ranges of strategic actions. In this regard, centralisation will play a relevant role in defining the type of stance organisations will adopt, but at the same time centralisation will depend on organisational resources and the type of power control these allow.

Organisational capacity brings together structure and relationships and turns to be one of the most important concepts explaining policy success, since it assumes the presence of the basic elements to implement a program: adequate funds and infrastructural support (buildings, land, and equipment), and basic organisational structures, such as a basic command line, clear activities and goal orientations, and adequate relationships organised around resources and based on inter-dependency. If these basic elements are not available, policy failure is likely (Wandersman, 2009:5).

As noted earlier, in public agencies there will normally be a limited capacity to control budgets, since these tend to be assigned from high governmental spheres. This leaves to organisational agency all aspects of the agency's bureaucratic structures, beginning with a basic command line, and formalised clear activities. Still, some degrees of discretion are to be expected based either on uncertain environments or professional autonomy, compensating for the hierarchical control over organisational resources.

Greenwood and Hinings (1996) offer an institutional model to study organisational change, as brought about produced by a new policy, based on the interaction between 'exogenous' dynamics (institutional context) and 'endogenous' dynamics, such as those

reviewed here. The authors claim that studying organisations requires the acknowledgement of the fact that organisations are embedded in institutional contexts that defy linear top-down change processes. This is also a fundamental claim of interpretative policy, as Yanow (1996:x) has indicated ‘the embeddedness of organisations in societal contexts is clearly evident for public sector agencies implementing public policies’ .in a way in which implementing agencies enact national values’.

Following this insight, in the next chapter I will complete the scenario where public organisations play their implementing role. I have so far described the formal structure sustaining an organisational stance, as well as the relationships framing organisational strategic actions. All of them affect the outcomes of implementation, but they do so with the mediation of organisational ‘sedimented’ practices which are influenced in greater measure by normative cultural institutions framing then practices of organisational members.



## CHAPTER 4

### EXPLORING CULTURAL FACTORS INFLUENCING POLICY IMPLEMENTATION

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#### **1. Introduction**

Following concepts proposed by several organisational researchers (Andrews et al. 2008, Hall 1999, Aiken and Hage 1966, Hage 1980, Van de Ven and Ferry 1980, Pugh et al. 1965, Miles and Snow 1978, Boyen and Walker 2004), and relating them with main policy instruments (Hassenfeld and Brock 1991) I have claimed in the previous chapter that organisational members, particularly in public services, make sense of policy instruments by referring to organisational structures and relationships conditioning the way in which they participate in decision making, use their knowledge, refer to their experience, access resources, and understand their duties. But organisations not only respond to their structural and internal environment, defined by relationships and resources, as they are also affected by their ‘institutional’ environment, that is, cultural and normative factors, among other external structural features (Scott 2004), that play an independent role affecting how organisational members understand, assimilate, and practice policy mandates.

In this chapter I argue theoretically how organisations and cultural features are interdependent, and describe specific cultural constructs that influence Chilean organisations implementing the new social policy for children. As Thomas Bahle has argued (Bahle 2003: 5-7), institutional change in social services will present variations across countries, according to each nation’s heritage, socio-political arrangements, and institutional initiatives; this author claims the particularity of analysing ‘social’ services

is that they are regulated by values and norms that affect the role of service providers, as well as the status of service recipients. These values regulating them may be related to social agreements about family obligations, Christian values, social welfare rights, or others. There is, therefore, a need to be culturally specific when studying the influence of 'institutions' in organisational performance, because the institutional context is defined by idiosyncratic characteristics, norms, values, and ideologies of societies. Thus, in order to understand the process of institutionalisation of this new policy in specific social programs, I have to give account of the particular institutional context of Chilean society.

Comparative-historical sociological studies have found that three institutional dimensions are crucial for explaining variations in the institutionalisation of social services across countries: church–state relations, the role of the family, and the relationships between central and local government (Moreno and Arriba 1998, Fumero-Vargas, 2005, Bahle 2003: 8). I will, thence, exemplify these influences in the general Chilean institutional context along the chapter.

The use of institutionalism as an instrument of analysis in this thesis requires a basic description of the main concepts of this theory, and an explanation of their relevance for my research. Therefore, the first section of this chapter deals with the concept of institution, and the role assigned to structures, norms, and culture, as main pillars of institutional fields. The second section refers to the core concepts of power and legitimacy, and the processes of institutionalisation and deinstitutionalisation, in a descriptive vein that is nonetheless dotted with examples from selected Chilean spheres of institutionalisation. Finally, I address the main considerations for further analysis

## **2. Institutionalism**

In the previous chapter I described theoretical developments from the sociology of organisations and public administration to better explain the factors impinging on the performance of public agencies. In order to account for the conceptual constructions that illuminate the role of institutions in shaping organisational performance, sociological institutionalism reveals itself as the most consistent approach to maintain theoretical coherence in this study.

Institutional theory is one of the predominant approaches to understanding organisations (Greenwood et al. 2008). Concerned with diverse type of organisations in varied social contexts, this theory reaffirms the dualistic nature of organisations: framed by material forces (structures, actions, resources), as well as by norms and beliefs (Lincoln and Kalleberg 1990, Orrú et al. 1997). Its foundational question: ‘Why and with what consequences do organisations exhibit particular organisational arrangements that defy traditional rational explanation?’ (Greenwood et al. 2008: 31) has been worked and reworked among institutionalists scholars for more than three decades, and even though its strongest development occurred among US scholars, it’s in its European version (Czarniawska 2008, Brunsson and Sahlin-Andersson 2000, Czarniawska and Joerges 1996) where I found a best match with my interests about the way in which cultural backgrounds affect the implementation of a social policy for children based on rights, not only because these scholars have focused on the public sector, but also because they have emphasised social construction, in a manner more aligned with my epistemological options.

Organisational institutionalism is primarily interested in institutional contexts—understood as ‘widespread social conceptions of appropriate organisational form and behaviour’ (Tolbert 1985: 2)—because it assumes that these institutional contexts help explain the insights that come into play complementing or defying calculative rationality and instrumental functionality (Greenwood 2008: 31). Given that institutionalism seeks to find explanations to the difficulties organisations face to behave according to their rational design, this theory appeared well suited to my interests in knowing what has impeded or helped the implementation of a new policy in Chile.

Latin American sociologists (Larraín 2005, Morandé 1985, Véliz 198) coincide in arguing that the strong influence of the Roman Catholic Church in social life and state affairs and a centralised and authoritarian character of the State constitute relevant regional characteristics of social development.

An fairly standard definition of institution, that encompasses the several developments the concept has had over time, is the ‘more or less taken-for-granted repetitive social behaviour that is underpinned by normative systems and cognitive understandings that give meaning to social exchange and thus enable self-reproducing social order’ (Greenwood et al 2008:5). There are, therefore, three pillars to institutions: cognitive, normative, and regulative structures and activities that combine to offer stability and meaning to social behaviour. In the words of Greenwood and associates (2008: 32) ‘institutions are transported by various carriers –culture, structures, and routines—and they operate at multiple levels of jurisdictions.’ Institutionalisation is the process by which institutional norms, or shared

standards of behaviour, are created and developed (Smith 2004). It occurs when social norms are established definitively as operative in society, generating an expectation of behaviour.

When institutionalism refers to social structures, it points to the rules and values mostly based on Western rationality and individualism that create states, markets, bureaucratic organisations, and capitalism (Finnemore 1996:334). The wide spread of these structures is seen, for instance, in the bureaucratisation of the world, spanning developing countries as well, notwithstanding the often unstable expression of bureaucratic organisational blueprints in day to day activities. Precisely it is in this dissonance where institutionalism finds proof of the effects of a wider social structure that legitimises this rational organisational arrangement not because of its efficacy but because it is defined as a social good (Finnemore 1996: 331).

The concepts of norms and culture refer to frames and narratives that give account of how actors conceptualise the world (Wendt 1987). Institutional scholar have stressed the need to understand the dynamics of institutionalisation by attending not just to structures and practices, but also to their specific meaning (Greenwood 2008:157). The meaning the institutional context assigns to rules, norms, and ideologies, as normative and cognitive belief systems (Scott 1983:105), produces a common understanding of what is appropriate and what is a meaningful behaviour (Zucker 1987:105). Schmidt (2010) has proposed as examples of the institutionalisation of normative and cultural constructions the worldwide diffusion of international norms in developing countries studied by Finnemore (1996), or the discourse of the 'Save the Whales' movement, studied by Epstein (2008), which changed social ideas about whales.

The Children's Rights Convention becoming a worldwide accepted set of principles and rules represents that kind of institutionalisation. Institutional scholar acknowledge that the study of meaning in these types of processes of institutionalisation underscores the relevance of context, especially when dealing with cross-national comparative studies, as different countries have different values, customs, and styles of interacting (Hofstede 1980, 2007).

With this background, my research will seek to understand the processes through which organisations adopt ideas and turn them (or not) into practice, that is 'how and why new constructs are attended to, adopted and incorporated in organisations' (Sahlin and Wedlin 2008:218). The Scandinavian tradition of institutionalism has given especial attention to this line of research, proposing that 'ideas do not diffuse in a vacuum but are actively transferred and translated in a context of other ideas, actors, traditions and institutions', so that original ideas can take new forms and meanings as they become adopted in different contexts (Sahlin and Wedlin 2008:219). Mainstream institutionalism, for its part, has focused its attention more on the content and form of the ideas that have spread, rather than in the form of their dissemination, reception, and transformation (Czarniawska 2008).

This thesis extends this aspect of institutional analysis, examining the context where institutionalisation occurs and the particular translation organisations do when traditional institutions are replaced by new ones. Meyer and Rowan (1977) famously highlighted the *symbolic* adoption of new ideas, whereby organisations would embrace such ideas but disconnect them from their actual practices, a condition called 'decoupling', a finding replicated in later research (Greenwood et al 2002, Townley

2002) in the form of differential responses to new ideas in organisational practices and routines.

A second variance of this research with respect to main trends in institutionalism is that my focus shall not be on the broader institutional understandings which sustain the puzzling homogeneity of organisational structures and behaviours across the most diverse sectors—education, industry, and government agencies (Powell and DiMaggio 1991:10). Rather, following the Scandinavian scholars previously introduced, I will try to understand the practices of organising, particularly in the public sector, by identifying not universal tendencies but the embeddedness of those practices (Czarniawska 2008) and the way in which they give rise to the sense of appropriateness in organisational action, paying the most attention to actors' classifications and identities (Brunsson 2007). This view will seek for explanatory clues in the specific cultural and normative institutional contexts and collectively shared understandings across an organisational field .

Even power relations are ultimately articulated through meaning. Friedland and Alford (1991) remind us that actors manipulate institutional meanings when interpreting them because they try to accommodate them to their interests. Thus, studies of meaning in institutionalisation need to go beyond universals and focus instead on the singularities found in the embeddedness of the sense-making process. Even if meaning systems are larger than any one organisation, type of organisation, or organisational field, they acquire a somewhat unique content as they reside embedded in particular institutional structures and practices (Zilber 2008: 157).

This research strategy facilitates the understanding of the dispositions of the actors, and their know-how in regard to the functioning of their world and how they cope with it (Schmidt 2010:14). This is a brand of analysis relatively less developed by institutionalism, except for a branch that Schmidt (2010:14) has dubbed ‘discursive institutionalism’, which draws from the theory of Pierre Bourdieu, especially from the concept of *habitus*, to explain how actors follow the intuitions of a logic of practice, and borrows also from psychology to conceptualise about agents’ ability to make sense in a given context of meaning, that is, ‘to “get it right” in terms of the ideational rules or “rationality” of a given discursive institutional setting’ (Schmidt 2010:14). In this regard, Brunsson and Sahlin-Andersson (2000) have proposed that new institutional practices and actors’ ideational abilities should be studied by comparing current practices with new insights, keeping close tabs on the actions, accounts, and interpretations of practitioners. The transit of concepts, back and forth, between theory and practice shall help recognise what makes some ideas to be rejected and other taken up, and could offer some insight into the process of ideational change, considering actors’ preferences and worldviews.

In this process of enactment of new insights are present some patterns or classifications organisational actor develop. Even though the basic patterns of organizational classification has been structural, as it was presented in the previous chapter; the institutional approach identifies the design of archetypes that organisational actor develop based on an ‘underlying interpretive scheme, or set of beliefs and values, that is embodied in an organization's structures and systems...An archetype is thus a set of structures and systems that consistently embodies a single interpretive scheme (Greenwood and Hinings 2006:).



The particular archetypes organisations develop frame their action because are sustained in set of sets of ideas that have the status of values, these lenses for interpretation underpin the organisational structures and relationships. Greenwood and Hinings (2006) posed the idea that ‘archetypal coherence comes from the consistent relationship between an interpretive scheme and an organization's structures and system’. Institutional context permeate those archetypes and affect the processes of organisational change.

The two distinctive theoretical concerns guiding this research define it as a study that, while using institutional theory as a framework, will deploy its conceptual constructs to understand local practices instead of general trend of organisations, and allow the actors’ views and logic of practices to emerge in the analysis. As these emphases have been relatively less studied in the institutionalist tradition, my research can be seen as a contribution to extend the use this theory into less trodden paths. The ensuing section features the core concepts from institutionalism that help explain how cultural institutions affect the performance of agencies.

### **3. Power, legitimacy and deinstitutionalisation.**

The process of enactment of institutionalisation will depend on the way power is exercised. Lawrence (2008) proposes three forms of power exercise in institutions: institutional control, institutional agency, and institutional resistance. By **institutional control** the author refers to the relational effect of institutions on actors, when common sets of principles and values are less likely to obtain than contradictory and contending beliefs and values expressed in rhetoric and behaviour (Lawrence 2008:175). In the context of institutional culture, the latter will relate to social and professional norms,

taken for granted assumptions about the world, and principles and moral norms, that convey discipline through ‘micro techniques, practices and procedures in everyday life’ (Lawrence 2008:177). These produce institutional control by setting the bases for agency through the formation of identities, because as actors find themselves with degrees of discretion and individuality within the social practices, they acknowledge in themselves the capacity for exercising power (Knights and Wilmott 1989).

One example of the exercise of institutional control is what Foucault (1982:214) called ‘pastoral power’ whose final purpose is ensure the salvation of the souls to eternal life. Pastoral power is institutional action based on close knowledge of subjects’ thoughts, desires, and most private actions (Mohr and Neely 2009), and was observable in Chile, for instance, when in 2008 the Chilean Catholic Church hierarchy spoke up against the governments’ free distribution of the ‘after day’ contraception pill in public health clinics. A lively public debate ensued, with strong presence of leaders on the Church in national media denouncing the supposedly abortive effects of the pill (abortion is penalised in Chile). The matter ended up in court, where it was decided that distribution of the emergency contraception drug was an issue for local governments to resolve. Thus religious beliefs and allegiances appear in their institutional dimension constraining Chilean society by means of a form of institutional discipline.

Discipline is not the only form of the exercise of power. Domination, another expression of it, occurs when the range of options available to actors is altered by physical, technological, or actuarial practices Lawrence (2008). The scope of these dominations go from infrastructural conditions to people being reduced to categories and numbers, as is the case with some actuarial practices. One expression of domination

in the Chile was the rise of a neoliberal political economy during the military regime, with its attending discourse of legitimacy and superiority of the entrepreneur and consequent disqualification of the poor (Thumala 2006). The elite social groups weave a rhetoric about the inferiority of the 'non-elite other', whose incapacity for self-government is ultimately what justifies the leadership of a few in their guardianship position (UNDP, 2004).

**Institutional agency**, in Giddens' structuration theory (1984), brings up the capacity of actors to affect institutional arrangements. Actors sway, disrupt or transform institutions by their use of **influence**, as they put in play their social skills and reflective capacities to foster their agendas and strategically advance towards planned aims (Fligstein 1997). In the case of Chilean, the economic elite have a relevant influence in the country's media, through its ownership of the main private newspapers, and television and radio stations (Sunkel and Geoffroy 2001: 114-116, Del Valle 2006). Control of the editorial lines of these media companies, which are heavily centralised territorially, and integrated in large multi-media consortia (Muñoz and Jiménez, 2008), enables the elite to push its values concerning, for instance, the defence of the Catholic model of the family, and the relevance of a religious education for children (Thumala 2006: 25).

A second form of affecting institutions via agency is through the use of force. This has not been studied much, other than research on specific institutions such as prisons, police work, and mental hospitals. Yet the possibility of the use of force appears as a critically important source of power also in areas such as education, health care generally, or legal institutions, where the state or other agencies attempt by force to disrupt institutionalised practices or to prop them. In Hofstede's framework of analysis,

Latin American societies appear especially susceptible to this form of control, with their high uncertainty avoidance and high power distance, which reflect the generalised acceptance of the unequal distribution of power as a natural fact, and the preference for institutional control over confrontation (Hofstede 1980:45).

**Institutional resistance** is the counterpoint to institutional control and institutional agency. There is a wide range of responses actors develop to face institutional pressures. Resistance to institutional discipline will be mediated by the levels of surveillance or the members' perceptions of permanent surveillance (Lawrence 2008:179). Under consistent surveillance, resistance will express in noncompliance, which in turn may bring different expressions of punishment. Resistance to dominance is less common: actors tend to adjust to these practices seamlessly because they are seen as objective conditions; however, when dominance greatly reduces actors' autonomy, affecting their identities, then resistance surges in a more severe and destructive manner, often bringing harmful behaviour against the organisation, such as intentional mistakes and sabotaging (Lawrence 2008: 181).

Resistance represents the attempts of actors to impose limits on institutional control and institutional agency. Resistance to influence produces unintended consequences when actors' efforts against institutions open more space for resistance, especially if institutional agency encompasses different fields and institutions, or involves third party actors, like outsourced services or collaborative agencies, who can be co-opted by resistance agents.

Resistance to force produces distinctive effects (Lawrence 2008:186), first because force conceives targets of power as objects, making their agency or will invisible, diminishing their autonomy and weakening their identities, all of which leads to greater resistance, usually directed towards the source of agency. Most of the described forms of institutional power refer to the way it affects how actors perceive and react to power, and so doing mark the difference between actors holding institutional power and those without (formal) power, shaped by forms of control.

A recent example of the influence of institutional power, that express the different forms in which it is manifested, was the Chilean education conflict of 2011, a series of student-led protests across the country, demanding deep changes in education, including more direct state participation in secondary education and the end of for-profit education. The students' movement fit the character of an institutional agency operating through influence, and the government sought to maintain institutional control through increased surveillance, all of which wound up in considerable episodes of violence on the part of riot police battling minority groups of destructive demonstrators, which could be conceptualised as institutional resistance expressed in force. The example shows how institutional power is expressed by different means and different actors, who in turn represent diverse levels of empowerment.

The role of power in institutionalisation is related to the need of **legitimacy** present in organisations. Scott (1995) argues that organisations are permanently striving to harmonise with their institutional context, to increase fit and gain legitimacy, deploying different forms of institutional power. Legitimacy refers to the assumption that social actions performed by agencies are desirable insofar as they reflect cultural alignment,

and normative support, and are therefore appropriate for a particular socially constructed system of norms and values (Suchman 1995, Scott 1995).

Legitimacy, then, is embedded in the previously identified regulative, normative, and cognitive institutional pillars. The first one will correspond to the pragmatic dimension proposed by Suchman (1995), while the other two match his moral and cognitive dimensions. The moral and cognitive bases of legitimacy anchor the organisation to the cultural context and benefit from their taken-for granted, unquestioning acceptance by the relevant actors. Such absence of inquiry follows agencies' invocation of collectively valued ends, or their appeals to broadly shared definitions and meanings (Deephouse and Suchman 2008: 67).

Studies show mixed results when institutionalisation of new discourses is attempted under conditions of weak legitimacy. Meyer and Hammerschmid (2006) found that the shift towards managerialism in the Australian public sector produced a mix of the old administrative logic with new market managerialism in the administrators' understanding of their practices, which highlights the importance of gaining legitimacy in actors' practices when installing new institutions.

When one institutionalised organisational practice loses legitimacy, the practice gets eroded or discontinued, in a process called **deinstitutionalisation** (Oliver 1992:564). Deinstitutionalisation rarely occurs completely, as institutionalised practices hardly ever get totally extinguished. Some of the institutionalised behaviours remain appealing to current practitioners as sources of tradition, that is, elements of cultural inheritance in continuity with the past (Dancin and Dancin 2008:329). Traditions are associated to

collective memories and identities, producing social cohesion via a common past. They require a social group with a common identity formed by interpreting their past, calling back their memories to keep some continuity in their actions (Soares 1997:16). Traditions can be challenged by changes in the policy arena, like when a change in a policy framework requires the removal of institutionalised practices, or by political pressure, like when organisational members see their interests affected by the status quo and try to promote innovation in organisational practices, or by social pressure, produced by changes in institutional contexts effecting a decline in support and legitimacy of some organisational forms.

The interplay between traditions that favour institutionalised practices, and movements to institute new ones, was already observed as *pervasive ideological traditionalism* by the Argentine sociologist Gino Germani, describing in the 1960s Chile's transition to modernity. With this concept, Germani sought to capture Chile's elites willingness to approve and promote modernisation in the economic sphere, but to reject at the same time changes in others spheres (Germani, 1965). Eugenio Tironi, a Chilean contemporary sociologist, uses a similar notion to describe Chilean society on the basis of a contradiction between the complete openness to the outside world in economic and commercial terms and the rigid protectionism of traditional social values which tend to be defended by groups in power as truths not available for discussion. This situation is, in his opinion, an expression of 'anomie', that is an imbalance between material life, institutions, and collective representative bodies (Palacios and Martinez 2006:19).

Be it ideological traditionalism or anomie, the supremacy of tradition expressed itself in a deep-seated respect to authority and order, and the defence of traditional family

patterns. Not until the late 1990s was it possible in Chile to legislate in favour of a divorce law, and to abolish legal discrimination for children born outside marriage (Valdes 2007b).

A second example of institutional persistence in Latin American societies is found in the symbolic field of forms of representation, norms, and values about families. The prevailing traditional frameworks of the nuclear family with numerous biological children, a stay-at-home- mother, a father who is the family's sole financial support, denote forms of domination in the allocation of reproductive and productive roles to women and men, respectively (Arriagada 2001). However, there have been changes in Chile in all dimensions of the family as a social reality: the incorporation of women to the labour market, the increase in single parent families, women as the main wage earner in families, decrease in birth rates, all of which shows a lack of consistency between traditional discourses and new practices of families (Arriagada 2001, Valdes 2007a, Palacios and Martínez 2006).

Notwithstanding these transformations, several authors in Chile note that the traditional idea of a family is still a critical symbolic reference in the consciousness of individuals (Palacios and Cardenas 2008, Arriagada 2008, Valdes 2007a, 2007b, Valdes et al. 2006, Palacios and Martinez 2006), which produces a gap between what they experience in their daily lives and what their social imaginary dictates (Palacios and Cardenas 2008). This fissure results in a cultural transition with high levels of contradiction: liberalism has not overcome previous conservatism, it only has fragmented it.



Therefore, the normative and cultural-cognitive elements of institutions play a significant role in new processes of institutionalisation; they may not be aligned, as in the fragmented modernity in Chilean society where the weight of conservatism undermines a novel pattern of legitimisation. This occurs when organisational fields that are weak, and become colonised by divergent models of behaviour that push previously prevailing institutionalised practices into figures of legacy and tradition. The concepts of institutional power, legitimisation, deinstitutionalisation, and tradition are key constructs to unveil the multiplicity of institutional arrangements affecting the process of institutionalisation of new ideas, diffused across diverse fields and translated in particular understandings and actions in specific contexts where, because of the agency of diverse actors, the potential for rejecting, reconstructing, or accepting rules, norms, and beliefs, is enormous.

While recognizing that actors are themselves institutionally constructed, it is essential to affirm their (varying) potential for reconstructing the rules, norms and beliefs that guide—but do not determine—their actions. Barley (1986) influential study of the dimension response of actors in hospitals to the introduction of (presumably determinant) technologies helped open the door for the consideration of power exercised by ‘subjects’, and was reinforced by DiMaggio’s (1988) essay calling for the reintroduction in institutional theorising of ‘agency’—the capacity to ‘make a difference’ in one’s situation. Gradually, the language began to shift from discussions of institutional ‘effects’ to institutional ‘processes’, and theorists began to craft recursive models, recognising ‘bottom-up’ modes of influence, to supplement or replace prevailing top-down models (Scott 1995, 2004).

#### **4. Conclusions**

I have used institutional theory here as an instrument, or a road map, to support and organise my analysis of the institutional contexts impinging on the implementation of Chilean children policy. Throughout this chapter I have proposed how the main constructs offered by organisational institutionalism can be applied to detect and interpret normative and cultural enactments conditioning the behaviour of organisations in specific contexts, particularly when they are challenged to incorporate new institutions. In so doing I have delineated as especial focuses of my work two specific domains within institutional theory which share the condition of having been relatively less studied: the first one is the specific translation of global institutions affected by individuals in organisations, as opposed to just documenting the worldwide diffusion in organisations of international institutions. My interest is, hence, to observe how and why in the process of institutionalisation single individuals or groups of them use an idea, drop it, or transform it.

The second distinction vis á vis mainstream institutionalism is the option of studying practices in organisations instead of universal organisational tendencies (Czarniawska 2008). My focus shall then be on the meaning and order established by organisational actors in interplay with their specific institutional context, assuming that organisations are deeply embedded in social and political environments and that their practices reflect or respond to wider social conventions from those specific contexts (2008). Therefore, it is my interest to understand the logic of actors' practices and their abilities to make sense of their actions in a given context.

The treatment of institutional power, expressed in control, agency, and resistance, helps to account for the fragmentation of the organisational fields when multiple institutional influences enter into play. Religion, elites, and tradition emerged here as spheres framing the context of institutions in Chilean society, defining some bases for further analysis in this thesis in regard to the institutionalisation of a rights perspective in social policy. The description of legitimisation, in turn, is a useful guide to identify collectively valued ends, broadly shared definitions and meanings that may facilitate or impede advances in processes of institutionalisation, and is the necessary stepping stone to recognise the role of tradition and legacy in deinstitutionalising practices.

It has been established that people's support for welfare depends on a combination of personal and group self-interest, on the one hand, and ideological beliefs about fairness, social equality, solidarity towards fellow citizens, and governmental responsibilities, on the other hand (van Oorschot 2007: 134). In this case in particular, we could possibly observe the influence of the Chilean elite's pervasive ideology and also the legacy and path-dependency of social policy implementers in relation to the social anomaly perspective, discussed in Chapter 2. Therefore, one of the aims of this research will be to know the implementers' ideologies, views, values, and resistances, regarding the new children policy. Consequently, I shall inquire how the cultural dimensions of Chilean society, such as religious and moral beliefs, social conservatism, authoritarian relations, conceptions about family, lack of autonomy, power unbalances, and perceptions about rights, affect the implementation of a new policy seeking to defend children's rights and foster family participation, especially when they occupy disadvantaged positions in society.

## **CHAPTER 5**

### **RESEARCH DESIGN**

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#### **1. Introduction**

The objective of this chapter is to present the research questions, framed by the rationale developed to make sense of my research problem. To do that I bring together the main theoretical constructs discussed in the previous chapters, consolidating the conceptual map that leads my research.

First, I synthesise the conceptual discussions developed in the previous chapters, paying attention now to the general organisational and cultural scenarios where Chilean policy for children is being implemented, to provide the context for the selection of a methodological approach to research. Then, I present the main challenges posed by a rights perspective on social services for children, after which I frame the discussion under the organizational configurations that need to be reviewed in order to understand the process of implementing a policy, complementing this considerations with the perspective of institutionalism, which reclaims the incorporation of institutional contexts in the analysis of organizational performance.

The third and last section focuses on the research questions and methodological options chosen for this study, with especial reference to the case study approach guiding this thesis, to finally introduce the following chapter, where the data collection and analysis is presented.

## **2. Understanding the challenges of a rights-based perspective for child social services**

Never before had Chilean social programs for children been challenged to transform so radically the paradigm supporting their principles and objectives, from the social dysfunctional perspective (*Doctrina de la Irregularidad Social*) to the rights-based perspective (*Doctrina de la Protección Integral*). This change not only demands a different emphasis in the provision of services, but requires new organisational structures to support that new delivery, as well as renewed visions to conceptualise the roles of public service and of the users of the services themselves, appealing to cultural notions that are different to those prevailing in the past.

Chilean social policy for children during the twentieth century (described in Chapter 2), inspired by the dysfunctional perspective, understood families and children in trouble as deviant, and relied on measures seeking to correct children by fitting them to the system, under the notion of a ‘normal family’ into which deviant families had to be ‘normalised’. Overall, the nature of children social services provided in Chile in the twentieth century was characterised by the centrality of the concept of ‘irregular’ families and children, as well as by children’s legal status as persons unfit to plead for reason of age. Being legally unfit to plead, children were put under the judge’s arbitrary power and reified in their dependent status by disenfranchising them of legal rights (Platt, 1969:67).

The long spell of this status, spanning more than a century, would probably not be overcome by merely defining a novel status through a new law. Seeing children as rights holders requires a change of mentality akin to the one produced vis á vis the status of

women, which, as everyone knows, is still not completely achieved. It also needs to acknowledge critical visions about rights' perspective that challenge this approach to fostering collaboration between the state and families, as well as the mutual need between children and parents, instead of competing visions.

Furthermore, the principle whereby the state and its social services had the duty to rehabilitate unfit children, by taking them away from their families, or by intervening in families with moralising discourses, reinforces a conservative perspective on families, which limits their autonomy, and embodies the ideological basis of a state paternalistic perspective on children services.

From the discussion in Chapter 2 of the main features of the earlier discourse on children services during the twentieth century it transpires that there are two substantive conceptual differences with regard to the new Chilean social policy for children. The first is the current understanding of children as rights holders, with progressive autonomy and responsibility for their acts, and the conception of their families as the main actors in their upbringing. While these new conceptualisations about children and their families have been part of the policy discourse in Chile for some time now, it is unclear whether the present-day policy discourse is aligned with the conceptions prevailing in the practices of social services.

The second difference pertains to the role of the state. The paternalistic role of the state previously shaping social services for children was buttressed by a rationalistic perspective unwelcoming of participation from users and inhospitable to the views of users and implementers about the objectives and actions proposed by the new policy.

The question here emerges of whether the structures of public services are apt to facilitate the kinds of involvement advocated by the new policy.

Answering this question requires a formal framework for assessment. Chapter 2 develops such a framework, based on international treaties, Chilean social policy for children, and basic Chilean policy guidelines, which serve as a novel resource for monitoring advances and obstacles in the implementation of social policy for children. This framework for assessment contemplates children's core rights, defined as non-discrimination, children best interest and protecting their survival and development, respecting the child's view, and the right to live in family. The indicators considered to assess those rights relate to the existence of organizational capacities, based on participative models of decision making, styles of collaborative work among the members of the organization, and among the organization itself and another organizations, levels of autonomy to make decisions, and support from different governmental and nongovernmental sources. The indicators also presume specific considerations from implementers in regard to children's rights, the role of their families and society, and the incidence of state decisions in children lives.

The preceding chapters present the theoretical background that sustains the pertinence of those indicators, bringing to the discussion two main themes: organizational theory and institutional theory. In Chapter 3, I review organisational structures affecting public services, and in Chapter 4, I analyse the main cultural institutions permeating organizations and their performance with respect to children's rights. Together, Chapters 3 and 4 construct the path to follow in the methodological research process.

The review developed in Chapter 3 led to the concept of organizational capacity, as a construct that embraces all the organizational dimensions in play when implementing a social policy which are necessary to take into account to understand the successes and failures of a policy. These dimensions refer to organizational basic structures: centralization and formalization, and to the types of relationships organized around resources and based on inter-dependency. The way in which these core dimensions perform will affect the progress of social policy towards its aims.

But organisations not only respond to their structural and internal environments, defined by relationships and resources. Studying organizations also requires the acknowledgement of the fact that organizations are embedded in institutional contexts. This institutional environment correspond to cultural and normative factors, among other external structural features (Scott 2004), that play an intermediary role affecting how organisational members understand, assimilate, and practice policy mandates. This is why in Chapter 4 institutionalism is treated as a tool to study those normative and cultural constrains.

In this research, institutionalism is deployed to detect and interpret normative and cultural enactments conditioning the behaviour of organisations, focusing on the meaning and order established by organisational actors in interplay with their specific institutional context. Especial attention is given to the treatment of institutional power, expressed in control, agency, and resistance, and to the role of traditions in the processes of institutionalization. Institutional analysis is exemplified by showing cultural trends and ideologies permeating Chilean society, which tend to be closer to



traditionalism and conservatism than to modernity and liberalism, with strong roots in Catholicism.

The adoption of the concepts discussed above leads to the conclusion that to advance towards policy aims and outcomes, organisations should move forward to a type of configuration that secures internal harmony among its elements of strategy, structure, and context. These configurations are themselves interlinked, so that the implementation process should consider the mechanisms necessary to foster congruency among strategic, structural, and internal relationships and institutional configurations. This study takes into account the need of reviewing these dimensions in the process of implementation of the Chilean social policy for children, as explained in the following section.

### **3. Research questions and methodological options**

As anticipated above, the overall objective of this research is to understand what has assisted or inhibited the development of child rights based social services in Chile. This objective will be realised through the answering of two research questions, aimed at exploring the organizational and cultural factors; namely:

**How do organisational structures and relationships mediate between policy goals and the work street level implementers carry out in their specific programs?** and

**How do general cultural contexts mediate between the policy goals and the work street level implementers carry out in their specific programs?**

A further research question guiding this project frames the structure-agency analysis

proposed at the beginning of this dissertation:

**How do organisational structures and relationships and cultural contexts interplay in the policy implementation carried out by street level workers?**

The opening and more general question calls for a descriptive and exploratory answer, while the follow-up questions point to more interpretative answers, which should provide a deeper understanding whence conceptual constructions should emerge, especially if these questions propose competing categories to understand how the implementation of new Chilean children policy has worked.

In previous chapters I have stressed the need to address the rationalized character of public organisations in Chile, the impact of this type of structure in organisational members, as well as the cultural dimensions of Chilean society that may reflect on public officials implementing children social policy. An examination of these dimensions will help understand the obstacles and supports in shifting from the previous paradigm of social services for children in Chile—the social anomaly perspective—to a children rights-based policy, which is the main purpose of this research.

Similar transitions in other Chilean public services, also challenged to address a rights perspective in their service provision, should provide bases for generalizable implications giving support to theoretical propositions (Yin 1994:10). These theoretical propositions could, in turn, enlighten the implementation process of other new rights based policies. This research offers an opportunity not only to know the voices of public servants of vulnerable children, but also to develop awareness about the contexts where

they provide those services: this intent justifies my methodological options.

### **3.1 Methodological perspective guiding the research**

The methodological approach that seems more suited to the elucidation of the views of the implementers rests in qualitative methodology based on a constructionist perspective that organises the inquiry through a case study research design.

This research has sought to ensure consistency between epistemology, methodology, and methods, since the reliability of research outcomes rests on it (Carter & Little, 2007: 1316). The theoretical perspective adopted to address my research questions is social constructionism, because it acknowledges the ways in which individuals make sense of their experience, and, in turn, recognises how the broader social context impinges on those meanings, while retaining a focus on the material and other limits of 'reality' (Becker & Bryman, 2004). In this view, knowledge creation is socially constructed between researchers and the researched. This view fosters the relevance of 'participating in constructing knowledge about one's own context (...because it) has the potential to redress power imbalances' (Boser, 2006, p. 11).

Social constructionism is appropriate to account for the ways in which phenomena are socially created, emphasising the importance of culture and context in understanding what occurs in society and constructing knowledge based on this understanding (Derry, 1999). This position promotes the socialisation of inter-subjectivity, understood as a shared understanding among individuals whose interaction is based on common interests and assumptions (Rogoff, 1990). When the members of the community are

aware of their inter-subjective meanings, it is easier for them to understand new information and activities that arise in the community.

From this perspective, my research seeks to discern the critical issues and uncertainties among implementers, which may or may not be ostensible in their working environments, in the context of the demands brought by the new principles guiding the Chilean children policy.

The kind of information required by this research needs to be collected through a qualitative methodology, since the inquiry seeks to understand how people make sense of their lives (professional lives, in this case) and how people come to understand and manage day-to-day situations (Miles and Huberman, 1994). To bring out understanding and meaning, the researcher plays a significant role as the primary instrument of data collection and analysis, preferring an inductive orientation to the analysis and findings rich in descriptions (Merriam, 1998:11). Denzin and Lincoln (1994) also emphasise the interpretative character of the research process, as well as the naturalistic approach to the subject matter –study developed in natural settings- and the use and collection of a variety of empirical materials (p. 2), relying on text data rather than numerical data as a way to understand the meaning of the actions and options of research participants (Carter & Little, 2007:1316).

A qualitative approach makes it possible to listen to the voices of implementers challenged in their daily work by a new policy perspective, and to explore their feelings about their adjustment to new principles of policy and to the demands of implementing new strategies. This methodology also facilitates to learn about the contextual conditions in which these requests have to be dealt with, and the willingness and

competences of the staff to successfully face them.

Finally, the option for a qualitative methodology is well suited to a constructionist approach, where participants are envisioned as active agents and not passive recipients of larger social forces, therefore giving relevance to their social and subjective meanings, and problem-solving practices (Charmaz, 2005:4). These methodological options underscore my selection of the case study method as the research strategy, which is justified next.

### **3.2 Case study as research strategy**

According to Yin (1994:4), the option for a particular research strategy should derive from the types of research questions, the degree of control over the researched events, and the focus on contemporary, as opposed to historical, events. This research proposes an exploratory question, with interpretative aims, since it is my interest to learn what has supported or encumbered the advances of a rights-based perspective in children social policy in Chile. The interpretative emphasis is present in the sub questions on how specific dimensions, organisational and cultural, have affected such advances. Since these questions look for operational links that need to be traced over time, the case study is an appropriate research strategy (Yin 1994).

The case study research strategy is sometimes criticised for lack of rigor in the research process, its limitations for achieving scientific generalisation and, finally, for its highly time-consuming procedures (Yin 1994). Mindful of this, I developed a detailed plan to gather information and produce organised data to minimise the risk of gathering large but meaningless amounts of data and to safeguard methodological rigor. Regarding the

issue of generalisation, I have assumed that my research findings would only be generalizable to theoretical propositions and not to populations or universes (Yin 1998:10), which is consistent with a constructionist perspective.

I use case study to analyse the dimensions affecting the adjustment to change in Chilean children social services, investigating two programs in a single social service, studied through within-case analysis. According to Eisenhardt (1989), within-case analysis and the replication logic are unique to the inductive, case-oriented process. I chose this research design because it allows me to develop the study in the participants' natural settings in an exploratory way, open to the possibility of new strategies to achieve a rights perspective in public action for children.

Another reason for using a case study approach is the opportunity it affords to analyse information from practice that leads to an understanding of the nature and complexity of the processes taking place, rather than their outcomes, and within their context, rather than with respect to a specific dimension, with the intent of discovery, rather than confirmation (Merriam, 1998).

Finally, I use case study as an interpretative strategy (Merriam, 1998). Interpretative case studies foster the development of abstract categories that can reach different levels of conceptualisation, from suggesting relationships among categories, to theory building. This model of analysis is different from the descriptive case study (Yin 1994), in that the latter limits itself to presenting a description of the phenomenon within its context. It also differs from explanatory studies (Yin 2003:5) in that my research does not intend to reflect cause-effect relationships.

Field work for the study emphasises gathering data representing implementers' views, since, as argued in earlier chapters, policy success is largely based on its implementation stage, and street-level workers are key actors in implementation and, thus, in achieving policy goals (Lipsky 1980): knowing their views and positions is key to understanding policy implementation.

Following these premises, my research methodological choices seek to offer professionals and workers implementing the new policy, the space and opportunity to explore specific questions about their daily work lives, so that they can become aware of their resources and weaknesses (Dickson & Green, 2001, p. 472).

The methods for data collection were focus groups, interviews, and field notes. These methods are consistent with the selection of case study sites, programmes, and samples in each case study. Arguments for these options are presented in Chapter 6, as well as the bases of the recruitment process.

Up to this point I have expounded the conceptual elements sustaining this research, and I have analysed them in order to identify the dimensions affecting the implementation process of the children social policy in Chile. I have in this Chapter introduced the methodology and the research questions. In the following chapter, I move to a discussion of the methods employed in the data collection and analysis stages of the research.

## CHAPTER 6

### RESEARCH METHODOLOGY

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#### 1. Introduction

The purpose of this chapter is to present and justify various methodological decisions made in conducting this research. Chapter 5 introduced the premises from where I decided to investigate my research subject: a social constructionist, qualitative view, that uses a research strategy based on case studies, because of their interpretative possibilities. Taking this framework as a point of departure, this chapter provides further clarification on the methodological scaffolding of this study.

In this chapter I define the theoretical sample used for research purposes, and justify the selection of maximum variation as the type of case selection that better suits the goals of my research. Next, I explain the construction of my case study framework as that of a single case with multiple sites, justifying the selection of sites and explaining the criteria used for this selection. Finally, this chapter explains the selection of research methods, summarising in the last section the characteristics of the methodological dimension of my research and the sample I developed to collect data.

#### 2. Theoretical Sample

The selection of cases is an important aspect of building knowledge from case studies (Glaser & Strauss 1967, cited by Eisenhardt, 1989:537). In this research, theoretical samples were defined *a priori* following a purposeful stand, but through conceptual emergence I combined techniques to gather data and to design within-case diversity. As a result, the selection of data sources in this research has not been totally determined *a*



*priori*. This option met the agreed criteria of sample selection as ‘conceptually driven, either by the theoretical framework which underpins the research question from the outset, or by an evolving theory which is derived inductively from the data as the research proceed (Curtis et al 2000:1002)

The idea of a theoretical sample relates to cases that can contribute to the development of theory. It can search for representativeness or comparability, to represent a broader group of cases as closely as possible or set up comparisons among different types of cases, respectively. (Teddlie and Yu 2007:80). Because my research question search for comparability the process of selecting my cases began with the selection of a homogeneous universe of individuals: all workers in Chilean children services confronted to the new children policy. The next step was selecting and studying a heterogeneous sample: finding the cases representing the most extreme variation of type of provision of services. This selection represented a purposeful sample in that it was meant to allow the observation of variation or common patterns in cases where *a priori* an assumption was made: that Chilean social services had different approaches to the new policy, depending of the nature of their programmes.

This assumption was based only on my professional experience in the substantive area of the study, since at the time of research no studies had been carried out in Chile in this field. Considering that only a few cases can be studied in depth, it was advisable to select cases representing polar types where the process of interest could be more readily observed (Pettigrew 1988; quoted by Eisenhardt 1989:537). These extreme types of cases provide better material for the purposes of understanding-oriented case study

design, because they admit a deeper insight into reasons behind the developments of the studied phenomenon, rather than only showing their symptoms.

Teddlie and Yu (2007:81-82) claim that most of purposive sampling techniques are ‘aimed at producing contrasting cases. Comparisons or contrasts are at the very core of qualitative data analysis strategies (e.g., Glaser & Strauss 1967; Mason 2002; Spradley, 1979, 1980), including the contrast principle and the constant comparative technique’. Extreme or deviant case sampling usually involves selecting cases that may show the most revealing cases of success or failure producing rich data about the research topic, given the contrasts and comparability across those cases it allows.

According to Eisenhardt (1989: 546) the juxtaposition of contradictory evidence helps creative insight as through the process of reconciling these contradictions researchers reframe their perceptions and bring together evidence across cases. This research studied two cases representing two programmes of children service, which are considered new approaches to treat children. Each of them represented an extreme variation of the service: one programme, JIS, was under the jurisdiction of the Department of Juvenile Criminal Responsibility (DJCR), and served young offenders who were sentenced to imprisonment. The second programme, LRPO, was under the authority of the Rights Protection Department, and served children that were neglected, or were in a vulnerable position, and also served communities to promote a rights culture. The following table shows the hierarchical structure of child social services in Chile and the insertion of these selected cases within SENAME.

**TABLE 6: CHILEAN SOCIAL CARE FOR CHILDREN: ORGANIZATION AND DEPENDENCY**

<b>MINISTRY OF JUSTICE</b>	
<b>NATIONAL SOCIAL SERVICE FOR CHILDREN (Head Quarters)</b>	
<b>DEPARTMENTS:</b>	
<b>RIGHT PROTECTION DEPARTAMENT (RPD)</b>	<b>DEPARTAMENT OF JUVENILE CRIMINAL RESPONSABILITY (DCJR)</b>
<b>SERVICES AND PROGRAMS:</b>	
Adoption Residences Specialized Services (Abuse, neglect, sexual exploitation, child labour) Local Rights Protection Offices (LRPO)	Community Sentence Semi-imprisonment Provisional Imprisonment Juvenile Imprisonment Services (JIS)
<b>USERS</b>	
Neglected children Children at risk Community in general	Children in trial for or convicted of criminal offenses.

Both programmes stand in polar positions one to the other: JIS administered imprisonment as a last resource for those over 14 years of age who committed a crime, while LRPOs served children susceptible to harm and also served the whole community where each office was located, to promote a culture of rights. Populations served were also typically divergent: JISs served users who typically carried a long history of interaction with social services, while commonly users in LRPOs had had no previous experience with the child welfare system. In addition, the programmes differed in relation to the novelty of their development: JIS were restructured services, while LRPOs were newly developed programmes, as I explained in Chapter 2. This characteristics take along differences regarding staff, infrastructure, organisational, and cultural features in each programme, Table 7 summarises these differences.

The contrasting tone of the evidence emerging from these types of cases emanates from the nature of each of them. JIS represented a dramatic change in the provision of juvenile justice (SENAME 2008) because, as explained in Chapter 2, from the enactment of the law, children aged over fourteen were liable of sanction if found guilty of a crime. The selection of this programme was based on the fact that developing a specialised criminal system for young offenders was one of the pillars of this reform and its success would determine in great measure the accomplishment of the goals of the new policy (SENAME 2005).

**TABLE 7**

**DIFFERENCES IN PROGRAMMES**

	<b>Programme characteristics explaining polar type</b>		
<b>SOCIAL SERVICES FOR CHILDREN</b>	<b>Users</b>	<b>Strategy</b>	<b>Novelty</b>
<b>JIS</b>	Young offenders sentenced to prison	Extreme intervention strategy	Reconverted
<b>LRPO</b>	Children susceptible to harm, Communities	Simpler intervention strategy	Inaugurated with new policy

Besides, the new juvenile criminal system challenged the prior system of values, since it proposed a new understanding of young persons who violate the law: now they were considered capable of discerning right from wrong, and subjects of rights and duties in a position of being defended in a fair trial.

Therefore, people providing services to this population had to adopt these new norms and values, in order to offer an adequate service, not an easy challenge given that JIS were restructured programmes, that is, former residences previously offering alternative care for children that were reorganised as imprisonment services for juvenile offenders, with most of the staff from those residences continuing on as the workforce for the new JIS.

By 2007, there were thirteen imprisonment centres in Chile, distributed through the thirteen administrative regions in which the country was divided. The planned staff for JIS according to law is composed as Table 8 shows.

**TABLE 8**  
**OFFICIAL STAFF REQUIREMENTS FOR JIS**

Proposed Staff <sup>6</sup>	Background (defined by Law)
Director	<b>Professional in a social sciences discipline to oversee the general functioning of the centres</b>
Manager	<b>Accountant or human resources specialist to administer financial resources</b>
Technical Manager	<b>Professional in a social sciences discipline, to plan and lead case management and children treatment</b>
Case manager	<b>Social worker, Psychologist, Teacher or Professional in a social sciences discipline, one for every 12 young people. To implement case management</b>
Clinical worker	<b>Psychologist, one for every 24 young people, to develop clinical treatment of juveniles.</b>
Front line Educator	<b>Social educator, one for every 8 young people, to supervise and conduct daily activities of juveniles</b>
Job trainer	<b>Teacher, one for every 30 young people, to provide juveniles with job skills</b>
Network developer	<b>Social worker, one for every 50 youngsters, to facilitate links with the community</b>
Statistician	<b>Accountant: 1 per centre, to control statistical data about juveniles in prison</b>
Health workers	<b>1 Paramedic, to assist juveniles if they are sick.</b>

With quite a different nature, LRPOs were created as an emblematic programme of the National Policy for Children. There was no precedent of similar services, and their establishment was to provide territorialized services to protect children in situation of vulnerability and to contribute to developing conditions favouring a culture of rights at the local level. LRPOs were expected to decrease the intake of children in judicial circuits, reduce the level of social exclusion of children, diminish the local rates of children in alternative care, and increase and strengthen children's programme networks. LRPOs were decentralized programmes, located in the municipalities, and had double dependency: SENAME and local (municipal) government. The funds to finance LRPOs were provided 75% by SENAME and 25% by each municipality

<sup>6</sup> According to Act N° 20,084, and Resolution 0184.

(Oyarzún et al. 2008). This new programme was meant to materialize the main principles of the new social policy, especially those related to placing the value of children as rights holders, the effort to prevent the legalization of their conflicts, the provision of integral services, youth participation, emphasis on transitory services, and territorial management.

To achieve LRPOs' aims new infrastructure was developed in each municipality, and new staff was hired to provide services. The first LRPO was created in 2001; at the end of 2008 there were 105 LRPOs covering 174 municipalities (Oyarzún et al. 2008: 82), out of 345 municipalities nation-wide. The government had privileged installing LRPOs in municipalities with bigger populations, so that less populated regions would need to settle for two or three municipalities serviced by only one LRPO.

The study of LRPOs was relevant because they were the most representative programmes of the new policy. SENAME defined them as having an articulator role among the different programmatic offers at the national level (SENAME, 2008). Additionally, LRPOs allowed the possibility of comparison between restructured services (like JIS) and newly implemented programmes (like the LRPOs). The organizational structure of LRPOs was defined in their technical orientations as Table 9 shows.

**TABLE 9**  
**OFFICIAL STAFF REQUIREMENTS FOR LRPO**

Proposed Staff <sup>7</sup>	Background (defined by Law)
Coordinator	<b>Professional from social sciences discipline to oversee the general functioning of the LRPO</b>
Case Manager	<b>1 social worker between 275 and 320 users, 2 social workers between 480 and 500 users. To provide users' case management</b>
Clinical worker	<b>Psychologist, between 275 and 320 users, 2 Psychologists between 480 and 500 users. To provide clinical services for families and children</b>
Legal adviser	<b>Lawyer, part time according to OPD needs. To offer legal support to users</b>
Front line Educator	<b>Daily care worker or professor, one each 275 users; 2 from 320 to 500. To support community actions</b>
Secretary	<b>1 clerical work</b>

### **2.1 Embedded cases study design with multiple sites**

Case studies can involve either single or multiple cases, with numerous levels of analysis, and can employ an embedded design, that is, multiple levels of analysis within a single study (Yin 1984). According to Eisenhardt (1995), the appropriate number of cases depends upon how much is known and how much new information is likely to be learned from incremental cases. Given that not much was known about the particular subject in the Chilean context, my research design used two study cases involving more than one unit of analysis. In this case, even though the two cases of study were about a single public service –children social services- the analysis included outcomes from two distinct programmes (LRPO and JIS) in multiple sites (Yin 1994:41). The benefit of using embedded design is that subunits add significant opportunities for extensive analysis. The risk is to ignore holistic aspects of the case (Yin 1994:44). I avoided this risk by returning periodically to my main research question and checking how the findings answer it.

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<sup>7</sup> Based on Law 20032, technical orientations for OPD.



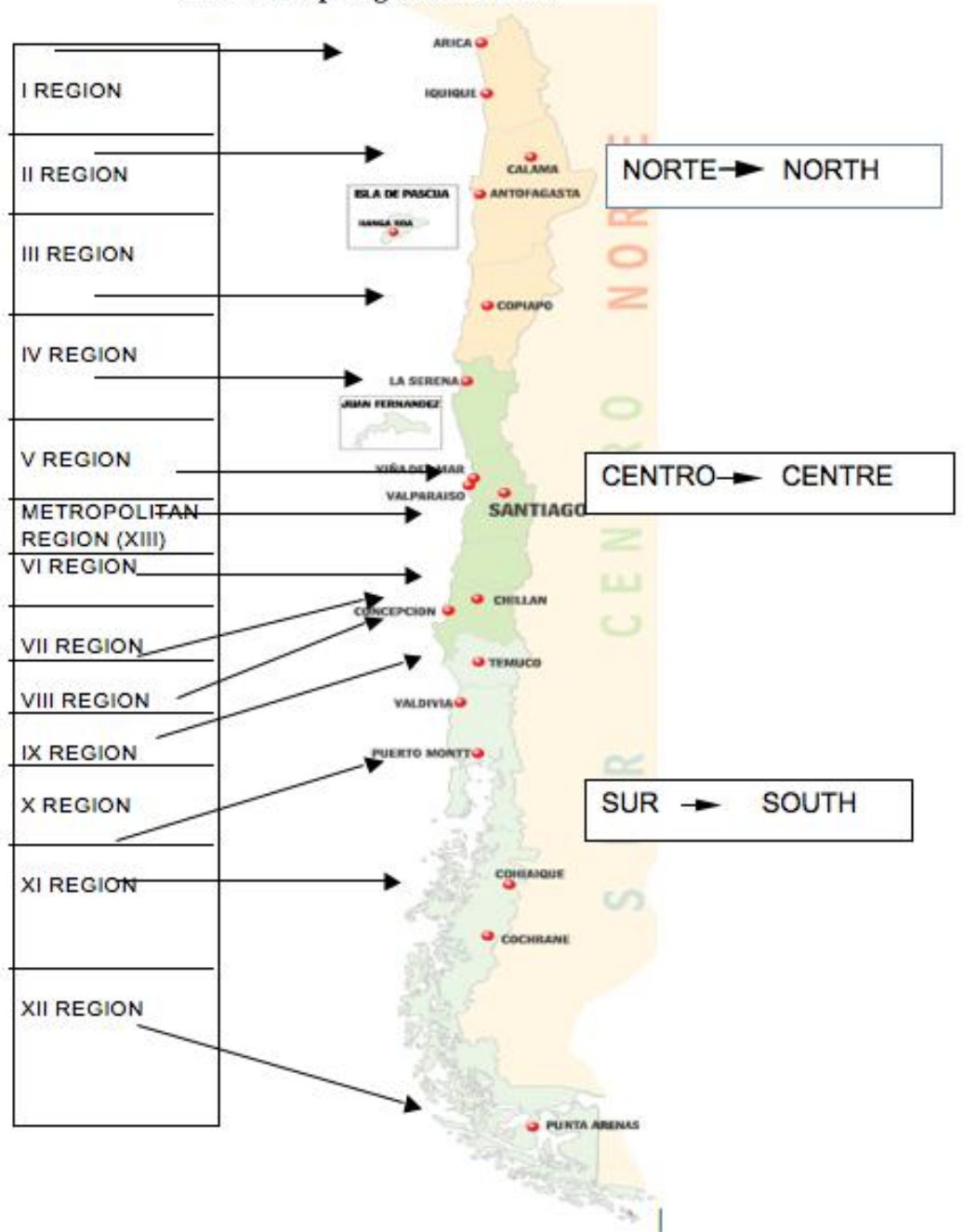
In sum, in my research I studied two cases providing a single social service, conducted in multiple sites. The conclusions drawn from the findings from each programme were studied in relation to each programme, as well as in comparison among programmes, and in relation to the children social services as a whole, returning to the main research question from a holistic perspective.

## **2.2 Selection of multiple sites**

Through the preceding section I described and justified the selection of two case studies revised throughout multiple sites. It remains to be explained how I selected the sites within each case. Following the same principle of selecting cases representing polar types, the selection I made of the sites within cases seeks to express the variation of experiences across the whole country. Therefore, the sample includes sites representing the three major geographical zones of Chile, which differ from one another in economic activity, population density, and social development, among others.

In 1974 Chile's territorial administrative structure was reformed through what was then called the 'regionalisation process', intended to overcome Chilean traditional centralisation, which was seen as responsible for the problems of governance and administration of widely differentiated territories. The regionalization process divided Chile in 13 regions, which are usually grouped into three macro- zones of roughly similar geographical identities, as can be seen in the following map of Chile's regions:

**Figure I**  
**Chilean map: regions and zones**



**North zone:** is characterized by extremely dry weather conditions, limited agricultural activity, and a very developed mining industry.. Poverty is concentrated in urban areas, and the higher rate of poverty is in the northernmost region (Agostini et. al 2008:89).

**Central zone:** it is the most densely populated area of the country, including the capital city of Santiago, and the most developed agricultural and industrial poles, as well as urban centres. It concentrates the bulk of political, cultural and, social activities nationally. According to the National Foundation to Overcome Poverty (2007), in the central zone the higher rate of poverty is in Metropolitan region of Santiago.

**South zone:** This area is characterized by agricultural and forestry production in the interior and fisheries, mining, and industrial activities in the coastal areas. It's been sparsely populated, especially in the southernmost tip, because of its limited connectivity and extreme climate conditions. In the South, poverty is distributed more homogeneously across the territory, with somewhat higher indices of poverty in regions 9 and 11 (National Foundation to Overcome Poverty, 2007).

Considering the cost and time that would have been required to cover all 13 regions, I decided instead to select sites that represented each one of the three macro-zones thus identified, expecting that they would manifest as polar types compared to each other, allowing the emergence of clear patterns of differences and similarities occurring in each subunit of study. Thus it was decided that I should have sites of LRPOs and JIS in North, Centre and South.

Next was the definition of a criterion to choose a region within a macro-zone. I selected the region in each zone where the territorial jurisdiction of both programmes was the same, so to make it possible to compare the subunits under the same territorial, political, and administrative conditions.

To operationalize this criterion, I studied the programmatic offer in each region, selecting the cities where both LRPOs and JIS were being implemented (see Table I and II in Appendixes). Following this criteria, the alternatives for possible sites were reduced to nine cities. After this first selection, a criterion of impact was added, whereby I would pick the cities representing the highest shares of children being attended by SENAME, as a proportion of the region's children population. This criterion was of especial relevance in the cases of JIS, which as new programmes, may not necessarily have had convicted adolescents in their care. Not having access in advance to data on intake, I considered the projected incidence of adolescent incarceration in each city. Table 10 provides the projection of adolescents at the regional level that could be affected by imprisonment by 2007.

**TABLE 10**  
**PROJECTION OF ADOLESCENTS AT REGIONAL LEVEL IN JIS FOR 2007**

		Projection of children in imprisonment centres, year 2007	Total population of children at the regional level (2007)	% of regional children population in imprisonment
NORTH ZONE	I REGION	36	164.839	0,02%
	<b>II REGION</b>	<b>58</b>	<b>180.299</b>	<b>0,03%</b>
	<b>III REGION</b>	<b>28</b>	<b>94.057</b>	<b>0,03%</b>
	IV REGION	44	232.129	0,02%
CENTRAL ZONE	VI REGION	39	274.670	0,01%
	<b>METROPOLITAN REGION</b>	<b>545</b>	<b>2.142.645</b>	<b>0,03%</b>
SOUTH ZONE	X REGION	70	399.374	0,02%
	<b>XI REGION</b>	<b>14</b>	<b>32.517</b>	<b>0,04%</b>
TOTAL	National	1504	5.416.712	0,3%

Table built with SENAME information  
[http://www.sename.cl/wsename/otros/genero/distribucion\\_edad\\_pais.pdf](http://www.sename.cl/wsename/otros/genero/distribucion_edad_pais.pdf)  
[http://www.sename.cl/wsename/otros/CATASTRO\\_200809.pdf](http://www.sename.cl/wsename/otros/CATASTRO_200809.pdf); [http://www.poderjudicial.cl/reflexion/ministro\\_munoz/analisis.xls](http://www.poderjudicial.cl/reflexion/ministro_munoz/analisis.xls)

Table 5 indicates that the highest projected incidence of cases for JIS in 2007 would be distributed by regions as follows:

- 1) In the North Zone, Regions 2 and 3. In these regions, the cities meeting the criteria were Iquique and Antofagasta in Region 2, and Copiapó in Region 3.
- 2) In the Central Zone, the Metropolitan Region. In this region the only city meeting the criteria was Santiago.
- 3) In the South Zone, Region 11. In this region, the city meeting the criteria was Coyhaique.

To narrow down the choices in North, in the context of the project I will discuss next, SENAME and I agreed to work with the programmes in the city of Iquique, because the

staffs in those centres were more complete than in the other Northern cities. Each site will be called North, Centre and South, indicating if it corresponds to LRPO or JIS program

Above and beyond all the above mentioned elements, it was also a requirement to count with SENAMES's support to study these specific sites. The negotiation carried out to implement this research, particularly in JIS, was part of an ampler project that facilitated my access to the selected sites. This particular feature of the field work developed in JIS defined conditions of observation of the sites and interaction with their staffs that required permanent monitoring, to control for their impact on the analysis of findings.

Research conducted in JIS took place in the context of a major project outsourced by SENAME's Department of Juvenile Criminal Responsibility (DJCR), to promote the new policy in all the juvenile imprisonment centres around the country and to identify main weakness and strengths to face the implementation process. This project was based on a need assessment carried out by the DJCR, which found that there was a need to update the training of the staff around the new policy principles, programme aims, and strategies. The project was also an answer to major demands raised by SENAME's union, which, during the months preceding the new policy's roll out, organised staff protests at the national level denouncing the lack of readiness to implement the policy, due to inadequate infrastructure and resources to execute the multiple actions designed in the policy<sup>8</sup>. These protests had ample media coverage, mainly because of the failure of other new national public policies, which turned public opinion mindful of the

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<sup>8</sup> This explains, in part, the openness that staff participating in focus groups and interviews showed in the research process to freely criticise the implementation process, since they had their union's support.

possibility of yet another public system breakdown<sup>9</sup>.

As a reaction to this scenario, the DJCR hired Universidad Alberto Hurtado, where I worked at that time, and as I was doing research on Chile's child welfare system, the University appointed me as head of this project with SENAME.

The project allowed me to get closer to answers I was looking for in my own research, as the goal of promoting the new policy in all the juvenile imprisonment centres around the country required to ascertain staff's levels of knowledge, understanding, and involvement with the National Policy for Children. Therefore, the instruments I developed for the focus groups had a double use: to meet the requirements of DJCR and for data collection for my own research.

My participation as leader of this project not only facilitated my work in the regions of my interest, but also made it possible for me to get the authorization from the directorate of SENAME to study the LRPOs in the same regions, as it is explained in the next sections.

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<sup>9</sup> In February 2007, the new public transportation system for the city of Santiago, TRANSANTIAGO, was implemented by the national government, resulting in a resonant failure, mainly because of the lack of readiness of the many components of the new system: buses, routes, fleet control software, and planning. As Chilean public opinion grew weary of government's mistakes in decision making, it took to refer to the new specialized judicial system for young as the TRAN-SENAME.

### **3. Research methods and data collection**

This section describes the data collection process from the point of view of the operationalization of the research methods I used. Here I shall provide details about recruitment, schedule of each method used in field work, participants in each one of the research actions, inconveniences found in each stage, and findings that inform next stages of data collection.

Stake (1995) and Yin (1994) identify no less than six sources of evidence in case studies: documents, archival records, interviews, direct observation, participant-observation, and physical artefacts. Eisenhardt (1989), who suggests the use of multiple data collection methods as a way to foster knowledge, indicates that the most common methods used with case study are interviews, observations, and archival sources, which, used in combination in a technique known as ‘triangulation’ of evidence, makes it possible to validate constructs.

I used diverse methods to collect data in different moments of the research, but the leading resources were focus groups, interviews, and field notes of observations, covering the same set of facts or findings, in a process of triangulation that allows for corroboratory comparisons (Yin 1989). Triangulation was reinforced by the chance to compare my field notes from records gathered as an observer, to those of a colleague of mine, collected as an observer in my focus groups, as will be further expounded below in the section on field notes.



This strategy helps with construct validity, since having multiple source of evidence offers multiple measures of the same phenomenon (Yin 1989). Additionally, by setting up a formal process of assembly of evidence, distinct from the final case study report, consisting of a database of findings, with notes and documents organised, categorized, and available for later access, I sought to increase reliability (Yin1994:96). Additionally, this organised database minimised the risk of being overwhelmed by large and unwieldy amounts of data from multiple sources, and helped me keep sight of the original research purpose and questions.

Finally, I made the effort to keep always in mind that the chain of evidence I was gathering had to be linked to my research questions and data collection protocols, so that reliability could be better safeguarded (Yin 1994:98).

### **3.1 Focus Groups**

The objective of this section is to explain the reasons for choosing focus groups in this research, the decisions made during the process of developing them, and characteristics of the participants. The choice of focus groups was based on their benefits as a method to study social services: focus groups promote interactions within groups through which social care workers cultures, hierarchies, and boundaries can be examined (Clavering & McLaughlin, 2007:400). Similar points are made by Robinson (1999) and Ruff, Alexander, & McKie (2005), in the sense that when studying applied policy, focus groups help to diminish group's barriers to interaction, such as hierarchies, cultural differences, and lack of familiarity.

In regard to the composition of focus groups, Clavering & McLaughlin (2007: 402) prefer diversity, since it encourages people to explain their reasoning, revealing complex thinking and allowing for the exploration of preconceptions about what each member means by his or her version. Openly discussing differences of opinion and experiences can indicate how people define and construct their position and identity in contrast or opposition to others.

For my research purposes, heterogeneous groups would permit a better expression of different discourses and explanations about how people define themselves and their world in regard to their everyday labour context (Kamberelis and Dimitriadis, 2004). This real-life context reinforces the possibility of recreating group dynamics from which ‘the construction of meaning and the practice of social life’ may emerge (Kamberelis and Dimitriadis 2004, p. 902). This possibility weighed heavily in my decision to use focus groups in this research for both JIS and LRPOs. The analysis of group discussion would be appropriate to help me detect facilitators and obstacles for developing a rights perspective at the institutional level, and to show whether and how staff social thinking was permeated by a rights-based discourse.

**For focus groups carried out in JIS**, authorization was requested from the head of the DJCR to use in my thesis data collected in the project I was directing for the Department at that moment. With this authorization, I was able to run the focus groups in the selected sites. I was also given permission to interview staff members, under voluntary and confidential bases. This approval required of me to ensure that participation in focus groups would not be mandatory for staff members, but would be incentivized by the emission of a diploma of participation. My second obligation was to

send a research overview to the DJCR, which would be shared with centres' directors and staff (in Appendix C). Lastly, I agreed to send a report with my findings to each programme and to the DJCR (Appendix D).

I designed and run the focus groups for all JIS centres, to make sure they were proceeding as planned (see Appendix E for the schedule). In each centre, staff participating in the focus groups was divided into sections in order to always keep the staffing level needed to maintain the centre operating 24 hours a day. In Santiago, because of the large amount of staff, three focus groups were necessary. In each JIS site I conducted one focus group and participated as observer in the second one, which was conducted by a social worker hired by the DJCR project, and colleague of mine in Universidad Alberto Hurtado. Her role in the research was discussed earlier, and is revisited also later in this chapter in the section about the analytical approach.

The focus groups had heterogeneous compositions, to promote discussion based on differences of opinions and experiences, and to identify participants' forms of, with the intention of recreating group dynamics. Two types of staff participated: daily care workers, most of them non-professionals with long experience in child care services, were the largest part of the general staff in JIS centres. Also in this group I included one or two front line health workers, depending on the size of the centre. A second type of participants was professional staff, all of them social workers or psychologists.

The directors of the JIS centres did not participate: in the cases of North and South the positions were vacant, while the director in Centre was invited but did not have time to participate. All professionals and non-professionals working in the centres were invited

to participate, voluntarily, to discuss their perceptions about the new policy underlying JIS, and the challenges they foresaw in the process. Before the focus groups begun, participants were made aware of the dual purpose of the meeting, as part of the DJCR project and also as part of my research. Staff in attendance received a research overview explaining its aims and objectives, stressing the confidential nature of the information shared in the focus groups, and announcing that aggregate findings would be shared with DJCR and with each centre. I pointed out to participants that one of the expected outcomes of the focus groups was the formulation of recommendations for better implementation. Participants were informed about their freedom of withdraw at any time during the focus group (See Research Overview in Appendix C), but all participants chose to stay for the complete session. The focus groups had durations of approximately 8 hours each, with a lunch break of two hours (see focus groups schedule in Appendix E).

The fact that an associate run the second focus group in each programme, with me sitting as an observer, allowed me to continuously compare the findings of the focus groups I have conducted with these others. In total, seven focus groups were held in JIS: two in Iquique, two in Coyhaique; and three in Santiago. In the latter case, I run one focus group, my colleague run the second one, and the third was conducted jointly by both of us.

Overall, 102 JIS staff members participated in the seven focus groups. Table 11 shows the number of participants in each site, classified according their professional qualifications.

**TABLE 11**  
**PARTICIPANTS IN JIS FOCUS GROUPS**

<b>Iquique</b>	Participants: 28 staff members divided into two groups Date: October 8 and 9, 2007	<b>Group One: (14 participants)</b> 3 professionals (1 psychologist, 1 social worker, 1 accountant) 9 front line educators (1 teacher among them, the rest were non-professional) 2 health workers <b>Group Two (14 Participants)</b> 2 professionals (1 psychologist, 1 statistician, ) 12 front line educators (non-professional)
<b>Santiago</b>	56 staff members, divided into three focus groups Dates: October 26, 29 and 31, 2007	<b>Group one (19 participants)</b> 4 professionals (2 psychologists, 1 social worker, 1 accountant) 15 front line educators (3 teachers, 15 non-professionals) <b>Group two (19 participants)</b> 3 professionals (2 social workers, 1 manager) 16 non-professional front line educators <b>Group three (18 participants)</b> 3 professionals (3 psychologists) 13 front line educators (3 teachers, 10 non-professionals) 2 health workers
<b>Coyhaique</b>	Participants: 18 staff members divided in two groups Date: October 22 and 23, 2007	<b>Group 1 (9 staff members)</b> 3 professionals (1 human resources manager, 2 social workers) 6 front line educators (1 social worker, 2 teachers, 3 non-professionals) <b>Group 2 (9 staff members)</b> 1 professional (accountant) 7 front line educators (3 teachers, 4 non-professionals) 1 health worker

**Focus groups in Local Rights Protection Offices (LRPOs)** had to be organised around a tight schedule, due to high caseload and short staff in these offices. Thus, focus groups were implemented at the beginning of the year 2008, during the summer,

when programs faced less demand, making it possible for staff to participate. To get authorization, I contacted the national Director of the Rights Protection Department (RPD), and provided her with the background information on my research. She approved the study and sent the research overview to the director of each selected LRPO (Appendix C). My previous professional contact with this Department facilitated this outcome. I obtained permission to run focus groups and interviews, under conditions similar to those established by the DJCR: participation in focus groups and interviews would be voluntary for staff members, and a report with my findings would be sent back to each LRPO and to the RPD.

I was allowed to contact each LRPO director directly, and the three of them agreed to host my activities. In LRPOs I conducted one focus group in each site (see schedule in Appendix C). These focus groups lasted for 4 hours each, half the time spent in the focus groups at JIS, due to the smaller numbers of participants in LRPOs, corresponding to smaller staff sizes.

Like focus groups in JIS, those implemented in LRPO were composed by the two types of staff, professionals and ‘front line educators’. All professionals and front line educators were invited to participate, voluntarily, to discuss their perceptions about the new policy underlying the LRPOs, and the challenges they identified in the process of its implementation. Before the focus groups began, participants received a research overview explaining its aims and objectives, declaring the confidentiality of the information shared in the focus groups (see Appendix G for Informed Consent), and stating my committed to share my findings with the RPD and the directors of the centres. Participants were told about their freedom to withdraw at any time during the

focus group (See Appendix C), but all participants stayed throughout the entire sessions (see schedule in Appendix E).

When running the focus groups in LRPOs I had the collaboration of a colleague who played the role of observer, which helped to maintain consistence with the methodology applied in JIS, and to continuously compare my findings. Overall, 19 staff members participated in the three focus groups. Table VII summarizes the composition of the groups.

**TABLE XII  
PARTICIPANTS IN LRPO FOCUS GROUPS**

<b>Sites</b>	<b>Coordinator</b>	<b>Professionals</b>	<b>Front line workers</b>	<b>Total</b>
<b>Iquique</b>	Sociologist	Social Worker Psychologist	1 teacher 3 front line educators	7
<b>Santiago</b>	Social worker	2 Social workers 2 Psychologists	1 teacher 2 front line educators	8
<b>Coyhaique</b>	Social worker	Social worker Psychologist	Front line Educator	4
<b>Total</b>	3	8	8	19

### **3.2 Interviews**

Focus groups were complemented with interviews in my field work. The rationale for them, the process of interviewing, and the characteristics of the subjects interviewed are the subject matter of this section.

The process of interviewing has been recognised by different authors as *the* central tool for research (Atkinson and Silverman 1997; May 2003), as interviews let us probe deeply into the ‘biographies, experiences, opinion, values, aspirations, attitudes and

feelings' of the subjects (May, 2003:121). I opted for an unstructured interview schedule (in Appendix G) containing the major items for the conversation to unfold and evolve according to the interaction with the subject. This option gave me room to interject with my own opinions to elicit further comment by the interviewees, and overall I found this approach to be more coherent with my general research orientation.

An unstructured interview requires great skill on the part of the interviewer, and it is here where my research experience proved valuable played an important role. Participants answer questions in their own terms, and the researcher has to be capable of steering the conversation toward the topics that emerge as most relevant, asking for clarifications and elaborations from the participant whenever necessary (May 2003: 123). According to Strauss & Corbin (1994:281) this form of interviewing allows the researcher to tell participants' stories in their own voices, albeit in the context of the researcher's inevitable reconstruction and interpretation.

**Interviews in JIS** were carried out completion of focus groups. Participants in the interviews were selected to represent either the professional or the daily care workers line of staff. This criterion coalesced from the focus groups, where a tension became evident between professional and non-qualified staff, which appeared to me a relevant aspect that could affect the implementation process. Among professionals, I chose to focus on social workers. Being myself a social worker, I hoped a shared professional identity would generate a more profound rapport with the subject. The interviewees were invited to participate on a voluntary basis and assured confidentiality. Informed consents were signed by all interviewees (Appendix F).



The focus groups were central for the development of the interview schedule. Their findings were used to ensure that the interview schedule was grounded in, and relevant to, the current circumstances and settings of the centres. I interviewed three staff members in every centre, for a total of 12 interviews nationally, as shown in Table 13. Directors were not interviewed for the reasons already stated.

**TABLE XIII**  
**INTERVIEWED STAFF FROM JIS**

<b>Profiles of interviewees</b>	<b>Iquique</b>	<b>Santiago</b>	<b>Coyhaique</b>
<b>Case manager</b>	Social worker	Social worker	Social worker
<b>Front line workers</b>	2 daily care workers	2 daily care workers	2 daily care workers
<b>TOTAL</b>	3	3	3

Even though interviews were guided by a schedule, the interviews in each programme had specific pathways, according to the history and specific services of each program. Questions asked to professionals as well as non-professionals were similar and were oriented by the main categories appearing in the focus groups. The questions allowed me to explore areas of workers' lives, their values, beliefs, and experiences, from the starting point of their perceptions and understanding of policy for children and the adolescent criminal law, discussing the nature of its positive and negative contributions, and exploring how they saw themselves within those services.

The path I followed during interviews was based on progressive review of their labour trajectories, which allowed me to use a chronological format that nudged the workers to project their experiences in terms of the elements of interest to the researcher: labour experiences prior to the new law, their visions of children in need as opposed to

children with rights, charity and repression as strategies to treat children compared to treating them as right holders, and rights of participation and to a fair trial. Sequential reviewing of their job trajectories gave rise to natural frankness. Interviewees were always willing to openly talk about their personal labour situations, and explain organizational conflicts, tensions and discrepancies appearing in the focus groups. Thus interviews helped contrast or confirm the initial findings emerging from focus groups, providing appropriate triangulation.

**Interviews in LRPO** were similar to those in JIS, since these were authorized by the central government under the same conditions required for running focus groups. Interviews took place after the focus groups as well. Once I got the approval from the RPD, I arranged the interviews with professional and non-qualified workers with each coordinator of the selected sites. Previous experience in JIS suggested that professional background and the roles played in the organization could emerge as significant for the implementation process and for service delivery.

Three members were interviewed in each LRPO: the director, one professional, and one non-qualified worker. Unlike in JIS, the directors asked to be interviewed, and the dialogue with them was a source of interesting information about the proximity of directors to daily activities in LRPOs. The rest of the interviewees represented either one of the LRPO intervention areas: community and protection. The community area was always represented by a front line educator (a non-qualified worker), because they performed their tasks exclusively in that area, whereas the protection area was represented by a professional because they worked mostly in this area. Professionals interviewed were always social workers, following the same criteria used for the

interviews done in JIS. The selected staff members were invited to participate in interviews on a voluntary basis, and ensured confidentiality. When there was more than one social worker or front line educator in staff, the participant in the interview was the one who had more availability to participate in the activity.

Participants received the research overview, and were asked to sign informed consents. A total of three interviews were carried out in each centre, for a total of nine, nationally, as summarised in Table 14

**TABLE 14**  
**INTERVIEWEES IN LRPOS**

<b>Interviewees</b>	<b>Iquique</b>	<b>Santiago</b>	<b>Coyhaique</b>
<b>Coordinator</b>	Sociologist	Social Worker	Social worker
<b>Case manager</b>	Social worker	Social worker	Social worker
<b>Front line workers</b>	1 front line educator	1 front line educator	1 front line educator
<b>Total</b>	3	3	3

The interviews in LRPOs followed as a general guideline the schedule presented in Appendix G, steering the conversation to the topic of how interviewees had faced the challenge of the new policy. I inquired chronological intro labour trajectories, and then I explored their knowledge about the general policy and their particular programme. Interviews and focus groups were joined by a third method of data collection, as explained in the next section.

### **3.3 Field Notes**

Huberman and Miles (2002:15) describe field notes as ‘an ongoing stream-of-consciousness commentary about what is happening in the research, involving both

observation and analysis-preferably separated from one another'. Jotting down notes is valued by Lofland and Lofland (1984) as a convenient strategy of memory aid for further construction of field notes.

Scribbling notes during field work makes it possible to capture events or observations that may be lost for the researcher when tending to some other task, such as leading a focus group. An interesting possibility raised by Eisenhardt is to have multiple investigators, because it permits 'divergent perspectives and strengthens grounding, having more than one researcher enhances the creative potential of the study, and observation boosts confidence in the findings' (1995:73). Moreover, assigning unique research functions to each co-investigator 'increases the chances that investigators will view case evidence in divergent ways' (Eisenhardt 1989:538). Considering this advice, and bearing in mind also that my research covered three JIS sites which had sizable staffs, the use of co-investigator made the process of taking notes and observations more manageable during focus groups, and gave me the chance of retaining a different, more distant view of the interaction with the participants in the focus groups I run, improved research reliability. I therefore used field notes as a complement of the other research methods, and in the case of focus groups the notes were particularly rich and useful because they were taken by me or my colleague from a full observer's perspective while the other was running a focus group.

In the first focus groups I took profuse notes; later, I was able to develop a sense of what was or was not important to record, especially after the main codes were emerging from earlier focus groups. Records considered not only what was said, but also who said it, seeking to capture insights about the organizations' structures and the place each staff

member occupied in them. The comparison of field notes between my colleague and I facilitated the confirmation or rejection of some observations that could have been biased by *a priori* notions or first impressions.

The following table synthesises the complete sample, organised by case study and within-cases in multiple sites. Next, I will explain the approach applied in the analysis of findings.

**TABLE 15**  
**NATIONAL SAMPLE RECRUITMENT STRATEGY**

<b>RECRUITMEN STREGY IN NATIONAL SAMPLE: Contact with head of SENAME and with directors of each programme</b>	<b>Imprisonment Centres for Young Offenders JIS</b>		<b>Local LRPO</b>	
	<b>Focus Groups complete staff</b>	<b>Interviews</b>	<b>Focus Groups</b>	<b>Interviews</b>
<b>Iquique</b>	Participants: 28 staff members divided in two groups Dates: October 8 and 9, 2007	3 staff members: 1 social worker, 2 daily care workers. Date: October 10, 2007	Participants: 6 staff members Date: January 11, 2008	3 staff members: coordinator, case manager, and front line Educator Date: October 11, 2007
<b>Santiago</b>	56 staff members, divided into three focus groups Dates: October 26, 29 and 31, 2007	3 staff members: 1 social worker, 2 daily care workers  Dates: December 18 and 19 2007	Participants: 8 staff members Date: January 18, 2008	3 staff members: coordinator, case manager and Front line Educator Date: March 28 and 29, 2007
<b>Coyhaique</b>	Participants: 18 staff members divided in two groups Date: October 22 and 23, 2007	3 staff members: social worker, 2 daily care workers Date: October 19 and 24, 2007	Participants: 4 staff members Date: January 25, 2008	3 staff members: coordinator, case manager and Front line Educator Date: October 24 and 25, 2007
<b>TOTAL BY PROGRAMME</b>	102	9	18	9

**TOTAL RESEARCH WITH PARTICIPANTS: 120**

#### **4. Approach to analysis**

Data analysis consists of ‘examining, categorizing, tabulating, or otherwise recombining the evidence to address the initial propositions of a study’ (Yin 1994:102). This section of the methodological chapter discusses the main strategies guiding the process of data analysis, according to the steps recommended by case study researchers (Yin 1994; Eisenhardt 1989; Stake 1995; Simons 1980).

The main option to analyse data in this research has been to give relevance to the interpretation of meanings made by actors implementing this policy, which can be observed through the actors acts, language or objects (Yanow 2000). Fischer (2010:13) defines the role of interpretation in a social constructionist perspective, ‘the social and political life under investigation is embedded in a web of social meanings produced and reproduced through discursive practices’ and researching that political and social life implies the analysis of the normative concepts and images implementers use to formulate their actions. Here lies a defy to bureaucratic culture and positivist technical rationality; from the constructionist perspective privileged here, the interpretative analysis carried out searched by subjective presuppositions and assumptions that direct perceptual processes shaping action (Fischer 2010:14).

The first step in data analysis is to examine raw data, approaching them through different interpretative stance, which mean to find connections between the data and the original research questions, from an attitude of openness to different insights and to possibilities to triangulate information to reinforce research findings and conclusions

(Eisenhardt 1995). Among the first techniques to be applied to analyse case studies is within-case analysis, this process' outcome in a comprehensive description of each site that serves as base for further generation of insight (Gersick 1988; Eisenhardt 1989) and help to cope early in the process with the often enormous volume of data (Eisenhardt 1989: 540). Eisenhardt (1989:540) suggests that this phase facilitates an intimate familiarity with each case as an individual entity. As the unique features of each case emerge, researchers can then look for generalized patterns across cases.

Cross-case analysis searches for patterns by selecting categories or dimensions and then looking for within-group similarities as well as intergroup differences (Eisenhardt 1989: 540). In deciding what specific techniques to apply in case study data analysis I was mindful of my commitment go listening to participants' voices, and therefore I was careful not to impose on the data predetermined explanations (Yin 1994:106-110).

The first data analysis I carried out was within-case analysis. The most important part of this strategy was rigorously describing each case, and developing an intimate understanding of them. The results of this phase were detailed case study write-ups for each site, categorizing data and examining it for within-group similarities and differences.

Although this type of analysis usually relies for structure on the theoretical propositions that led to the case study, I nonetheless privileged the development of a descriptive framework around which the case study was organized, because of my intended emphasis on participants' social constructions. Facing the raw data I also had the opportunity to cross-check facts and clarify divergences in my records. Data



collected through individualized charts, such as Instrument I (See focus groups schedule in Appendix II), and the filled-out demographic tick-sheet, allowed the tabulation of frequencies of events and the initial development of analytical categories.

This stage led to data reduction, and helped to sharpen and organize data in a way that helped to elicit findings. When I made comparisons with the theory, I sought patterns, rather than explanations. In sum, in this process of analysis I used a descriptive framework around which the case study was organised and on which the analysis relies, I based these framework on focus groups and interviews transcriptions and compare that information with field notes. The permanent discussion with my co-investigator allowed me to consider divergent positions in relation to the same evidence, increasing confidence of the outcomes. I organised the case information in separate descriptions of my two programmes, remarking within-case differences emerging from different settings and conditions, and taking notice of cross-cutting sub questions. This brought up findings that needed to be considered in further analysis.

In a second stage, I used cross case analysis, dividing the data by emergent themes across all cases investigated, and thoroughly examining the data pulled out by each theme. Strong findings were those that emerged from patterns from one theme corroborated by evidence found in another data set containing a similar theme. Evidence was processed to produce analytic conclusions answering the original research questions (Eisenhardth 1989:540).

At this stage of cross-case analysis, I was able to make matrixes of various data sets and compare one case to the other, which simplified data and made it easier to draw conclusions and capture novel findings. I was able to discover similarities and differences from findings from within-case analysis, and triangulate data from different sources, combining field notes with interview data and focus groups' evidence, this process helped me avoid sticking to initial impressions including multiple lenses, all of which contribute to for stronger corroboration of patterns (Eisenhardt 1989: 541).

Lastly, the analytical process was guided by the premise of constant comparison of findings and theory as an iterative process, emphasising how new insights from the data helped to critically review the theoretical framework.

## **5. Conclusions**

The study of the process of reframing social care for children in Chile is a research based on a social constructionist approach that relied on qualitative field work and chose case studies as its research strategy, because of its descriptive and interpretative emphasis and its search for operational links that needed to be traced over time.

Methodological options were framed by this research design: I constructed a theoretical sample based on maximum variation, to identify within the Chilean system of social care for children, polar cases that could help understand the process of implementing rights-based services. The selection of cases was given by the relevance of Juvenile Imprisonment Services and Local Rights Protection Offices as programs in the child care system serving diverse populations and problems and representing polar cases.

The selection of within-case sites for each programme followed the same extreme variation criteria, based on geographical differences in the delivery of each program. Thus cases of JIS and LRPO were selected which represented the regional macro-zones of Chile.

Focus groups, interviews and field notes were deployed as research methods for data gathering, and the collected data allowed within and cross case analysis, triangulating information from where main themes emerged. The analysis of these main themes is developed in the following chapters with the aim of arriving, at the end of the thesis, to propositions that may enrich the constructs used in the study of social policy implementation, particularly for advancing in children's rights-based services.

## **CHAPTER 7**

### **ASSESSMENT TOWARD A RIGHTS PERSPECTIVE IN LRPO**

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#### **1. Introduction**

This chapter presents a description of the data gathered through focus groups, interviews, review of policy documents and my direct observation during field work in LRPOs. The chapter is organized by reference to the main rights discussed in Chapter 2 as a frame to assess the advances of programmes toward a rights perspective. The objective of this chapter is to identify what has helped and what has impeded the advancement toward a right perspective in Local Rights Protection Offices (LRPO) in the three cases studied in each programme (North, Centre and South). With this objective in sight, the rights defined as central to a rights based policy are contrasted here with the goals of each programme as discussed also in Chapter 2.

As we argued in that chapter, LRPOs have two main components: interagency and territorial articulation for children's rights, and protection of children whose rights have been neglected. These components required the establishment of community and individual assessments and interagency networks, and the development of a Local Policy for Children's Rights. Therefore, the assessment in this chapter of LRPO advances toward a rights perspective focalizes on how the rights of non discrimination, children best interest and protecting their survival and development, respecting child's view and protecting the survival and development of the child, and the right to live in family are protected in the three cases under study, considering if these rights have been fulfilled with regard to developing individual and community assessments,

achieving interagency networking, and generating a local policy for children in each community in which these offices are located.

Through this analysis, I will also summarise the precise meaning of each right in the context of the LRPO programme. The description of the programme emphasises the similarities and differences found within the three cases of study corresponding to LRPO, associated to organisational characteristics and themes related to the way implementation has occurred according to the policy planning and the actions taken at different levels. After describing the data pertaining to each right I offer a conclusion that recaptures the main themes emerging from this description.

Core rights giving form to a rights perspective in LRPOs are related to the programme's main components and the specific communities LRPOs serve. Progress toward non discriminatory practices depend on the capacities of agencies to recognise the specific needs of communities and individuals and to organise these in a local policy that guarantees the support of children's rights and makes the LRPOs practices sustainable. Applied to these offices, the right to best interest of children and protecting their survival and development imply comprehensive services for children, through interdisciplinary services and interagency networking ensuring access of families to private or public resources in all levels: local, provincial, regional and national, an objective to be facilitated by the constitution of community councils. This offer should ensure an ample array of services, as well as adequate infrastructural conditions to provide these services. With respect to the rights of respecting children's views and protecting their survival and development, LRPOs are to guarantee the participation of children and their families in the process of decision making. Finally, the right to live

in family requires from LRPOs to guarantee family support services such as individual services, social assistance, and training in parenting skills; it also supposes ability and disposition in workers to develop strong partnerships with children and their families. In the following sections I shall discuss each one of these rights in light of findings attained in my field work associated to LRPOs. The last section of this chapter is devoted to summarize advances and limitations found in LRPO in regard to its main programmatic components, and to show differences and similitude within LRPO cases studied.

## **1. Right of Non discrimination**

In this section I present the main themes that came out in field work affecting the fulfilment of the right of non discrimination. First I describe whether and how data is systematically collected by LRPOs and the impact of these dimensions in the development of individual and community assessments, to finish the section describing public services at the territorial level that affect the provision of both wide-ranging and tailored interventions.

### **2.1 Systematic data collection to recognize the specific needs of the community**

Only the North LRPO considers the diversity of the local and regional territory through community assessments developed by systematic data collection. The other two Offices, Centre and South, only guarantee the safeguard of diversity at the individual level, developing individual assessments. This was reported during focus groups: staff from the North LRPO identified community assessment as relevant in their option to focus on promotional work instead of clinical services. This community assessment was carried out by interns from regional schools of social work and sociology who

identified community trends and brought specific information about the profile of vulnerable children at the local and regional levels, transforming this assessment into an indispensable tool for community actions. During focus groups, a psychologist explained that they did not produce individual assessments because parents were hard to reach. This is her account:

*'We rely on working at the community level in collaboration with other organisations that support vulnerable children or children at risk and with volunteers that are associated to our LRPO. We reach a great number of children through these alliances. It helps us to reach our target numbers. Parents only bring the kids to our activities; we do not get to know them really'*  
(North, psychologist).

Consequently, even though this Office did not collect systematic information from specific families, it produced knowledge about macro local and regional trends in children issues that informed community actions implemented by the LRPO. Conversely, Centre and South LRPOs lacked community assessments. Both offices had privileged the provision of clinical assessments for neglected children, instead of promotional work. In the case of Centre, data collection from individual and family users was rigorously developed, but there were not general analyses of this information to identify trends in the served population to feed back the planning of intervention and communitarian activities, as one of the social workers explained:

*'Each of us has a complete file for each of the cases being served. This is very important to develop a holistic assessment, and refer to the specific service*

*each case needs... if developed a general analysis of these files, we could identify trends among the population we serve. However, we do not have the time to use that information in a better way and at the end clinical and community activity seem to be completely different and disconnected actions' (Centre, social worker).*

In regard to activities developed at the promotional and community level, the responsible of those actions in the centre was a young community educator, who reported that the objective of these activities was mainly recreational *'to bring neighbours and families together through dancing games, face painting, magic acts, movies, among others...'* However, there were no regular registry methods to count and characterize participants, nor specific forms to evaluate the activities. Similarly, in the South data was only utilized to plan individual interventions. The actions they developed were thus described by the social worker in my focus group:

*We work with other organisations, such as schools, primary care health centres, NGOs working with children, and with them we provide different services: training, support groups, individual assessments. We need to work with others, because if not we cannot reach the population SENAME requires, we lack the time to think the community as whole and plan our actions, these are basically framed by individual assessments and the knowledge we have about the community (South, social worker)*

Basically, their actions consisted of individual assessments arising from spontaneous demand from the community and judicial orders, individual assessments in



collaboration with professionals from those organisations, and promotional work implemented in collaboration with other organisations (public and private) through massive recreational activities. None of these actions were framed by a communal assessment, but by professionals' assumptions about the needs of the community, and secondary information they had collected from collaborating organisations. Next statement shows how staff conceptualized the families they work with, based on the indicated sources:

*'...if you ask me to characterize them, I have to tell you that most of these families lack formal employment; children are engaged in school, but they usually have delays in their progress, many of them come from single parental families...' (Social worker, Centre)*

## **2.2 Public services at the communal and regional levels**

There was a general complaint across the three LRPOs about the scarcity of other social services in the community and the collapse of the few that existed in the localities. This situation did not help in the activation of an effective interagency network. In the case of Centre, the social worker declared the following in an interview:

*'The lack of networks and community services affect us because we have big trouble referring our cases. Because of the high demand we have, most of our efforts are concentrated in providing individual services; our community educator does his best but he works alone in communitarian actions... the rest of us know little about it... (Centre, social worker)*

Similarly in the South, where staff pointedly criticized the failure of SENAME to provide other local services for children that initially were guaranteed by the national policy for children, especially in isolated and rural areas that did not had local services to refer children to, as it was indicated in the focus group by the social worker:

*'Our office was recently created, and when we were hired, they told us that there were many other services for children being inaugurated by SENAME, and that our role was to help in articulating them, yet we do not count with many other services in the region, and the older residences have been closed... working in these conditions is not easy' (South, social worker).*

While North faced the same problem of lack of public services at the local level, the staff solved it developing alliances with private organisations. In their case, complaints referred not only to the quantity of public agencies, but also to the quality of their services. The coordinator from this office pointed out that *'public education and health services tended to expel children facing difficult situations such as sexual exploitation or immigrant conditions'*, these services *'appear as the hardest ears to permeate with new ideas'*, mainly because they did not recognize the particular life situations and well-being needs of these groups of children, nor had they special care for their particular wants in order to offer them individualized assistance.

### **3. Rights of children best interest and protecting their survival and development**

The rights of children best interest and protection of the survival and development guarantee comprehensive services for them. The data collected shows that lack of inter

professional practices, the roles of local and central governments and the characteristics of infrastructural conditions were the issues affecting progress toward the fulfilment of these two rights, as expounded in this section.

### **3.1 Inter professional practices**

LRPO's programme guidelines establish the need for regular inter-professional meetings to plan actions aligned to each office's specific goals, to review cases and territorial actions, and to inform all decisions with an interdisciplinary perspective. Even though the three cases recognised this mandate as a good practice, only one of them carried it out. North maintained regular and systematic interdisciplinary work among the staff, and weekly meetings were organized to analyse specific cases, and to plan and evaluate community activities. As this LRPO did not have a lawyer in staff, the local government had authorised support from the municipality's legal staff as needed. One outcome from this regular interdisciplinary work was the option made by the office to focus on the promotional component of the LRPO, based on staff composition and available resources. The staff felt comfortable with this option, and was explicit about the value of reflexive practices and the contribution of each of its members in the processes. This feeling is exemplified in the following statement registered in focus group:

*'These meetings are absolutely important for us; it is the time we have to stop and think about our work' (North, social worker)*

The Centre used to have regular staff meetings during the first years of functioning. Staff members explained that excessive caseload and larger staff in the office had made it difficult to continue with regular meetings and, similar to the North, complained about not having more legal support, since there was only one lawyer, half time. In my interview, the coordinator regrets the loss of staff meetings:

*'I am sorry we do not have the time to meet as a big team; we have lost the possibility of bringing many heads to think about one problem and we have lost*

*the articulation we had in the earlier times of our office between community and clinical work' (Centre, coordinator)*

The strategy to generate at least some inter-professional discussion was based on the coordinated action of one social worker and one psychologist in a team of two, which *'has proved to be an excellent alliance since we get good assessments and each one contributes her specific expertise'*, the coordinator said. These small teams strategy has been validated in all LRPOs across the country to work with families: *'SENAME develops national meetings where we discuss diverse strategies these teams carry out, what works better in diverse situations'*.

South did not feature these meetings mainly because the small size of its office staff, composed only of two professionals and a coordinator who was in charge of two other programmes at the municipal level. As a result, assessments were done individually by each professional when they received a direct demand or judicial orders, as it was established by the social worker during the interview:

*...lack of time impedes us to work together; we divide the caseload between the two of us, and we barely accomplish the objective of assessing and referring them. When we meet it is usually to plan interagency activities, and to inform the coordinator about our activities... (South, social worker)*

### **3.2 Regular communication with local, regional and national authorities.**

Regular communication at the local level was fostered through the constitution of Communal Councils. In the case of North, the Communal Council was established a year after its foundation, and staff's accounts during focus groups supported its relevance:

*'We founded the children communal council years ago, and all our partners are represented there, alongside representatives from health, education and justice public services ... Subjects related to immigration have become really important during the last year, and we have played a key role in giving information about statistics and main issues affecting them' (North, community educator).*

*'Support from the mayor has become crucial. When he calls for council meetings, most of public services participate and commit to specific actions in favour of children. We have total support from partner agencies, but public officials are more resistant not only because of lack of resources, but also because new actions require action by the internal bureaucracy to get time allocation and workers to new activities, which is time consuming and not always produce positive answers' (North, social worker).*

These councils convene many non profit organisations as well as public services, and their most relevant outcome, stressed by the staff during focus groups, was the *'establishment of a common discourse of respect of children's rights when providing services'*.

In the case of Centre, the communal council was also established a year after the foundation of the office and its members came only from public organisations (health, education, labour, and housing services). Staff indicated that *'its functioning had been decreasing during the last months, since only when the local authority called for meetings there was higher attendance'*. Lack of alliances between Centre and private

organisations explained the absence of the latter in this council, and, according to the coordinator, *‘the centrality of public services in the community council in detriment of non profit and private actors decreases the chances of giving a higher degree of autonomy to the council, because there is a sort of complacency with local authorities’*.

South had not constituted a communal council. In focus groups staff argued that it had not been organised yet because of the *‘novelty of the office and certain unwillingness from the local government to ask public officials to perform new roles’*. During the interview, the coordinator of the office said:

*We have not had a good reception from the local government to the initiative to develop a communal council. All public services depending on the municipality seem close to collapse, with too much demand and few resources... Besides, the distance from town to town make it harder to bring together different services, it is time consuming and sometimes you waste your time in meetings than do not bring any solutions but new responsibilities to your job’ (South, coordinator’)*

With regard to communication with the regional and central (national) levels, in two of the cases the staff noted inconveniences in achieving a common understanding among LRPOs, local authorities, and regional and national authorities. An example of this conflict is found in the political involvement expected of LRPO staff at the municipal level:

*'We have heard that in period of elections all staff from the municipality has to work for the mayor's re-election campaign. I think this is too much to ask of us especially when SENAME is asking for other outcome...this interrupts our original duties' (South, social worker)*

*'In periods of elections we have been asked to canvass for the mayor, who in addition has hired new staff for our office only to do political work... this affects our work negatively, and we seem to have no voice in these negotiations...' (Centre, social worker).*

Tensions between mandates were not brought up by staff from North. But there was criticism of regional and national authorities at SENAME for not meeting pre-established conditions required for a better functioning of LRPOs in all three Offices. As discussed earlier, shortfalls of public specialized services affect the three regions where the case-study LRPOs are located. One example of this position comes from the coordinator of Centre during focus group:

*'We have demanded from SENAME the implementation of specialized programmes at the local level, arguing on the basis of the absence of private organisations to fill the void, but government decisions are framed by national trends and also by political interests. (Centre, coordinator).*

The fact that the three offices agreed on the presence of unresolved difficulties arising from unsupported or conflicting mandates across the different levels of authority, from national to local, suggests issues of communication and alignment of the local with the regional and national levels.

#### **4. Rights of respecting the child's view**

Guaranteeing respect of the child's view appeared mainly associated to the development of participative strategies, which are described in this section.

##### **4.1 Participative strategies**

I found differences in children's involvement in decision making processes in the three LRPO. In the North, staff described the Children's Town Councils (CTC, different from the communal councils constituted by authorities, described above) as the main vehicle for children participation and collection of their views and demands. In these town councils, children defined the matters to be treated in massive or group activities. CTCs are composed by children representing diverse organisations. Children's significant others (peers, community, neighbours) are also involved in planned activities. During one interview, a community educator highlighted this feature of CTCs:

*'We develop several town councils with children coming from our partner agencies and with them we plan most of our activities. They define main issues to be broached and together we define the strategies to approach the community and authorities on those subjects. We have also carried out massive activities to discuss about the need for more green spaces, to promote minority rights, or to demand more services for children with special needs' (North, community educator).*

In the South and the Centre, on the other hand, children's participation was considered only in the clinical assessment process, and between the two there were differences in



the degree of achievement of effective children participation. A social worker at the Centre stated in focus group that children participation was granted in clinical assessments because *'they were always involved in the process of evaluation and decision making, according to their ages'*. Professionals in the South declared in focus group that even though they created spaces for children participation in their clinical assessments, families' values were an obstacle:

*'I can argue that children have their own opinions and can decide on activities, but considering the cultural level of these families, where dads and moms are reluctant to recognize children as holders of rights... our views do not matter much...'* (South, social worker).

As to parental participation, in the South and the Centre criticism of fathers was raised because of their passive role in clinical work. Professionals from the Centre said that fathers tended to be less available for the intervention and in the South staff connected fathers' absence in the intervention to cultural patterns that placed them only as bread winners. Therefore, family involvement in clinical assessments appeared restricted to mothers.

In any case, parental involvement in community activities was not fully granted in the three regions, since parents did not participate in planning, and their contribution to activities was mostly passive:

*'Parents only bring their children to our activities. Sometimes they stay and listen, but most of the time they leave. Sometimes I think they use us as a day*

*care for their children... and that is not the best outcome, since if we want a change, it needs to begin at home' (North, social worker).*

Generally, staff appeared doubtful about chances of parents' commitment to activities characterized by their recreational and massive nature, where participants were not monitored to track the continuity of their participation, and whose outcomes were not clear.

## **5. Right to live in family in LRPO**

The right to live in family guarantees family support services. Advances toward the achievement of this right relate to the focus each LRPO may have on clinical or promotional work, and to staff visions about families.

### **5.1 Promotional and clinical interventions with families**

Interventions in the North articulated resources to face specific problems of children in its territories, such as immigration, sexual exploitation, and isolation, among others. In addition, the office tackles general issues related to children's right to live in family, such as training in parenting skills, labour fairs, and network development to pool resources or the benefit of families. But there were no specific and individualized services for families.

Staff from Centre, in turn, indicated that most of their actions were clinical family services. Diverse cases of neglect were assessed, and when possible, referred to public services. Staff members undertake home visits and family meetings to assess cases and to explain the steps of the programme process to parents and children. South had not

focused in any specific area, and the actions developed by its small staff appeared as unsystematic reactions to many problems without the benefit of good assessments and appropriate resources. The dispersion of the population was another obstacle to provide the range of services the community needed.

Promotion and protection were areas of intervention repeatedly mentioned as part of their mission by staff from the three cases. I have described earlier that North as well as Centre made the option to prioritise one of them in their direct intervention, while approaching the non-priority area through articulation with other local agencies. South, the newest LRPO among the three cases, established instrumental alliances with other territorial organisations to tackle an unfocused area of services. Reparation services were not mentioned by staff from these three Offices as a goal they should contribute to by promoting interagency networking.

## **5.2 Staff visions about families**

All staff from the three offices stated that their actions were framed by the principle of family centrality in child rearing. The notion of a family unfit for the upbringing of their own children did not appear in the discourses of the staff, although families were viewed as poor and needy, or guided by patriarchal views about family roles, as explained earlier. In the centre and South staff coincided in that family notions about paternal roles and the generally conservative bent of community's values acted as barriers in promoting change. In the North, however, where no actions had targeted individual families, but general trainings and actions were put in place to provide a powerful network of services for the community, critical views about family roles and cultural patterns did not emerge among the staff.

As to the centrality of family in children upbringing, none of the three LRPOs contemplated referring cases to alternative care as part of the repertoire of measures available to them. In line with the core tenets of the new policy, staff did believe in families as the best place for children, and understood sending a child away from her or his family as a measure of last resort. But also, staff noted how out of home services were progressively decreasing:

*'We do not like sending children to residences. We avoid that because we believe families are best for children than institutions. Besides, there are no spaces for more children in the residence we have in town. So far we have not had to face the need to take a child out of home, but if we get a case like that, I do not know what we would do... It is not easy to take a child far from home and also far from his community (North, social worker).*

## **6. LRPOs advancements toward a rights perspective**

All the themes identified here affected positive or negatively the three cases under study in their capacity to achieve central rights granted by policy. These themes connect to the goals LRPOs have to attain, showing the expected relationship between programme goals, implementation facilitators and obstacles, and achievement of policy rights. The following sections are organized around LRPOs' goals of developing community and individual assessment, interagency network, and a local policy for children's rights, as they bear upon LRPO's responsibilities toward core children's rights.

## **6.1 Community and individual assessment**

Community assessment helps to know and understand socioeconomic, cultural, and demographic features within a specific community, and to support good planning of interventions at the individual and local levels, while individual assessments constitute the basic tool for appropriate referrals, especially when these are enriched with community assessments. I found that the goal of producing individual and community assessments was not achieved by the three centres, since none of them produced both in a reliable, systematic accurate manner. Consequently, the right of non discrimination was weakened by this mediocre attainment. This outcome, as in a chain of effects, influenced the accomplishment of children's right to live in family, since inaccurate visions about the role of mothers, fathers, and children, hampered the incorporation of families in the interventions being implemented.

A specific requirement to achieve comprehensive assessments set up by the policy was the existence of inter-professional collaboration, which is intended to ensure common understandings and objectives among professionals, as well as to allow a broader comprehension of problems with of complex nature. According to LRPO policy guidelines, a comprehensive and interdisciplinary perspective should consider at least the views of psychologists, social workers, and lawyers. But in the three programmes the legal perspective was a component of interdisciplinary work that appeared weak and dependent of the willingness of local authorities. Besides, only North developed systematic inter-professional practices with the entire staff, which was positively valued as a resource by the staff. Centre had developed these practices in the past, but high caseload and excessive demands inhibited their continuation, even though the staff could see the positive contribution they had for improving intervention. South did

not develop these practices, not only because of the novelty of the Office, but also because of the small staff numbers and the pressure on them to achieve the target population defined by the central government. This weakness in inter-professional work affected the capacity South and Centre to promote the right of children's best interest, since assessments and interventions were not based on a comprehensive understanding of children's problems.

## **6.2 Interagency network**

Interagency network was encumbered by the scarcity of public services in the three regions, and, as a result, the right of non discrimination was jeopardized by deficits in the provision of these services at the local level. This deficiency also affected the right of children's best interest and the protection of their survival and development insofar as the state did not provide or facilitate at the local level the services children needed to benefit from comprehensive interventions. In this regard the influence of local authorities was instrumental to bring children social services into a communal council, but only in one region did the mayor support permanently the actions of this council. In the centre and South, on the other hand, Councils were subject to the local authorities' dimension willingness to support this space, especially as local organisations assigned to the local government the power to call for meetings and assign tasks. This situation not only affected the success of interagency network, but the fact that LRPOs had double dependency—from the central level (SENAME) as well as from and local authorities—interfered with the focus in programme goals because of the divergence of interests between both institutions. Therefore, the different levels of relevance assigned to LRPOs by local authorities, and tensions produced by double dependency of these

offices, undermined the capacity of LRPOs to achieve successful interagency coordination.

### **6.3 Local policy of children's rights**

The goal of developing a local policy of children's rights entailed for LRPOs the implementation of measures to ensure and promote citizen participation within a given territory, motivating and strengthening the creation and articulation of local networks among different agencies within the areas of preventive, reparatory, and protective services for children, and ensuring adequate infrastructural conditions in the provision of the services. These strategies and actions ought to constitute a local policy. This task was carried out by the LRPOs with difficulty, thus compromising the guarantee of non discriminatory practices and the right of respecting a child's view, as participation was not fully achieved, articulated services across various state levels were not provided, and infrastructural conditions were precarious in the three cases. Participation was offered only in some of the activities implemented by the LRPOs, but parents' involvement appeared especially hard to achieve in community actions as well as in clinical services. In the first case there was a lack of registration methods to identify participants who in any case tended to attend different recreational activities and to participate passively; in the second case fathers were generally absent and staff tended to assume this situation as a given, limiting the options for change in families' functioning. Only in the North I found children town councils that collected children's interests and needs to inform planning. The relation between different state levels was affected by hierarchical wrangling and lack of decisions based on local needs, all of which shifted efforts from the services each community required. Finally, the three offices' infrastructural conditions were precarious in that they did not have the private

spaces professionals and clients needed, and did not heed specific recommendations established in the policy guidelines.

Local policies for children's right help achieve the right of best interest and protection and survival of children, especially when reinforced by the existence of communal councils protecting children's rights, as advisory and consultation devices to support the work undertaken by municipalities to offer adequate local services in education, health, recreation, and adequate life conditions. The development of these councils is the first step toward a local policy for children's rights; the aim of which is to foster the participation of children and young people and to achieve a culture of rights by incorporating the principle of respect for children's rights as a common framework of thinking. The constitution of the councils was achieved with varying degrees of success in the three cases under study: administrative matters related to bureaucratic procedures affected their constitution and operation, while the participation of public services was weak because education and health were short of resources and lacking the willingness to acquire more commitments that extended their range of responsibilities and functions.

In general, the three goals of LRPOs are only partially achieved. One obstacle was the lack of resources to fulfil policy promises, a failure for which the central and local governments appeared as main sources. On the other hand, a facilitator was staff commitment with the principle of family as main responsible for the upbringing of their children, notwithstanding the preconceptions sometimes prevailing about families as conservative units, basically because of the lack of comprehensive assessments. The existence of alliances at the local level and a deep knowledge of the population favoured



in the case of North the design of local policies for children's rights, and put this office ahead of the rest of the cases in fulfilling LRPOs main components, although it faced similar restrictions to South, particularly those related to geographical conditions. These two offices were different in regard to the coordinator's position: North's had a full-time dedication to the programme, whereas South's conducted two other programmes besides this LRPO. They also differed staffing: North's was more numerous and included interns to develop assessments. While South only had two professionals. The area each Office predominantly worked on constituted also a difference, with North focusing on the promotional area, and South on the clinical one. These conditions affected the outcomes of each Office, favouring in the North a greater advance in guaranteeing children's rights. Centre shared with South a focus on clinical services, and with North the availability of more staff and the participation of interns, the full dedication of the coordinator, and the trajectory of the Office. The uniqueness of this Office, compared with the other two, was its geographical proximity to the central government, a situation that sapped its energy to search for alliances, unlike the other two Offices which, being distant from the central government, found it more pressing to explore alternatives of collaboration to reach their objectives. All these conditions must be considered when analysing the implementation process of children's policy.

## **CHAPTER 8**

### **ASSESSMENT TOWARD A RIGHTS PERSPECTIVE IN JIS AND GENERAL ASSESMENT**

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#### **1. INTRODUCTION**

This chapter presents a description of the data gathered using the same techniques and methods applied to the study of LRPO, but this time to describe data found from Juvenile Imprisonment Services (JIS). Like the former chapter, this one is organized by reference to the main rights discussed in Chapter 2 guiding the assessment of JIS programmes toward a rights perspective; the objective of the chapter is to identify what has aided and what has inhibit the advancement toward a right perspective in the three cases studied in each JIS programme (North, Centre and South). Considering this objective, the data founded during the field work is contrasted with core rights for the Chilean policy for children and with the goals of JIS programme discussed in chapter 2.

In that chapter, the main components of described for JIS were developing control measures as well as social reintegration measures, while the fulfilment of these components depends on the development of individual assessment and intervention plans, the creation of a network of complementary services, and the achievement of children's rights to education, health, and adequate living conditions. The description of data on JIS is organized in this chapter according to the advances toward the core rights described in previous chapter in the three cases under study.

Through this analysis, I will summarise the meaning of each right in the context of the JIS programme and emphasise the similarities and differences within the cases of study, emerging here organizational characteristics such as organizational capacities, power distribution, interaction among organizational members, and specific themes coming from the way implementation has occurred according to the policy planning and the actions taken at different levels, such as the participation of children, the interventions with families, among others. Later, I recapture the main arguments emerging from this description. Finally, I brought together all the strands discussed in chapter 7 and 8 in the concluding section of the chapter, by way of a comparison of progress toward a rights perspective in LRPO and JIS.

Core rights ensuring a rights perspective in JIS are at play in the main components of these programmes: control and social reintegration. Earlier, in Chapter 2, these components were operationalised on the basis of international orientations for Juvenile Justice as well as of Chilean technical orientations for JIS, indicating specific guarantees associated to each one of the core rights: the right of non discrimination under the light of these components entailed that services should ensure safety without discrimination on any grounds, safeguard legal advice, and ensure a fair treatment to all children, considering their particular conditions. The rights of the child's best interest and protecting her or his survival are observed if a multidisciplinary approach is deployed, allowing close co-operation between different professionals and facilitating appropriate organizational conditions, and in the provision of proper infrastructural and living conditions. To guarantee the right of respecting the child's view and her or his development, JIS should consider the participation of children and their significant others. Lastly, to protect the right to live in family, intervention plans

should include work with families. The following sections describe whether and how each one of these rights and their operationalisation were observed during field work on JIS.

## **2. Right of non discrimination**

Issues related to the right of non discrimination that emerged in the three JIS were the collection of data and the provision of legal support. These themes are described in this section.

### **2.1 Systematic data collection to recognize specific needs of the community**

JIS require the development of an individual intervention plan (IIP) for each adolescent, a task supervised by the judicial system. Even though assessments were done in the cases I studied, in focus groups staff from the three centres could not give general information about the young population receiving services based on a universal analysis of it. Staff did not know about general school attainment, labour aptitudes, or family composition of the youth in their care. They justified this lack of information on *‘the short period they had to acquaint themselves with the population intake’*, which in the case of North was a month, in Centre, three months, and in South, four months. Social workers in the three programmes described contact with the families as *‘too short to get an idea about them because families only showed up for visits’* visits during which *‘professionals not always are in the centre because they do not work on Sundays’*.

### **3. Right of children best interest and protecting their survival and development**

In this section the rights of children's best interests **and protecting their survival and development are** analyzed with reference to the advances in JIS in developing inter-professional practices, counting with basic organizational means, and having regular communication with local, regional and national authorities, as well as coordination with gendarmerie and other agencies providing required services, and the existence of infrastructural conditions appropriate to the requirements of the programmes.

#### **3.1 Inter- workers practices**

IIPs should be designed with the contributions of professionals and daily care workers toward a comprehensive assessment. In the three centres I studied IIPs were done for each one of the youths, but only professionals participated in its design. There was a common vision from daily care workers in the three centres about their participation in IIP, expressed in statements like *'we did not know about this requirement'*, or that they were not *'invited to contribute on the IIP design even though we are the ones who know these children best'*.

In the three centres the daily care workers expressed some difficulties in working with professionals, as the following excerpts from daily care workers in the focus groups and by professionals in interviews:

*'We (daily care workers) have to face all the adolescents' crisis. When one of the adolescents begins to cut himself, who is the one who has to help and control him? The daily care worker of course... because professionals spent a short time with the children, and we are those who spent most of the time with*

*them, and we are the ones who have to calm them down, support them when they are crying or mad, when they are anxious because they need a smoke, etc. I think there is an unbalance between the work we do and the work done by professionals, and there is no articulation at all'*

*'We ask daily care workers about their inputs on children assessments and IIP, but we do not always have the time to do so, because there is a lot of paper work to get done, so at the end we make decisions based in our own criteria. Besides, daily care workers do not have technical criteria; they base their opinions on their feelings for children' (North, social worker).*

*'Professionals lack experience, they do not know our children and that is the first knowledge someone need to have to work in SENAME. We know these children, we have worked with this type of population for years, we know how to control them and how to comfort them. Do professionals know how to do that?' (South, daily care worker).*

The requirement of articulation among the different JIS workers faces similar obstacles in the three centres: it is held back by the lack of planned spaces for staff to work articulately, the daily care workers' perception of disparities between them and professionals, and management tasks that interfere with the possibility of professionals to interact more with other workers, and spend time with children.

### 3.2 Organizational conditions

JIS programmes must warrant that the organisation has the planned structures and positions necessary for programme implementation. Two of the three programmes under study, North and South, did not have key authorities appointed to run and supervise the recently inaugurated programmes. The regional directors as well as the programme directors in both regions had not been hired at the moment of the study. This was problematic for staff:

*‘Not only do we not have programme director, there is not regional director either, and if this position is not filled soon, our programme will not be the only one to have a weak beginning; this will happen to many other programmes in the region as well’. (North, social worker).*

*‘We will not have a programme director as long as there is no regional director, and without a programme director, we do not feel comfortable making decisions, so we basically do minimal tasks’. (South, social worker).*

In both programmes the position of head of the technical team was also vacant. To solve this situation, in both JIS the social workers had assumed the role of technical direction, while keeping in parallel their roles as case managers. This is how the social workers explained their predicament during the interview:

*‘We are like orphans, with no head of the family. We have been like this for two months and it affects most decisions in the programme. I was appointed by the*

*former director as technical director but only ad interim, while in parallel I do the case management of all the population. We do not have a networker... there are many decisions we cannot make until we have a regional director, and a programme director. Some of these positions are political .... (South, social worker)*

A similar situation affected the networker position, which was filled neither in North nor in South, and its functions were not implemented, as it was established by a daily care worker in focus group:

*'We do not have collaboration with other agencies. Under the new policy it seems that there are funds to have someone assigned to the task of developing networks, but nobody is doing this.'* (North, daily care worker).

Reasons for not filling these positions were similar in the two programmes, as explained by the social worker in North during the interview: *'since most of the positions tended to be filled with political criteria, if the regional direction is kept vacant, the rest of the subordinated positions won't be filled'*.

In Centre, however, all positions had been filled. Most of these were assigned to staff coming from the former protective programme, which was reconverted into a JIS. The Director was the head of the previous programme, and the staff seemed comfortable with his appointment. The director assigned the function of networker to a social worker with long experience in the previous programme. A feeling of comfort and contentment with the organizational structure was made clear in focus group in Centre:



*'We all know each other, we have been working for years together and I feel that keeping the same boss is safer, specially because the whole programme is new' (Centre, social worker)*

*'Being in Santiago is good for us. We know the people in charge at central level. We got our director in place before the law was implemented. He can make decisions related to functioning of the centre (visits, change in routines, using resources for workshops, organizing the meals, etc.) and positions are filled by selection processes not as political favours, like in other regions where filling a position takes months before the political parties agree which one of them will be benefited with taking over a position' (Centre, psychologist).*

Therefore, while in Centre the fundamental organizational means were in place to warrant the basic functioning of the programme, in North and South lack of key appointments impeded the basic operation of their programmes.

### **3.3 Regular communication with local, regional and national authorities**

Regular communication with different layers of authorities facilitates coherence among different actors and the process of decision making for implementation. In North as in South there was no regular communication with the regional authorities because the position was vacant. This, in turn, affected the relationship with the national level, slowing down decisions toward programme implementation, a situation exemplified by a daily care worker in an interview:

*'We do not know if there is someone in charge of the Young Offenders programme at the national level, nobody tells us... nobody visits us... we do not have a regional director, we are lost (North, day educator)*

Whatever communication existed with the national was unidirectional: the local JIS only waited for the instructions coming from the central level. The absence of even this mode of interlocution produced uneasiness among the staff, as expressed in a focus group:

*'Not having authorities limits our initiative, because we do not want to be accused of making mistakes in a new programme so fraught with legal issues. We have nobody to ask, and it would be crazy to call the central office asking for help' (North, psychologist).*

Staff from Centre appeared more informed: they had met the regional and national authorities, as was established during the interviews:

*'I know that our director has been invited to meetings with the regional and national authorities, and we feel well considered by them' (Centre, social worker).*

Communication with different levels was achieved only by Centre. North and South saw this dimension inhibited by the absence of appointments to key positions and the difficulty of establishing a dialogue between local and higher levels of authority, all of which slowed down programme implementation.

### **3.4 Coordination with gendarmerie and other agencies providing required services**

Coordination with several institutions providing basic complementary services to JIS ensures the proper implementation of the programme, especially to provide safety, health, education, and labour. During field work I could observe that in no programme was Gendarmerie in place, even though each programme had young people in prison. Staff from the three centres saw that the absence of prison guards was an issue, but for different reasons. On the one hand, some worried about not having protection from a *'criminal population'*. On the other hand, some pointed out to the different *'control styles'* between social workers and gendarmes.

In the Centre and in South there were complaints against the characteristic of the programmes, since safety was not the only missing service. Health services were in a similar situation: drug treatment was provided in none of the programmes. Mental health services appeared particularly worrisome as the staff in the three programmes agreed that children did not receive adequate psychiatric services. Programme workers believed young offenders often were given bad diagnoses or received inappropriate medication, which was especially problematic for those of them with drug dependency. Even though the programmes' technical orientations specify the need of providing on site drug treatment, at the moment of the study none of the programmes had such service in place, and the staff did not have information about negotiations in central office with private organisations to provide these services. Basic health services were provided by paramedics, who developed the intake process, filled out a form with children's health information, administrated medicines when needed and accompanied young offenders in their medical appointments. These efforts notwithstanding, the

young under custody were not being protected in their right of access to appropriate healthcare.

Specifically, in regard to mental health treatment, staff had to rely on the public health system, which did not have adolescent mental health units. As a result, when there was a need for treatment the case manager had to negotiate with the regional public health system to get specialized treatment for children, which often entailed leaving the children in psychiatric units, to be treated with medication and not through therapy. In the case of Centre, the social worker explained during the interview that *‘when there wasn’t space in the psychiatric units, children were kept in isolated units in the same centre, and controlled with medications suggested by hospital. But these situations occurred without a clinical assessment.’* When asked about norms or procedures in cases of psychiatric crises with children, the staff responded that there were no procedures to follow. In the three centres the staff noted their lack of competency to treat children with psychiatric problems, which was nonetheless a common consequence of drug addiction, while daily care workers bemoaned the isolation in which they had to solve children’s crises.

This was also the case with education and job training services. While the three programmes had been equipped with basic infrastructure to teach groups of students, current policy was that education had to be outsourced, and that had not happened at the moment of my study in any of the programmes. Centre and South had hired an interim teacher, whose services gathered all children in the same class, regardless of educational level. The contents were general reading and basic Math. North did not provide regular education, even though it was a requirement. Staff compensated for

this omission by offering job training, which is also a policy requirement: Job training should be oriented toward a child's skills and preferences, combined with labour market needs. This service was not outsourced in any of the centres, but there were no resources either available to hire new staff and materials to provide this type of service. As a result, wood carving was taught in the three centres by daily care workers. As daily care workers saw themselves responsible for job training, they worried about taking on this burden without the necessary skills. But they were more concerned about the possible consequences of not carrying out that function, since they feared they could be replaced by new staff, as it appeared in focus groups:

*'If other people are hired to offer job training, What will be our tasks? Are we going to be fired?' (Centre, daily care educator).*

*'We have been controlling the behaviour of the kids, developing some activities, as we have always done while serving in programmes for children under protection, but we do not know about imparting job training. We neither have materials to teach them, let's say, wood carving, something that I have done before... 'Do authorities expect us to be responsible for job training? How come if we do not know how to do that? What if they hire new staff to do that, what will be our functions? Who can answer that question for us?' (South, daily care worker).*

*'The law began to be implemented a couple of weeks ago. We already have eight kids, but there is no signed agreement with a drug treatment programme, nor with a organisation to provide education to these kids in their different*

*levels, or teach them labour skills... Who is going to evaluate our work? When? How are we going to explain that expected services are not being provided? Do we have the resources to provide those services? Most of us are stressed out because there is neither plan nor information to achieve policy goals...' (South, psychologist)*

Therefore, articulation with complementary services to JIS did not occur in any of the three programmes, basically because on site services such as Gendarmerie, education, and drug treatment had not been secured yet, or because there was no public mental health service for adolescents in Chile.

### **3.5 Infrastructural conditions**

Imprisonment services are required to offer basic living conditions for young offenders, girls and boys. At the beginning of the JIS, the centre in South was set to offer services for girls and boys, but at the moment of my study it offered infrastructure and staff only for boys. Even though the centre had not received female young offenders, there was no contingency plan for the event they did, which threatened the right of non-discrimination due to a restriction to the provision of differentiated services for girls and boys.

As of my visits the building for North had not been completed. As the building was not ready, all young offenders shared the same space, affecting the right to receive specific treatment according the severity of their infraction and their needs. Moreover, young people who were waiting for sentencing, and could eventually be found innocent, were sharing facilities, sometimes for months, with adolescents who had already been

sentenced. No actions were tried to remedy these situations, even though they were acknowledged by the staff as problematic, as expressed by a social worker during an interview:

*‘Young offenders with sentence and those waiting for one are all together. Judges are taking too much time in giving a sentence. At the end young offenders spend months with us, without a sentence, sharing with delinquents... this cannot be good’ (North, social worker).*

Services in North were aimed only at the male population. Staff pointed out that the programme had not improved its facilities complained about lack of space for training, and the absence of different areas for schooling. They had small classrooms where job training as well as formal education supposedly were provided.

Therefore, none of the centres were completely achieving the condition of providing adequate infrastructural conditions to ensure two basic rights non discrimination and the respect of child view and her of his protection for survival.

Even though the above findings, staff from the three Centres considered the infrastructure for their work was adequate. North had been centre was renovated, and had separate spaces for day living, formal classes (the classrooms that at the moment of my visits had not being used), and rooms for entertainment with billiards, electronic game consoles, and computers. The staff were proud of this infrastructure, but when asked about its use, it emerged that there were no clear procedures about who could

use the entertainment facilities and when, and without a director authorizing the use of these resources, they were not being used.

South had been recently built, and while staff were happy about the space for day activities, including separate rooms for job training, formal education, and a big gym, they complained about the lack of separated facilities for girls. Staff also complained about the enclosure. *'It is impossible for adolescents to watch the sky'*, is how one of my interviewees put it. Because of cold weather, facilities in South were invariably roofed, with no open spaces, a configuration that also affected liveability for staff.

Centre had been reconverted, and staff celebrated the chance for children to enjoy more privacy now, and the addition of recreational spaces.

In general, the centres shared a common disadvantage; it was that all facilities were located far away from the city centre, and without accessible public transportation for families to reach those places, a factor to be counted against full achievement of proper infrastructural conditions.

#### **4.Right of respecting the child's view**

This section describes the advancements of JIS toward the right of respecting the child's view and protecting her survival and development, as it relates to the guarantee of participation of children and their significant others..

##### **4.1 Participative strategies**

The participation of children in the intervention process seemed to be restricted in the three centres to the intake process, when information was given to each child about



their rights, the services they will receive in the centre, and the mechanisms they could use to complain if they were object of mistreatment. Children reviewed this material with a daily care educator, and kept it during their stay in the programme. Further, professionals declared that the IIP considered special items to include children's views and opinions, and that these items considered social integration goals that were defined with the young offenders, as well as the specific tasks to achieve and evaluate them. However, during focus groups daily care workers argued that professionals should not define the IIPs by themselves, adding that better IIPs could be designed if their views were also considered, since it was they who knew the children best.

Turning to the participation of children's communities and significant others in the intervention process, no evidence was found of this sort of inclusion. Staff generally believed that, as one of them put it, *'these people are more an inconvenient than a resource for children'*. Staff did not trust children's families and significant others. A social worker in South told me in an interview that *'working with families is difficult since they tend to support children's illegal activities'*. Additionally, geographical distances between centres and children's localities made developing ties with children's significant others and time-consuming for staff. The person in charge of networks at Centre explained that there were no resources to reach the families and communities: *'we are far from the towns where children come from. I do not have the time to develop ties with local organisations or children's reference groups. There are no resources to reach those communities'*.

Participation in day actions was linked by daily care workers to children's rights, but with a negative bent, as the following statements illustrate:

*'It is hard to respect their rights, their lack of values. They have zero values, and they can betray you anytime' (North, daily care worker).*

*'Children feel they are in control and we are at the mercy of their demands. We need to be careful...' (South, daily care worker)*

*'Too many rights, few duties' (North, daily care worker).*

These concerns about an excessive acknowledgement of children's rights in this new policy emerged with clarity during the interviews with daily care workers in the three centres. The only right daily care workers found non controversial was the 'right to a good treatment'. Among both professionals and daily care workers it was frequent to hear that one of the improvements brought by the new policy was that *'violence has diminished'*. Professionals often expressed that there was now a clear consciousness about superseded past practices associated to violence and children mistreatment.

Lastly, there was a watchful attitude about young offender's criminal profiles and its possible impact on the safety of the staff, which impaired children's participation, as it emerged during the interviews:

*'We may receive adolescents whose crimes can be serious and who will stay for longer periods. We do not know how to work with children that can stay for 5 years... how they are to "participate"'* (North, daily care worker).

*'I believe adolescents are going to be similar to those we had before. The change is going to be in relation to their permanence and lack of freedom: after a year of being in jail, how are they going to react?' (Centre, social worker)*

In sum, participation is barely achieved, since children only participate in defining their IIP. Besides, there are important obstacles to reach and involve children's significant others, and generalised scepticism among staff about the opportunities for inclusive intervention in the cases of criminal offenders who may be spending long periods in custody.

## **5. Right to live in family**

This section refers to progress and difficulties in the conditions bearing on the right to live in family, namely, intervention with the families of imprisoned children, and adequate training of staff to carry out family interventions and to promote a culture of rights.

### **5.1 Promotional and clinical interventions with families**

In relation to clinical interventions towards families, as described earlier, one impediment for reaching families of children in custody was the concentration of visits only on weekends, when professionals were not always available to engage visitors in family interventions. Additionally, families came from territories not easily reachable for JIS staff, a situation that, combined with the isolation of the centres, made it particularly difficult to make families part of intervention plans. For example, South was not accessible by public transportation, and families had to walk long distances or spend money in taxis. At the moment of the study, none of the centres had developed

an intervention plan with children's families: there was no parental skills training, nor strategies to support family reunifications.

Concerning the promotion a culture of rights, the understanding of children's rights was, as explained earlier, restricted in the three centres to providing board and room, and reducing abusive practices against children. The following statements, recorded in a focus group session, provide some illustration of these views:

*'There are some changes that this new law has brought and, I feel, are better for children: now they do not get in here in handcuffs, they are not strip-searched at intake, when there is disorder inside the centre only the ones responsible for it, and not all children, are sanctioned, there is more dialogue, and we involve users in some decision making processes' (Centre, daily care worker, centre).*

In the three centres professionals expressed, in interviews, the view that daily care workers were detached from the new paradigm brought by the new policy:

*'Daily care workers need to get more involved in this new perspective. They have committed many actions of mistreatment in the past, and this cannot happen under the new perspective' (South, social worker).*

*'Daily care workers need more training to work in teams and improve communication' (Centre, social worker).*

Daily care workers spoke openly about their doubts concerning ‘the rights perspective’ during focus groups and interviews, in part because they considered this perspective detrimental to their labour conditions, as exemplified by the following statements:

*‘There have been many disciplinary actions against daily care workers, mainly because of manipulations from adolescents, because they complained about bad treatment, and authorities believe them, all because of this rights discourse...’ (South, daily care worker)*

*‘We are full of memos... one cannot make a mistake, if you do, they put you under disciplinary action. At some point we had around 8 workers in this condition...that intimidates you’ (Centre, daily care worker).*

*‘They do not believe us, children tell their own stories... they know what to say’ (North, daily care worker).*

*‘We lose our desire to innovate because we feel that sanctions are arbitrary; besides, if we are under disciplinary action, we cannot do extra shifts, and our salary is smaller...’ (South, daily care worker).*

Thus commitment with the rights perspective appeared stronger among professionals than among educators, who openly expressed their hesitation about the appropriateness of this perspective for the population they work with.

## **5.2 Staff visions about the families**

In the three centres I heard scepticism expressed by daily care workers and professionals about involving families in interventions, families often characterized as poor, criminal, and problematic. For instance, a senior daily care worker in Centre said during the interview that *‘most of the families have been in conflict with justice for many years and were not a good influence for these children’*. The same idea about the negative effect of families on children’s social behaviours prevailed in North. In general, programme’s workers do not place much value in children’s right to live in families they see as neglectful and unable to fulfil their role in children’s upbringing.

## **5.3 Trained staff to develop family interventions**

In the matter of the capacities declared by the staff to intervene with families, during focus groups professionals and daily care workers agreed that intervention with families were part of their professional duties. As reported above, professionals noted the difficulties to reach the families, and agreed on the negative effects that involving families could bring to the rehabilitation of the young. During interviews, however, professionals did express their need of training to work with families. Especially in North and South, psychologist and social workers made explicit their frustration with the receptiveness of the central government to their demands for training in family therapy. Staff at Centre did not voice demands in this regard, although a focus on intervening with families was absent. As one social worker put it: *‘most of our work is developed with children, we barely see the families’*.

Daily care workers, in turn, openly expressed their concerns about needing more general training to face the new demands brought by this programme, such as crisis

intervention, substance abuse, or teen development, albeit none of them acknowledged working with families as one of their functions.

Overall, then, the need for more training of technical capacities to work with families and children emerged as a consensus across the staff in the three centres.

## **6. JIS advancements toward a rights perspective**

Advancements in JIS toward a rights perspective depend on achieving children core rights through the implementation of JIS goals and objectives as operationalised in Chapter 2. The main goals of JIS are to carry out the sanctions imposed on young offenders, and develop a socio-educational process that fosters their social reintegration. In order to achieve these goals, policy guidelines establish infrastructural, organizational, and social reintegration requirements, underlined by a specific management model supporting the paradigm under which the intervention is developed, and ‘determining the understanding of how to intervene’ (JIS TO 2007:8). The advancements toward these requirements are discussed below.

### **6.1 Infrastructural requirements**

During field work I observed that basic conditions established by law and international agreements about living conditions for young offenders were not achieved: one of the centres did not offer separate services for girls and boys, none of the centres were readily accessible for families, none facilitated social integration in the communities where they were located (mainly because of their geographical isolation and the dispersion of the population they served), and articulation was poor with community actions, court services, and access to public services.

The absence of Gendarmerie in the three centres was a safety concern, compromising one of the basic functions of the centres. The one positive condition acknowledged by staff was the improvement of infrastructural conditions in North and Centre, through more space for children, and special areas for training, education, and leisure. In the case of South, a new centre had been specially designed to serve as an imprisonment facility.

The infrastructural conditions herein described curtailed the guarantees of the rights of non-discrimination, protecting children survival and development, and the right to live with family.

## **6.2 Organizational requirements**

JIS policy guidelines establish that each centre should have fulfilled the positions created to carry out the programme's functions and reinforce specific forms of organisation favouring team-work. In this regard, only in Centre were all positions filled, while in North and South the directors' posts were vacant, no technical directors had been appointed to lead the individual intervention plans, and the networkers charged with promoting articulation with other services needed by young offenders had not been hired. These absences produced over-extension of functions for case managers, who had to double as technical directors. Similarly with daily care workers, who were asked to develop some of the functions of networkers, all of which reduced clarity among staff regarding their roles and functions. Moreover, the regional direction of SENAME had not been appointed in the jurisdictions of these two centres either, which, according to staff from North and South, explained the delay in the appointment of programme directors, as well as the void of the other positions, subject



all of them to political influences conditioning the hiring process. Another consequence of the absence of these key personnel was a lack of adequate communication with regional and central authorities, which weighed down decision making in North and South.

The second requirement of policy guidelines was the existence of team work, ensuring coherence in the interventions. The three centres had trouble articulating actions among the staff, particularly between daily care workers and professionals, producing disconnected practices and tensions between the two groups of staff. These general organizational conditions affected the fulfilment of the rights of children's best interest and children's participation.

### **6.3 Social Reintegration requirements**

This requirement of the programme is defined by the policy guidelines as a complex and integral educational action to achieve reparation, training, sense of personal responsibility, and integration of young offenders, as well as the reduction of the consequences of the loss of freedom on young offenders' social reintegration. In order to accomplish these goals each young person should have an IIP, coherent with the legal process involving him or her. He or she should enjoy basic living conditions and safeguard of his or her rights. The programme must ensure young offenders' formal education and access to medical services, particularly mental health and drug treatment services. It also has to guarantee the maintenance of ties with family and children's significant others, and favour parental skills relevant to children's reintegration.

The findings showed that in the three centres professionals had developed an IIP for each child. This was the only dimension in which the programmes had advanced toward a rights-based perspective, since there was no formal education being provided to imprisoned children, except for the common instruction imparted in South; nor was there provision of medical health services, drug treatment, or family interventions. In regard to this last requirement, I observed that staff did not see the family as the main environment for raising the kids in custody, and did not trust families as a resource to help in young offenders' reintegration. Children were not specially acknowledged as rights holders, particularly in the views of daily care workers. As noted, in general the three Centres did not carry out the programme's minimal requirements, failing to guarantee the rights of respecting a child's view, protecting her or his survival and development, and the right to live in family.

Regarding now the one objective actually met by the three centres, namely, the development of IIPs, I cannot attest to their quality, neither to the type of implementation each centre was doing of each one of those plans. The only information available on IIPs is that they did not include the inputs of daily care workers, who felt they had unique insight into the users that could be deployed to improve the plans.

Other objectives were partly achieved, such as the improvement of the infrastructural conditions and the elimination of mistreatment of young offenders. The rest of the objectives were not achieved: family, health, education, and job training were services none of the programme was ready to offer at the beginning of the implementation process, all of which, except for family services, were related to the articulation with

other institutions and to the allocation of resources from the public sector. While family services depended on each JIS, none of the programmes had initiated intervention with families. Staff doubts about the rearing capacity of families, as well as lack of competences to work with families, were the reasons invoked by staff to justify missing this objective. Lastly, organizational aspects, especially those related to having the complete workforces for each programme, delayed the implementation of specific functions of the programmes, prevented fluid communication with different layers of authorities, and produced overlap of roles among different staff profiles. The only JIS free from these difficulties was Centre, which counted with complete staff, and claimed it maintained communication with authorities in the different levels. In general, then, the three JIS were found to be far from achieving their goals and objectives, affecting the children's guarantee of core rights they should provide.

## **7. General conclusions about rights based advances in LRPO and JIS**

A comparison of LRPOs and JIS based on their advancements toward a rights perspective reveals uneven results. Even though LRPOs have not met all of the indicators defined as crucial to guarantee children's core rights, these programmes showed greater achievements than JIS programmes. The assessment in this section focuses on the guarantee of core rights, highlighting differences and similarities between the two programmes.

### **7.1 The right of non discrimination**

To ensure tailored interventions, the three LRPO programmes had developed assessments, either individual or communitarian, to gain feedback for their practices. The programmes still needed to enhance the use of the information, but they were on

track for doing it. Further progress was hampered by the production of only one type of assessment in the three offices. JIS programmes developed individual assessments for juvenile offenders, but these lacked the comprehensive perspective required by policy guidelines, and did not inform about day interventions, basically because the information collected was used only by professionals. None of the JIS had developed a comprehensive assessment of the whole population, inhibiting the possibilities of planning general interventions.

The right of non discrimination was restricted in the three LRPOs and in the three JIS by the lack of access to territorial services relevant to the provision of complementary services for children, but the reasons for this situation were different in the two programmes. The staff from the three LRPOs complained about the lack of these services in the community; in the case of North and South, the staff solved the lack of public services developing alliances with private agencies. In the case of JIS, legal, educational, job training, and drug treatment were services SENAME was supposed to outsource, but contrary to policy guidelines, they were not being provided in any of the centres, and none of the programmes had searched for alternatives that ensured children were not discriminated in their access to the services they needed. Only the JIS in South developed an alternative to provide education. In light of the nature of JIS, the fact that services were not articulated to the judicial process of children emerged as a grave impediment to non discrimination. Finally, the right of non discrimination was negatively affected by infrastructural conditions, particularly in the JIS in North and South, which were not ready to offer differentiated facilities depending on gender or type of offenders.

## **7.2 Rights of children best interest and protecting their survival and development**

This right was constrained in LRPOs and JIS because there was a general lack of inter-professional practices. In the case of LRPOs, it was less restricted because North had fully developed these practices, and Centre and South had deployed alternative strategies to reach inter-professional interventions, such as working in small teams, or developing alliances with other agencies. Conversely, there were no inter-workers practices in JIS programmes. This kind of work was not planned by staff even though it was demanded by the policy guidelines, thus failing in the objective of providing comprehensive services.

Communication with different levels of hierarchical authorities was a dimension of the right of children best interest not fully achieved in the cases under study, but for different reasons. At the local level LRPOs did develop a direct relationship with the local government, better achieved at North because of the favourable attitude of the mayor and the effective constitution of community councils. The other two centres saw this relationship jeopardized by political interests of the local government. At the national level the relationship was relatively fluid with SENAME, especially in aspects related to the technical orientations of the programme. But the double dependency, from local government and SENAME, limited a good understanding of LRPO duties. In the case of JIS, key positions in North and South had not been hired, thwarting adequate communication with authorities at different levels. Therefore, while communication was a problem in the two programmes, it was much more precarious in the JIS programmes.

Finally, in the case of JIS, the right of the children best interest demanded meeting safety conditions, an indicator of which was the existence of an articulated work plan with Gendarmerie, whereby officials ensure control and a safe environment. In none of the three programmes was Gendarmerie on site, and a planned protocol of articulation between the JIS and Gendarmerie was not in sight. A second aspect inhibiting the exercise of the children best interest was the absence of proper access to psychiatric services, education and job training, with which child interest is radically damaged.

Lastly, the right of protecting child's survival and development is a right achieved when infrastructural resources are adequate, which was scarcely the case in all programmes, as explained earlier

### **7.3 Right of respecting child's view**

Children's participation was a right quite achieved in LRPOs, with some difficulties in South due to the critical stance of staff on families' backgrounds, which limited their involvement in the intervention process. Families' participation was also limited in North, because the interventions were planned from a community perspective, and parents were hard to reach in order to ensure permanency in different actions. But in general, there was among LRPO staff an agreement about the value of the participation of children, families, and communities.

The situation was different in JIS programmes, where in the three cases children's participation was restricted to IIPs in which children's families and significant others were barely considered. The most relevant impediment in the three programmes was a

restrictive understanding of children's rights, especially among daily care workers, who saw children participation as a threat and an excessive concession to children.

#### **7.4 Right to live in family**

This right was only achieved by LRPOs, which organised their interventions always with the intention of incorporating families, and whose staff shared a belief in the key role of families for the upbringing of their children. There were nonetheless some inconsistencies with this declaration in the case of South, where some stereotypes prevailed about families. In the case of JIS this right was not upheld, because staff not only did not intervene with families, but also because an important part of the staff did not value families as collaborators in children's social reintegration. Finally, two other aspects affected the right to live in family: the remote location of the JIS centres, isolated and with poor transportation means, and professionals bereft of the skills to work with families.

Notwithstanding differences across and within programmes, the data show that LRPOs have advanced more than JIS in warranting children's core rights. Variation in performance appeared in relation with organizational structures allowing more or less staff participation and commitment with the new policy, organizational functioning, general resources, inter professional practices and inter-organizational relationships; staff beliefs, experiences and visions, programmes' novelty, and staff seniority. All these issues are discussed in the following chapters.

## CHAPTER 9

### ORGANIZATIONAL INFLUENCES

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#### **1 Introduction**

This chapter analyses organisational factors affecting the advancement towards a rights perspective in the programmes being studied. I compare the experiences of the JIS and the LRPOs in establishing organisational factors that enable or inhibit the development of a supporting organisational context for the implementation of the new Chilean children policy, with reference to the dimensions introduced in the last chapter. These dimensions are categorised in this chapter as belonging to organisational structures and organisational relationships, with the intention to differentiate and understand the influences of structural factors related to the context in which the implementing agencies operate, as well as the weight of factors pertaining to interactions among the different organisational actors and resources, all of which shall be discussed in reference to the classifications discussed in Chapter 3 around the role of organisations in policy implementation.

The first section singles out and discusses the elements of organisational structure emerging from the data, defined as those related to the distribution of formal power in the implementation process. In particular, this section considers the themes of the exercise of authority, the participation in programme design, the availability of external services, and the impact of a centralised and hierarchical system, as key factors determining implementation in LRPOs and JIS. The second section examines how organisational relationships affect, and are affected by, resources like staff composition, information systems, reflective practices, and managerial skills of



programme directors. I recapitulate in the conclusions the role of organisational dimensions in fostering or impeding advance towards programme implementation coherent with the exercise of children's rights.

## **2 Organisational structures affecting programme outcomes**

As suggested in Chapter 3, organisational structures are captured in the implementing agencies and their distribution of power: the fit between policy and organisational structure is crucial to reach the expected outcomes of a policy. Field work confirmed that the formal distribution of power affected: the exercise of authority and decision making, programme design, and access to required resources, three relevant policy instruments. As shall be shown in the following sections, less centralised authority, more participative programme design, and more initiative in pursuit of the required resources, promoted better implementation of a rights-based policy.

### **2.1 Exercise of Authority**

In chapter 3, the role of formal authority in an organisation was defined as conferring the right to select organisational actions. Thus formal authority defines the feature of hierarchy for decision making. I found different hierarchical structures determined by the place where formal authority was placed, with varying results in terms of advances towards the goals of the programmes.

In the case of JIS, formal authority was at the top of the organisational structure, unlike in LRPOs, where it was less concentrated, rather divided in several layers. Both programmes were designed and managed by SENAME, at the central level of public administration, but while JIS only depended from the central level, LRPOs had double

dependency: from SENAME and from their local governments. This explains why LRPOs enjoyed greater degree of decentralisation compared to JIS, which entailed for the former the possibility of developing more effective decision making processes, insofar as the hiring processes, the assessments, and the achievement of some of the LRPO goals were defined at the local level.

For example, at the moment of the study the three LRPO cases had hired most of the required staff. This was a direct result of the role of the local government as responsible for the hiring process, as opposed to central or regional authorities. In contrast, in the three JIS the hiring process was incomplete, because it was a responsibility of the regional direction, with the approval of the SENAME at central level. There is additional evidence of the relevance of local autonomy to advance in decision making in the fact that even though LRPOs and JIS in the North and the South shared the condition of not having an appointed regional director, LRPOs were more successful than JIS in completing their staffs.

JIS depended from the central government in a hierarchical line, with just a few layers of authority between SENAME and the programme. Contrary to what a common sense understanding of bureaucracies might indicate, fewer strata caused a slowdown in decision making processes in extreme regions, not a faster dispatch. The hierarchical organisation in these programmes was led by the head of SENAME and the head of the national JIS department; the next layer of authority was the regional director and, directly underneath this position, was the director of the programme. There were no other intermediaries among these four positions, which explains that, in the absence of an appointed regional director to connect the JIS programme to the central authority,

there was no channel to communicate the needs at the local levels, and staff at JIS felt ‘*without capacity to act*’. This position with respect to authorities in the central level was not the only cause of this sense of powerlessness. Politics was also a factor, especially in the remoter geographical zones of the country, where jobs are not as plentiful as in the Metropolitan region, and the appointment of a regional director was a big deal politically that took time to be sorted out in the central administration. Meanwhile, the appointment of the programme director could not proceed. Therefore, centralisation and *clientelism* appeared as elements negatively affecting decision making processes.

Another relevant consequence of centralisation was that JIS programmes failed to provide basic services of education, drug treatment, job training, and security control of gendarmerie required by the policy. This failure to guarantee basic rights of young offenders as explicitly required by national and international regulations was also directly related to JIS subordination to the central government, since the decision to outsource these services was a prerogative of this level of the public administration, none of the services mentioned here was being provided, as it was showed in Chapter 8.

Decentralisation helped making the decision making process faster, and permeating these decisions with local priorities. This, in turn, contributed to incorporate the views and needs of children and significant others. Even though LRPOs enjoyed higher levels of decentralisation, that enabled the timely constitution of the staffs required to implement the programmes, a straight forward advance towards programmes’ goals did not always followed. In this regard, I observed delays as well as diversions from LRPO’s original goals in the direction of local governments’ political interests. This

was seemingly caused by their administrative subordination to local authorities. Therefore, decentralisation was not without its disadvantages, as it sort of reproduced at local level the politicisation of hierarchical relations found at the regional and national levels.

LRPOs offered some instances of authoritarianism in the exercise of power, even though the local government (mayor) was a democratically elected position. Given that there were no mechanisms to enforce the policy guidelines at the local level, there was a greater risk of discretionary decisions on the part of the local authority, affecting not only the access to resources and the fulfilment of policy mandates, but also maintaining *clientelistic* practices at the local level, such as eliciting votes with promises of government posts. Actual realisations of these risks were found in LRPOs, as described next.

Turning now to the delays in progressing towards LRPOs' goals, in the three cases of study the constitution of communal councils had a strong correlation with local governments' willingness to support the initiative: the establishment of these councils was only achieved in North; in the other two programmes there was not enough support from the mayor to get it done. In addition, public servants' driving interest to only please headquarters was evidenced in the variability of their willingness to participate in the councils: they tended to show up only if the mayor summoned the meetings. When the local authority did not show interest in strengthening local participation in children issues, public servants participated less in communal councils.

This was evident in South, where civil servants saw their participation as '*time consuming*'. This illustrates certain acquiescence towards authority showing the prevalence of hierarchical relations among public servants. This situation did not appear among private organisations, like in North, where many private organisations participated in the Council. The amenability of LRPO staff towards hierarchical authorities indicates the existence of a local bureaucratic style resembling the national bureaucracy of state administration. This is underscored by the case of the LRPO in Centre, where only public services participated in territorial meetings and, according to the director, the Council enjoyed less autonomy '*because there is a sort of complacency with local authorities*'.

Furthermore, the impact of local governments on side-tracking LRPOs' goals was observable in the fact that local authorities put pressure on LRPOs to implement actions that favoured the interests of the mayor's political representation, particularly in electoral periods. Concretely, staff from LRPOs complained that they were pressured to carry out political proselytising activities (implementation of political propaganda), displacing LRPOs' genuine targets. This situation created a conflict with SENAME's insistence on meeting specific targets related to quantitative outcomes. LRPO staff felt the tension provoked by this double dependency, since it increased the sources of assignments and demanded more work from them, together with exposing the staff to a dilemma in regard to their duties, as they felt political actions deviated them from their regular tasks. This appeared with clarity in statements from professionals saying that '*this affects our work negatively, and we seem to have no voice in these negotiations*' or '*...this interrupts our original duties...*'. However, outright rejection of the mayor's entreaties could cost them their positions.

Lastly, the influence of the local government in delaying advances towards children's rights was also observable in the infrastructural conditions of LRPOs. The mayors assigned the buildings where LRPOs would operate, and during the field work I observed that none of the offices had the appropriate space and resources to fulfil the programme's requirements.

This finding highlights the risks inherent in organisational hierarchies where power is understood prescriptively, limiting the implementers' level of autonomy, and provoking a disciplined compliance with the preferences of the authority, as public servants privilege the job security brought by sticking to the mandates of the authority, instead of taking initiative at work. This power configuration affects the achievement of policy goals when authorities privilege personal or political benefits instead of the policy agenda, eroding policy implementation whenever children's rights, needs, views, or interest are overcome by other priorities.

In the case of JIS, their only form of local connection was possibly the control exerted by courts over the application of the sanction of imprisonment and the design of an IIP. The rest of a JIS programme was controlled by SENAME's central level. The data show that the only outcomes accomplished by the three JIS were the imprisonment of children and the design of an IIP for each one of them. This, again, suggests that the prevalence of a vertical pattern of relations between the different layers of authorities, whereby the closer the relationship, the more likely it becomes that duties will be accomplished. In the case of JIS the distribution of authority was limited to a few

levels, but with too big a gap between one another, limiting implementers' autonomy and ability to innovate.

## **2.2 Participation in programme design**

Participation of implementers and the consideration of the local context in the design of programme objectives are factors that explain in part the differences in the implementation of the studied programmes. Participation is a core dimension in a rights' perspective, not only in regard to social services users, but also in relation to how the different levels of the administrative apparatus can contribute to a better policy. According to the conceptual review of policy implementation in Chapter 1, a combination of bottom up and top down perspectives favour advanced policy outcomes. Findings show that Chilean children's policy provides, in diverse degrees, the mechanisms to warrant service providers' influence in programme design, producing varied impacts in policy outcomes. Decentralisation in LRPOs allowed for more staff participation in programme design, contrary to the effect of centralisation in JIS. Unlike the situation in JIS, participation brought LRPOs benefits in terms of staff involvement and knowledge of the policy, increasing the reach of its outcomes.

The different levels of involvement of staff from LRPOs and JIS affected their awareness of programme scope, and their own functions and responsibilities, which in turn influenced the extent to which a rights based approach could be developed. In the three cases of LRPOs, staff was aware about the areas these programs emphasize, and each office had made an option to work on children rights' protection or promotion based on the abilities and resources they have. These decisions helped them feel more comfortable about their duties. Notwithstanding the weaknesses they recognised in the

lack of resources and in the demands from SENAME of specific outcomes, staff knew what was expected from them.

In contrast, the staff from JIS did not participate in the definition of their programme objectives: central level was in charged of operationalising the programme and staff knew few aspects of them. For instance, daily care workers did not know what contributions to the IIPs were expected from them. They also did not know if it would be their role or someone else's task to provide job training to young offenders, and this uncertainty produced a sense of job insecurity. Staff was even unaware about the legal procedures involving children, situation that affected negatively the non-discriminatory treatment, with confusion about the roles and duties of different actors, specially the external ones.

In LRPOs the ability to work towards a rights-based agenda was facilitated by their autonomy to define programme objectives so as to ensure that the specific needs of the population could be identified and addressed. These offices appeared more advanced in developing a rights-based approach, compared to JIS, particularly in the case of North, the option on promoting children's rights at the communal level was based on a community assessment. In the other two LRPOs, tending to the needs of children from an individual case perspective was the option that best responded to the organisational capacities. The possibility of making these kinds of choices was supported by a programme design that strongly emphasised local particularities. In contrast, JIS design emphasised two goals, control and social reintegration, and only the latter allowed the consideration of the local context. However, the ample range of the territory of origin of imprisoned children, as well as the shortfall of human resources, constrained the



possibilities of considering the diverse local needs in programme action. In short, JIS possibilities of defining an action plan from a local perspective were restricted by both programme design and implementation. The effect of the local dimension in programme design and implementation is relevant insofar as it gives account of the level of representation of society in social services, and allows for more involvement and commitment of the implementers in actions better attuned to their own professional choices.

Ampler consideration of the local context, as well as greater professional autonomy, favour not only more tailored interventions based on the specific needs of users—a condition established by international agreements to ensure the right of non-discrimination—but also abets the right of respecting the views of children and significant others. Lastly, the participation of implementers as well as users is consubstantial to a model of implementation consistent with a rights-based perspective, as discussed in Chapter 2, whereby basic levels of territorial management are necessary to ensure that children's best interest are being served, through decentralisation and participation of public and non-public actors in decision making, regular communication with local, regional and national authorities, as well as an on-site capacity to face crises. These expectations are minimally achieved by LRPOs, and far from being found in JIS. The following section analyses a third effect of centralisation: the access to integral services.

### **2.3 Access to integral services**

International agreements and national policy guidelines establish that the rights of children's best interest and protection of their survival and development require of

social programmes the promotion of a network among public and private institutions to articulate and strengthen services for children. Particularly for imprisonment services, an ample array of other services needs to be secured in the areas of health care, psychological support, social work, among others.

Therefore, the realisation of the goals of JIS and LRPOs depended on their articulation with complementary services provided by other agencies and access to specific resources. SENAME was responsible of granting those services, assigning resources, and outsourcing providers at the regional level. In the case of LRPOs, the attainment of comprehensive services was mediated by the possibilities of referring the assessed children to public and private specialised services in the territory, but these services were not in place affecting particularly the from LRPOs in Centre and South which concentrated in clinical assessment services, producing case overload because, as they were not able to refer cases, staff ended up not only assessing children, which was the function assigned to LRPO, but also treating the more serious cases to avoid further damage to children, a demand that caused stress and a sense of overwhelm among staff.

A failure of performance of higher echelon authorities at the central and regional levels appeared as the cause of this poor provision of services. In the three LRPOs staff critiqued the inadequacy of the resources provided to achieve the policy goals. For instance, means of transportation were lacking, limiting home visits and access to isolated territories.

The experience captured here shows that dependency from central and regional authorities, in a vertical relation where in the top of the line decisions were made and in the bottom implementation was carried out, directly translated inefficiencies in the central level into low quality work and dissatisfaction of staff in LRPOs. In the case of JIS, integral services were not provided at all, illustrating how the inefficiency of a centralised administrative apparatus can seriously impair children's rights.

### **3. Organisational relationships and resources affecting programme outcomes**

Outcomes of implementation are not only affected by organisational formal structures. Organisations develop patterns of relations with other organisations in their policy field. There are also relationships among the actors within the implementation agency. This section deals with the analysis of these types of organisational relations, as they emerged from the previous chapter.

These relationships appeared as driving forces affecting the access to and command of the required resources, such as valued professionals, material assets, and appropriate strategies to achieve programme objectives, among others. Programme resources are a key aspect to a successful deployment of a policy, as discussed in Chapter 3. Here I shall comment on staff composition—specifically the fulfilment of policy requirements in regard to staff structure and staff competences—, progress towards the development of common informational systems with regard to interventions, the extent of implementation of reflective practices ensuring multi-professional analysis of the interventions, and, lastly, the degree of manifestation of a set of management skills that reinforce the accomplishment of programmes outcomes, such as the capacities to enhance resources, promote agency collaboration, ensure cultural competence and staff

support, all of which underscore the centrality of the role of the authority in implementation, an aspect discussed in the conclusive part of this section.

### 3.1 Staff composition

Organisational structures delineating participation, power distribution, and external resources interact with the skills and knowledge of the staff, conditioning not only the work experiences of the staff, but more critically, also the accomplishment of the goals of policies and social programmes. The analysis of the composition of the staff in these programmes brought to discussion two dimensions: the fulfilment of the staff hiring **process** according to policy guidelines, and staff competencies. In JIS programmes, I found deficiencies in human resources, both because these were insufficiently staffed in light of policy guidelines, and because the hired staff either did not have the competencies to provide the required services, or were required to deliver services for which they were not originally hired.

With respect to the sufficiency of the staff, the following table synthesises the state of the hiring process of key positions in each JIS programme, showing the deficits already mentioned, especially in the extreme regions:

**TABLE 16**  
**KEY POSITIONS IN JIS**

	<b>Regional director</b>	<b>Director</b>	<b>Technical director</b>	<b>Case manager</b>	<b>Networks Coordinator</b>
<b>North</b>	Empty position	Empty position	Empty position	Appointed	Empty position
<b>Centre</b>	Appointed	Appointed	Empty position	Appointed	Appointed
<b>South</b>	Empty position	Empty position	Empty position	Appointed	Empty position

There are several implications arising from this situation, some of which were discussed in the first section of this chapter. The lack of appointed workers to occupy key positions was in itself cause of failure, particularly where there was no leader conducting the new processes, leaving the staff with a sense of helplessness ‘*we feel like orphans*, in the words of JIS staff. The consequences of this situation were different according to each person’s background. In the case of non-qualified staff, the sense of helplessness materialised in the absence of guidelines about division of labour and responsibilities, leading to confusion about accountability for specific tasks and functions, since most of the staff was executing functions different from those considered at the time of hiring. The fact that there was no director at the beginning of the implementation of the programme left daily care workers without an induction process to get acquainted with the new programme, producing uncertainty about what was expected of them and about whether they possessed the skills to accomplish those tasks. Uncertainty was expressed in questions like the following, from a daily care worker in South:

*‘Do authorities expect us to be responsible for job training? How come if we do not know how to do that? What if they hire new staff to do that, what will be our functions? Who can answer that question for us?’*

In a vertical organisation like JIS, these levels of uncertainty reflected a lack of clear vision and direction that ought to have come from the director. Not surprisingly, they appeared in the regions where the posts of regional and programme directors were unfilled. In regard to the changes in the organisational aims brought by the policy, daily care staff expressed doubts about the pertinence of the rights perspective

underlying change, exemplified with this warning from a daily care worker: *‘the excess of rights could transform children into small dictators’*. Underpinning this statement is a suspicion about the principles sustaining the policy. In addition to bemoaning disinformation about the new policy, staff declared more resistance than acceptance of it.

Uncertainty affected non qualified workers through the blurred understanding they had about the policy and its programme—in the statement of a daily care worker in South: *‘as we don’t know these, at the end we only try to finish a day without troubles...’*—leading them to consider their role narrowly as custodial. Thus, the incomplete hiring process in JIS produced high levels of uncertainty because, in the absence of a basic command line, and amidst a non-formalised structure, staff felt unconfident about the new perspective underlying the programme and the tasks they should be responsible for carrying out. In this scenario, safeguarding their accountability led them to do the minimum, affecting the accomplishment of policy outcomes.

In the case of professionals, the incomplete hiring process also produced feelings of uncertainty, but with a different bent. At the organisational level, the delays in filling key positions scattered the new functions among the existing professionals, or were simply left unattended, resulting in inefficiency and frustration. In the cases of JIS in the North and the South, case managers were performing the roles of case managers and technical directors. A direct consequence was the lack of case work practice, since there were seldom collaborative efforts on the front line to analyse cases and develop joint case planning.

The functions of the empty positions of networker were simply not implemented, contributing to the experience of isolation in a closed system prevalent in JIS as organisations. Adding to this situation was the absence of directors in two of the three programmes, leading to a growing level of uncertainty among professional staff: they could expect to occupy one of the higher unfilled positions, as well as possibly have new co-workers and superiors. Lack of information about the timing of decision making and hiring criteria made the situation worse.

Furthermore, the need to implement different functions, for which they were held accountable independently if they corresponded or not to their original contracts, put professionals in a position of reluctance to bear the burdens and risks of decision making. The actions of professionals, therefore, tended to be limited to the minimum requirements, a departure from the traditional autonomy associated with professional cadres. Professionals occupying higher positions in an interim character became the subdued '*ham in the sandwich*', caught between the daily aspects of practice and the unreliable space of organisational planning. Their awareness about this situation shrouded them with a sense of low self-efficacy not unlike that of non-professionals, not from doubts of their competence, but out of self-preservation to avoid risks of failure.

In LRPOs this was not much of a problem since most of the required positions had been appointed in the three programmes. But in JIS, daily care workers felt jeopardised by a new organisational culture that valued children's rights, and by job requirements they were unaware of, and professionals felt overburdened by duplicities in their roles, and absence of information about upcoming hiring processes. The fear of being held

accountable for actions not clearly defined for them produced in both groups of workers a sort of inertia that reduced the advances in programme implementation to a minimum. This, in turn, affected the respect of the child's view since stagnation and overburden impeded the development of adequate case management, curtailing collaborative action in the front line to bring inter-professional views into the IIPs, as well as children participation. It also produced a neglect of children's best interest since the required multidisciplinary approach was not achieved, inhibiting close co-operation between different professionals and workers.

In relation to staff's competencies, non-qualified staff in JIS openly voiced their concern about the suitability of their skills to those required by the programme. They acknowledged dearth of competencies to work with young offenders, particularly those with mental health problems, who were subject to treatments such as keeping them in isolated units, or the administration of medication without the necessary training and licensing.

Failure to meet these special needs in young people can result in great harm. In fact, some of the daily care workers mentioned they had witnessed in some young people behaviours typically produced when mental illnesses are not adequately addressed, such as self-mutilation and serious disruptive behaviour. These findings deny the right of child's best interest, in particular, the stipulated access to proper assessment of the child's psychological, emotional, physical, and cognitive situation, as well as the access to an ample array of services through the articulation with agencies providing drug and mental health treatment.



Want of competencies to offer care to young people affected by mental health conditions and lack of coordination with mental health professionals ended up leading daily care staff to use correctional responses to control users. They felt challenged beyond their means not only by young offenders with psychiatric needs, but also by regular users who, while not having mental health conditions, nonetheless faced crises that staff was unable to contain with the proper competencies, as it was shown when they complained about their lack of training for crisis intervention.

To the absence of formal guidance to clarify roles and responsibilities for which they would be held accountable, lack of feedback from superiors as to their performances was added to generate a low sense of self-efficacy among the staff, expressed in a feeling of non-accomplishment. These two conditions, combined with their awareness of the deficiencies in their capacity to tend to young offenders, increased the self-dissatisfaction among non-qualified staff, reducing motivation and intensifying stress *'because there is no plan or information to achieve policy goals'*, as a daily care worker in the South put it. The level of anxiety among staff was augmented by the fact that none of the JIS was providing the external services required by the policy, all of which increased their fear of being blamed by authorities because of those failures.

Lacking in competencies was not a description professionals made openly about themselves in focus groups, but in the privacy of interviews professionals declared their need to learn more about family intervention. They felt insecure about their skills to work with this 'type of families', characterised by the criminal label staff gave them. The insecurity and fear observed in the attitude towards these families explains in part why there were no services offered to them, and its role as a source of individual

uncertainty affecting professionals whose sense of self-efficacy was threatened by the threat of substandard performance.

The analysis of staff composition in both programmes agrees in the need of ensuring complete staffing at the time of implementing the new policy, proper induction and job descriptions to grant staff certainty about their roles and functions, careful supervision to guarantee the adjustment between functions and competencies. Failure in these areas had consequences on staff morale, reducing the sense of self-efficacy and motivation. Uncertainty restricted the autonomy not only of non-qualified workers, who enjoy lower levels of initiative anyway, but also of professionals, whose performance is always expected to be richer in resourcefulness and creativity. This situation, combined with staff inadequacy to meet required competencies, turned these programmes into ‘ill-services’, because children and families received services from programmes that were understaffed, overburdened, and deficient in resources to meet their needs, damaging children’s right to tailored interventions that safeguard their best interest and include their participation.

### **3.2 Common information systems**

The opportunity of advancing in a culture of rights and reaching social reintegration for young offenders is mediated by the existence of common informational systems where staff at organisational level, as well as social services, education, health, and law enforcement agencies at the local and regional level, find themselves jointly responsible for protecting children and strengthening families. These systems operate as articulating mechanisms of family support intended to overcome the idea of communication on a one to one basis, as well as facilitators of the exchange of

practical experiences and know-how, together with case management co-ordination and monitoring.

The benefits of access to analytical information about users and their interventions are mediated by the confluence of several informed actors that rely on fluid channels of communication. This section shows how information and communication, if well administered, assist a more comprehensive impact of the interventions as well as better articulation of services among different organisations. In their absence, the possibilities of granting children non-discrimination and best interest are trounced.

Access to information depends on the existence of systematic data collection to recognise specific needs, and my field work showed differences across LRPO cases, as well as between LRPO and JIS programmes. Within differences among LRPOs occurred as only North acknowledged community needs. The other LRPOs only collected individual information to inform the IIPs, but all the same recognised the value of general assessments. Just as for the LRPO in North this action became an asset, for the rest of the cases the lack of it became a problem associated with monitoring and performance management, because the information collected on an individual basis in South and Centre was not used to inform the practice as a whole, as explained next.

Community information systems are particularly important for LRPOs because the core of their mandates demands that they develop a local culture of rights based on a fluid relationship among stakeholders. If Centre and South have had community assessments, these would have helped improve the weak alliances like Centre

established with other agencies, or those instrumental alliances South had, diminishing the high caseload characterizing Centre and the territorial exclusions in South.

In North, which had the benefit of a community assessment, a common informational system was mentioned as a necessary tool to be developed in the future, once agencies working together formalise their collaborative relations in a local policy. The idea of a local information system appeared here as a possibility of a more comprehensive tool bringing together information from the community, from each agency, and from local government, helping to better distribute resources, tailor improved interventions, and avoid over-interventions on individuals and families, as well as exclusions. These ideas emerged during the interview with the coordinator in North.

*‘We see our community assessment as a first stone of a more advanced information system for the whole community, managed by the municipality, but with greater access to agencies working for children’ (North, coordinator)*

LRPOs showed an advance based on their awareness about the value and need of these systems. The existence of a successful experience like North, where a community assessment identified specific regional issues affecting children rights, gave centrality to those themes in the local public agenda, and underscored the need for interagency coordination to facilitate an ampler array of services for LRPO users. In Centre and South, on the other hand, there was no global vision about community needs, nor general monitoring of the status children’s rights at the local level. These offices constrained their work to individual interventions, which made the need of interagency

coordination less evident, and displaced the goal of contributing to a local rights culture.

In the case of JIS, a common information system could function as a resource to assist in the social reintegration of young offenders. In the three cases under study, only information to develop individual assessments was produced. This information, produced by professionals, was rarely relayed to daily care workers in any form. The consequence was the ignorance of daily cares about IIPs, which debilitated the coherence of the practice of daily cares with the IIPs of young offenders, sapping the right to tailored interventions, a condition of non-discrimination.

As JIS did not count with general assessments of the population they served, and their staff could not fathom the relevance of having common information systems with agencies working in the territories from whence children came, the programmes exposed limitations for long term planning to ensure children's reintegration. This emerged as a critical organisational weakness because of the inability to work collaboratively among workers and professionals inside the organisation, and across agencies whose services were required for an integral treatment. Both types of collaboration were raised in Chapter 2 as key indicators of the right of children best interest.

As we have seen, information systems constituted an organisational resource that was better managed in one of the LRPOs, which reached good coordination among staff and among stakeholders, ensuring inter-professional coordination and interagency

collaboration. The following section refers to the process of reflective practices, a third resource that depends on the relationships among human resources, and also affects it.

### **3.3 Reflective practices**

The existence of information systems fosters another organisational resource: reflective practices. In North LRPO this system gave significant information to fuel regular discussions among staff to reflect the needs of the community in their practice, thus improving it. In fact, staff in North LRPO described their internal work as produced around planning meetings to arrive at decisions about interventions, considering potential opportunities and risks involved in working for children in the community. Regular meetings permitted staff to act reflectively about the users and the community, and to bring forth the voices of other professionals and co-workers, open to multiple readings of the problems they work with, and involving all the workers as valid actors in the production of the interventions. Evidence for this is found when staff spoke positively about regular meetings: *'absolutely important for us; it is the time we have to stop and think about our work'* (North, social worker). The possibility of thinking about their practices not only implied a more planned and comprehensive work, but also an increase in staff involvement, because it fostered a general perception about high levels of consistency between the values represented by the programme's actions and values of staff members.

In North and South these practices were valued, which led them to find a compensatory strategy to face the lack of interdisciplinary reflection. Instead they fostered the work of pairs of professionals, specifically social workers and psychologists, to cultivate collaborative casework. Considering the limitations of staff and high caseload in the

programmes, this action was seen as fundamental to set the grounds for a comprehensive service for children.

The scarcity of reflective practices in the LRPOs in Centre and South exposed a negative impact on the promotion of the community component in each region. This component was on hold in both offices due to the absence of an organisational space in which to bring the entire agency planning together. The result was that the community dimension ended up being introduced in dispersed and fragmented events that did not have any planned, let alone evaluated, outcome. Lack of collective reflection encumbered the identification of demographic trends in the community, and the organisation of the interventions according to those trends, which stifled the impact in the communal sphere. In sum, LRPOs presented some advances in inter-professional work, carrying out systematically reflective practices with the complete staff or through small teams to deliver casework. However, the lack of collective discussions reduced the community dimension in two of the three offices, weakening the accomplishment of one of the main components of a LRPO.

In JISs there was a complete absence of regular meetings. Through the discussions with the staff I realised that practices slide into being un-reflective, reactive to everyday contingency. Professionals seemed to have conversations about their cases among themselves, but daily care workers were completely excluded from planning and contributing to casework. Workers criticised this situation, acknowledging the deleterious effect of non-articulated interventions in service delivery. As stated by one daily care worker:

*‘As we do not know about the IIPs, the routines we develop each day are not related to the objectives proposed for treatment...’ (South, daily care worker).*

Professionals defended themselves with the excuse of excessive work. For example, one social worker explained that:

*‘We ask daily care workers about their inputs on children assessments and IIP, but we do not always have the time to do so, because there is a lot of paper work to get done, so at the end we make decisions based in our own criteria. Besides, daily care workers do not have technical criteria; they base their opinions on their feelings for children’ (Centre, social worker).*

Professionals at JIS did not expect to receive proper contributions from less qualified individuals. This systematic exclusion of daily care workers’ views was reciprocated by daily cares’ assessments of professionals as less experienced and committed. In the next chapter, I discuss these judgments, but it is important to mention here that they partially account for the effects of staff isolation and lack of communication. First is the disinclination to challenge certain entrenched notions that come to be seen as inevitable and unquestionable, such as the idea that professionals ‘think’ and non-qualified workers ‘do’. Second, is the low willingness to discuss, reflect, and listen to each other’s views. As this exchange did not take place, internal communication was blocked, and organisational outcomes wound up fragmented and disconnected, removing the necessary comprehensiveness of the interventions and also limiting staff involvement in the implementation process. Not only did staff feel that they should just



try to '*go through the day*', but also the absence of teamwork discouraged any capacity to take risks in view of the situation of missing leadership they were facing.

In general, reflective practices were not a feature of the two programmes and six cases studied, even though their value as a resource to improve practice was acknowledged by LRPO staff. In JIS reflective practices were invisible as a resource due to organisational constraints and the evident conflict between professionals and non-qualified workers.

This was unfortunate, considering that reflective practices would have fostered more consistency in planning the interventions, better management of conflicts among staff, and greater involvement on the part of programme staff, all of which would have facilitated a more complete realisation of programme goals.

### **3.4 Management skills**

In addition to the previous organisational relationships and resources, management skills were a core factor explaining why some programmes did better than others. The role of manager was exercised by the programme directors, and its relevance was more readily observable in LRPOs, not only because the three cases had appointed directors, unlike most JIS in my study, but also because directors' different approaches to programme implementation yielded varying levels of advancement towards rights based programmes. In regard to JIS, the one programme with a functioning director showed that having an appointed director helps in the daily organisational functioning, but with important limitations.

LRPO in the North was an exemplary case to observe a set of four special skills that appeared particularly relevant: skills for searching additional resources and capacity to manage them, capacity to develop interagency collaborative relations, cultural competency, and a supervision style that offered stable support to staff, all of which fit with the requirements of a rights based approach because these skills supported progress towards comprehensive services and the inclusion of the views of children and significant others.

In regard to the skills for raising additional resources and the capacity to manage them, the case of the director of the LRPO in North was the only one across the whole set of cases whereby the deployment of this pair of skills resulted in the delivery of a community assessment. This assessment took place because the manager was able to bring in new staff to produce it without requiring more financial resources. The director from Centre also managed to bring interns from schools of social work and psychology to help in individual assessments, an important contribution to reduce staff case overload. There were no interns in South LRPO, even though this was the smallest team LRPO team and suffered from case overload.

Another manifestation of this skill was the capacity of directors in North and South to develop interagency collaboration, increasing the scope of the services. In the case of North, a large network of private organisations was set to collaborate in common activities that made it possible to conform a Communal Council. In South, the Director was able to develop alliances with other private and public services which became an aid to meet the demand of services (although, due to the requirements from SENAME for specific quantitative outcomes, these collaborative associations turned into

competitive relations). In the Centre there was no search for interagency collaboration; staff argued that the lack of public services in the territory impeded it, but unlike in North, the director did not seek for alternatives in alliances with private organisations. Proximity to the central level is a factor behind the director's lack of initiative to seek out for complementary resources. Conversely, the extreme regions of North and South did not trust the central level for solutions to the needs for external support, and from this conviction they searched autonomously for their own resources. As mentioned in Section 2 of this chapter, about programme administrative dependency, the fact that LRPO had a shared dependency from SENAME and the local government, allowed programme directors to build a space of autonomy playing one of the programme authorities against the other, in spite of the geographical distance to the central government. This autonomy did not work to the same effect in Centre because its closeness to the central government dampened the searching capacity of the director and the staff, turning instead to traditional relationships of dependency to wait for central level provision.

The general panorama of LRPOs shows that skills for procuring additional resources turn to be central in order to advance towards a rights perspective, particularly given the nature of these programmes that are mandated not only to work in partnerships to offer comprehensive services in institutional contexts of scarcity, but also to develop a culture of rights, which strongly requires the involvement of other relevant actors from the community.

In relation to the capacity to develop collaborative relations with other agencies, in South the interagency collaboration allowed to increase the scope of services of the

LRPO, even though the director was absent in the conduction of the institutional relationship to prevent conflicts. As anticipated earlier, in South collaborative relations with stakeholders turned to competitive relations when organisations in partnership began to be pressured by SENAME to meet targets of numbers of clients, causing partner organisations to competing for clients. In the North, the director was able to bring the organisations in partnership under the institutional frame of the Communal Councils, sharing complementary services among the different agencies, and avoiding competitive patterns through a pertinent management of conflicts.

None of the three JIS programmes had collaborative relations with other agencies to complement their services, making them much more closed systems, isolated from the territory and other social services. These programmes did not attempt any type of search for external resources different from those assigned by the central level, although there were crucial needs unmet, like education, mental health, and job training. The lack of an appointed director in two of the three JISs was one factor restraining this search, but also the limited scope of decision making conceived for JIS directors affected the possibilities of developing collaborative relations.

Therefore, none of the features defining good management practices were found in JIS, but some of them were present in LRPOs. The enactment of these skills comes as a result of having resourceful managers and organisational structural conditions that allowed their display.

A third feature of managers, relevant to progress towards a rights perspective, was **cultural competence** in relation to local needs. Cultural competence is the interest and

ability of managers to plan and implement strategies addressing the life contexts of users. The nature of each programme called for different types of strategies: LRPOs should look for community trends in a macro perspective, while JIS should look for differences and similitude among users that could affect daily life in a closed community, as well as macro features that may condition the determine the social reintegration of the young. In both cases the right of non-discrimination was at play, but only one director from the six programmes had the skill to conduct a process in this direction.

LRPO in North led programmes' cultural awareness among the rest of the LRPO and the JIS programmes, essentially because the director was keen to promote mechanisms to identify needs of families from different backgrounds and to adopt practices that addressed diversity, considering socio-cultural trends and demographic shifts at the regional level. This was evidenced by statements by staff members acknowledging the increase of immigration and the problem of children sexual exploitation as regional emergent trends, as well as manifest in the interest of addressing these issues through the actions carried out by the Communal Council.

In South and Centre, contrariwise, there was no evidence of directorial action to unveil communal trends affecting children's life. Consequently, staff appeared unaware about these. Although staff expressed some opinions about families being served, these were based more on their own backgrounds than in evidence collected from the field (the analysis of these perspectives shall be the subject of the following chapter). The possibility of community assessments hinged not just on a director's willingness to invest resources, already scarce, or to search for external means to accomplish that

outcome, but also hung on the capacity of the director to take into account trends evidencing diversity, or serious threats over specific populations, all of which implies cultural competency. This highlights the relevance of community assessments to guarantee the right of non-discrimination, since individualised visions about service users may hide public problems that would require macro solutions, instead of individual intervention plans to solve them.

The absence of a director in two of the JIS programmes and the limited scope of decision making permitted to the director of the JIS in Centre did not allow for the observation of this competency in these programmes, but one could argue that if the only observable JIS outcome at the moment of the study was the development of IIPs for each one of the users, missing any general assessment of the population to identify differences in their needs and strengths, it would have been unlikely to find practices that addressed the socio-cultural features of the population even if the directors would have been in place.

Supporting staff was the last management skill identified as most relevant during field work. It emerged when, analysing the regular staff meetings in LRPO North, these meetings came out not only as crucial for reaching reflective practices, but also as a relevant activity for supporting the staff. The likelihood not only of implementing this action but of also turning it into a routine in the organisation arose as a decision within the managerial sphere of the director of the programme.

In analysing the effects of management that cares about spaces for the staff to reflect about its work, I found that such instances had favourable consequences in diminishing

staff tensions arising from work overload, or its complexity, because collective discussions produced confidence in the decisions made as a group. This ability was not found in the other LRPOs or in the JIS programmes, where staff appeared overwhelmed because of high case overload in the case of LRPOs, and work uncertainties in the case of JIS, with frustration commonplace among the staff, as well as doubts about the quality of their work.

It is well-known that part of the success of child welfare depends on cooperative and team-based interaction. Staff in North LRPO reported significantly higher levels of support from their peers when compared with staff in other centres, as a result of management that cared for mechanisms where staff could listen to their peers' work-related problems and mutually support each other to get the job done. From the opposite corner, staff from LRPO in South complained about their supervisor's reluctance to discuss work-related problems and to be supportive when things got tough at work. Staff from JIS complained that management would not take responsibility for creating safe and supportive environments for workers.

Clearly, staff commitment appeared here associated with a supportive management that promoted team work and reflective practices, actions that helped staff feel more confident about the quality of their interventions, reduce tensions produced by work overload, increase trust among co-workers, and produce planned interventions as opposed to reactive interventions. The absence of these actions was observable in JIS, where lack of communication among staff bred distrust among them.

Even though I did not have access to an evaluation of the interventions developed by the programmes, the fulfilment conveyed by staff from the North in regard to their work, as opposed to the disappointment expressed by staff from the rest of the programmes, especially in JIS, sustain the argument that a supportive management is a condition for furthering a rights perspective in benefit of a better intervention towards children.

### **3.5 Organisational relationships and resources mutually conditioned**

So far in this section I have argued that progress or stagnation in LRPO and JIS programmes was conditioned by specific resources and a set of behaviours and competences from staff, which in turn produced a distinctive set of responses from staff. The circuit assets/resources became then a mutually reinforcing circle that, if virtuous, illuminated relationships among organisational actors and resources which were indispensable to provide sources of sustainable advancements towards a rights-based children policy. Next I show how this interplay occurred among the key resources and relationship identified in this chapter.

In first place, staff composition constituted a foundation whence relationships among actors would indicate either great expectations or a poor prognosis for policy implementation, depending on its resourcefulness. In the case of JIS, the unpromising scenario of an understaffed agency charged with the implementation of a new programme may appear obvious, but the effects of this condition on the staff are not necessarily so evident, particularly if this scarcity of resources is combined with lack of competencies in those doing the implementation, and with organisational ambiguity in regard to roles and functions, as was found the three cases of JIS.



This combination of poor resources ended up affecting the behaviour of staff at JIS, limiting their capacities for task solution. Uncertainty and a low sense of self efficacy emerged as themes linked to unmet needs claimed by staff in regard to certain organisational conditions. Individual job uncertainty was produced by inadequate staffing, an insufficient formalisation of norms, job descriptions, and standards of performance and supervision and inadequate training for the special requirements of JIS programmes. Uncertainty was produced by poor socialisation among staff of the institutional values and core concepts underlying the new policy. Even though uncertainty affected staff differently according to their backgrounds, its negative impact on children's rights was common: inappropriate treatment of special needs, weak case management, and lack of multi-professional approaches to treat children.

There is in JIS a particular dimension deserving attention in regard to the impact on staff with diverse backgrounds of scant organisational human resources and formalisation. Notwithstanding their specialised backgrounds, professionals found themselves unable to use autonomy to increase the array of their influence to provide better services, even though children were being put at risk with a substandard service. This behaviour contradicted classical studies that have shown that discretion accrues when professionals face uncertainty over procedures, resources, or knowledge (see Chapter 3), while paralysing effects are exclusive of non-qualified workers. This research shows that professionals appeared less concerned than daily care workers about the inappropriateness of service delivery, particularly when young offenders had mental health problems, and only revealed apprehension about their inability to treat young offenders' families, which was at any rate not enough to prompt them to

circumvent this limitation. The fact that professional staff was bogged down by administrative paperwork, limiting their time to provide face to face interventions with young offenders, may explain their detachment from young offenders' daily lives. Resistance to change can also explain this lack of professional discretion. I will take up this point again when analysing the cultural dimensions affecting advances towards policy outcomes, in the next chapter.

An element that surfaces from the points previously made is the interaction between a structural organisational condition, like the lack of formalisation, and the individual uncertainty and sense of low accomplishment observed among staff, independently of their background. This led the staff to reduce the scope of their tasks to a minimum expression, avoiding an ampler margin of accountability. This finding deserves deeper study, given its implications for the analysis of the alignment between staff composition, organisational structure, and the strategic needs of the policy, which I will review in the conclusions of this chapter.

Common information systems were found necessary to mobilise and inform reflective practices. These two elements also form a good example of a virtuous synergic loop between organisational resources and organisational relationships: common information systems are developed by staff that place high value in understanding and solving community needs, as a way of listening users' voices and identifying specific alliances with external organisations required to meet the assessed needs. In turn, this information system became a non-substitutable resource to inform programmes' reflective practices.

The outcomes produced by reflective practices were not limited to acknowledging users' views and multi-professional interventions, thus supporting the rights of children's best interest and participation; they also enabled a richer relationship among co-workers, favouring a common understanding of the intervention and a proper appreciation of co-workers contribution. In the opposite case, want of information systems in JIS exposed precarious attention to the social-reintegration of juvenile offenders, reducing the intervention to its component of control, which in turn denied children's rights. But this was not the only negative consequence of the absence of this resource: it also reduced the possibilities of fostering reflective practices, limiting the scope of dialogue with co-workers as well as the interactions with external organisations. These shortcomings were instrumental in the reduced capacity to forestall staff conflict and programme isolation.

Lastly, most of the resources and relationships highlighted in this section are embedded in the set of skills we group under the name of management skills. In JIS nearly all the causes of programme failure were linked by the staff to the absence of a director to lead the process. In the cases of LRPOs, the larger part of the accomplishments shown by North was sustained by the competent decisions made by its director. While proficient managers were indeed crucial to lead adequately towards policy outcomes, this finding also suggests the extent to which the idea of direction and control are entrenched in staff thinking, so much so that the lack of leadership was seen as absence of organisation. This was patent in the case of JIS, where staff appeared paralyzed except for their appeals for direction. At some point the staff's own inaction was rationalised by them by scapegoating through statements like *'we are like orphans'*; or

*'we are lost'*, a situation that contributed to heightened anxieties and disrupted communication.

The implications of this organisational dependency from formal authority raise the question of the significance of cultural competency as a key component of a rights-based service. This competence should not be expected purely from the formal authority; instead, it should be a core value promoted across all staff. A rights-based service should have as a common framework the value of acknowledging users' needs, beliefs and values. If the openness to this vision pends solely from the ability or discretion of a director, the entire programme will always be at risk of failure.

The foregoing considerations bring to the discussion the bureaucratic character of Chilean public services underpinning the boundaries staff sees as limiting their autonomy and initiative. They also place in the agenda for organisational change the idea of developing a more empowering culture at the organisational level when trying to develop a rights perspective in social service delivery, given that it is the insight of front line workers what facilitates the incidence of local contexts and realities in programme implementation. In a similar, but less pronounced tone, this need appeared also in the LRPOs whose managers did not display the identified skills. In those cases, none of the rest of the staff was empowered enough to lead towards actions that would help in improving the services. One could have expected more levels of autonomy in these programmes given the fact that programme design considered staff participation and less centralisation. However, there were no signs of increased autonomy or initiative among LRPO staff if there wasn't a director supporting them, which could also be an indication of the pervasiveness of vertical relations and the prevalence of the

formal distributions of power in public organisations. With much clarity we can see here the circuits of interplay not only between organisational relationships and resources, but also a triangle where structure, relationships, and resources are indissolubly embedded. I shall expand on this in the next section.

#### **4. General conclusions**

The analysis of organisational structures and organisational relationships and resources revealed the interplay between structures and relationships, giving account of the mutual driving force between institution and social action. The different examples of this interplay discussed above, disavows the notion that reduces the explanation of the failure or success of implementation based only on the autonomous action of social forces, or only in the effects of the organisational structure. We have seen here how structures have affected resources and actions, but the agency (or lack thereof) of the organisational actors has also undermined structural properties of the policy.

One example of this interaction could be seen in the case of JIS, where the nature of programme design, characterised by a centralised structure with deficient formalisation, resources and communication, did not fit the characteristics of the agencies implementing imprisonment centres, as agencies without the capacity to make authoritative decisions or encourage meaningful staff participation. This mismatch had an impact on staff commitment and productivity, turning policy outcomes into failure.

These experiences lend support to the idea of considering the need for a proper fit between the dimension centralisation, a core concept of structure, and the organisational strategy, understood as how the agency on the whole seeks to perform.

In the face of an agency of limited resources, the type of centralisation required is one that first offers a limited range of task variation among organisational members and close supervision, to tend to the high levels of stress declared by staff, and then concedes an ample room for members participation in discussing organisational goals and policies, to promote their understanding and involvement in the policy process. This form of centralisation should also include a type of enabling formalisation that would reduce the levels of uncertainty among staff, by formalizing procedures that would help organisational members accomplish their tasks. The proper fit between policy and its organisational structure, on the one hand, and the agency relationships and resources, on the other, is attained in this case by a flexible design of centralisation, crucial to reach the expected outcomes of a policy.

The incongruity between policy, organisational structure, and organisational relationships and resources produced damage to children's rights in the JIS programmes. In them, the formal distribution of power only consented for decision making to occur at the top of the hierarchy. As this primacy of formal authority rested on empty positions, it made opportune decision making unviable. Inflexible centralisation in programme implementation did not foster an efficient process of decision making, which, when combined with passive staff, caused the programme to neglect basic rights of children, such as access to education and health.

Centralisation, then, came out as a key component of the organisational dimension enabling or impeding progress toward a rights-based policy for children. It is commonly understood in matters of policy design and among policy makers that in order to advance towards policy outcomes, policy design must acknowledge that

implementing agencies and their human resources ought to enjoy a certain amount of autonomy enabling them to exercise discretion to decide about the best courses of action in the local milieu. If policy makers do not involve staff in decision making, they may not perform adequately in concordance with policy goals. The case of LRPOs, with a less centralised programme design and with their share of authority at the local level, constitutes a good example of the type of centralisation proposed.

The analysis of LRPOs also suggests that the alignment between policy and organisational strategy may not be enough to reach expected outcomes. My cases suggest that viable strategic actions were capitalised more by the personal abilities of managers than by objective factors such as organisational resources or competencies. This is not to imply that a talented manager can overcome any organisational or policy design mishap. Rather, the finding is that a relevant component of policy implementation is to select or train managers with the skill-set demanded by the programme. LRPO in the North revealed that a key management skill demanded by a right- based policy was the ability to infuse the whole organisation with policy meanings and principles, leading to their interpretation in ways actors could connect with the required actions.

We find here that the alignment between workforce interests and policy goals was supportive of a committed workforce, an especially critical asset when implementing change. The director of the LRPO in North reached this level of staff involvement through reflective practices, a resource that made staff capable of learning within and across the provision of services. Staff support contributed too to align staff with the perspective of programme because it carried with it supervision, provision of feedback,

and a critical appraisal of the contributions of each organisational member to the programme as a whole. JIS found themselves in the opposite side: staff were mismanaged, producing discretionary behaviour whose range of action limited itself to simply avoid daily problems.

The cases of JIS raise a third element to be considered as part of actors' agency. It emerges from the notion of uncertainty, produced either by lack of formalisation, weak competencies, or divergent objectives, information, or knowledge. The requirement for a highly skilled and motivated staff is a consistent theme in the organisational literature, but there are not enough studies, particularly in regard to public services, theorizing about how to attain a better alignment between the underlying staff interests and views and those to be reinforced by a policy's strategic intent. This is a crucial point in social services where, because of high levels of staff turnover, the match with the policy's strategic stance must constantly be monitored.

We have distinguished here three core organisational components affecting advances toward the rights- based policy for children. The first one is the structural component of centralisation, which permeated at the national, regional, and local levels the implementation of the programmes under study. The mismatch between the character of centralisation and the agency's strategy was cause of programme failure, as most clearly seen in JIS. There is no prescribed type of organisational structure to achieve policy outcomes: it may consider more or less supervision of task achievement depending on the needs of the agency, but it must contemplate high degrees of staff participation, perhaps not in the last stage of decision making, but in prior discussions about policy decisions. Otherwise, the organisational structure may end up too



detached from the real organisational capabilities. This component should include the review of the degrees of required formalisation, job related requirements, the range of staff's discretionary behaviour, and organisational resources.

The long standing pre-eminence of inflexible centralised structures to implement children's programmes seems to have affected the levels of trust of public workers toward formal authority. This was manifest in the absence of initiative among staff due to fear of being held accountable of unplanned, but required, actions. Another example is the criticism from LRPO staff toward mayors who use their discretionary power to seek political interests, affecting the accomplishment of programme objectives. While staff from LRPOs complained against this behaviour, their actions showed subjection to formal authority, even in the face of a clear misuse of power. Therefore, the understanding of the centralisation dimension in children's programmes requires also a revision of beliefs and visions of public workers about formal power and the ways in which it is exercised.

The second organisational component affecting advances towards rights' based services rests on managerial skills: when the leader of the agency responsible for implementing rights-based actions had the ability to permeate the whole staff with the central meaning of this policy, seeing children as rights holders, the advances towards policy outcomes were steady, like the process of the LRPO in the North where the connection between workforce views and the policy premises gave coherence to social action. The process to reach that involvement appeared led by someone who was deeply committed with the policy principles, and capable to promote practices of staff appraisal, participative and reflective work design, and fluid communication.

The managerial skills described here to successfully implement a rights-based programme constituted a core component, particularly useful to address conflicting values and dilemmas across staff. These skills are less related to structures and strategies than they are to the ability to reach the very nature of the people involved in the proposed change, to invite them to retrain mind-sets and deep seated values and assumptions. The role of the manager, then, is a key piece to make a rights based approach more feasible, affirming, reinforcing, and orienting the workers' assets, as well as promoting their capacity for adaptation, all of which help, in turn, to reduce uncertainty and dissatisfaction.

In third place I identified as a key component affecting the implementation of the LRPO and JIS programmes, the workforce of the implementing agency, of particular importance when facing change. The resistances observed in JIS towards the rights approach were not only related to the fragile structure and relationships upon which the implementation process was carried out. Underlying these resistances appeared a clash between the organisational agenda and people's own agendas. The agenda of the JIS workforce came out constructed in function of people's history, identity and interests; this agenda contained single visions but also collective views, like the different agendas built from the daily care workers' perspective and from professionals' views. The resistances to the new programme I found in JIS staff, particularly among the non-qualified staff, appeared related to the absent links between their identities, and the roles, values, competences, and the like, demanded by the new programme; this mismatch explained the difficulties of these programmes in reaching policy outcomes.

These three dimensions are mutually connected, and the three of them underscore the need to listen to the voices of implementers in a more careful way, in a form that goes beyond the structures conditioning their participation and task variation, to address the type of management they face in daily actions and the skills and competences they deploy as a workforce. Even though these constitute the key organisational dimensions explaining advances and impediments for programmes to become rights-based services, a comprehensive understanding of the whole process requires the consideration of the diverse meanings colonising the implementation process. The next chapter is dedicated to that analysis, giving a deeper account of the nature of actors' agency in the implementation process.

## **CHAPTER 10**

### **CULTURAL INFLUENCES**

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#### **1. Introduction**

This chapter acknowledges the impact of culture on the interventions carried out by JIS and LRPOs. As discussed in Chapter 4, policy outcomes are affected by a process of agency within the organizations carrying out change, as well as by interaction with institutional contexts. The cultural outlook of the main agents implementing the policy, as well as their life contexts, will impact the possibilities of reaching policy goals and objectives. Of particular relevance in this study were the conceptions of family, whereby the prevalence of a notion of a ‘good family’ tended to leave out from the intervention the families that did not match this view. A second relevant cultural conception is the legacy of the previous perspective framing social services for children, a legacy that brings to the discussion the resistance to change, discussed in section 3 of this chapter. In third place, the non- managed conflict in the philosophy and background of the workforce reflects an authoritarian style based on power and status, which impedes the disclosure of practices that can be damaging to young offenders in the exercise of their rights. Finally, section 5 in this chapter analyses previous findings and discussions in a holistic way, recapitulating the main issues related to the impact of cultural features in the implementation of children policy.

#### **2. Pervasiveness of stereotypes of families among staff**

One of the cornerstones of the new children policy is the centrality of the family as the principal actor in raising children; this principle, rooted in the right to live in family,

appeared permanently jeopardized in the services being studied, basically due to the pre-eminence of preconceptions about families.

A first stereotype, about how families see themselves, was observed among LRPO staff, especially those in the South who did not enjoy the benefit of a community assessment about the families with which they worked, and whose analysis about families were based, as a result, on their own notions and individual experiences with them.

In the case of the South, staff was unambiguous in that these families saw themselves in the light of a *familistic* view characterized by the persistent strength of *maternalism*: mothers' given role at home, and in the public sphere only when needed, while fathers' role seen as bread winners, coupled with their alleged lack of interest and socially not expected responsibility in tending to their children. According to the staff, these visions would best correspond to the conservative views of families in rural areas, like the isolated communities in the South, where the solution of family problems tended to be considered as private responsibilities of families. These views could effectively, or not, represent the notions these families have about themselves, but they were in fact not based on evidence, and worse, staff considered these family conservative features as not removable givens, which affected staff's disposition to promote change.

These stereotyped representations of families found in South illustrate persistent, preconceived notions of family structure and gender roles. Whilst gender was not a subject staff mentioned as a central theme guiding their practices, in their representations of their work with families there appears to be a sort of resignation to

work only with the family members who were available, typically mothers and children:

*We only see mothers, I remember only once in my entire time here, to have seen a father bringing his kid to be assessed, and that occurred because there was not a mother in that family (Psychologist, South)*

Assessments were usually done only with mothers and their children, since most of the situations of neglect were reported by these women, and even when fathers were not the aggressors, they appeared in the Offices much less than mothers asking for services, and were less available to participate.

*When we have called for an activity to talk about children's rights, or about upbringing, we see mostly women, young and older. Men are much less represented in those activities, I think they are not interested, or they feel that women should be there... (Social worker, South)*

Staff argued that they did not have time to apply the special strategies needed to involve fathers, who appeared more resistant to participate in meetings:

*'To involve fathers we should have more time to do home visits, to wait before referring the case, so the father has time to get engaged in the process, but as that ends being impossible we only do what we can with the mothers... we know we could make a difference, but in these conditions, it seems impossible (Psychologist)*

Staff reported that the unavailability of fathers was a consequence of the stereotyped family roles that prevail in these families, where the mother must take care of the 'emotional' aspects of children, and men are there basically as 'providers'. Challenging these stereotypes was something professionals saw as necessary, but the limited resources of staff and time made this unattainable in their opinion, weakening the opportunities for interventions based on an integral view of families.

In the second form of stereotype, namely, how staff conceptualized families, in the Centre LRPO the lack of community assessment left staff's previous ideas or general knowledge about families and children involved in social services unchecked by evidence, bringing back the conception of needs over rights, as well as the idea of inadequacy of families to raise their children. Staff relied only on individual assessments that seemed to abet the vision of generalised needs or failures among the families being served, as observed in statements by the staff that rarely referred to positive features of the families they worked with. This situation leads practitioners to draw on stereotyped representations of the populations they serve; these descriptions emerged independently of socioeconomic background, thus when describing the families they work with, staff seemed to draw only from their personal impressions:

*'...if you ask me to characterize them, I have to tell you that most of these families lack formal employment; children are engaged in school, but they usually have delays in their progress, many of them come from single parental families...' (Social worker, Centre)*

Such descriptions depict families as highly vulnerable and excluded yet the community served by Centre is socioeconomically diverse, and the Office was, at that time, located in a middle income neighbourhood, all of which indicates that, in spite of serving a diverse community, and the absence of evidence to draw users' profiles from, staff still tended to describe users according to their deficits and to position them in the category of poor and 'needy'. Such a representation is characteristic of the approach to social services predating the reform, that is, the dysfunctional view.

Only in the LRPO in North there was a different vision about families, based on an accurate knowledge of the communities and their particular social problems, all of which fostered wide-ranging and tailored interventions developed in articulation with other territorial agencies. This condition promoted staff awareness about families' life context and cultural background, helping staff to be flexible and adaptable to the special vulnerabilities of the community.

The second type of stereotype was observed also in JIS, where only individual assessments were developed, families were scarcely involved in these assessments, and there were no general analyses about the whole community susceptible of intervention in each centre. Yet staff labelled these families as if they knew them, and tended to characterize them as '*poor, criminal, and problematic families*', and responsible for the law infractions of their children: '*most of the families have been in conflict with the justice for many years and were not a good influence for these children*'. Staff also tended to link family dysfunction as a cause with children criminal behaviour as a result, based on parents' poor monitoring and nurturing of children, with special emphasis given to the idea of children coming from broken homes, the latter



understood as single-parents households, or other types of arrangements different from those where both biological parents are present. This negative notion about families that are not 'intact' brings again to the analysis the pre-eminence of the familistic ideal of a good family, meaning the nuclear family where both parents reside in the same house with their children. The problem of this preference for one model of family among the staff is not only that it does not adjust to reality, but also that it puts other family configurations in the position of 'non workable'. Staff in JIS was reluctant to work with families that, from their point of view, could not help in children's treatment, which resulted in the complete absence of family interventions in the three JIS centres. This underscores the urgent need of fostering in these programs a vision that seeks to harness the influence of family beyond breaks in its expected composition. If these stereotypes are not revisited by the staff, the children's right to live in family will not be adequately protected, as stereotypes crystallise as important barriers to further individualization of family relations with social services.

In addition to the general negative conceptions prevailing about families, in the South there was a stigma attached to rural families, whereby the pervasiveness of patriarchy in these families was taken as a non-removable feature that justified, in the case of LRPOs, a weakened effort to promote actions fostering change, and in the case of JIS, the exclusion of families from interventions

In the cases under study, I observed the production of two types of exclusions. One could be called the exclusion of 'unchangeable families', found in LRPOs, whose staff had greater awareness of the diversity of living arrangements and family forms, but nonetheless believed users ultimately valued and would be best served only by the

traditional family model as the ideal aspiration; conviction operating as a barrier to involve the whole family, restricting attempts to change patterns inside the family. The second could be called the exclusion of 'bad families', whereby dysfunctional families are understood as sources of moral decline and causes of their children antisocial behaviour.

Unlike other international experiences that, while blaming families for their children's antisocial behaviours, develop strategies to tend to the roots of families' complexities, in our three JIS families tended to be excluded from the intervention plan, a choice abetted by legislation that puts the responsibility in the child and fails to mandate the involvement of families in the judicial process.

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Both cases affect in different degrees the children's right to live in family, either for not challenging a traditional system that marginalises the role of fathers in raising their children, overburdening the role of mothers, or excluding families from any type of involvement in children's services. Furthermore, in both cases there is a predominance of labelling families as poor and needy, independently of their real situation, which situates the families not as right holders entitled to support from state, but as deprived families depending on the state's decisions about what is best for them, thus evidencing legacies of past approaches that consider families as dysfunctional structures, at best objects of interventions, instead of subjects with rights.

The preceding analysis leads to the identification of institutional control, provided by actors who see themselves with levels of discretion in their social practices and with a capacity for exercising dominance in the direction of establishing a moral order, even

thought this direction may overlap with, or contradict, the notions specific communities have about themselves as adequate families, or empirical data like those presented in Chapter 4, about critical changes in the conformations of Chilean families. Social service staff in these cases pick the moral communities within which they will operate (Laurence 2008:189), in good measure because they don't acknowledge conformations of families different to the traditional notions, re-enacting the parameters of the previously institutionalised concept of anomaly.

Institutionalized practices are pervasive, but there also is a quest on the part of policy implementers to fit with society's taken-for-granted notions about the role of governments in ensuring the security of citizens: to ensure people's safety and communal sense of security, law enforcement has to be granted significant power to neutralise criminals (and their families, which are seen as partly responsible for the criminal impulses of their members). This search for legitimacy may not be deliberate on the part of daily care workers, but their statements are in tune with public demands for tough law enforcement and stronger sentencing. These claims represent society's prevailing notion of crime as an individual's decision rather than as a by-product of poverty, unemployment, inequality, or trauma.

### **3. The legacy of a dysfunctional perspective as a barrier to respecting children's rights**

The notions of unfit families lie on the former dysfunctional perspective underlying social services, in that perspective there was an overestimation of state intervention in child rearing when families failed to meet this obligation. In those cases welfare professionals used arbitrary power to intervene in the families and, as it was discussed

in Chapter 2, views and wishes of family members, whether parents or children and young people were usually ignored, because there was a loss of faith in the natural family.

Children under state care were considered 'in material on moral risk' or 'irregular situations', findings discussed on chapter 7 and 8 showed that there is a legacy of this vision in how staff, specially staff from JISs programs, understand the role of social services, worldviews of this people appeared closer to the descriptions found in Chapter 2 about the best type of interventions and solutions to children needs under the frame of the dysfunctional perspective.

A consequence of that legacy was that the right of respecting child's view and their best interest protecting her or his survival and development was jeopardized in both programs for different reasons. In JIS there was a strong resistance to see children as rights holders, particularly among daily care workers; in LRPOs there were organisational limitations to the transformation of social services towards more participatory relationships with service users.

JIS where characterised by staff resistances to see children as right holders. There prevailed in these programs an adult-centric perspective. The adult-centric notions staff sustained were coloured by the pervasiveness of the policy perspective that saw children coming from unfit families as problematic and unable to be responsive of their actions, to be made objects of state intervention, a viewpoint detrimental to their right of participation and development.

This condition was observed in the fact that most of the staff at JIS restricted their understanding of children's rights as those '*ensuring minimal living conditions*' and '*stopping violent treatment*', and generally satisfying children's most basic needs instead of granting them a broader conception of rights. Besides, daily care workers in particular believed that '*excessive concessions to children would end up spoiling them*' and defined themselves as the ones who knew what these children needed: '*I can scold a young boy, I am his mother, I wipe his nose, I teach him to eat*'. Underlying these statements assumptions about power can be detected, where the tension between children's rights and paternalism appears tilted towards the last, weighed down by the authority role workers assign to themselves, in charge of enforcement and compulsion.

Even though children social service workers should look after their statutory power, especially in a JIS, the absolutism of this power can bring important barriers to the realization of children's participation and development, especially if staff members think that children's experiences of general deprivation and minority of age lessen their capability for engaging with social service workers from a position of empowerment. The conception of superiority over children among daily care workers had a strong base on the paternalistic roles they assigned for themselves, as exemplified by the following statement made by a daily care worker from the North explaining differences with professionals:

*'Professionals lack experience, they do not know our children and that is the first knowledge someone needs to have to work in SENAME. We know these children, we have worked with this type of population for years, we know how*

*to control them and how to comfort them. Do professionals know how to do that?*

Daily care workers appeared, then, reluctant to relinquish their statutory power to allow more equitable and participatory relations with children, not only because they believed they could define their best interest, but also because *'it is hard respecting (children's) rights, they lack values, they have zero values, and they can betray you anytime'* as a daily care worker argued. The stigmas and prejudices colonizing daily care's notions about children become a formidable obstacle to including children's views in interventions plans.

What are the likely sources of these visions among nonqualified workers? First is the strength of the legacy of the earlier 'dysfunctional' perspective among this group of workers, compared with professionals both from JIS and LRPOs.

These workers have had long life experiences in child protection. Some had no other work experience other than these services. Therefore the disposition to change to a rights perspective was limited by the institutionalization of past notions about children and their families that endured for more than a century in Chilean social services or children, as explained in Chapter 2, which did not offer any room for the involvement of users in decisions about their lives.

The new demands coming from the new policy not only required from daily cares actions they genuinely did not believe were in the best interest of children, like involving their families on intervention plans, but also demanded from the staff a more

equitable relationship with children, which they resisted because it implied a loss of status. The next statement from a daily care worker illustrates this problem and show the difficulty in relating with children from a perspective other than domination.

*‘Today we have to be very careful with the adolescents, because now they are empowered with their rights and each action we do can be construed as mistreatment...’* (Daily care worker, Centre)

There was a sense of resistance from these workers to the unknown, prompted by a policy agenda that did not seem feasible from their point of view, mainly because the old framework was so deeply embedded in their conscience that blinded them to the possibility of envisioning a different organization of social life. As it has been discussed earlier in this study, institutionalised beliefs and practices are taken for granted, in part because they facilitate the stability of the organization. Naturally, then, these mental models pose resistance to change, even more in contexts of uncertainty, where self-interests are threatened, and a feeling of loss prevails, as was explained previously.

Here tradition emerges as ‘restraints from the past that define and limit current actions’ (Dacin and Dacin 2008: 328) or, in a more positive light, as our connection and continuity with the past as it projects forward our cultural inheritance. As Dacin and Dacin (2008: 329) remind us, Shils noted that traditions have exemplars or custodians who care for the past and seek to make it relevant to current practice. Daily care workers represented, in my study, the role of custodians of past traditions who genuinely appealed to their role as ‘children saviours’ as appropriate and legitimate.

These custodians conform a 'distinct group with a common identity derived from an interpretation of its past' (Soares 1997:16). The tradition daily care workers feel they are upholding explains in some degree the path dependency observed in JIS in regard to institutionalised past practices. The attachment to this role acts also as a mechanism of self-preservation, as we will see in the next section on conflict between occupational cultures.

In regard to uncertainty, as was commonplace with professional workers in JIS, professionals' discourses did not betray a rejection of the notion of respecting children's views and protecting their survival and development. However, the understanding of these rights was quite limited, as presented in Chapter 8. Professionals in the three centres concurred in that, with regard to respecting children's rights, there was '*a clear consciousness about superseded past practices associated to violence and children mistreatment*', as if this matter were the core change in the services under the new policy. While this is a restricted understanding of children's rights, at the same time there is among professionals an acknowledgment of the value of efforts to '*incorporate children's views and opinions in the IIP*'.

Thus the effect of the old framework in the steering of children services was not as decisive among this group of workers, a situation that may be partly a function of the fact that most JIS professionals had been hired recently and, therefore, past mental models were less embedded in their views, allowing for more openness to see the possibility of variation in the organization of social life. Their receptiveness to the new perspective was observable in one of their critical comments about the typical mindsets of daily care workers, expressed, for instance, in the following comments:



*'Daily care workers need to get more involved in this new perspective, they have incurred in actions of mistreatment, and this cannot happen under the new perspective' (Social worker, Centre)*

Resistance to change is, in sum, a relevant dimension affecting policy implementation, especially among unqualified workers. Even though this segment of the staff could be regarded as less influential compared to the professional echelon in a hierarchical organization like a JIS, they can still put children at risk of neglecting their views, and even their survival and development whenever children's daily lives are put under daily cares that refuse to acknowledge them as right holders.

The willingness, then, among professionals to adopt the new perspective supporting children rights was overwhelmed by the challenges of the everyday management of the critical maintenance tasks, with little time and energy to spare on the redefinition of treatment, added to the overburden suffered by duplicities in the functions the performed. In the case of LRPOs, their genesis as new organisations formed under the auspices of the new policy, with new staff with brief professional experience, helped fostering a discourse of rights among all of them, and a sincere commitment to modelling their interventions after this perspective. For instance, the effort of staff in the North to develop town councils where staff together with children *'define main issues to be treated (in the councils) ...develop mass activities to discuss about the need of more green spaces, to disseminate minorities' rights, to ask for more services for children with special needs, etc.'* (as described by a community educator in North) shows that there was a value assigned to listening children's voices. Even though

similar commitment was expressed by staff from LRPOs Centre and South, lack of adequate leadership as well as a deficient structural support from local and national government impeded their concrete expression in programmes.

In this regard the organisational structures, relationships and resources in which these programs were implemented were identified as unhelpful or outright hostile to a rights based perspective. The rhetoric about children's rights in the new policy was not matched by significant changes in organizational contexts or appropriate funding, forcing LRPOs to end up functioning as agencies with high caseloads and limited resources, negatively affecting the quality of the relationship between workers and service users and the possibilities of building a proper system to foster participatory processes.

These limitations, as was discussed in the previous chapter, produced dissatisfaction among workers, and a sense of self blame rooted in the failure to shift practices and processes towards the promotion of rights, as well as some anxiety because of the limited capacity they felt they had to effectively make a difference in child social services. Institutional control by dominance is expressed when organisational behaviour is constrained by structure, resources, or technologies. The poor conditions in which LRPOs were implemented expresses that kind of control, which is usually less resisted because it is considered as a given, a situation that in this case did not help in producing better outcomes.

In sum, non-qualified workers saw in the law reform an instrument that jeopardised their dominant positions. Before the reform, children and young people were

considered subjects incapable of discerning right from wrong, and as simple recipients of the decisions made by implementers. The new law's acknowledgment of young people's capacities, responsibilities and rights was seen by JIS workers as motivating young people to use the law as a resource to pursue their own interest and penalize workers if they applied punitive measures from which users were now protected. Daily care workers traditional institutional control through dominance and surveillance was confronted by the introduction of a new institution, which was in turn resisted by the legacy of past notions about children and young people and their unbalanced relations with adults. This interplay showed the process of a transition whose outcomes are yet to be seen.

In the case of professionals, the translation of the new law into practice was quite restricted, possibly due to the high levels of uncertainty produced by the policy's ambiguous principles and operationalization, which gave implementers wide latitude to construct the meaning of compliance in a way that responded to the limited labour conditions they enjoyed, their duplicity of functions, and the demands of managerial work they had to contend with. Some of the visible symbols of compliance professionals elaborated were the accomplishment of the IIPs and the declared intention of involving young offenders. Of course, the risk of this minimal compliance is that it be institutionalized as the outcomes of the new policy.

Therefore, institutionalized discourses and practices played a role as significant impediments to advancement towards respecting children's views and promoting their survival and development in JIS programs, where the history of dominant norms and cultures among daily care workers were mirrored in the rest of the organisation given

the prevalence of daily care workers' practices in the program as a whole. In LRPOs, on the other hand, there was a clear alignment between policy discourse and staff beliefs, which underscored, by opposition, the weight of the institutionalization of historical systems of beliefs and understanding of social problems as a source of resistance to new visions and practices. The lack of attention to institutionalized resistance undermined the success of this new policy in the juvenile offenders' area, because the core of the resistance was rooted in a dominant child-care discourse, 'regimes of truth', whereby families and children were condemned as disadvantaged, thus anticipating the failure of any attempt to acknowledge children's voices and priorities.

The comparison between JIS and LRPOs stresses the centrality of considering institutionalized cultures when promoting profound changes in organizations with longstanding experiences. Cultures and systems of beliefs can be so pervasive that they can deflect political mandates, as it was observed in JIS programs. If we take as a yardsticks the newest of their staff and programs, LRPOs appeared as the exact opposite of JIS, insofar as staff at LRPOs did not have previous experience in child services. In the cases of LRPOs, however, obstacles did not arise from cultural and value dissonances between staff and core policy principles. The experiences of LRPOs suggest, rather, that common values and principles are not sufficient to produce change if the adequate context and resources are not in place. Thus norms and formal rules of institutions are not sufficient to shape the behaviour and choices of those acting within them, but once organisational premises are reflections of policy rules and conventions, if the adequate structures are not in place, common perspectives are not enough either.

#### **4. Conflicts among professional cultures**

Achieving appropriate workloads and decisions on goals for intervention in the programmes under study depended on properly articulating and valuing the contributions of the diverse workforces forming each organization. In the case of LRPOs there was a smooth relationship among the staff, facilitated by clear definitions of functions for each position, and the allocation of value to the tasks developed by each member of the staff as a contribution to the overall goal of the program. The division of labour between promotional and clinical areas proved to be particularly helpful to reach this organizational status where each professional and non-qualified worker had a role and responsibility. However, there was a failure in articulating the two areas of intervention, so that promotional activities were either separated from clinical actions, like in the case of the South, or were excluded, as in the Centre, where clinical work occupied most of the time of the staff, and the community educator was leading the promotional activities isolated, most of the time, from the rest of the staff. Thus, the good relationships among staff could be explained, in part, by the lack of interactions among a diverse workforce.

In JIS, conversely, there were undifferentiated subjects of intervention: professionals and non professionals intervened with young offenders, a situation that, as their respective contributions were not openly discussed and balanced, fostered the emergency of a conflict between them. One crucial difference fuelling the conflict was the sense of technical capacity in each group. For daily care workers, the core of their technical capital was experience and vocation: more years of experience gave staff better knowledge of the target population and increased awareness about the institutional machinery which prepared them to tolerate frustration, because for them it

was a standard pattern the design of big ideals from central government and the lack of means to achieve them. From professionals' point of view, technical expertise was given by formal education, which was the asset they had.

Naturally, each group gave value to the resources that defined them: experience distinguished non-qualified workers from professional staff and a formal degree distinguished the latter from the former. In fact, in the three JIS programmes studied, professionals had much less in service experience than non-professionals, a situation that allowed non-professional staff to qualify themselves as better prepared, and with more vocation, to develop the necessary type of work. Next statement by a daily care worker evidence the scepticism of non-qualified staff toward professionals, as well as the paternalistic role they assigned to themselves:

*'We know these children, we have worked with this type of population for years, we know how to control them and how to comfort them. Do professionals know how to do that?' (Daily care worker, Centre).*

Professional staff defined technical capacity as expertise gained through training and professionalization, which turned out to be a unique resource of professionals compared with daily care workers. Besides, they distinguished themselves from the rest of the staff by not being encumbered by the legacy of past labour experiences in programmes weighed down by repressive practices. Professionals view these practices as hard to eradicate from staff with long labour experiences.

Through critical comments about daily care staff, professionals gave expression to a latent conflict between qualified and non-qualified staff, which only emerged during the interview process probably because it offered a more protected context. Professionals saw the performance of non-qualified workers as a manifestation of de-professionalization, leading to the provision of poor services, but these differences were not openly discussed to, for instance, challenge non-qualified staff to reflect on their practices. Their actions were seen as inadequate but likely not relevant enough to deserve special treatment to transform them.

There was, then, a conflict based on power hierarchies and expertise among staff, where hierarchies sustaining power consigned daily care workers to the less sophisticated tasks, without taking responsibility for the needed consistency across the whole treatment children received, nor for the requirement they faced of framing programme actions under a rights perspective. Non-qualified workers sensed this disdain and referred to it during the interviews:

*‘We are not called to opine about the cases, less to formulate assessments, however we are those who best know these kid.. There are divisions of the tasks; we ‘do things’ and professionals ‘think’ (Daily care worker South)*

The contingency of making the contributions of daily care workers invisible was recognized by professionals when they acknowledged that non-professional inputs were not considered in the IIP and explained that this omission resulted from the lack of time professionals could spare, as well as the fact that *‘daily care workers do not have technical criteria; they base their opinions in their feelings for children’ (Social*

*worker, Centre*). These judgments revealed relevant distinctions between professionals conforming a technical team and their rank-and-file co-workers, organized in hierarchical stratification: daily care workers resolved daily problems and these turned to be their main concern, while professionals ensured administrative compliance and define assessments and intervention plans for young offenders. The higher status of professionals give rise among non professionals of a sense of powerlessness, due to the low capacity to impact others (professional staff and clients) they perceive in their work.

This disarticulation and unbalance across the JIS workforce affected directly the wellbeing of young offenders, as nobody appeared accountable for the neglect of their rights caused by the inappropriate action of unqualified staff, and at the same time, there was no acknowledgment of the contribution daily care workers could make from their knowledge of service users. The lack of initiative to discuss the different philosophies each group of workers brought to sustain their actions triggered negative effects in the intervention as a whole. This absence of dialogue between the two workforce cultures is especially deleterious where, as in Chile, a mixed workforce faces increasing workload challenges, as the lack of adequate resources produces a drastic shortfall in the number of professionally trained public child welfare workers, and, therefore, securing rights-based services, depends in no small measure on creating a workforce climate where the different cultures are able to communicate and coordinate, overcoming rigid hierarchies that impede interactions and produce different 'classes' of workers.



## **5. Conclusions**

The analysis carried out in this chapter evidences the reproduction of cultural views of organisational agents in organisational structures, confirming the conclusions of previous chapter and supporting the institutionalism approach about the insufficiency of policy mandates to achieve change, because of the interplay between contextual conditions and organisational structures as the inevitable interaction conditioning organizational outcomes. The perspectives of agents rooted in history drag deeply entrenched cultures and social institutions that are representative not only of past institutional arrangements and conceptions about social services, but also deeply set societal believes about social organization and, particularly, about family constitution.

In this chapter I discuss the stereotypes about families and their capacity to change, the pervasiveness of historical conceptions about child services in the performance of organizational practices, and workforce distinctions and stratifications that minimize the impact of practices favouring a rights logic in the treatment of children, and at the same time restrain the role of an important part of the workforce.

In relation to stereotypes about families, two main typecasts about family conformations appeared among staff: the conservative patterns of role distributions within the family, among the staff in LRPOs, and the apportioning of blame by JIS staff to families for the anti social behaviours of their children. Both visions were assumed by both groups of staff as a cause for marginalizing parents: in the first case this marginalization occurred as a disincentive to challenge families to become more participative and alter their patterns of relations towards more equitable ones. As described in Chapter 7, staff at LRPOs complained because only mothers were

showing up to accompany their children in social services treatments, while fathers tended to be absent from these actions. In parallel, these families were categorized as excluded and needy, based on experiences with individual clients and judgments at the individuals' level, not on general assessments of service users.

The relation between the notion of 'poor' family and its incapacity to change responds to classical understandings about the 'culture of poverty' pulling together smaller stereotypes that, although false, have coalesced stealthily into monolithic and predictable beliefs about poor families grounded on a deficit perspective that only distinguishes families weaknesses and their difficulties for good parenting, such as the predominance of patriarchal and sexist relationships among family members. The condition of poor and needy would act, in the view of the staff, as an impediment to review and improve patterns of relationships, prompting instead quick fixes through which the unquestionably good intentions of staff meet with their low expectations about families. The lack of actions directed at the transformation of familial patterns only accentuate measures that confirm the role of men as breadwinners and of women in their roles as wives and mothers, restricting children's opportunities to involve their fathers in the understanding and solution of their problems, and placing on the mothers only the responsibility of rearing. This, in turn, does not help challenging patterns of gender inequality.

In the case of JIS, the negative view of young offenders' families not only marginalized them but also denied the incorporation of families in the processes of correction and social reintegration of children. Behind these options there lies an opposition to work in partnership with the parents of young persons, because they were

not considered good or 'reasonable' enough by JIS staff. Underpinning these judgments there is a fixed construction about what good parental care should be, invalidating other possible arrangements or understandings of parental practice in these families. The prevalent idea among JIS staff was that the children in their care come from 'broken families', which from their point of view are families characterized by single – parent arrangements, or by the involvement of step parents or extended families. With their potential links to crime, these families would not represent the best space for the social reintegration of children. Further, the construction across JIS workers of these families as 'poor' was similar to that found in LRPOs, which was explained above.

These preconceptions present two difficulties: the first one is the lack of acknowledgement that other modern-day family arrangements are increasingly common among the Chilean population. The second one is that the assigned role of broken families in children antisocial behaviours appeared overstated by the staff, assuming lineal relations behind social behaviours that deny the contextual factors that impinge on juvenile delinquency. In both programmes, these assumptions work to impair the right of children to live in family, turning into a central dimension that inhibits advances towards rights' based services. The right to live in family is one of the newest emphases brought by the new policy, compared with the former perspective underlying social services that demonized families that failed in raising their children; reinforcing the right to live in family the new policy returned to parents their centrality in children's live. This emphasis was neglected by staff's stereotypes about families, and became a barrier of the rights' based policy.

Turning now to the legacy of the earlier dysfunctional perspective as an impediment to a rights perspective, it clearly appeared that especially non-qualified workers were still permeated by an understanding of social services framed by the prior vision. This finding underscores the likely failure of the implementation of a new policy without exploring, previously, how conceptualizations are being shaped in the hearts and minds of those in charge of translating discourses into actions.

The force of this legacy brought to the analysis the relevance of issues that may look abstract if compared with the urgency of the expected outcomes of social intervention, but nonetheless confirm the recurrent discovery of social policy of the fact that a rights-based perspective is meaningless unless practitioners are comfortable with the practice implications brought by this view. In practical terms, this again underscores the need to engage the perspectives of the implementers on how a new policy should be carried out.

The new policy for children is founded on a particular social construction about a particular group of children and families. If this is not openly discussed with those who come from trajectories and social constructions of children as ‘minors’ and families as ‘dangerous’, then it would be much harder to make progress with a so-called protective perspective which is expected to be championed by staff that remain concerned about children and families as threats instead of rights holders. The legacy of past children social service constituted a second cultural dimension inhibiting in the case of JISs the advances towards rights’ based services. Non qualified staff from JISs resisted the change adopting a traditional moral that reify the pre-existing order of things,

idealizing past practices that gave them a more authoritative position. Absence of reflective practices in these programs impeded to challenge these visions.

The lack of a reflexive analysis about the legacy of past social constructions occurs also in regard to discussions and dialogues in the JIS programmes about different cultures in the workforce, a void reinforced by rigid hierarchies that impede interactions and produce different ‘classes’ of workers. This type of behaviour characterizing the interaction among implementers showed the prevalence of lifelong patterns of exclusion of daily care workers at the institutional level. This experience too generates poor prospects for staff promotion of participation among users, insofar as a replication of a hierarchical structure reinforces the lockstep disdain from professionals to non-qualified workers, and from them to service users. The lack of occupational reputation experienced by non-qualified workers influences the already feeble disposition to engage with the rights perspective: obviously if their roles are seen as deprofessionalized or incompetent, a workforce so negatively evaluated reacts with force to defend itself, justifying their actions instead of critically reviewing them.

Therefore, non-qualified workers ended up arguing in favour of their options and actions based on their experience. Lacking educational credentials and specialized training, non-qualified workers overvalued their working experience, overlooking the deficiencies in their performance produced by poor training in legal procedure and in the complex set of skills associated with juvenile offenders.

The denial of different ways of thinking leads to a stigmatisation of non-qualified workers, marking them as ‘deviant’ as incapable of fulfilling the requirements imposed

by the new policy. Interestingly, when reviewing statements from non-qualified workers in regard to children and their families, there is also a stigma towards them, as unworthy of social investment. In these two scenarios the notion of moral failure appears as a reason to legitimize marginalization. This situation contributes to the process of making invisible the existence and contribution of less advantaged social groups, excluding them from reciprocal relationships, an aspect that in turn denies a citizen condition that safeguard peoples' rights. Conflict among professional cultures became the third cultural dimension hindering advances towards JISs based on rights; as opposite case LRPOs enjoyed of interaction among implementers that facilitated the inclusion of all staff, situation that allowed common efforts to advances toward programs' outcomes.

The specific ways in which the workforce organized itself did not respond to policy guidelines, with its emphasis on reinforced inter-worker efforts to ensure policy outcomes, but instead sanctioned archetypes representing underlying beliefs of staff about their identities and specific contributions. In this regard, JIS suffered from a lack of socialization of organisational actors into the set of beliefs enacted by the new policy, as well as recognition of the differences staff had with those basic understandings. Because JIS appeared as a highly institutionalized environment, the lack of such dialogue led these organizations to become more resistant to the new institutions, mostly through avoidance among professionals, or through defiance, in the case of daily care workers. The next chapter contextualises the analysis carried out until now in the ampler framework of this thesis.

## CHAPTER 11

### THESIS CONCLUSIONS

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#### **1. Introduction**

In ‘Reframing Chilean Social Care for Children’ I have identified and explored the factors that facilitated or hindered the implementation of a rights-based approach for social policy for children in Chile. A rights-based approach requires progress across several key dimensions of a policy, related to safeguarding children’s core rights to non-discrimination, best interest and protection of their survival and development, respect of their views, and the right to live in family.

The protection of those core rights in the two programmes selected in this research—LRPOs and JIS—as illustrative of the implementation of the new social policy for children, required the deployment of organisational strategies to achieve the expected outcomes. These strategies were intended to a) ensure specialised and tailored interventions, b) increase inter-professional work and interagency collaboration, c) develop territorial management, through levels of decentralisation and participation of public and non-public actors in decision making processes, d) search for additional resources to provide for the full array of services demanded by the effective protection of children’s rights, and e) promote social relations and a culture that recognises, values, and promotes children’s preferential right to live in their family, guaranteeing assistance to parents and legal guardians in the performance of their child-rearing responsibilities and the development of institutions, facilities and services for the care of children.

My study of LRPOs and JISs shows that the advances, retreats, and stagnation in the policy implementation process can be comprehensively identified and described, and explored for explanatory insight, through the lenses of organisational theory, especially as it applies to public sector agencies, complemented with institutional theory. From the organisational point of view, JIS social services were found to be colonised by organisational structures and relationships that held back, rather than stimulate, implementers to achieve the objectives proclaimed by new policies. Key obstacles to progress in policy implementation were a centralised command and administration system with a rationalistic logic guiding the design of public policies, and top-down strategies leading the implementation process, accompanied by precarious formalisation of the ‘what’ and ‘how’ of the actual operations needed to execute the policy. Adding to the lack of progress was a weak human resources component, understaffed, undertrained, and with several missing components of management.

Structures and relationships in LRPOs served as a contrasting experience to that of JIS, where the same dimensions appeared with the contrary indicator, supporting better implementation: decentralisation of design and administration, better staffed and qualified work teams, who were well informed about their expected roles and responsibilities, and the leadership of a manager, all assembled to facilitate the realisation of children’s rights.

In regard to the cultural context and its influence in program success, findings showed that social perceptions of legitimacy and objective truth were reproduced, particularly in JIS, by organisational actors within the organisation and with program users, revealing the prevalence of traditionalist views shaped by conservative family patterns



and by the preservation of power unbalances. The notion of children as people disadvantaged for reason of age or for appearing needy blocked the assimilation of the concept of children as rights holders, in a similar manner in which traditional family values supported a single, restrictive notion of what a 'good family' looks like. Workers' different educational backgrounds sustained a socially stratified workforce where the unbalance of status and power affected the optimal collaboration and equal contribution of the workforce in program implementation.

Yet nuances in the influence of cultural constraints could be observed in one LRPO which had the organisational capacity to acknowledge the new social conformations and new patterns in family behaviours. Two resources buttressing this ability—a common information system and the installation of reflective practices—produced the information and required organisational awareness to infuse legitimised conservative social views with acceptance of new patterns of social behaviour.

The traditionalist viewpoints seemed in tune with the prior social dysfunctional perspective framing social service for children, evidencing the strong legacy of deep-rooted visions, beliefs, and understandings about the functions of social care for children and their family life, all of which frame organisational practices, generating the gap between current discourse and actions.

This chapter brings together the organisational and cultural dimensions identified as main facilitators and obstacles for policy implementation, with the aim of showing their interplay and reproduction in social reality. I bring back here my research premise that all organisations are embedded in cultural contexts such that the reproduction of

each one is reciprocally influenced by the other, as individuals make sense of their experience, and in so doing, enact the manner in which the broader social context impinges on those meanings (Becker and Bryman 2004).

Thence, this chapter presents first the main obstacles to policy implementation identified through my research, organised in two main explanatory lines, the different manifestations of institutional control in organisational performance, and the second, dealing with the effects of stratification in the implementation process. Each explanatory line converges in showing how these obstacles have constrained the guarantee of children's rights.

The third section presents the salient facilitators of the implementation process. The main explanatory lines here are the role of management in conducting a process aligned with policy aims, and its impact on the second explanatory line, about fundamental organisational strategic actions to protect children's rights. The explanation will proceed from the impediments located at the macro context of the policy affecting organisational structures, to the micro levels of practice, present in the relationship component of organisations. We will see these two dimensions of the organisations appear deeply embedded with their institutional contexts. The last section brings final remarks, proposing key constructs for implementing a rights-based policy for children trespassing by awareness of organisational and contextual conditions that mediate in implementers' performance.

## **2. Main obstacles to an advance towards a rights perspective in social care services for children**

The general analysis of the identified obstacles hampering the accomplishment of the policy for children leads me to classify these impediments under two main headings: institutional control and legitimised notions of stratification. Both lines of analysis are situated within the cultural dimension, but their persistence is due to organisational structures and relationships that reproduce them in an iterative process difficult to interrupt, given their deep roots in Chilean society.

### **2.1 Institutional control**

My earlier theoretical discussion in Chapter 4 established that the process of institutionalisation will depend on the way power is exercised. Following Lawrence (2008), I have identified the pre-eminence of institutional control in the exercise of power at the stage of setting the bases to implement social policy for children. Power has been applied through discipline and domination in a way that threatens policy aims to be overcome by political interests.

Institutional control is expressed in my findings in the discipline imposed by political machineries, in the top-down model of policy formation, and in the domination produced by government's intent to comply with the international institutional context, to gain national legitimacy.

Institutional control produced by political discipline is expressed in the patronage relations characterising Chilean public policy. The character of the Chilean policy for children is ambivalent: even though it contains a discourse based on rights that

demands levels of decentralisation and participation of public and non-public actors in the decision making processes, the process of policy formation corresponded in fact to a top-down model in which policy objectives are decided by national authorities, and where centrally located actors appear as the most relevant to accomplish policy goals (Matland 1995: 146). This was especially clear in the high level of centralisation in JISs. While LRPOs departed somewhat from this top-down logic, allowing some degrees of decentralisation, they tended to replicate the centralised character of the policy, endowing formal power with the capacity of constrain local control of the implementation process. Thus the tradition of a hierarchical policy process endures through the different layers of the state apparatus, acting as a barrier for participation.

The clearest example of the supremacy of centralised authority in the process of decision making appeared in the delay JIS experimented in filling program's positions, and in the influence mayors exerted in diverting implementers' work for the political benefit of local authorities. In the first case, central and regional authorities stalled the hiring process to await for a political negotiation of appointments among the parties of the governing coalition.

This patronage -defined in Latin American as clientelism, where followers are known as clients, and leaders as patrons- ended up deferring the staffing of JIS because hiring, promotion, and firing practices were mediated by party affiliation. A similar situation faced LRPOs when mayors turned to programme staff to promote themselves in campaign periods before elections. Here patronage entailed that those who followed the mayors' will had more chance to stay in their jobs after the election. In both examples, patronage operates as a process of exchange of favours, and persists on the

basis of the clients' feelings of obligation to their patrons for the benefits dispensed to them (Lawson and Greene 2011:1). This persistence affected the relation between officials and authorities, reducing levels of trust and commitment throughout the staff, and hurt the services offered to citizens, because these were conditioned by factors unrelated to policy aims.

The persistence of these practices underscores their taken-for-granted character, which can be in turn rooted in a pattern of exchange with formal authority that goes beyond the political system. Following Hall (2002), if the generalised incidence of highly centralised organisations with scant participation of their workers is a replica of the lack of participation of individuals in the society where those organisations are found, the Chilean social compact as a whole would tend towards centralised and asymmetrical exchanges reducing progress towards a more democratic and participative society. We see here an ingrained relation between organisational structures, its consequences on organisational relationships, and its projection onto the institutional environment. The three spheres reinforce one another favouring persistence.

A second expression institutional control is a type of domination produced by geographical distinctions. Geographical differences within a country have been defined as an epiphenomenon of Latin American centralism, mainly because of the geomorphologic configuration of national territories that make it difficult to reach the totality of the national jurisdiction from a governance point of view (Boisier 2000), producing a profound centralisation in decision making, in the allocation of resources, and absence of political will to really advance in decentralisation processes.

These consequences of territorial centralisation were observed in the field work. Tardiness in decision making was produced by centralisation, with no evident effort from the central government to change that. Resource allocation varied among regions, favouring the metropolitan region of Santiago. Yet geographical distance helped LRPOs in the extreme regions: isolation impressed in these programmes the urge to seek inter-organisational relationships to replace resources that the state was not providing to complement LRPO services. Such outreach was not found in the LRPO in the Centre. Even though this was a positive outcome, at the same time it highlights the contrast with JIS, where asymmetrical allocation of resources was evident as well, with the Centre enjoying the benefits of its closeness to the central level, in terms of access to staff and information, all of which reduced the levels of organisational uncertainty, compared to the other two JIS programmes. But in the case of JIS, distance to centre produced exclusion from resources, with no mitigating reaction on the part of the local programmes affected.

Geographical distance produced other types of exclusions. Families living in isolated areas were cut off from services, due to the limited territorial mobility of programme staff. Moreover, small labour markets to tap for JIS and LRPO workforces in the North and the South, substituted patronage for merit, with hiring practices that placed and displaced people for political reasons.

Moreover, geographical exclusions turned from circumstance to fate in the minds of implementers, in yet another example of institutionalisation: centralisation, the exclusion from social services of inhabitants of isolated territories, and the limitations of the potential workforce, all appear legitimised as ‘the way things are’, even though

they restrict the guarantee of access for all children to appropriate and specialized services.

A third form of institutional control via discipline is found in the rationalistic pre-eminence of the stage of policy formation, reinforced by the forms of centralisation and discipline already described characterising the command line between high hierarchies and implementers. This model of policy formation does not fit with a policy that requires active mobilisation from the implementers.

This lack of alignment between policy demands and organisational processes is better understood by relating the demand for innovation emanating from policy design, with the programmes' types of strategic stances—a general approach that describes the organisation's position in regard to how it interacts with its environment (Andrews et al. 2008). JIS fit the 'reactor' type, with strong external influence in defining policy aims, and poor internal capacity to encourage meaningful staff participation. JIS staff lacked supervision and was permeated by a sense of non-accomplishment, preferring to stick to inertia and perform at the minimal level to secure organisational maintenance, rather than initiating change. According to Andrews et al. (2008) the reactor stance is typically highly institutionalized and hard to change, which makes the inadequacy of a demand for participation not supported on any mechanisms to prompt it all the more evident. The absence of an enabling formalisation, in turn, unveiled the distance between policy makers and implementers, where the former ignore the capacities and needs of the latter.

The organisational stance of the LRPO programmes is best defined as a mix of the ‘defender’ and the ‘prospector’ strategies, because there was centralisation with clear instructions in regard to service mission to middle and street level staff (Andrews et al. 2008:15), combined with increasing staff involvement in decision making, especially in the North, where there was more organisational capacity to do so. The influence of strategic management boosted motivation and satisfaction and fostered more responsive services. Even though this experience shows a better fit between policy and organisational capacity, this was not the merit of the policy, but the serendipity of having a manager with the required skills; otherwise, similar outcomes had been found in the other two LRPOs. Management appears as a key enabler to advance in policy outcomes, it will be brought up in the next section.

In sum, the policy formation model defeated policy implementation as the institutionalised discipline of top-down execution ignored organisational strategic stances, failing to produce a match between policy and organisational structures, which, let us be reminded, social policy implementation theory defines as a condition for success, as reviewed in Chapter 3.

Finally, the conditions of paucity of resources in which implementation was to take place, suggest the possibility of institutional control applied in JIS through domination. This scenario was taken for granted by staff, bemoaning the scarcity of resources for implementation, but paralysed before the alternative of initiating action to change those conditions. Examples of missing resources were the absence of formal authority, the inefficient provision by the central level of the basic services for young offenders’ social integration and the deficient infrastructural conditions.



The situation begs the question: Why would a government go through the effort of sanctioning a law and installing JIS all over the country, if minimal conditions of operation would not be supported? One possible answer, fitting the evidence, lies in what institutionalism calls symbolic implementation (Meyer and Rowan 1977 called it 'ceremonial'), that is, the coping strategy whereby organisations would embrace new ideas prevailing in the institutional environment, but disconnect them from their actual practices. The passing of the Law of Juvenile Criminal Responsibility (2007) was part of the efforts carried out by government to meet human rights international standards. Children became a subject of interest along with the first democratic government after the Pinochet dictatorship ended in 1990. That year, Chile signed the UNCRC, but important changes expressed in programmatic offer only occurred from year 2000 onwards, while especial care for juvenile offenders was only enacted by law in 2007 and special imprisonment services were put in place to ensure control measures, but as this study shows, with severe deficiencies that suggest that the idea of young offenders as rights holders was not entirely legitimised by then, producing a disconnection between the conception of children's rights in policy discourse, and its expression in impoverished practices.

While the government did not ensure a proper system of access to justice according to international standards, it did meet minimal formal requirements to be among the countries proclaiming their respect for children's rights. This may justify why today, five years after the beginning of the implementation, findings from this research have been considered by Chile's Parliament to review legislation about the specialized justice for children: The institutionalisation of the notion of children as deservers of a specialized system of justice is still in process.

At the organisational level, this symbolic adoption observable too among the staff of JIS, when daily care workers, as well as professionals, when interpreting the specialised justice for children, reduced the rights of children to access to minimal conditions such as roof and food, and services free of violence. This restrictive reading can be seen as an adjustment to scarce resources, but it emerges also as a manifestation of the prevalent (and constrained) meaning assigned to children's rights, pre-formatted by previous practices and the legacy of the prior perspective guiding social services, as it was explained in the previous chapter. Symbolic implementation is the expression of a failure of implementation at JIS that has neglected the core rights of children in most of their key dimensions.

The expressions of institutional control found in this study exhibit a widespread and legitimised **political** form of **policy** implementation defined by patronage, geographical exclusion, distance between policy makers and implementers, and symbolic adoption of the policy. The institutionalised understanding of this by implementers as natural and likely to be expected profoundly jeopardise the success of this policy, particularly because the rights perspective underlying it demands from the State –or the providers of social services –a relationship with service users that is balanced, free from disparities, and based on a direct connection between a right, its corresponding obligations, and a guarantee (Abramovich 2006). The described institutional control betrays such equilibrium whenever the appeals for policy action promote aims other than children welfare. This failure is produced at the macro context, where this policy is adopted, giving account of the form of its dissemination and transformation (Czarniawska 2008).

## **2.2 Legitimised notions of stratification.**

While the previous explanatory line put its focus on macro accounts about the implementing process, this section focuses not in general tendencies but in the embeddedness of the practices (Czarniawska 2008), giving voice to the implementers' classifications and identities. This section seeks to interpret the ideas, beliefs, and values of organisation members, because as Greenwood and Hinings (1993:1076) propose, organisational behaviour is but expression of the meanings embodied in organisational actors. Implementers build archetypes through which they understand the world and intervene on it, models that correspond to constructs derived from their experiences and accounts.

The archetype more persistently found among the implementers is the stratification of people. Not only do they rely on classifying—which could be understood as a basic tool for intervention—but stratify people by assigning different value to them, so that some are better than others. Implementers stratify among those who can (be good parents, hold rights) and those who can not; those who know (because of their education, their experience) and those who do not know. Along these stratifications there is a designation of legitimate power that entitles some people to act with more or less autonomy.

This section recounts two basic stratifications that affect policy outcomes dramatically. Through the research I found these two types of stratification went unquestioned, but instead were sustained by most of the implementers I studied. The first form of stratification concerns children and their families. The second corresponds to workforce stratification and the diverse forms of legitimisation it sustains.

The stratification of children and families takes shape in the classifications implementers make about the users of social services for children, analysed in the previous chapter. Most of these classifications restrict users' capabilities to become full rights holders, in the case of children, or to raise the kids or be able to change, in the case of families. These stereotypes are framed under the assumption of individual responsibility, as opposed to a manifestation of a problem of social and community exclusion. Herein takes shelter the notion that users can be served without concern for their restricted access to civil, political, and social rights. This turns out to be a pivotal aspect in the process of institutionalising a rights perspective in the mentalities of social service workers, since the legacy of the past perspective is still strong in labelling service users as needy, instead of as rights holders, and leading workers to fail in recognising in children's condition an intergenerational cycle of disadvantage induced by society as a whole.

The views and beliefs of implementers, in particular in JIS, insisted in blaming patterns of parenting for children exclusion, without consideration of the contexts in which this parenting occurs. Thus children and their families end up being stigmatised as failures. Ignoring the rights of children and their families reproduces the stratification of Chilean society mentioned in Chapter 4, based on the general belief about the greater legitimacy and superiority of some groups over others, whose incapacity for self-government justifies guardianship relationships, both at the political level, and with respect to the relationship between children and carers. Therefore, service users end up represented in a stigmatised group, responsible for their disadvantages, for which access to rights, if not denied, is made invisible.

Stratification among the workforce was observed in JIS and expressed a power struggle among implementers from different educational backgrounds; even though one could have expected subordination on the part of non-qualified workers, considering their lower occupational and hierarchical status, they were capable of resisting an stratification that put them in the lower echelons of the hierarchy and made their contributions to intervention invisible. In so doing, non-qualified workers kept a latent organisational conflict involving not only organisational formal classifications, but also the informal division among JIS workforce along different visions about what constitutes good or bad intervention, which hurt the possibilities of inter-occupational alliances.

The persistence of the conflict is explained by the type of occupational structure available in JIS. Chapter 3 referred to power in organisations as an actor's capacity to control the resources on which others depend (Astley and Sachdeva 1984). The isolation in which professionals and non-qualified workers carried out their work reduced to a minimum the dependency either of them had from the resources provided by the other group. Lack of exchange blunted the asymmetry in power between the groups of actors involved.

However, hierarchical status is not mediated by interchange, but by the authority vested in a position. In this case, professionals' higher authority was undermined by knowledge of the institutionalised 'memory' of the organisation among non-qualified workers: their longer experience in SENAME provided them with shares of power to counterbalance professional authority, especially valuable in an environment dense with uncertainty.

This uncertainty, in turn, was produced by an insufficient level of formalisation, which did not furnish the required set of rules governing the role of each group, which, as indicated by Gyarmati (1984) is necessary to maintain complementarities between professionals and non-professionals. These conditions of conflict among the workforce had as their most significant outcome generally poor and non-articulated services for users.

Therefore, the stratification among the workforce which inhibited collaboration rested no so much in educational background per se, but in the influence of that background on resisting or complying with the principles of the new policy. As described in Chapter 10, daily care workers appeared as custodians of past traditions linked to the past perspective framing children services. Professionals come out as a distinct group with a critical view of the past, and even though I could not recognise a particular stance from them as a group appealing to a type of children services, they represented the role of brokers to the new policy, shaping from that function their identities in the social practice.

Stratification, then, comprises a moral dimension: there are those who represent the doctrine and practices of the past as the correct way to understand the role of social services for children, and there are those who break with the past and stick to the new aims brought by the policy. Because of the weakness of the latter position, and given that the stance of non-qualified workers better represented the institutionalised visions about children and families in need of protection, the low status workers were capable to subvert their station, sustained in their better grasp on the moral stand of the ampler society

The incapacity of dialogue between the two groups originated in organisational conditions, but also suggests that implementers' representations about legitimacy permeate their notions of power, including the power of self. These images of righteousness affected their adoption of passive or subversive identities, which, as opposing identities in competition, flushed out the possibility of collaborative action.

Stratification in JIS illustrates that the cultural understanding of power also constitutes power, producing an asymmetrical ranking of status. In the first case, stratification of children and families resulted in a form of total exclusion for those considered incapable; in the second case, it meant divergences in the workforce constraining collaboration among JIS workers, necessary for specialized services. Both situations neglect children's rights.

### **3. Main supporting factors in advancing towards a rights perspective in social care services for children**

This section contains an analysis focused on the micro levels of the practice, nested on the strategic stances of the organisation. In Chapter 3 it was remarked that internal and external strategic actions are the most powerful catalysts of public action. My analysis of the data showed that a rights-based approach was encouraged by internal strategic actions that gave staff a voice by promoting practices of staff appraisal, participative and reflective work design, and fluid communication. Mediations to arrive to those practices were given by breaking the hierarchy of service management, as well as the hierarchy between service providers and service users, establishing appropriate power relations based in effective systems of management and control, developing strategies to promote collaborative working relations and reflective practice amongst staff, which

was necessary to develop new ways of working, to encourage confidence in new practices, and to check whether that practice was appropriate.

In regard to external strategic actions encouraging a rights-based approach, findings showed that helpful elements were devolved power for local decision-making and autonomy, capacity for resisting political interference, and clear agreements among organisations about the range of their collaboration so that each can play their respective role. This last factor implies that there may be different models of collaboration, but all those models should have a clear set of rules guiding the process of collaboration.

From these enablers transpire the centrality of management skills, and the emergence of two essential factors supporting a rights-based approach: information systems to update the practice, and reflective practices to improve it. I will return briefly to these three main factors, since they were discussed at length in Chapter 9, to elaborate on the general implications of these enablers.

Management skills appeared as pivotal to conduct the internal organisational process towards the paths of communication, the appropriate use of power, and the involvement of the staff. Management skills were also critical to conduct the external relations of the organisation towards collaborative actions based on trust and agreed distributions of tasks, responsibilities, and scope of actions.

The management component was characterised in Chapter 9 as skilful when the manager had the ability to permeate the whole staff with the perspective of children as



rights holders as the core of the policy, and was able to do that by addressing conflicting values and dilemmas across staff and affirming, reinforcing, and orienting the workers' assets, as well as promoting their capacity for adaptation, all of which helped, in turn, to reduce uncertainty and dissatisfaction.

These abilities underscore the relevance of developing specific organisational practices to better represent a rights approach in the services. Organisations that build up teamwork, participation, flexibility, and problem solving, have clarity about performance expectations, and know they are regularly assessed and supported, perform better under the exigencies of a rights approach. These arrangements depend crucially on the skills of the manager.

Public services require, then, sound management, a subject poorly covered in the Latin American literature about policy implementation. Good managers embrace the aims of public agencies, set the standards of performance, and are able to raise the commitment of staff. The strategic bases of these actions identified in this research as instrumental in building rights based services are information systems and reflective practices.

Information systems were fully developed only in one of the sites studied, and these were recognised as key devices for informing practice, cognisant of demographic changes and social behaviours patterns. Access to information is vital, to scrutinise organisational archetypes and open the door to deinstitutionalisation processes facilitating organisational change. Herein lies one of the most relevant contributions of an information system.

Information enables the implementation of reflective practices, since it is through the deliberation about the information that opportunities emerge to change interventions; deliberation about data allows the exposition of divergences and the construction of agreements, a process that also helps achieving broad mission buy-in by the staff. Reflective practices allowed inter-professional work and interagency collaboration; both actions have been singled out by the rights-based services as conditions to ensure tailored and integral services for children.

General implications from the analysis of enablers lead us to establish that these were found mostly in the micro space of practice, where meanings are most engrained in implementers' core understandings about the scope and purpose of the services for children. The fact that the full expression of these enablers was found in only one site of the study is a telling indicator, considering that they depended so critically on the skills of the manager, which were not defined a priori but, occurred rather haphazardly. This circumstance lead us back to the relevance of organisational structures that norm, via formalisation, specific performance expectations, and further, underscores the relevance policy should assign to the role of managers in mitigating public problems.

From a different point of view, the fact that enabling factors where found only in the level of practice, uncover the strong resistance from the other levels of the public apparatus to institutionalise the operative requirements of a rights-based approach in social services for children. In this regard, the pervasiveness of institutional control as the main mechanism to impose order and its reinforcement by centralised structures required a determined political will to promote a process of real change.

#### **4. Concluding Remarks**

The overall analysis carried out in this thesis positions the role of power as the major device affecting the implementation of the Chilean social policy for children, generally working against its realisation. Structural power in organisational arrangements gave rise to a prevalent model of top-down implementation which jeopardised from the outset the expected outcomes of a policy that reclaimed participative and empowering mechanisms, not only to be provided to service users, but also to imbue implementers with the values and principles of the new policy and generate in them a sense of appropriation of organisational action. Institutional power observed in the specific cultural and normative Chilean institutional context showed the pervasiveness of a collectively shared understanding about children who are users of social care and their families as deviant from widely legitimised patterns of behaviour.

The incidence of such views arises in a hierarchical society infused with conservative beliefs marked by a dichotomised conception of the world as consisting in irreconcilable value-laden oppositions, with little room for an understanding and consideration of the difference as a positive societal feature.

The interplay between structural power and institutional power suggests that even if all of the identified enabling organisational arrangements were in place, cultural resistance from practitioners to a rights-based approach could still upset those arrangements.

Conversely, challenges in how the institutional context understands and implements a rights-based approach should be grounds for organisational approaches that explicitly tackle that problem through effective supervision and opportunities for discussion and

reflective practice. Most of these strategic actions are not implemented, partly because organisational practices currently in place do not let the cultural barriers show themselves and therefore be undertaken. Similarly, practitioners may start out with a rights-based approach, but be diverted by the culture of the organisation, which was the case of some implementers in LRPOs. All of which reinforces the idea that organisation and culture are inter-related: organisations affect people and people affect organisational structures; culture creates organisations, and organisations recreate and reinforce culture. Institutionalising the rights approach in social services for children is such a difficult transition because it calls not only for institutional reform, but also for an attitudinal change.

The contributions of my literature review were enlightening to interpret these findings, confirming the ample contribution organisational theory and institutionalism can deliver for the understanding of policy implementation. However, there are still some knowledge gaps to be filled for better policy implementation in Latin American countries, chiefly by developing a contextualised theory that includes the unique tensions in the implementation process arising from specific historical and institutionalised behaviours. Examples of these tensions are the political patronage underlying some of the crucial decisions during implementation, or the symbolic adoption of international standards, like those proposed by the UNCRC. Political science has studied the phenomenon of patronage and clientelism in Latin America, but mostly circumscribed to political electoral process. There remains a need for understanding how this pattern is found in the different spheres of policy making, such as children welfare, in this case. The symbolic adoption of international standards finds many examples in the wide variety of international agreements subscribed by Chile's

government since the recovery of democracy. A summary review, for instance, of the agreements related to children's rights in the field of child labour, yields seven international treaties, without little evidence to show that these compacts have been put into practice. This is a relevant subject for Latin American countries permanently challenged by developed countries to meet their standards and 'become one of them', joining, for instance, the OECD (Chile and Mexico are members) or other international groups.

As to the methodology of this study, the choice of a design involving polar cases helped elicit information from public agencies rarely considered for implementation studies, partly because of the cost and exertion involved in covering the distance from one geographical pole the other. From that point of view, the study is valuable for the novelty of the information and its inclusive character. However, having confirmed that geography made a difference in implementation, my research design leaves open the question about possible differences in findings if the chosen cases had shared similar geographical conditions of implementation.

Furthermore, this research did not consider reviewing the practice of service provision to know the extent to which a rights-based approach is experienced by children and families. Complementary studies may considerably enhance the scope of the impact of this research.

Finally, as a practical outcome of the main lines of analysis exposed here, I submit that future developments of a rights-based policy and practice in Chile and in the Latin

American region could benefit from considering specific spheres of concern, summarised in the following table:

**TABLE 17**  
**Spheres for Monitoring Policy Implementation**

<b>Levels of observation</b>	<b>Enabling factors</b>	<b>Impediments</b>
<b>Political sphere</b>	Decentralised organisational relations and open and competitive recruitment procedures	Centralisation and patronage
	Mechanisms to monitor implementation	Symbolic implementation
	Formalisation of procedures	Dissonance between policy design and organizational capacity
<b>Cultural sphere (archetypes)</b>	Critical review of archetypes	Blind to archetypes
	View of children as rights holders	View of children as people in need
	Diversity	Binary approximation to reality
<b>Practical sphere (strategic actions)</b>	Empowering management	Weak management
	Information systems	Restricted use of data
	Reflective practices	Reactive practices
	Collaborative work	Isolated work

Table 17 recommends awareness in three spheres of implementation: political, cultural, and practical. The three spheres interplay permanently and need to be temporally contextualised as well as framed by the history and character of the region or country. Each one of them presents a continuum of enabling and hindering factors, among which I have selected the most consequential. In the political sphere, for instance, there's the risk of political interests permeating decision making and overcoming

policy aims. In the cultural sphere there is a need for checking archetypes, particularly the construction of binary classifications leading to exclusionary stratifications and denial of people's rights. Lastly, in the practical sphere, where strategic actions are found to activate all of the preceding conditions, the presence of skilled managers fosters the production of information systems helpful to inform and produce reflective practices, the absence of which slides the organisation into reactive actions that lack of the capacity to shake-up the other two spheres when colonised by disablers. These three spheres constitute a tool for monitoring policy implementation, particularly in cultural environments where traditions and legacies threaten the enactment of a rights-based approach in policy for children to remain partial and ineffective.

## **5. Final reflections about the experience of carrying out this research**

My option of studying barriers and aids of implementing a rights' based policy for children was based on the value assigned to meaningful public service. Thus, answering the question about the difficulties in being successful in this policy would help to produce significant changes in Chilean children's lives.

However, arriving to those answers was not straight forward, as always happens in a research process. My personal experience was marked by one particular tension faced during my doctoral work, which was related to the complexities of working on behalf of the state at the same time as undertaking doctoral work.

The double role I played, working on behalf of the state and as a researcher, become a tensional point because my goal as researcher was mainly to understand a social

practice and my role as state's consultant was to influence that social practice and making it sensible to a rights' approach.

This tension could have become a problematic issue if I were approached from a traditional positivist point of view. However, to understand and influence research participants, I considered relevant to take into account how research participants saw and lived their lives (Hart & Bond, 1995). But, because approaching to research from this last point of view requires a permanent awareness and reflective action, it became a tensional point that I had to bear in mind to remain sensitive to participants' dynamics, particularly when seeking to export a new paradigm into social work actions.

Through my research process I discovered the workers' fragile labor conditions. Especially for many nonqualified workers who face their daily labor days continually saturated in ambient anxiety and fear, produced by not knowing or understanding the new demands coming from the new child welfare approach.

Using an interpretive analysis allowed me to focus on a collective, rather than individual, understanding of the implementation process. To influence practitioners I had to bring in their interest in transforming the collectively constructed existing practice (Kemmis & McTaggart 2000)

Therefore, the research process of '*using two hats*' required a critical inquiry to be able to discuss the knowledge systems and the power relations of the research field. This turned out in a valuable learning process for me, because implementing a social policy



is not only about the children's lives; but it is also about workers' situation. Their subjective presuppositions and assumptions become fundamental foundations for social action.

## REFERENCES

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- Abramovich, V. (2006). Una aproximación al enfoque de derechos en las estrategias y políticas de desarrollo. *Revista de la CEPAL*, (88), 33-50.
- Adams, R. (1998). *Social Work: Themes, Issues and Critical Debates*. Basingstoke, UK: Pelgrave Macmillan.
- Adler, P., & Borys, B. (1996). Two types of bureaucracy; enabling and coercive. *Administrative Science Quarterly*, 41 (1), 61.
- Adler, P. (1999). Building Better Bureaucracies. *Academy of Management Executive* 13 (4), 36-47.
- Agostini, C., Brown, P., & Góngora, D. (2008). Nota técnica: distribución espacial de la pobreza en Chile. *Estudios de Economía*, 35 (1), 79-110.
- Aiken, M., & Hage, J. (1966). Organizational Alienation: A comparative analysis. *American Sociological Review*, 31 (4), 497-507.
- Allison, G. (1971). *Essence of de Decision: Explaining the Cuban Missile Crisis*. Boston, United States: Little Brown.
- Andersen, O. (2008). A bottom-up perspective on innovations: mobilizing knowledge and social capital through innovative processes of bricolage. *Administration & Society*, 40 (1), 54-78.
- Andrews, S. Shakkottai, R. Heath, N. Jindal, M. Haenggi, R. Berry, D. Guo, M. Neely, S. Weber, S. Jafar, A. Yener. (2008), Fourteen Points about Computational Connectivity. *IEEE communication magazine*, 46 (12), 94-101.
- Arriagada, I. (2001). Familia latinoamericanas. Diagnóstico y políticas públicas en los inicios del nuevo siglo. *Revista de la Cepal*, (57).
- Astley, W. & Sachdeva, P. (1984). Structural Sources of Intraorganizational Power: A theoretical Synthesis. *Academy of Management Review* 9 (1), 104-113.
- Atkinson, P., & Silverman, D. (1997). Kundera's Immortality; The interview society and the invention of the self. *Qualitive Inquiry*, 3 (3), 304-325.
- Ayora, L. (1997). Alternativas al internamiento en la jurisdicción de menores. In J. Cid, & E. Larrauri, *Penas alternativas a la prisión* (pp. 251-275). Barcelona, España: Bosch.

- Bacharach, S., & Aiken, M. (1976), Structural and Process Constraints on Influence in Organizations: A Level- Specific Analysis. *Administrative Science Quarterly*, 21 (4), 623-642.
- Bahle, T. (2003). The changing institutionalization of social services in England and Wales, France and Germany: is the welfare state on the retreat? . *Journal of European Social Policy* , 13 (5), 5-20.
- Bardach, E. (1998). *Getting agencies to work together. The practice and theory of managerial, craftsmanship*. Washington, United States: Brookings Institution Press.
- Barley, S. (1986). Technology as an occasion for structuring: evidence from observations of CT scanners and the social order of radiology departments. *Administrative Science Quarterly*, 31(1), 78 - 108.
- Becker, S., & Bryman, A. (2004). *Understanding Research for Social Policy and Practice: Themes, Methods and Approaches*. London, UK: Policy Press.
- Brint, S. (1993). Eliot Friedsons contribution to the sociology of professions. *Work and occupations*, 20 (3), 259-279.
- Blackmore, M. (2001). Mind the Gap: Exploring the Implementation Deficit in the Administration of the Stricter Benefits Regime, *Social Policy and Administration*, 35 (2), 145–162.
- Berman, P. (1978). *The study of Macro and Micro Implementation on social policy*. California, United States: The Rand Paper series.
- Blau, P., & Scott, R. (1962). *Formal Organizations: A comparative approach*. San Francisco, United States: Publishing Company.
- Boisier, S. (2000). Chile: la vocación regionalista del Gobierno Militar . *EURE* , 26 (77) 81-107.
- Bonjean, C., & Grimes, M. (1970). Bureaucracy and Alienation: A dimensional Approach. *Social Forces*, 48 (43), 365-373.
- Boser, S. (2006). Ethics and Power in Community-Campus Partnerships for Research. *Action Research*, 4 (1), 9–21.
- Boyne, G. (2003). What is public service improvement?. *Public Administration*, 81 (2), 211-227.
- Boyne, G., & Walker, R. (2004). Strategy content and public service organizations. *Journal of Public Administration Research and Theory*, 13 (1), 231-252
- Bredgaard, T., Lene, D., & Larsen, F (2003). An alternative approach for studying public policy – The case of municipal implementation of active labour market policy in

Denmark. (Working paper). Aalborg, Denmark: Aalborg University, Department of Economics, Politics and Public Administration. Aalborg University.

Brehm, J. Gates, S. (1999). *Working, Shirking, and Sabotage: Bureaucratic Response to a Democratic Public*. Michigan, United States: University of Michigan Press.

Brown, J., & Duguid, P. (2002). Organizing knowledge. In S. Little, P. Quintas, & T. Ray, *Managing knowledge* (pp. 19-40). London, UK: Sage Publications.

Brunson, N. (2007). *The consequences of decision-making*. Oxford, UK: Oxford University Press.

Brunson, N., & Sahlin-Anderson, K. (2000). Constructing organizations: the example of public sector reforms. *Organization Studies*, 21 (4), 721-746.

Carr-Sanders, A., & Wilson, P. (1933). *The professions*. London, UK: Frank Cass & Co. Ltd.

Carter, S., & Little, J. (2007). Justifying knowledge, justifying method, taking action: epistemologies, methodologies and methods in qualitative research. *Qualitative Health Research*, 17 (10), 1316-1328.

Charmaz, K. (2005). *Constructing Grounded Theory: A Practical guide through qualitative analysis*. London, UK: Sage Publications.

Churchill, H (2011) Parental rights and responsibilities. Analysing social policy and lived experiences Policy Press, University of Bristol UK

Clavering, E., & McLaughlin, J. (2007). Crossing multidisciplinary divides: exploring professional hierarchies and boundaries in focus groups. *Qualitative Health Research*, 17 (3), 400-410.

Comisión Expertos RPA . (2006). *Primer Informe comisión de Expertos: Responsabilidad Penal Adolescente*. Santiago, Chile: Gobierno de Chile.

Comisión Expertos RPA. (2007). *Segundo Informe Comisión de Expertos: Responsabilidad Penal Adolescente*. Santiago, Chile: Gobierno de Chile.

Congreso de Chile. (2005). Informe de la comisión de Constitución, Legislación, Justicia y Reglamento sobre Boletín 3.792-07. (10).

Contreras, C. (2003). El Sistema de Protección a los derechos de los Niños, Niñas y Adolescentes. Las Oficinas de Protección de Derechos: Un servicio a Nivel Local. *Revista de Derechos del Niño. Programa de derechos del niño Centro de Investigacion Juridicas de la Universidad Diego Portales* (2).

Cortázar, J. (2007). *Entre el diseño y la evaluación: El papel crucial de la implementación de los programas sociales*, Washington, United States: BID.

Council of Europe. (2010). *Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice*.

Creegan, C., Colgan, F., Charlesworth, R. & Robinson, G. (2003). Race Equality Policies at Work: Employee Perceptions of the “Implementation Gap in a UK Local Authority”. *Work, Employment and Society*, 17 (4), 617–640.

Curtis, S., Gesler, W., Smith, G., & Washburn, S. (2000). Approaches to sampling and case selection in qualitative research: Examples in the geography of health. *Social Science and Medicine*, 50 (7), 1001-1014.

Czarniawska, B. (2008). How to minuse institutions and get away with it: some reflections on Institutional Theores. In R. Greenwood, C. Oliver, K. Sahlin, & Suddaby, *Organizational institutionalism* (pp. 761-782). London, UK: Sage Publications.

Czarniawska, B., & Joerges, B. (1996). Travel of Ideas. In Czaniawska, B., & Sevón, G *Translating Organisational Change*. Berlin: Walter de Gruyter & Co.

D'Addato, A. (2009). Measuring and monitoring: a child-rights perspective Stakeholder Eurochild. *Stakeholder Eurochild*.

Daft, R., & Macintosh, N. (1984). The nature and use of formal control systems for management control and strategy implementation. *Journal of Management*, 10 (1), 43-66.

Daly, M., & Lewis, J. (2000). The concept of social care and the analysis of contemporary welfare states. *London School of Economics and Political Science*, 51(2), 281-298.

Dancin, M., & Dancin, P. (2008). Traditions as institutionalized practice: implications for desinstitutionalization. In R. Greenwood, C. Oliver, K. Sahlin, & Suddaby, *Organizational institutionalism* (pp. 327-351). London, UK: Sage Publications.

Dazinger, J., & Ring, P. (1982). Fiscal limitations: A selective review of recent research. *Public Administration Review*, 42 (1), 47-55.

Deephouse, D., Suchman, & M. (2008). Legitimacy in organizational institutionalism. In Greenwood, R., Oliver, C., Sahlin, K & Suddaby, R. *Organizational institutionalism* (pp. 49-77). London, UK: Sage Publications.

Del Valle, C. (2006). *Comunicación Participativa, Estado Nación y Democracia. Discurso, teconología y poder*. Temuco, Chile: Ediciones Universidad de la Frontera.

Denzin, & Lincoln. (1994). *Handbook of qualitative research*. London, UK: Sage Publications.

Derry, S. (1999). A fish called peer learning: searching for common themes. In A. O'Donnel, & A. King (Eds.), *Cognitive perspectives on peer learning*, (pp. 197-211) , New Jersey, United States: Paperback.

Dickson, G., & Green, K. (2001). Participatory action research: lessons learned with aboriginal grandmothers. *Health Care of Women International* (22), 471-482.

Dooley, K. (2002). Simulation Research Methods. In Baum, J. *The Blackwell companion to Organizations* (pp. 829-848). London, UK: Blackwell Publisher.

DJCR (2007) Orientaciones Técnicas Departamento de Derechos de responsabilidad penal juvenil SENAME. Chile.

Donzelot, J. (1979). *La policia de las familias*. Valencia, España: Pre-textos.

Dornbush, S., & Scott, R. (1975). *Evaluation and the Exercise of Authority*. New York, United States: Basic Books.

Eisenhardt, K. (1989). Building Theories from Case Study Research. *The Academy of Management Review* , 14 (4), 532-550.

Eisenhardt, K. (1995). Building theories from Case Study Research. In G. Huber, & A. Van de Ven, *Longitudinal Field Research Methods: Studying Processes of Organizations Change* . London, UK: Sage Publications.

Ellis, K. (2007). Direct Payments and Social Work Practice: The Significance of 'Street-Level Bureaucracy' in Determining Eligibility. *British Journal of Social Work* , 37 (3), 405-422.

Elmore, R. (1978). Organisational models of social program implementation. Public Policy. In M. Hill, *The policy procss. A reader*. (pp. 241-271). Hemel Hempstead, UK: Prentice Hall.

Epstein, C. (2008). *The Power of Words In International Relations: Birth of an Anti-Whaling Discourse*. Cambridge, UK: MIT Press.

Etzioni, A. (1967). Mixed-scanning: a third approach to decision making. *Public Administration*, 27 (5), 385-392.

Farías, A. M. (2004). El difícil camino hacia la construcción del Niño como sujeto de derechos. *Revista de Derechos del Niño* (2), 187-224.

Finnemore, M. (1996). Norms, culture and world politics: insights from sociology's institutionalism. *International Organization* , 50 (2), 325-347.

- Fligsten, N. (1997). Social skill and institutional theory. *American Behavioral Scientist*, 40 (4), 197-405.
- Foucault, M. (1982). The Subject and Power. In H. Dreyfus, & P. Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics* (Vol. 8). Brighton, UK: Havester Press.
- Fox Harding, L. (1997). *Perspectives in Child Care Policy*. London, UK: Longman Group.
- Fox Harding, L (2008) The Children Act 1989 in Context: Four perspectives in Child Care Law and Policy (I) *Journal of Social Welfare and Family Law* ,13:3, 179-193
- Fotaki; M. (2010). Why do public policies fail so often? Exploring health policy-making as an imaginary and symbolic construction. *Organization* 17(6), 703-720.
- Freidson, E. (1986). *Professional powers: A study of the institutionalization of formal knowledge*. Chicago, United States: University of Chicago press.
- Friedland, R., & Alford, R. (1991). Bringing Society Back in: Symbols, practices and institutional contradictions. In Walter, B. *The New Institutionalism in Organizational* (pp.2320-2363). Chicago, United States: University of Chicago Press
- Featherstone, B. (2004) *Family Life and Family Support: A Feminist Analysis*, Basingstoke, Palgrave
- Fumero-Vargas. (2005). *National identities in Central America in a comparative perspective: the modern public sphere and the celebration of Centennial of Central American Independence, September 15, 1921*. Departament of History and the Faculty of Graduate School of the University of Kansas.
- Fundación Nacional de Superación de la Pobreza. (2007). Panorama general de la pobreza y su dinámica en Chile: Últimas mediciones FUNASUPO. Santiago Chile.
- Gannon-Leary, P., Baines, S., & Wilson, R. (2006). Collaboration and partnership: A review and reflections on a national project to join up local services in England. *J Interprof Care* , 20 (6), 665-674.
- Garcia Mendez, E. (1997). *Derecho de la infancia-adolescencia en América Latina: de la situación irregular a la protección integral*. Bogotá, Colombia: Forum Pacis.
- Gersick, C. (1988). Time and transition in work teams: Toward a new model of group development. *Academy of Man-agement Journal* (31), 9-41.
- Germani, G. (1965). *Política y sociedad en una época de transición*. Buenos Aires, Argentina: Paidós.
- Giddens, A. (1984). *The constitution of society: outline of the theory of structuration*. Cambridge, UK: Polity Press.

Glaser, B. (1995). *Grounded Theory 1984 to 1994*. Mill Valley, United States: Sociology Press.

Glaser, B., & Strauss, A. (1967). *The discovery of grounded theory strategies for qualitative research*. New York, United States: Aldine publishing Company.

Greenwood, R., & Hinings, B. (1993). Understanding strategic change: The contribution of archetypes. *Academy of Management Journal*, 36 (5), 1052-1081.

Greenwood, R., & Hinings, B. (1996). Understanding radical organisational change: Bringing together the old and the new institutionalism. *Academy of Management Journal*, 21 (4), 1022-1054.

Greenwood, R., & Hinings, C. (2006). Radical organizational change. In Clegg, S., Hardy, C., Lawrence, T & Nord, W (Eds.). *The sage handbook of organization studies* (pp: 814-842). London: Sage Publications.

Gyarmati, G. (1984). *Las Profesiones, Dilemas del Conocimiento y del Poder*. Santiago, Chile: Universidad Católica de Chile.

Greenwood, R., Oliver, C., Sahlin, K., & Suddaby, R. (2008). *Sage handbook of organizational institutionalism*. London, UK: Sage Publications.

Greenwood, R., Suddaby, R., & Hinings, C. (2002). Theorizing Change: The role of Professional Associations in the Transformation of Institutionalized Fields. *Academy of Management Review*, 45 (1), 58-80.

Hage, J. (1980). Theories of organizations: Form, process, and transformation. *Administrative Science Quarterly*, 27 (1), 162-166.

Hage, J., & Aiken, M. (1967b). Relationship of Centralization to Other Structural Properties. *Administrative Science Quarterly*, 12 (1), 72-92.

Hage, J., & Aiken, M. (1967a). Program Change and Organizational Properties. *American Journal of Sociology*, 72(5), 503-519.

Hall, R. (1999). *Organizations: Structures, Processes and Outcomes*. London UK: Prentice-Hall.

Hall, R. (2002). *Organizations. Structures, Processes, and Outcomes*. (8th ed.). Upper Saddle River, United States: Prentice-Hall.

Handler, J. (1965). The Juvenile Court and the Adversary System: Problems of Function and Form. *Wisconsin Law Review*, 56 (5), 7-51.

Hart, E. and Bond, M. (1995) *Action research for health and social care* (Buckingham, Open University Press)



- Hartman, C., & Levi, M. (1973) Public Housing Managers: An Appraisal Journal of the American. *Journal of the Institute of Planners*, 39 (2), 125-137.
- Hassenfeld, Y., & Brock, T. (1991). Implementation of Social Policy Revisited. *Administration & Society*, 22 (4), 451-479.
- Hayden, C., Goddard, J., Gorin, S., & Van Der Spek, N. (1999). *State Child Care Looking after Children?*. Portsmouth, UK: Jessica Kingsley Publisher.
- Henderson, J. (2001). Learning, changing and managing in mental health. *Journal of interprofessional care* , 15 (4), 369-382.
- Hjern, B. (1982). Implementation Research, The link gone missing. *Journal of Public Policy*, 2 (3), 301- 308.
- Hjern, B., & Porter, D. (1981). Implementation Structures: A new Unit of Administrative Analysis. *Organization Studies*, 2 (3), 211-227.
- Hill, M. (1997). *The Policy process: a reader*. London UK: Prentice Hall/ Harvester Wheatsheaf, Hemel Hempstead.
- Hill, M. (1997a). *The Policy process: a reader*. London UK: Prentice Hall/ Harvester Wheatsheaf, Hemel Hempstead.
- Hill, C. (2003). *The Changing Politics of Foreign Policy*. Basingstoke UK: Palgrave Macmillan.
- Hogwood, B., & Gunn, L. (1984). *Policy Analysis for the Real World*. Oxford, UK: Oxford University press.
- Hofstede, G. (1980). Motivation, leadership and organization: Do American Theories apply abroad?. *Organizational Dynamics* , 9 (1), 42-62.
- Hofstede, G. (2007). The interaction between national and organizational value systems. *Journal of Management Studies* , 22 (4), 347-357.
- Holman, R. (1987). *Putting families first*. London, UK: Macmillan.
- Huberman, M., & Miles, M. (2002). *The Qualitative Researcher's Companion*. London, UK: Sage Publications.
- Hudson, B. (2007). Pessimism and optimism in inter-professional working: The Sedgefield Integrated Team. *Journal of Interprofessional Care January* , 21 (1), 3-15.
- Huntington, C (2006) Rights myopia in child welfare 53 *UCLA Law Review* 637 (2006)
- INE. (2003). Censo 2002, Síntesis de resultados. Santiago Chile: INE.

JIS TO. (2007). Orientaciones Técnicas RPJL SENAME 2007. Santiago, Chile: Gobierno de Chile.

Kamberelis, G., & Dimitriadis, G. (2004). *On qualitative inquiry: Approaches to language and literacy research*. New York, United States: Teachers College Press.

Kellmer Pringle, M (1984) *The Needs of Children* London, Hutchinson

Kemmis, S. & McTaggart, R. (2000) Participatory action research, in: N. Denzin & Y. Lincoln (Eds.) *Handbook of qualitative research* (2nd ed.) (Thousand Oaks, Sage), 567–605.

Knights, D., & Wilmontt, H. (1989). From degradation to subjugation in social relations: An analysis of power and subjectivity at work. *Sociology*, 23 (4), 535-538.

Lambert, L. and Streather, J. (1980) *Children in Changing Families*. London, National Children's Bureau Macmillan.

Larrain, J. (2005). *¿América Latina moderna? Globalización e Identidad*. Santiago, Chile: LOM ediciones.

Lawrence, T. (2008). Power, institutions, and organizations. In Greenwood, R; Oliver, C; Sahlin, K; Suddaby, R. *Introduction* (pp. 170-197). London, UK: Sage Publications.

Lawson, C., & Greene, C. (2011). *Self Enforcing Clientelism*. University of Texas at Austin.

Lincoln, J., & Kalleberg, A. (1990). *Culture, Control and Commitment: A study of work Organization and work attitudes in the US and Japan*. Cambridge, UK: Cambridge University Press.

Lipsky, M. (1980). *Street Level Bureaucracy: Dilemmas of the individual in public services*. New York, United States: Russell Sage Foundation.

Lofland, J., & Lofland, L. (1984). *Analyzing social settings: A guide to qualitative observation and analysis*. Belmont, United States: Wadsworth Publishing Co Inc.

Lundin, M. (2007). The conditions for multi-level governance Implementation, politics and cooperation in Swedish active labor market policy. *Dissertation series 2007*.

Manzi, J. (2011). Un enfoque de gestión para mejorar la eficacia legislativa en Chile. In I. Irarrazaval, *Concurso Políticas Públicas / 2011 Propuestas para Chile* (pp. 23-60).

Marcus, B. (2004). *Growth without equity: inequality, social citizenship, and the neoliberal model of development in Chile*. Dissertation Presented to the Faculty of the Graduate School of the University of Texas at Austin, United States.

- Martínez, R. (2007). Desafíos estratégicos en la implementación de políticas sociales. En Cortázar, J. Entre el diseño y la evaluación: el papel crucial de la implementación de los programas sociales (pp. 63-118). Washington, United States: BID.
- Mason, J. (2002). *Qualitative Researching*. Manchester, UK: Sage Publications Ltd.
- Matheson, C. (2007). In Praise of Bureaucracy? A Dissent From Australia. *Administration and Society*, 39 (2), 233-261.
- Matland, R. (1995). Synthesizing the implementation Literature: The Ambiguity-Conflict Model of Policy Implementation. *Journal of Public Administration Research and theory*, 5 (2), 145-174.
- May, T. (2003). *Social Research Issues, Method and Process*. (3rd. ed.). Philadelphia. United States: Open University Maidenhead.
- Maynard-Moody, S., & Musheno, M., & Palumbo, D. (1990). Street-wise social policy: resolving the dilemma of street-level influence and successful implementation. *The Western Political Quarterly*, 43 (4), 833-848.
- Mazmanian, D., & Sabatier, P. (1989). *Implementation and Public Policy*. (2nd. ed.), Lanham, United States: University press of America.
- Mazmanian, D., & Sabatier, P. (1981). *Effective Policy Implementation*. Lexington, United States: Lexington Books.
- Mazmanian, D., & Sabatier, P. (1983). *Implementation and Public Policy*. Dallas, United States: Scott, Foresman & Co.
- Merriam, S. (1998). *Qualitative research and case study applications in education*. San Francisco, United States: Jossey - Bass Publisher.
- Meyer, J., & Rowan, B. (1977). Institutionalised organization: Formal structure as myth and ceremony. *American Journal Sociology*, 83 (3), 340-363.
- Meyer, R., & Hammerschmid, G. (2006). Changing Institutional Logics and Executive Identities: A Managerial Challenge to Public Administration in Austria. *The American behavioral scientist*, 49 (7), 1000-1014.
- Meyers, M., Glaser, B., Dillon, N., & MacDonald, K (1996) Institutional Paradoxes: Why Welfare Workers Can't Reform Welfare. (Working Paper) UC Data. University of California Berkeley.
- Michael, R. (1997). In praise of duality and dualism: rethinking agency and structure in organizational analysis. *Organization Studies*, 18 (1), 21-42.
- MIDEPLAN. (1997). *Diagnóstico sobre el Sistema de Protección Social del SENAME*. Santiago, Chile: Gobierno de Chile.

- MIDEPLAN. (2000). *National Policy for Children and Adolescents*. Santiago, Chile: Gobierno de Chile.
- Miles, R., & Snow, C. (1978). *Organizational strategy, structure and process*. New York, United States: McGraw-Hill.
- Minogue, M. (1983). Theory and practice in Public Policy and administration. *Policy and politics*, 11 (1), 63-85.
- Minow, M (1986) Rights for the next generation: a feminist approach to children's rights. *9 Harvard Women's Law Journal*. 1 1986, 1-21
- Montjoy, R., & O' Toole, LJ. (1979). Toward a theory of policy implementation: An Organizational perspective. *Public Administration Review*, 39 (5), 465-476.
- Morande, P. (1985). *Cultura y Modernizacion en America Latina*. Santiago, Chile: Cuadernos del Instituto de Sociología.
- Moreno, L., & Arriba, A. (1998). Decentralization, mesogovernments, and the new logic of welfare provision in Spain. *Instituto de Estudios Sociales Avanzados (CSIC)*, 99-101.
- Morlachetti, A. (2013). Sistemas nacionales de protección integral de la infancia: fundamentos jurídicos y estado de aplicación en América Latina y el Caribe. CEPAL, UNICEF
- Morris, R., & Murphy, R. (1959). The Situs Dimension in Occupational Structure. *American Sociological Review* , 24 (2), 231-239.
- Muncie, J., & Hughes, G. (2002). Modes of Youth Governance: Political Rationalities, Criminalization and Resistance. In J. Muncie, G. Hughes, & E. McLaughlin, *Youth Justice: Critical Readings* (pp. 1-18). London, UK: Sage Publications.
- Muñoz, J., & Jiménez, C. (2008). Estructura de los medios de comunicacion de Chile. *Razón y palabra*, 13 (60).
- Norman, I., & Peck, E. (1999). Working together in adult community mental health services: An inter-professional dialogue. *Journal of Mental Health* , 8 (3), 217-230.
- O'Toole, L. (2003). Interorganizational relations in implementations. In J. Pierre, & B. Peter, *Handbook of public administration*. London, UK: Sage Publications.
- Oliver, C. (1992). The antecedents of deinstitutionalization. *Organization Studies*, 13 (4), 563-588.
- Orru, M., Biggart, N., & Hamilton, G. (1997). *The economic organization of east asian capitalism*. Thousand Oaks, United States: Sage Publications.

- Ouchi, G. (1980). Markets, Bureaucracies, and Clans. *Administrative science quarterly*, 25 (1), 129- 41.
- Oyarzún, A., Davila, O., Ghiardo, F., & Hatibovic, F. (2008). *¿Enfoque de derecho o enfoque de necesidades?.* Santiago, Chile: CIDPA.
- Palacios, M., & Martinez, J. (2006). Liberalism and Conservatism in Chile: Attitudes and Opinions of Chileans Women at the start of the twenty first century. *Journal of Latin American Studies*, 38 (1), 1-34.
- Palacios, M., & Cardenas, A. (2008). Vínculo social e individualización: reflexiones en torno a las posibilidades del aprender. *Revista de Sociología Universidad de Chile*, 27 (22), 65- 85.
- Palumbo, D., & Calista, D. (1990). *Implementation and the policy process: Opening up the black box.* New York, United States: Greenwood Press.
- Pettigrew, A. (1988). Longitudinal field research on change: Theory and practice. *Paper presented at the National Science Foundation Conference of Longitudinal Research Methods in Organizations.* Austin.
- Pfeffer, J. (1981). *Power in organization.* Marshfield, United States: Pitman.
- Platt, A. (1969a). *The Child Saver. The Invention of delinquency.* Chicago, United States: The University of Chicago Press.
- Platt, A. (1969b). The rise of the Chile-Saving Movement: A Study in Social Policy and Correctional Reform. *Annals of the American Academy of Political and Social Science*, 381 (1), 21-38 .
- Powell, W., & DiMaggio, P. (1991). *The new institutionalism in organizational analysis.* Chicago, United States: University of Chicago Press.
- PRB. (2011). *2011 World population data sheet.* Washington, United States: PRB.
- Pressman, J., Wildavsky, A. (1973). *Implementation.* California, United States: University of California press.
- Pugh, D., Hickson, D., Hinings, C., Macdinald, K., Tuner, C., & Lupton, C. (1965). A conceptual Scheme for Organizational Analysis. *Administrative Science Quarterly*, 8 (3), 289-315.
- Raczynski, D. (2000). Chile: Progress, Problems, and Prospects. In Morales-Gomez, D., Tschirgi, N., and Moher, J. *Reforming Social Policy. Changing perspectives on Sustainable Human Development* (pp.45-82). Ottawa, Canada: International Development Research Center.
- Ranson, S., Hinings, B., & Greenwood, R. (1980). The structuring of organizational structures. *Administrative Science Quarterly* (25), 1-17.

- Revuelta, V. (2007). La implementación de políticas públicas. *Dikaion*, 21 (16), 135-156.
- Ripley, R., & Franklin, G. (1982). *Bureaucrazy and policy implementation*. Chicago, United States: The Dorsey Press.
- Robinson, N. (1999). The use of focus group methodology: With selected examples from sexual health research. *Journal of Advanced Nursing* , 29 (4), 905-913.
- Rogoff, B. (1990). *Apprenticeship in thinking. Cognitive development in social context*. New York, United States: Oxford University Press.
- Rosengren, W. (1967). Structure, Policy, and Style: Strategies of Organizational control. *Administrative Science Quarterly* , 12 (1), 140-164.
- Ruff, C., Alexander, I., & Mckie, C. (2005). The use of focus group methodology in health disparities research. *Nursing Outlook* , 53 (3), 134-140.
- Ryan, N. (1996). A comparison of three approaches to programme Implementation International. *Journal of public sector management*, 9 (4), 34-41.
- Sabatier, P. (1986). Top-Down and Bottom-Up Approaches to Implementation. Research: A Critical Analysis and Suggested Synthesis. *Journal of Public Policy*, 6 (1), 21–28
- Sahlin, K., & Wedlin, L. (2008). Circulating ideas: imitation, translation and editing. In R. Greenwood, C. Oliver, K. Sahlin, & Suddaby, *Organizational Institutionalism*. London, UK: Sage Publications.
- Schmidt, V. (2010). Taking ideas and discourse seriously: explaining change through discursive institutionalisms the fourth "new institutionalism". *European Political Science Review*, 2 (1), 1-25.
- Scott, R. (2004). Reflections on a half-century of Organizational Sociology . *Annual Review Sociology* (30), 1-21.
- Scott, R. (1995). *Institutions and Organization*. Newbury Park, United States: Sage Publication.
- Scott, W. (1983). The Organization of Environments: Network, Cultural and Historical elements. IN Meyer, J., & Scott, W. *Organizational Environments* (pp. 155-175). California, Unites State: sage Publications.
- SENAME. (2000). *Balances de Gestión Integral del SENAME Año 2000*. Santiago, Chile: Gobierno de Chile.

- SENAME. (2004). *Tercer informe del estado de Chile sobre el grado de avance y cumplimiento a nivel nacional de los derechos establecidos en la Convención sobre los derechos del niño*. Santiago, Chile: Gobierno de Chile.
- SENAME. (2005). *Efectos de los Programas del SENAME en la integración de niños y niñas*. Santiago, Chile: Gobierno de Chile.
- SENAME. (2005). *Orientaciones Técnicas Departamento de Protección de Derechos*. Santiago, Chile: Gobierno de Chile.
- SENAME. (2008a). *Orientaciones Técnicas Centros Cerrados*. Santiago, Chile: Gobierno de Chile.
- SENAME. (2008b). *Direcciones OPD*. Santiago, Chile: Gobierno de Chile.
- Sewell, W. (1992). A Theory of Structure: Duality, Agency, and Transformation. *The American Journal of Sociology*, 98 (1), 1-29.
- Silva, J. (2000). Política Criminal en la Dogmática: algunas cuestiones sobre su contenido y límites. In C. Roxin, *La evolución de la Política criminal, el Derecho penal y el Proceso penal* (pp. 95-120). Valencia: Tirant Lo Blanch.
- Simons, H. (1980). *Towards a science of the singular: Essays about case study in educational research and evaluation*. Norwich, UK: University of East Anglia, Centre Applied Research in Education.
- Smith, M. (2004). *Europe's Foreign and Security Policy. The institutionalization of cooperation*. UK: Cambridge University Press.
- Soares, J. (1997). A reformulation of the concept of traditions. *International Journal of Sociology and Social Policy*, 17 (6), 6-21.
- Spradley, J. (1979). *The ethnographic interview*. New York, United States: Harcourt B.J.C. Publishers
- Spradley, J. (1980). *Participant observation*. Belmont, United States: Wadsworth Publishing Co Inc.
- Stake, R. (1995). *The art of case study research*. Thousand Oaks, CA: Sage Publications.
- Strauss, A., & Corbin, J. (1994). Grounded theory methodology: An overview. In N. Denzin, & Y. Lincoln, *Handbook of qualitative research* (pp. 273-285). Thousand Oaks, United States: Sage Publications.
- Suchman, M. (1995). Managing Legitimacy: strategic and Institutional Approaches. *The academy of management review*, 20 (3), 571- 610.
- Sunkel, G., & Geoffroy, E. (2001). *Concentración económica de los medios de comunicación*. Santiago, Chile: LOM.

- Teddlie, C., & Yu, F. (2007). Mixed Methods Sampling: A Typology With Examples. *Journal of Mixed Methods Research*, 1 (1), 77-100.
- Thumala, M. A. (2006). *Riqueza y piedad, El catolicismo de la elite económica chilena*. Santiago, Chile: Debate.
- Tiffer, C. (2003). *Justicia Penal Juvenil. Instrumentos internacionales de Naciones Unidas y la experiencia de Costa Rica. Entre la Protección Integral y el Derecho Penal Juvenil. Ponencia para el Primer Congreso Mundial sobre Derecho de la Niñez y la Adolescencia: Porlamar*.
- Tizard, T. (1977) *Adoption. A Second Chance*, (1977) London, Open Books
- Tolbert, P. (1985). Institutional environments and resource dependence : Sources of administrative structure in institutions of higher education. *Administrative Science Quarterly*, 30(1), 1-13.
- Townley, B. (2002). Managing with Modernity. *Organization The Interdisciplinary Journal of Organization Theory and Society*, 9 (4), 549-573.
- UN. (2009). *Guidelines for alternative care of children*.
- UNDP. (2004). *Desarrollo Humano en Chile. El poder: ¿Para qué y para quién?*. Santiago, Chile: Programa de Naciones Unidas para el desarrollo.
- UNDP. (2009). *Informe Desarrollo Humano. La manera de hacer las cosas*. Santiago, Chile: Programa de Naciones Unidas para el desarrollo.
- UNICEF. (2005). Desinternación en Chile Algunas Lecciones Aprendidas. *Series reflexiones: infancia y adolescencia* (4).
- UNICEF. (2005). *Situación de los niños y niñas en Chile. A 15 años de la ratificación de la convención sobre los derechos del niño 1990-2005*. Santiago, Chile: UNICEF.
- Valdés, X. (2007a). Notas sobre la metamorfosis de la familia en Chile en *CEPAL, Futuro de las familias y desafíos para las políticas* (Reunión de especialistas) 22-25 Noviembre.
- Valdés, X. (2007b). *La vida en común. Familia y vida privada en Chile y el medio rural en la segunda mitad del siglo XX*. Santiago, Chile: LOM Ediciones.
- Van De Ven, A., & Ferry, D. (1980). Measuring and Assessing Organizations. *Wiley series on Administration & Society*, 6 (4), 445-448.
- Van Oorschot, W. (2007). Culture and social policy: a developing field of study. *International Journal of Social Welfare*, 16(2), 129-139.
- Veliz, C. (1984). *La tradicion centralista de America Latina*. Barcelona, España: Ariel.



- Wandersman, A. (2009). Four keys to success (theory, implementation, evaluation, resource/system support): High hopes and challenges in participation. *American Journal of Community Psychology* , 43(1-2), 3-21.
- Weber, M. (1947). *The Theory of Social and Economic Organization*. (A. Henderson, & P. Talcott, Trans.) The Free Press.
- Wendt, A. (1987). The Agent-Structure Problem in International Relations Theory. *International Organization*, 41 (3), 335- 370.
- Winter, S. (1986). Studying Implementation of Top-Down Policy from the Bottom Up: Implementation of Danish Youth Employment Policy. In Ray, C. *Finding Work. Cross National Perspectives on Employment and Training*. (pp. 109-138). London, New York and Philadelphia: The Falmer Press.
- Winter, S. (1990). Integrating Implementation Research. In Palumbo, Dennis J, & Calista, Donald J. *Implementation and the Policy Process, Opening the Black Box*, (pp.19-38). New York, United States: Greenwood Press.
- Yanow, D. (1987). Toward a policy culture approach to implementation. *Policy Studies Review*, 7 (1), 103-115.
- Yanow, D (1996) *How does a policy mean? Interpreting Policy and Organizational Actions* Georgetown University Press, Washington, D.C. US
- Yanow, D. (2000) *Conducting Interpretive Policy Analysis*, London: Sage.
- Yin, R. (1981). The Case Study Crisis: Some Answers. *Administrative Science Quarterly*, 26 (1), 58-65.
- Yin, R. (1984). *Case study research*. California, Estados Unidos:Sage Publications.
- Yin, R. (1994). *Case study research. Design and Methods. Applied Social Research Methods*. (2 nd. ed., Vol 5). New York, United States: Sage Publications .
- Yin; R. (2003). *Case Study Research: Design and Methods: 005 (Applied Social Research Methods)*. (3rd. ed., Vol 5). New York, United States: Sage Publications.
- Zilber, T. (2008). The work of meanings in institutional processes and thinking. In Greenwood, R., Oliver, C., Sahlin, k., Suddaby, R. *The sage handbook of organizational institutionalism*, 151-169. London, UK: Sage Publications.
- Zucker, L. (1987). Institutional theories of organization. *Annual Review Sociology*, (13), 443-464.



## APPENDIX A

**Table 1**  
**Sample of JIS and LRPOs servicing the same city**

	Region	JIS	LRPOs
NORTH ZONE	I	Arica (1 centre)/ Iquique (1 Centre)	Arica/ Iquique
	II	Antofagasta (1 centre)	Antofagasta
	III	Copiapó	Copiapó
	IV	La Serena (1 centre)	La Serena
CENTRAL ZONE	VI	Talca (1 centre)	Talca
	METROP	Santiago: San Joaquin	All municipalities
SOUTH ZONE	X	Puerto Montt (1 centre)	Puerto Montt
	XI	Coyhaique (1 centre)	Coyhaique

**APPENDIX B**  
**RESEARCH**  
**REFRAMING CHILEAN SOCIAL SERVICES FOR CHILDREN**  
**DOCTORAL PROGRAM**  
**INSTITUTE OF APPLIED SOCIAL STUDIES**  
**UNIVERSITY OF BIRMINGHAM**  
Carolina Muñoz, Research student

This research is to obtain the degree of PhD in Social Policy from the University of Birmingham, UK. The research purpose is to identify key dimensions to improve the implementation process of the new Chilean social policy for children. The study's main aim is to know what has aided or impeded the development of child rights-based social services in Chile.

I expect to develop interviews and focus groups with staff from Local Rights Protection Offices (LRPOs) as well as from Juvenile Imprisonment Services (JIS). The field work carried out in LRPO is financed with researcher's own funds; the field work carried out in JIS is funded by the Department of Juvenile Criminal Responsibility of SENAME, which is interested in learning about the recently implemented new Adolescent Criminal Law.

It is my interest to know what do you know about the new policy and the challenges it brings to your daily work, as well as to know what do you think about the new view about children's rights and the role of families as main responsible of their upbringing.

The research takes the following measures to ensure compliance with ethical guidelines for these studies:

- Voluntary participation and freedom to withdraw at any time from the research process.
- Use of the hierarchical structures to gain access to participants.
- Guarantees of confidentiality and anonymity are given to research participants.
- During fieldwork, the rights and interests of participants are recognised.
- Information about the process is accessible for participants to promote informed choices on their part.
- Informed consent for participation is promoted.
- Accessible outputs: participants have access to a summary of the research results in early stages.

The field work is expected to be developed between the months of August, 2007, and January, 2008. However, the period could be extended if obstacles in gathering the data are found, or saturation is not reached within the period indicated.

This research overview is sent to the Directors of SENAME's Rights Protection Department and Department of Juvenile Criminal Responsibility, and through them, to the Directors of each one of the sites being studied. This overview should be also shared with research participants.

I appreciate your assistance and commit myself to share with the participants the final research report.

Thanks again.

Sincerely,

Carolina Muñoz Guzman

PhD student

## **APPENDIX C**



### **FINAL REPORT Groups Discussion Improving Programme Implementation Law N° 24084 Adolescent Criminal Law Santiago, November 2007**

## **INDEX**

### **I. INTRODUCTION**

### **II. GROUP DISCUSSION DESCRIPTION**

1. Subject Paradigmatic change, from social anomaly to a rights-based paradigm
  - 1.1 Description
  - 1.2 General Analysis
2. Subject: Challenges for advancing towards rights-based services
3. Description
  - 3.1 General Analysis

### **III. DESCRIPTION AND CHALLENGES FOR EACH CENTRE**

1. Iquique
2. Santiago
3. Coyhaique

### **III. KEY COMPONENTS TO CONSIDER IN THE FUTURE**

1. Facilitators
  - 1.1 Staff willingness to learn
  - 1.2 Staff work experience
  - 1.3 Staff life experience
2. Obstacles
  - 2.1 Status and differentiation
  - 2.2 Lack of trust in the system
  - 2.3 Conceptual confusions
  - 2.4 Organisation and management
  - 2.5 Double standard: discourse and reality

### **IV. PROPOSALS**

1. Staff training
2. Keys for strategic plan in each centre
3. Challenges at regional and national levels

## APPENDIX D

### Focus Group schedule

#### JIS and LRPO

##### **Theme:**

**Implementing Adolescent Criminal Law and new Children National Policy**

**Implementing Children National Policy through Rights Protection Offices**

**This Schedule differs for JIS and LRPOs in some questions and statements, acknowledging the differences in each program. When these differences appear, they will be noted by addressing them to JIS or LRPO.**

##### Establishing the Focus Group

I begin establishing a good relationship with the participants in each focus group and ensuring they are aware of the purpose of this research and my double role as researcher and SENAME consultant.

**JIS:** I explain the objective of this focus group as discussing main aids and obstacles in implementing the new Adolescent Criminal Law and the needs identified by staff members that must be met in order to achieve policy goals. The idea is to analyse previous experiences in the organisation in working with young offenders and the new challenges you face with this new law.

**RPO:** I explain the objective of this focus group as discussing main aids and obstacles in implementing the National policy for Children and the needs identified by staff members that must be met in order to achieve policy goals.

I will ask you to discuss in small groups and work in poster boards to be presented in the whole group.

Focus groups in LRPOs will comprise from 6 to 8 people; JIS focus groups will vary from 9 to 19 people.

##### Running the Focus Group Sessions

These focus groups have followed the recommendation of having two people facilitate the sessions - one to lead the discussion, the other to take notes.

I try to get everyone involved in the discussion, and using my skills as a social worker I help the group arrive to conclusions, keeping a record of majority and minority views.

I draw a map in each session of people's seating places, to help reveal alliances.

I read out the statement on confidentiality:

**Opinions expressed here will be treated as confidential by the researcher. I ask you to keep confidentiality with the rest of the staff not participating in this focus group session. The write-up of the results of the project will keep confidentiality and authors of observations will remain anonymous.**

I start off by reiterating the purpose of the meeting:

**JIS**

**I'm very grateful to you all for sparing time to talk about the challenges of implementing a new law. I want to concentrate on discussing the main changes you see in implementing this new law, supported in the National Policy for Children. What are the main inhibitors and aids you see in the process of achieving rights-based services required by the Law in the different levels: professional, personal, and institutional. There are no right or wrong opinions; I would like you to feel comfortable expressing what you really think and how you really feel.**

**LRPOs**

**I'm very grateful to you all for sparing time to talk about the challenges of implementing a new policy. I want to concentrate on discussing the main changes you see in implementing the National Policy for Children. What are the main inhibitors and aids you see in the process of achieving rights-based services required by the Law in the different levels: professional, personal, and institutional. There are no right or wrong opinions; I would like you to feel comfortable expressing what you really think and how you really feel.**

**FIRST PHASE**

Then to get the conversation going, use a simple opener:

**JIS:**

Is everyone familiar with the new Adolescent Criminal Law and the new Policy for Children?

This gives an opportunity to go round the group if the conversation doesn't start naturally. Continue with something like this:

What do you think about it?  
How has your daily work changed because of this new law?  
What kind of practices do you value from your past experience?  
What kind of practices have you removed because they do not promote a rights perspective? Why?  
What aspects of your daily work make it difficult to achieve programme goals?  
What are the main difficulties you have found in these months of implementation?

**LRPOs**

Is everyone familiar with the National Policy for Children?

This gives an opportunity to go round the group if the conversation doesn't start naturally. Continue with something like this:

What do you think about it?  
What are the main changes in children services because of this new policy?

What kinds of practices have been removed because these do not promote a rights perspective? Why? Do you agree with that?

What aspects of your daily work make it difficult to achieve programme goals?

What are the main difficulties you have found in your practice?

Once I have established a preliminary panorama I ask them to fill out individually the following chart, to discuss later with the group. I keep the charts for future analysis.

### **Instrument I**

#### **Impediments and aids you see in these levels to achieve programme goals**

	Impediments	Aids
Personally		
Professionally		
Institutionally		

### **JIS**

Establishing the effects of the new law on the people should be the focus of the discussion, so I allow plenty of time and let people ‘go off at a tangent’ for short periods. However, I have to keep the conversation on track, but using as little direct intervention as possible. I give the group chances to make comments on ways of improving the service.

### **LRPOs**

Establishing the effects of the National Policy for Children on people should be the focus of the discussion so I allow plenty of time and let people ‘go off at a tangent’ for short periods. However, I have to keep the conversation on track, but using as little direct intervention as possible. I give the group chances to make comments on ways of improving the service.

**Is there anything the National Service for Children could do to improve service provision?**

**Closing the first part of the focus group, people are invited to have lunch or coffee, depending of the program. JIS had a break of two hours. LRPOs had a break of half an hour. Sharing with the participants during the break allows me to keep the conversation over lunch or coffee, facilitating the next stage.**

## **SECOND PHASE**

Welcome the participants again, bring back the issues last discussed, and explain the next part, focused on daily actions and organisational styles.

During the development of this stage, participants are invited to discuss how the implementation process is being carried out. The prelude of the activity included questions such as:

### **JIS**



Are the demands coming from the new policy's technical orientations being implemented?  
Does the staff know what should be done under the Adolescent Criminal Law?  
Does the staff have the resources (technical and material) to do what should be done?  
Does the staff actually do what needs to be done?  
What are the reasons explaining these answers?  
Is the staff committed to the new rights perspective?  
What are the challenges staff see to advance in promoting the rights perspective?

### **LRPOs**

Are the demands coming from the new policy's technical orientations being implemented?  
Does the staff know what should be done under the new perspective?  
Does the staff have the resources (technical and material) to do what should be done?  
Does the staff actually do what needs to be done?  
What are the reasons explaining these answers?  
Is the staff committed to the new rights perspective?  
What are the challenges staff see to advance in promoting the rights perspective?

Then, the group is invited to work in smaller groups and fill the following chart. In order to get consensus in each question, they have to discuss and give arguments about their own opinions. I take notes about those discussions. The contents of the discussion are outlined in Instrument II. After working in groups, they have to discuss their findings in the larger group, choosing a speaker from their group.

**Instrument II**  
**JIS**

	Same as before	New	Challenges
Programme goals and objectives (Specialized justice, accountability, reparation, social reintegration, education, health services, job training)			
Roles (director, manager, case manager, clinical worker, front line worker, job trainer, network developer; statistician, health workers)			
Functions (resources management, articulate staff interventions; inter-professional planning, individual case planning, keep ties with family, coordination with external actors, training of young offenders, health control, supervision of daily activities)			
Leadership: style and form of leadership (participatory, democratic, direct, clear).			
Technical capacity to undertake programme objectives (capacities to develop integrated, dynamic and participative assessment, integral intervention plan, coherent plan of daily activities, crisis intervention, early diagnosis of mental health problems or substance abuse)			
Material capacity to undertake programme objectives (infrastructure, resources for training, sports, school, networks)			
Respect for children rights when providing services (how daily activities are being developed)			

## Instrument II LRPO

	New	Challenges
Programme goals and objectives (integral protection of children, development of a local protection system of children rights, inter-sectorial management and territorial articulation, rights promotion, rights protection and reparation)		
Roles (coordinator, case manager, clinical worker, front line worker, legal adviser, administrative staff)		
Functions (clinical assessment, referrals, management work, articulation of children services networks, promoting children participation)		
Leadership: style and form of leadership (participatory, democratic, direct, clear).		
Technical capacity to undertake programme objectives (capacities to develop a local assessment, to conform a local network, to develop a local children policy, to offer legal advice, provision of psychological and social services to children damaged in their rights and their families)		
Material capacity to undertake programme objectives (infrastructure, resources)		
Respect for children rights when providing services (how daily activities are being developed)		

The discussion then is guided to achieve agreement in the following aspects:

- What are the gaps to achieve the new policy goals?
- What are the most important aspects the group thinks need to be improved (3 priorities)?
- Identify the responsible level for each one of those priorities (national, regional, or local).

**Close with the following questions, discussed in 15 minutes, in small groups:**

**Is there anything the programme could do to improve service provision?  
Is there anything you could do to improve service provision?**

The answers are shared in the bigger group and then the plenary agrees to a group's commitment, drafted on a chart, to advance in the implementation process. I remark that reducing the gap between policy discourse and implementation is a shared responsibility, and that the commitments on the chart are their responsibility. I invite them to take responsibility for them.

I ask each group member to fill out the demographic tick-sheet, which will provide a picture of the make-up of each group. Remember to collect the sheets before people leave.

Finally, thank the group for their time and tell them that the discussion has been most valuable. At the end of the session, I make notes about the session –how I felt it went, if there were any problems.

## APPENDIX E

### INFORMED CONSENT

#### **Title of Research:** Reframing Chilean Social Services for Children

Before agreeing to participate in this research study, it is important that you read the attached research overview.

#### **Procedures**

You will be interviewed regarding the functions and task you develop at work, your opinions about the difficulties and aids in achieving your programmes' goals, the organisational, professional, and personal dimensions affecting the programme's performance in service provision. The interview will take one hour. It will be taped.

#### **Confidentiality**

The information gathered during this study will remain confidential during this project. Only the researcher and IASS University of Birmingham will have access to the study data and information. There will not be any identifying names on the tapes, and participant's names will not be available to any-one.

#### **Benefices**

Your participation in this research will contribute to gather relevant information to improve the implementation of policy for children.

#### **Results**

The results of the research will be written in the form of an academic work and may be published as a book or in professional journal, or presented at professional meetings.

#### **Withdrawal without Prejudice**

Participation in this study is voluntary; refusal to participate will involve no penalty. Each participant is free to withdraw consent and discontinue participation in this project at any time.

*I have been invited to participate in the research Reframing Chilean Social Services for Children. I understand that my participation will consist of answering questions regarding functions and task I develop at work, my opinions about the difficulties and aids in achieving the goals of my programme, the organisational, professional, and personal dimensions affecting programme performance in service provision. I have read the information about informed consent. I have had the time to ask questions and these have been answered. I have no doubts about my participation. I voluntarily accept to participate in this interview and I know I have the right to withdrawal my participation in anytime.*

.....

Signature of Subject

Date

.....

Subject name (printed)

.....

Signature of Researcher

Date

**APPENDIX F**  
**TOPICS LIST FOR INTERVIEWS**

<b>Position</b>	
<b>Date</b>	
<b>Site</b>	

**1. OPENING**

The objective of this part is to make the interviewee feel welcomed and relaxed. I present myself as a social worker with intervention experience and a special interest in learning about the challenges of implementing the new policy for children, especially the difficulties implementers may find in their daily work when trying to fulfil the new policy principles. I also give them information about my background as an academic and as professional, and my role as research student.

In addition, I indicate the objectives of the interview and the themes that will be addressed, and explain the benefits of this research to define key dimensions that may improve the implementation of policy for children, as a way to motivate the interviewee.

**1. STEPS**

- **Establish Rapport.** My name is Carolina Muñoz, I am a social worker, currently I am a research student and I have a special interest in learning about the challenges of implementing the new policy for children from the perspective of implementers. I also work as an academic in the school of Social Work of Universidad Alberto Hurtado.
- **Purpose.** The research purpose is to identify key dimensions to improve the implementation process of the new Chilean social policy for children. The study's main aim is to know what has aided or impeded the development of child rights-based social services in Chile. The major topics we are going to talk about are related to your experience as a public servant in implementing this new policy, your professional background, the functions and roles you perform at work, the needs and strengths you see in yourself and in the organisation where you work to achieve this challenge.
- **Motivation.** I hope to use this information to develop policy proposals for the National Service for Children to improve policy implementation, thus the information you can provide is very important.
- **Time Line.** The interview should take about 60 minutes. I appreciate your willingness to participate.

## **2. BODY**

The interview is guided by a list of the topics and questions to be covered. The topics list is administered by the interviewer so as to allow the interview to adapt to the interaction that unfolds.

### **Topic: General Information.**

- Information about the professional background of the interviewee (education, work experience in child services, in the National Service for Children and in other services, age).

### **Topic: New Policy for Children.**

- How much do you know about the new policy?
- Views about the benefits and disadvantages of the new policy.
- Views about the new population being served by the programme.
- Views about available resources for implementing the policy.

### **Topic: Your organization.**

- Job description. In this level it is relevant to know how the worker's understanding of his or her role aligns with the goals of the programme. Worker's perceptions of and attitudes toward their work and their clients
- Workload.

### **Topic: Power.**

- Worker's perception about authority.
- Knowledge and expertise, how workers understand programme rules and aims, opportunities for and requirements of the client population. Skills they perceive they have to facilitate their work, and skills they will need to develop the new requirements.
- Power distribution, what do you think about power distribution in your agency.

### **Topic: Autonomy.**

- Discretion and routines. How much discretion do you have in your daily work? Are there operating routines you develop on a daily basis.
- Organisational decision-making: what do think about decision making processes in your programme? How does decision-making processes affect routines and discretion?
- Perception about your own autonomy at work.

### **Topic: Leadership and Supervision.**

- Leadership style in your agency (authoritarian, democratic, laissez-faire, charismatic, other).
- Views about the characteristics of required tasks and functions.

- Supervision. Who? How? Knowledge of results, impact in worker evaluation, usefulness.

**Topic: Inter-professional work.**

- Perception about inter-professional work: How much do you value it? Aids and obstacles.
- To what extent do you need help from others to do your work, and to what extent do you help others in getting things done?
- Opportunities you have to collaborate with co-workers, confidence of being considered.

**Closing**

I appreciate the time you took for this interview. Is there anything you would like to say in relation to way the new Law/ policy is being implemented?

Thanks again, and goodbye.