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‘Rogue’ Social Workers: The Problem with Rules for Ethical Behaviour

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Abstract

This article explores one aspect of increased managerialism, the impact of the expansion of rules in organizations. Discussing findings from a recent large-scale Canadian research project with social workers, this paper addresses some of the effects of the proliferation of rules, including their ethical implications, and considers the usefulness of different theoretical accounts of the rule-bending individual. The research indicated that although rules did serve as technologies to regulate and normalize practitioners' behaviours, they were not monolithic in their consequences. Typologies, which divided individuals in terms of their responses to rules, were useful but insufficient explanations of the observed effects. The paper suggests that practitioners will use discretion to deal with the complexity of situations, the contradictory nature of the rules, and to resist being positioned as subjects in ways they found problematic, outcomes that support Lipsky's classic premises. Other findings were that the increase of rules, through their complexity and contradiction, promoted 'rogue' or rule-bending behaviour. A further outcome was that practitioners who perceived part of their responsibility to be change agents towards societal transformation encountered particular difficulties, because the expansion of rules impacted negatively on the availability of their time and energy.

Keywords: rules, discretion, managerialism, ethics, dilemmas

Countries in the Euro-Western world are experiencing major alterations to their public services. These shifts are usually discussed as occurring within environments of neo-liberalism and managerialism. One consequence has been the proliferation of rules in the policies and procedures that structure social service agencies. In order to explore the impact of the expansion of rules on the complexities of practice and on the ethical dilemmas confronted by social worker practitioners, this paper presents findings from a recent large-scale study conducted in Canada. The paper explores participants' behaviour in response to rules, particularly in situations where there were ethical implications. It looks at rule-bending behaviour as one strategy employed by front-line workers in a context of managerialism. We ask: when rules are not used to make decisions, what mechanisms do practitioners utilize? The first section outlines the contemporary situation of Canadian social work. This is followed by a discussion of different theories of the rule-obeying or rule-bending subject, which might account for participants' behaviour. Later sections present the research project and selected data, including situations chosen to exemplify some of the recurring issues described by participants. A single case is explored in more detail.

The research indicates that the rule-bound environment in which social workers are functioning has some unintentional and paradoxical effects. One is that to cope with the ethical dilemmas that challenge them on a regular basis, social workers resort to 'rogue' behaviour, namely, 'bending the rules' and departing from organizational policies and procedures as intended by their institutions. The paper also addresses the effects in the relationship to service users and with workers' supervisors, and considers some broader systemic issues, particularly the paradox that when discretion is employed at micro levels, it can reduce the potential to make broader structural changes.

The Contemporary Situation of Social Work in Canada

Since the 1990s, Canada has moved towards the restructuring of social programmes in the direction of a model of the market place, valuing the bottom line over the social needs of citizens (Aronson & Smith, 2010; Baines, 2008). This trend towards marketization has coincided with globalization of the market place, the expansion of new media and electronic technologies, and neo-liberalism that have been in evidence in all the countries in the Euro-Western world. With these large-scale movements, there has been a shift towards managerialism, which can be understood both as an ideology that includes the premise that better management will result from importing the values and methods of private industries into the non-profit environment, and a system of procedures to accomplish this (Clarke, 2004). Managerialism is characterized by attempts to ensure tight control over spending to eliminate excesses and inefficiencies, standardized work practices, increased management powers through the imposition of structures to monitor performance, working to targets, extensive documentation, and the erosion of professional autonomy (Banks, 2011; Clarke, 2004; Dickens, 2008).

One consequence of managerialism, in its orientation towards economy and efficiency, has been a proliferation of policies, procedures, and auditing systems (Banks, 2011; Clarke, Gewirtz, Hughes, & Humphrey, 2000; Dickens, 2008). The diverse and voluminous rules that have emerged must be followed to ensure compliance with these administrative structures (Dickens, 2008). An outcome to the number of rules in practice settings is that, as they have expanded in size, so has the likelihood of conflicting and irreconcilable practice requirements. In

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bureaucracies, there may be attempts to order them but Lipsky claimed, “They may be so voluminous and contradictory that they can only be enforced or invoked selectively” (1980, p. 14). He referred to these behaviours as discretion. To address these issues further, the paper will first consider the nature of power and the subject under managerialism and then present findings from empirical research.

The Rule-obeying or Rule-bending Subject

Accounts of social work have drawn, tacitly or explicitly, on different theories of power and the working of rules, each of which implies a particular conceptualisation of the rule-obeying or rule-bending subject. For example, in the Foucauldian tradition, power is a shifting canvas, not held by anyone but enacted through the implementation of societal technologies. The term normalization refers to instruments of power by which what is constituted as healthy or pathological are established (Foucault, 1984). In this tradition, rules are a basic vehicle in bureaucracies for giving individuals the potential to enact power through setting what is constituted as the norms. This is the “the unequivocal authority” (Meagher & Parton, 2004, p.13) of bureaucracy’s hierarchy. Normalization also acts at the level of the self. Through these technologies, the individual is transformed, at times desiring to follow the rules of one’s own free will (Chambon, Irving, & Epstein, 1999). In social work practice, the norms are ‘taken in’ as truth by both clients and the worker themselves. Rose and Miller (1992) suggest that expertise is an important element in this process. They argue that it is “by means of expertise [that] self-regulatory techniques can be installed in citizens that will align their personal choices with the ends of government” (Rose & Miller, 19992, pp. 188-189). The emphasis in managerialism on evidence-based practice, targets, measurable outcomes and the rules about these technologies are the tactics, which work not just on the service users but on professionals as well (Rose, 1996). “Managerialism is most effective when its subjects take on its norms, and become self-managing” (Dickens, 2008, p. 49).

Theories in the Foucauldian tradition have been criticised for the denial of personal agency. The contrast would be theories, which locate power and choice in the individual, in accord with a common-sense notion of a rational actor and with economic theories of the benefit-maximising consumer. Here, rule following would involve a cognitive response to complex situations. Each situation would be appraised rationally and impersonally. Applied to a social work context, a theory of this kind would privilege a positivist stance regarding experience. One possible criticism is that this would leave out the non-linear, contextual, embedded and non-rational components of relationships (Walker, 1998). For example, a rational actor theory cannot accommodate a key component of the helping relationship and of judgment in ethical decision-making, namely the use of feelings, such as empathy and compassion.

A third set of theories can perhaps be located between Foucauldian determinism and rational agency. These suggest that there is a bifurcation in individuals’ responses to rules. For example, utilizing a schema by Oakeshott, Evans (2012) identified two typologies, which are understood as a heuristic device: the rule respecting perspective, entitled *nomocracy*, and a goal-focused perspective, referred to as *telocracy* (Evans, 2012, p.7). In nomocracy, rules are valued in and of themselves, as means to ensure stability, security, and fairness. From the telocracy standpoint, rules are understood as being a route towards some greater goal and therefore, can

more easily be ‘bent’ if they seem to impede moving towards those aims. While Evans (2012) does not attempt to link responses to rules to an explicit theory of the person, there remains an implication that generally, people, including social workers, will fall into two categories or types, defined by their responses to rules.

This paper adopts a more fluid notion of a situated subject, following post-structural theories in which the self is understood not as a core essence (as in the liberal humanist notion of a unified and fixed self) but as a continual construction in response to changing events and circumstances that are available through the discourses and culture of a historical period (Chambon, 1999). Carried to their logical extreme, post-structural theories would view the individual as a site of on-going conflict, “precarious, contradictory and in process, constantly being reconstituted in discourse each time we think or speak” (Weedon, 1987, p. 32), leading to differing subject positions or “ways of being an individual” (Weedon, 1987, p. 3). However, the paper does not adopt the extreme post-structuralist position that there is no consistency or continuity in the individual. The relevant points for the research findings discussed below are that social workers are considered as operating in contexts, which variously enable and constrain their responses, including to rules. Beyond these assumptions, the researchers accepted participants’ own accounts of themselves as relatively coherent and agentic individuals with enduring principles, motivations and personal styles, and participants are discussed in such terms. The following section introduces the research in more detail.

The Research Project

The research discussed in this paper was a three-year qualitative study conducted in 2009-2012, funded by the Canadian Social Sciences and Humanities Research Council. The study explored how Canadian social workers experienced and addressed the constraints and paradoxes they encountered in attempts to act ethically in their day-to-day practice.

The study was conducted in two provinces, Ontario and Nova Scotia, which have contrasting demographics, governance structures for social work professionals, and economic bases. The research team, led by Dr. Weinberg and with Dr. Taylor as a consultant, attempted to obtain as broad a range of settings and demographics as possible for those interviewed. The participants provided direct service in fields of practice including health, child welfare, mental health, addictions, education, for-profit organizations, and family service associations. The individual participants were primarily white, heterosexual, female, and urban, but there was representation from the gay, lesbian, bisexual, transgender, and questioning (GLBTQ) community, men, and rural participants. Two of those interviewed were African-Canadian, five were Aboriginal, and ten indicated “other” for race or ethnicity. In addition, six participants were living with a disability. The research team also conducted six focus groups with workers of African descent, Aboriginal social workers, and rural social workers for a total of 18 participants.

Individual semi-structured interviews were conducted with 26 direct-service practitioners. The number of face-to-face interviews with each participant ranged from one to four for a total of 52 interviews, determined by how many interviews were required to complete the interview guide. All participants had at least one social work degree and most had completed

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their MSW. All participants gave informed consent and ethics review boards from two universities approved the research.

The analysis presented in the following section approaches participants' talk as a generally reliable report of the situations and feelings that are described. Following broadly ethnographic principles (Hammersley & Atkinson, 2007), the transcripts were supplemented with detailed field notes. Analyses explored both the commonalities in the situations and attitudes described, and the specific circumstances and details of individual accounts.

Analysis

Rogue Behaviour/Discretion in a Managerial Environment

This section presents examples to illustrate the project's findings concerning participants' responses to rules, including the circumstances in which they turned to 'rogue' behaviour, in that they departed from the rules. A rogue strays from the accepted path or resists the rules that have been instituted. Workers employed a range of behaviours that could be seen as 'rogue.' Examples included delaying writing a report to ensure a family received additional benefits, seeing a client in need before the appropriate intake had occurred, finding an alternate physician who would support the wishes of a patient when the attending doctor would not, or by-passing appropriate steps in an organizational process to be able to meet a government official. This section explores the circumstances that prompted such behaviour.

The participants' accounts indicated that their favoured responses to rules did correspond to the perspectives suggested by the two typologies proposed by Evans (2010). However, the situated and complex nature of practice, and the number and contradictory aspects of the rules led at times to workers moving outside of their customary stances to take-up subject positions that were not consistent with those usual ways of operating. Consequently, even the most rule-bound individuals at times bent the rules, while those most cavalier about rules turned to those same rules to justify their behaviour. Nonetheless, when workers moved outside of their habitual stands, for instance because of contradictory aspects of the rules they had to contend with, their discomfort was evident. The detailed case, which is discussed in the next section, that of Dolores, was chosen to illustrate this kind of 'acting against type.'

In general, more of the participants in the study seemed to support a telocracy perspective. Their accounts suggested that they frequently had, as a common aim, the good of the client as the underlying value that motivated them to be more 'relaxed' about rules. For example, Hannah expressed the telocracy position when she said, "I have no compunction about screwing around with the systems." When the interviewer pursued why not, her response was, "There's – 'this is my client ... and this is what they need,' and so we get it." (Names and some genders were altered and all pseudonyms were selected by participants. Our thanks to every participant). Other researchers (e.g., Aronson & Sammon, 2000; Baines, 2008; Evans, 2011; Evans, 2012; Smith, 2007) have noted a similar trend towards the use of discretion or resistance by workers.

However, there were social workers who took a position, which was more consistent with the rule-respecting perspective, nomocracy. This position was articulated by the participant,

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Dolores: “we have to keep some set of rules; we can’t all be rogue workers all the time with every battle... I ... like rules and structure.” (Her use of the term ‘rogue’ prompted the researchers to adopt this term.)

One issue for social workers indicated by the research is that standardized practices cannot take the situated nature of the work into account, including the web of relationships, time pressures and resource constraints, yet often it is the complexity of those contexts that must be negotiated by those in the applied fields (Lipsky, 1980). Resource inadequacies, which have been exacerbated in the current managerial environment (Flynn, 2000), contribute to rogue behaviour. One participant, David, described the discrepancy of supply and demand: “I can’t see them [clients] as often as I would like; or I can’t give them as much time.” Consequently, he reduced the length and/or frequency of appointments for clients as a way to manage. In addition, John who worked in children’s mental health “got around” implementing a psychiatric history that was “very, very extensive” by creating his own abbreviated form to deal with the time pressures.

It also appears that the greater the number of rules, the more likelihood that discretion will be needed to manage them, as Lipsky (1980) found. To illustrate, Nadine saw rules as impediments, the telocracy position, and utilized her power to support her clients: “I’m not a fan of rules ... I think there’s just different ways to do things...I have power...And the power that I have is to be able to facilitate things for people. ... let’s not be held up by all ... these barriers.” However, there were mixed feelings amongst the participants about the exercise of power that being a rogue entailed. Another participant Dawn expressed, “you carry too much, you carry so much power, hey?”

Another issue, as Evans (2012) notes, was that “rules have to be ordered and interpreted, and this gives rise to different views of what the rules mean, which rules take priority and how the rules fit together” (p. 5). Despite the erosion of the autonomy of the professional under managerialism (Clarke, et al., 2000), in social work settings, “professional staff are employed by organisations precisely because certain forms of service delivery require flexibility and the adaptation of general principles to particular circumstances” (Evans, 2011, p. 372). Being professional means being expected to use one’s autonomy and judgement to make appropriate decisions for service users. This need to evaluate contradictory rules was clearly seen by Sam, an addictions counsellor in a locked youth justice facility with a complex management structure of conflicting rules and six people who “had a piece of” him! He expressed his confusion, “we [counsellors] have one set of confidentiality rules ...and the justice [department staff] ... have another.” He handled an ethical dilemma of whether to break the confidentiality of his client who revealed drug use, supporting one policy on confidentiality but not another, in order to maintain a relationship with his client. Even in terms of something as seemingly straight-forward as claiming mileage, there can be confusion. Jen explained, “There’s a vague policy but nothing in detail. And I guess so it’s really up to the individual worker to decide what’s OK [to claim] and what’s not.”

Because a primary consideration that often motivated breaches of the rules was the good of the client, more often than not, practitioners did not turn to the rules enshrined in the codes as their major means of resolving ethical struggles, despite this being the dominant theoretical tool available for the profession. This confirms the findings of other research on ethics (Fine &

Teram, 2009). Social workers have alliances to both the political structures in which they operate (their agencies and professional bodies as examples), but also they form alliances with the individuals that they are entrusted to help (Rose & Miller, 1992). Mary, another participant, discussed the need to be “flexible” and ignore the rules “if it’s in the best interest of the client.” She did not wait for a form to be filled in because “the person sounded like they were in distress.” Another participant, Alan, used the same phrase, the “interests of the clients” to justify rogue behaviour. Elizabeth, a hospital social worker, was explicit about “not always following the hospital priority” to have patients discharged as soon as possible. Her strategy was to try to “think up a medical reason about why somebody needs to stay, so that I can just have a couple more hours or a couple more days, to resolve some of the social issues that are existing [for that family].”

In order to cope with the ambiguities of the system, practitioners in the study often turned to their own values, or elements of their personal history, or significant role models, rather than the principle-based codes of their professional bodies, a finding supported by Doel et al. (2010). For example, Hannah, who worked in a hospital, was told that it was “against medical advice” for a patient who had had a “cardiac event” to attend the funeral of her son whom she had found “dead of carbon monoxide poisoning.” Even so, Hannah created a parallel service via “video” although Hannah “knew that [it] would be vetoed.” It was her “mother’s words” that led her to fight against procedures with which she did not agree.

Often the workers used their feelings as a signal of ethical dilemmas and to resolve the welter of rules. This is consistent with the moral philosophers known as the “sentimentalists” who claim the importance of emotions in making specifically moral evaluations (Craigie, 2011). While according to some psychologists and philosophers, there are dangers in making correct moral judgements using these non-rational processes (e.g., Rogerson, Gottlieb, Handelsman, Knapp, & Younggren, 2011), for others, they offer a significant adjunct to resolving ethical struggles. An example from the research was that of Bert who worked in a hospital. He refused to give back medications to suicidal patients despite policy that it was their personal property. He argued, “I saw it as very wrong and stupid that a person who came in on an overdose was given back the means to do it again.” Lipsky, for one, argued that the need to respond to the human dimension was an important element in the use of discretion by front-line workers (1980, p. 15).

Given space restrictions, this paper cannot detail the complicated relationships between front-line workers and their supervisors in coping with rules and rogue behaviour. However, in a managerial environment, performance measures often privilege quantity over quality. For example, Jen spoke about “March Madness” before the fiscal year-end when workers were expected, “to come ... within a certain amount of cases in order to be within the funding corridor.” Her response was, “I’ve been told to kind of put in less quality work just to get the quantity done, and I’ve pretty much said no, I’m not doing that.” While sometimes workers were direct in their defiance, one major strategy utilized by a number of workers and outlined by Bert, was, “oh yeah, was that a rule? ... Ask forgiveness not permission.”

However, not all the rogue behaviour was done against the wishes of managers. In Canada, the demarcation between management and front-line functions is not always clear-cut. In smaller grassroots agencies in particular, managers may also provide direct service to clients

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and may share similar values to those of front-line workers. This finding was supported in a study done by Evans (2010). Even in large bureaucratic agencies, the sympathy of middle managers towards the complexity of rules at times allowed the participants to be able to confide and even get support from their supervisors for rogue behaviour. For example, Imsak, kept a file open three months past when it was to be closed. She was able to “convince” her manager by negotiating that she would add an extra client to her caseload, a quid pro quo, yet also another instance of the importance of numbers in the context of managerialism.

A final point to note is that participants themselves recognised a paradox: rogue behaviour at the micro level actually interferes with making broader structural changes. Efficiency, as a standard, has resulted in more and more pressure to handle problems speedily, while the problems of those needing support have become more and more pronounced (Ellison, 2007). Short time frames required, the perpetual lack of sufficient time and money, and having a live human being with immediate needs in front of the practitioner contribute to choosing to use discretion for individual service users. However, that move keeps in place problematic structures. Jimmy, who worked in a hospital and favoured a telocracy approach, articulated this challenge. He protested,

I think recently someone was saying that a special diet allowance may have been cut? Or changed so that’s only now covering specific diagnosis ... of some physical health conditions. But over time we’ve been using it to help counter some of the side effects of certain medications that cause things like weight gain in diabetes.

He went on to say,

We’re just sort of manipulating the system that existed to get people what they needed. And without making the case that this was needed for this kind of thing [to counter weight gain in diabetes], then they [policy wonks] can just take it away [the funds that are being used ‘creatively’] and we have no case. ... Whereas if we had made a structural change then we could make the argument that this... problem is still there.

Due to the tightening of the noose, workers have less time and energy to organize the concerted effort it would take to make changes at a macro level. So being the rogue in terms of rules can backfire in attempts to work towards societal transformation that could lead to a more equitable society. To explore some of these issues in more depth, the next section discusses a single case in detail.

The Case of Dolores

The following case is presented because it highlights the problems with rules, even for an individual who supported nomocracy. The social worker concerned, Dolores, was faced by ethical dilemmas created by these rules. An ethical dilemma refers to “two or more courses of action which are in conflict (and will potentially have both positive and negative consequences) but where each action can be defended as viable and appropriate” (Weinberg, 2009, p. 144). The research team had two interviews with Dolores and by the time of the second, she reported that she had found a way to accept the rules, despite her earlier misgivings. Nevertheless, her conflict

is instructive for exploring the problems of a rule-based system for ethics and practice in an era marked by the bureaucratization and managerialism that has resulted in a multiplication of rules.

Dolores was a child protection worker in a Children's Aid Society (CAS or the 'Society'), the child welfare agency responsible for ensuring the safety of children. Dolores was working with a father who himself had been adopted at two years of age and had been a ward of the CAS, the agency acting in loco parentis during his childhood. As an adult, he had been a foster parent for the CAS and was currently being assessed by Dolores as a potential adoptive parent for a young child. The father was interested in knowing something about his own early history. Dolores's struggle was around the policies, procedures and laws regarding disclosure of information to an individual who had been adopted. In this scenario, the father had already written to the CAS requesting the information and according to Dolores, "He knew that I knew the information that he'd like."

One of the difficulties with rules is that they cut across complicated situations and cannot possibly lay out all the contingencies that a practitioner must resolve. In this vignette, there were two categories of rules with which Dolores had to contend (Evans, 2012). The first set was legal. Laws in Canada regarding adoption include provisions to protect the identity of birth parents from unwanted information being shared with their biological children. These are the rules Dolores was referring to when she said, "of course if identifying information is not permitted and it's against the law ... that's fine, that's understandable." She elaborated, "I feel strongly that the identity of the people should be protected." When asked for clarification about which people, she responded, "birth parents." At this moment, Dolores was speaking from the subject position of the law-abiding worker, corresponding to Evans' heuristic of nomocracy.

However, one ethical dilemma for Dolores was how to protect the rights of birth parents to privacy while also supporting the rights of an adoptive individual to information regarding their own history, health, and well-being. This particular predicament was amplified for Dolores because the father had faulty information, which Dolores could correct. She indicated, "He doesn't know how long he's been in care for. Like he's got those wrong."

At the same time, there was another set of rules that related to the policies and procedures laid out by the CAS to manage the work and to respond to requests for information from adopted individuals. This particular agency had very explicit procedures and time lines for disclosing information about adoption, as well as specific individuals whose responsibility it was to provide that information. The father had already "gone through all the right channels to get information." Dolores felt the procedure was "slow" and "painful and [he] probably [wouldn't] get a lot of information." Also, she wanted to use a "very different" process from "a paper form letter" that was "going to be very short and very blacked out, that history, ... redacted" so that he would "not get a good sense of ... his own family situation." Instead, she preferred, "to fast track him" and have "a conversation." At this juncture, there was conflict between Dolores's subject positions as both the humane and caring worker, and as legal representative of the Society.

A further dilemma was how to be the good ethical subject who follows the rules and does not act like a "rogue" - unprincipled and unreliable - but at the same time maintains the humanity of the helping process and follows good social work principles about relationship building. She

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expressed this as, “we lose the individual ... Now it’s the opposite... I have to respect ... the greater structure as well - of finding the balance between the two.” Despite the fluidity of subject positions, a worker has an idealized sense of a “preferred self” (Weinberg, 2007, p.215). When she is not able to act on that image, there will be conflictual feelings. Dolores expressed this distress, “this is really not good (laughs) from an ethical perspective.”

Rules and regulations are part of the technologies through which normalization occurs. However, they are not monolithic in their effects. In Dolores’s attempt to be the ethical subject who followed the rules and did not act like a rogue, she came up against discourses about good practice that created ethical conundrums. The importance of relationship and the recognition of the uniqueness of each individual are two central discourses in the helping professions (Orlinsky, Rønnestad, & Willutzki, 2004) and to philosophical notions of morality (e.g., Buber, 1923/1958; Levinas 1974/1991; Walker, 1998). However, rules create a distance and formalize the helping process. They are meant to be impersonal (Meagher & Parton, 2004) whereas the goals of practice are to engage and individualize. Dolores expressed the need to have a conversation to humanize the disclosure to her client. She did not “see the usefulness of ... not having him know his information” because “it’s not harmful but it gets him to have a different sense of his childhood that no-one else could really tell him cause we’re the only parent he had for those really early years.”

As we have suggested, some workers expressed discomfort with their authority and their exercise of power. For example, Dolores said, “It feels so inappropriate that I know his story and he doesn’t get to know... I have a pass and he doesn’t.” By “pass”, she was referring to being an employee of the CAS. One reason for the discomfort was that social workers recognised there will be divergent interests of different people implicated in a situation, and no matter what decision is rendered, there may be individuals who suffer for those judgements (Orlie, 1997; Weinberg, 2005). In the Dolores example, the following individuals would have been directly impacted by her decision: the biological parents, the father himself, his child, and her colleague. And even if a practitioner has only one client, the resolutions made will have ramifications for other individuals, such as other family members, other people in a group setting, or other team members and their practice.

A different theoretical tradition would propose that one goal for the implementation of rules is to provide consistent and fair treatment of everyone. In its ideal form, according to Meagher and Parton, bureaucracy is characterized by “the impartiality of the decision” (2004, p.13). The emphasis is on preventing *inequality*. However, in the process, rules as bureaucratic mechanisms, dehumanize the helping process because everyone is treated the same, regardless of their situation. Consequently, *inequity* is not addressed. The specific situated aspects in Dolores’s case emerged in part due to her sense that this father had already been through a great deal of emotional turmoil about issues of adoption. She argued, that for this man, the “idea of identity and needing to know where you come from is HUGE for him,” in part due not only to his own adoption, but his involvement as both a foster father and potential adoptive father for the Society. So while for many individuals, the rules of disclosure might have been adequate, from her perspective, the specific and unique nature of his situation suggested making allowances for him that a rule-based approach could not provide. In the Dolores case example, we see that the devices of managerialism resulted in conflict for Dolores (as seen through her conflicting

positions) but ultimately resulted in her acceptance of the rules.

Conclusion

This paper has considered some of the issues for social workers of rules-based systems in the current environment of managerialism, including their implications for practice and for ethics specifically. It can be argued that social workers, as agents of the state, exercise considerable power. In broadly Foucauldian terms Bordon states, “although power is not held by anyone, people and groups are . . . positioned differently within the ‘play of forces’” (as cited in Hardy, 2012, p. 93). In part, by their knowledge as experts and through the implementation of the rules, social workers have some advantages in that play of forces. For example, in child welfare, standards are constructed regarding what is acceptable or unacceptable parenting. Then social workers, through mechanisms of surveillance and normalization, evaluate individuals, such as the father in Dolores’s case vignette, to determine whether he is adequate to be an adoptive father. In particular, much of child welfare practice operates as a “non-reciprocal monitoring gaze” (Parton, 1999, p. 108).

Some writers, such as Evans (2012), have proposed that people can be categorised according to their response to rules. The findings from the project discussed in this paper suggested that while individuals did tend towards one of Evans’ two perspectives, nomocracy or telocracy, there were times when even the most rule-bound individuals bent the rules to manage their work, to cope with complexity or difficulties in the workplace, to be the ‘ethical subject’ or to protect themselves. On the other hand, those who did not value rules in themselves, at times, turned to the rules for similar reasons. Consequently, while these typologies are useful, they do not fully explicate the processes by which embodied individuals deal with rules and ethical problems in actual situations. The research presented in the paper indicate that how ethics are conceptualized in the field must be expanded to look at the situated nature of practitioners’ work and not rely solely on cognitively-based universal sets of principles such as those enshrined in ethical codes.

Although since the rise of managerialism, there has been a dispute (Evans & Harris, 2004) about the continuing potential for the discretion identified by Lipsky (1980), the research discussed in this paper suggests that discretion continues to operate. Workers use discretion or resistances to deal with the complexity of situations, the contradictory nature of the rules, and of the diversity of discourses, and to resist subject positions that they find problematic. The research also indicated that ironically, the proliferation of rules by the very fact of their tangle and contradictions promotes rogue behaviour.

A final point to note is that the trend of proliferating rules associated with the new managerialism coincided with the increasing demands on practitioners’ time and energy. An inescapable consequence is that for those social workers who perceived part of their role to be change agents towards broader societal change found the conflicts around the management of personal resources made it difficult to fulfil those responsibilities towards structural transformation.

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