**Reclaiming Humanity: From Capacities to Capabilities in Understanding Parenting in Adversity**

**Authors:**

\*Anna Gupta is a Senior Lecturer in Social Work at Royal Holloway, University of London, UK

Brid Featherstone is Professor of Social Work at the Open University, UK.

Sue White is Professor of Social Work (Children and Families) at the University of Birmingham, UK.

**\*Correspondence to :**

Anna Gupta

Department of Social Work

Royal Holloway, University of London

Egham, Surrey, TW20 0EX

Email: Anna.Gupta@rhul.ac.uk

Tel: 01784 443681

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**Abstract:**

This paper explores how the Capability Approach (CA) can inform a critical analysis of child protection policy, with particular reference to poverty, parenting and maltreatment. The CA, originally developed by the Nobel Prize winning economist Amartya Sen, is an approach that has been used widely in a range of disciplines and policy domains. Here, we outline the CA and examine how it can inform our understanding of the impact of the current policies on families living in poverty and especially those involved in the child protection system. The CA offers a multidimensional framework that incorporates both individual and social causes into analysis. Drawing upon the CA we argue that there is both a moral and legal imperative to rethink current child welfare policy in relation to families living in poverty. We suggest that the CA offers a framework for the development of more humane and socially just social work practice.

**Key words:**

Capability Approach, poverty, parenting, child protection

**Introduction**

The former Minister for Education in England, Michael Gove, suggested on a number of occasions that social work educators are doing their students a serious disservice when they teach that ‘bad choices’ by adults can be understood and explained away by poverty. While we have yet to see any evidence that this is indeed what educators are teaching students, the purpose of this article is to explore why poverty matters through an engagement with the Capability Approach (CA); an approach that has been profoundly influential in an array of disciplines and policy domains but whose embrace by social work remains under developed. We suggest this approach has the capacity to advance work in the area of child maltreatment conceptually and in relation to practice. This is of considerable importance in the current climate where the settlement between the state and family life in England is particularly punitive towards families experiencing poverty, and in a context of increasing calls within social work for a rethinking of how we respond to our society’s vulnerable children and families (Bywaters, 2013; Featherstone *et al.*, 2014; Parton, 2014).

**What is the Capability Approach?**

The CA was originally developed by the Nobel Prize winning economist, Amartya Sen, and then further explored by feminist philosopher and ethicist, Martha Nussbaum. It provides a theoretical framework concerning wellbeing, human development and social justice. It has been used widely in development work in the global South, and is attracting increasing attention in social policy discourses and research programmes in Europe (Carpenter, 2009).

The CA is generally conceived as a flexible and multi-purpose framework, rather than a precise theory. It can be used to assess individual well-being; evaluate social arrangements; and develop policies and practices to effect social change. It emerged as an alternative to resource or income-based approaches to evaluating human welfare. It challenged orthodox neoclassical economics and neoliberal ideologies that focused on economic growth and per capita income, and was influential in the development of United Nations Human Development Index in 1990 (Carpenter, 2009). The CA focuses directly on the quality of life that individuals are actually able to achieve, and proposes that we consider not *just* resources but rather the valued things people are able to do or to be as a result of having them – the *capabilities* they command.

Core concepts central to the approach are: the resources available to a person (means); what she is and does (functionings); the personal, social and environmental factors that affect her ability to transform means into functionings (conversion factors); and the combination of being and doing that she has the real freedom to achieve (capabilities). A person’s capabilities represent the effective freedom of an individual to choose between different functioning combinations and between different kinds of life that she may value and has reason to value.

People differ in their ability to convert means into valuable opportunities (capabilities) or outcomes (functionings). The differences in the capabilities to function can arise even with the same set of personal means for a variety of reasons, such as: 1) *Physical and mental heterogeneities among persons* (related, for example, to disability or illness); 2) *Variations in non-personal resources* (such as health care or community resources); 3) *Environmental diversities* (such as physical or built environment or threats from local crime); 4) *Differences in relative position vis-à-vis others* (for example relative income poverty in a rich community may translate into absolute poverty in the space of capability); 5) *Distribution within the family* (distributional rules within a family determining, for example, the allocation of food and health care between children and adults, males and females) (Sen, 2005; 2009).

Nussbaum (2011) refers to *combined capabilities*. She identifies internal capabilities or characteristics of a person, including personality traits, intellectual and emotional capacities, states of bodily fitness and health, internalised learning, skills of perception and movement, as being highly relevant to ‘combined capabilities’. Combined capabilities are freedoms or opportunities created by a combination of personal abilities and political, social and economic contexts that support these capabilities. However internal capabilities are developed in interaction with the social, economic, familial and political environments. A role of society and governments is to support the development of internal capabilities and create environments that facilitate opportunities for people to function in accordance with these capabilities. In the CA there is also an acknowledgement of the need for the state to impose limits on some parental rights and freedoms in order to protect the capabilities and rights of children (Nussbaum and Dixon, 2012).

The CA recognises that people are not equally placed to realise their human capabilities arising from structural inequalities, such as class, ‘race’, gender and disabilities, and tackling these is central to the CA’s theory of social justice (Carpenter, 2009). Poverty is regarded as a capability deprivator because it interferes with a person's ability to make valued choices and participate fully in society (Sen, 1999). Thus, it is not just about material resources, poverty leads to the deprivation of certain basic capabilities, and these can vary, as Sen has argued, ‘from such elementary physical ones as being well nourished, being adequately clothed and sheltered, avoiding preventable morbidity, and so forth, to more complex social achievements such as taking part in the life of the community, being able to appear in public without shame, and so on’ (Sen, 1995, p. 15).

So, the CA can provide a lens for poverty analysis, which emphasizes its normative or ethical dimension. It stresses the intrinsic importance of people’s capabilities, argues for a multidimensional assessment in poverty analysis, and adopts a broad perspective of the many kinds of constraints that can limit people’s lives (Hick, 2012). The intersection of inequalities is highlighted by the approach, so for example a person with a disability may have less opportunities to earn an income due to discrimination in employment processes, as well as requiring more income in order to live the life they have reason to value.

A person's capabilities are significantly shaped by their environmental and social circumstances—both past and present. This conception of society is predicated upon a contextual notion of causality that is flexible enough to incorporate both individual and social causes into social analysis (Smith and Seward, 2009). When considering the absence of a particular capability, attention is directed to the relevant causal pathways responsible. For example, the capability to prepare meals for one's family depends on having relevant resources (food and equipment for cooking), knowledge and skills, interpersonal proximity, and a position within the family from which sociocultural norms allow one to take on food preparation responsibilities. (Entwhistle and Watt, 2013).

A crucial element in the CA is agency freedom. Sen (2009) argues that agency freedom is intrinsically important regardless of whether it increases or decreases well-being, because of the importance that is attached to the individual’s ‘real freedom’ (Giullari and Lewis, 2005). Capabilities are substantive freedoms; the potential to do, or to be something that is social valued, and distinguished from actually exercised or realized specific functionings. What one chooses is less important than the range of valued options actually entertained, developmentally available and socially sanctioned. As Sen (2005, p. 155) explains ‘the *freedom to have* any particular thing can be substantially distinguished from actually *having* that thing. What a person is free to have – not just what he actually has – is relevant… to a theory of justice.’ Such a stance contains a constructive tension between cultural context and moral agency (Hopper, 2007). When assessments of quality of life focus on people's capabilities rather than their achieved functionings, they avoid imposing particular expectations on everyone. For example, a focus on the capability to be well nourished requires consideration of the means available (i.e. sufficient food) but also allows respect for the value that some might attach to religious or politically motivated fasting, as well as the value of being well nourished (Entwhistle and Watt, 2013).

From a capabilities perspective cultural freedom involves being able to pursue valued ancestoral cultural preferences whether one chooses to or not, reflecting opportunity and choice (Sen, 2009). Harmful cultural practices, such as female genital mutilation, need to be eliminated ‘on the grounds of the loss of freedom for the victims, irrespective of whether the potential migrants emigrate or not’ (Sen 2009, p. 237). The approach offers ways of thinking about universalism and diversity within a social justice framework (Carpenter, 2009) and can avoid the pitfalls of cultural relativism on the one hand and cultural imperialism on the other (Singh and Cowden, 2013). Otto and Ziegler (2006, p.269) suggest that the CA ‘keeps the promise to be innovative with respect to the significance of human diversity in assessing equality’.

Sen and Nussbaum differ in relation to whether an overarching list of ‘human capabilities’ can and should be developed. Sen (2005) questions whether a definitive list can be chosen without reference to contexts and suggests that this would result in a ‘substantive diminution of the domain of public reasoning’ (p. 157). Nussbaum (2011) argues for the compilation of a list of the core, fundamental capabilities necessary for human well-being, which must be guaranteed in order for a society to be just. She suggests that the list is subject to on-going revision and her list of 10 ‘Central Human Capabilities’ is sensitive to gender and cultural difference. Whilst being closely related to human rights, Nussbaum (2011) contrasts capabilities as requiring more affirmative and proactive state support.

The CA has been incorporated into academic and policy discourse in various ways in different disciplines and some consideration is beginning to be given to its relevance to social work. We would argue that the CA has the potential to offer an overarching framework for socially just policy and social work practice development that challenges the ascent of neo-liberalism and the individualization of risk, and therefore warrants further attention. The approach recognizes structural inequalities and the multi-dimensional power relationships that influence an individual’s welfare in line with critical approaches to social work. Capabilities are dynamically shaped by interactions between individuals and their environments, including their social relationships. Thus, the CA is consistent with social work’s bio-psycho-social perspectives and ecological approaches, but additionally provides a lens for the analysis of poverty that emphasizes its ethical dimension and the intrinsic importance of people’s capabilities as part of a broad theory for social justice that promotes human dignity for all.

By recognizing that a person’s capabilities are significantly shaped by their social circumstances, the CA encourages *relational* rather than individualistic blame-oriented thinking about people and their capabilities (Smith and Seward, 2009). It distinguishes between power over others and power with others (Reisch and Jani, 2012) and is consistent with ideas from strengths-based and relational perspectives that take each service user’s subjective experiences and relationships that matter to them seriously. By incorporating recognition of structural causes of distress, including the social construction of shame and stigma associated with poverty and other inequalities, the CA can provide a framework for strengths-based approaches that avoids reinforcing a process of individualization (Roose *et al.*, 2014). In the sections below we examine current policy contexts and social work practice with children and families living in poverty in England and explore how the CA can inform our understanding of the impact of policy and the development of social work practice within a social justice framework.

**The policy and legal context for child welfare and protection in the England**

* Since the Coalition Government came to power in 2010 there have been significant changes to the social policy context for child welfare provision in England. These include major changes to the welfare benefits system and large reductions in local authority funding for family support services. There is evidence of increasing numbers of children and families experiencing poverty and deprivation (Ridge, 2013), with the poorest children and families bearing the brunt of the recession and of austerity measures (Browne, 2012). The numbers of families reliant on food banks is ever increasing. It is estimated that 500,000 people were reliant on food aid in 2012-13, with the Trussell Trust (the biggest provider of food banks in the England) reporting that the number of people who received food aid almost tripled from the previous year (Cooper and Dumpleton, 2013). It has been suggested that half a million children are not adequately fed today, not as a result of negligence but due to a lack of money largely brought about by changes in the benefit system (Cooper and Dumpleton, 2013). It would seem from the growth in food aid that our society is failing to ensure many families have the basic capability of access to sufficient income to feed themselves and their children adequately.
* The ‘cap’ on benefits disproportionally affects larger families and those where there are children with disabilities. This policy appears to take no account of what Sen (2005) would argue is the differential requirements for resources. It is therefore unsurprising that Browne (2012) forecasts that with the continuing implementation of welfare reforms child and family poverty will rise significantly, particularly amongst large families, those in rented accommodation and those with children under the age of five years. Research by the Institute for Fiscal Studies estimates that an increase of 1.1 million children will be living in poverty by 2020, with tax and benefit reforms accounting for almost all of the increase (Browne *et al.,* 2013). Alongside a reduction in relative income, severe cuts to local authority budgets have led to many community resources, such as libraries, being shut down, with disproportionate effect on disadvantaged children’s lives (Ridge, 2013). From a capabilities perspective, families living in poverty are increasingly being deprived of the means for basic capabilities, such as adequate nutrition, warmth and shelter, as well as social and environmental ‘conversion’ factors that would support their capabilities and functionings.

Alongside policies of the Coalition Government, there has been have been increasing public and media discourse that stigmatises and demonises people with a particular moral twist evident in relation to parents who are deemed responsible for their children’s poverty because of their poor choices (Parton, 2014). The individual blaming of families for their socio-economic hardship, although apparent in some of the policies of New Labour, has significantly gathered pace under the Coalition Government. Poverty has once again been recast as a personal deficit rooted in perceived individual failings and moral turpitude (Ridge, 2013). Sen (1995; 2005) recognizes the corrosive and negative impact of shame and stigma on people living relative poverty, as do many other authors (Chase and Walker, 2012). As Wilkinson and Pickett (2009, p. 41) explain ‘shame and its opposite, pride, are rooted in the processes through which we internalize how we imagine others see us’. The debates fuelled by politicians and the media that portrays people living poverty as ‘scroungers’ and ‘skivers’ can only serve to further undermine the social confidence, self-esteem and capabilities of children and adults living in poverty.

The direct negative impact of poverty on children’s development has been well documented. Children who grow up in poverty are at greater risk of a wide range of adverse outcomes including in relation to their physical and mental health, educational attainment, victimisation by crime as well as criminalisation for anti-social or offending behaviour (Hooper *et al.,* 2007; Bradshaw, 2011).Cooper and Stewart*,* 2013) found that children in lower income families have worse cognitive, social-behavioural and health outcomes in part *because they are poorer,* not just because low income is correlated with other household and parental characteristics. Wilkinson and Pickett (2009) using the UNICEF index found that child wellbeing is strongly related to inequality, with the UK being low on child well-being and high on inequality. In the next section we consider poverty, parenting and child maltreatment, however it needs to recognised that children are directly harmed by poverty and that children’s sets of capabilities, or real opportunities, that they value or will have reason to value are being diminished by Government policies. This needs to be seen as societal neglect of them and their families (Hooper *et al*., 2007). After all a child lacking in the capability of having an adequate diet will be hungry and her health impaired, irrespective of whether her parents don’t have the means to provide enough food or are willfully not feeding her. Structural issues are central to children’s well being and addressing health and child welfare inequalities are a matter of social justice and human rights (Bywaters, 2009).

**Poverty, parenting and maltreatment**

The relationship between poverty, parenting and child maltreatment is complex. Whilst the vast majority of parents living in poverty do not maltreat their children, poverty clearly impacts on parenting in a number of ways, and generally makes parenting harder. A number of studies have identified increased risk of physical abuse and neglect associated with poverty, with poverty and neglect being particularly interwoven (Cawson *et al.,* 2000; Hooper *et al.,* 2007). Research on families involved with child protection services in England has consistently indicated that many share the common experiences of living on a low income, in poor housing, and social isolation. However the studies demonstrate that the majority of these parents want what is best for their children (DH, 2001; Quinton, 2004). In the language of the CA, they have reason to value the capability of being able to care well for their children, but for many this is not possible. Children in poverty are far more likely to become looked after. In the late eighties a seminal study by Bebbington and Miles (1989) demonstrated how the cumulative effect of disadvantage dramatically increases a child’s chances of coming into the care system. More recently Bywaters (2013) found large differences between local authorities in England in the proportion of children in care or subject to child protection plans, with deprivation being identified as the major explanatory factor. He suggests the reframing of child welfare in terms of social inequalities in ways that parallel the well-established health inequalities discourse.

When considering the relationship between poverty, parenting and maltreatment it is essential not to adopt a binary approach that on the one hand pathologises poor parents (the ‘if Ms X next door can parent adequately on benefits why can’t you’ approach) and on the other reduce the problem of maltreatment to one solely of material poverty. The former perspective is currently dominant, with both poverty and poor parenting being constructed as a failing of the individual. For example the dominant political and policy discourse is unequivocal in its presentation of neglect as being about parental pathology and individual blame. The former Education Secretary spoke about the need to rescue children from ‘a life of soiled nappies and scummy baths, chaos and hunger, hopelessness and despair’ and likened children who experience neglect to ‘victims of any other natural disaster’ (Gove, 2012). This reflects the perspective that parents are to blame and social factors play a limited role. The construction of neglect is of a problem that children need to be rescued from rather than one that their parents can be supported to address. Indeed, neglect is increasingly biologised, with brain science and foetal programming in the (inadequate) womb invoked as warrants for particular forms of state intervention into family life (Glover, 2011).

A more nuanced and multi-factorial analysis is necessary for a socially just system. We would argue that the CA challenges the discourse of individual pathology and blame, and offers a framework that stresses the importance of multidimensional assessments that analyze the interaction of individual, relational and social factors on a person’s combined capabilities. Nussbaum’s (2011) ideas on the interactions between internal capabilities and social, economic, familial and political environments are consistent with much recent research on parenting and poverty. Poverty impacts differentially on individual families, with particularly serious consequences for more vulnerable individuals, for those who are less resilient, or who lack informal and formal sources of support (Ghate and Hazel, 2002; Quinton, 2004). The housing of families in temporary bed and breakfast accommodation distant from their family and friends is an example of policy and practices that compound people’s stress and difficulties coping, thereby diminishing their capabilities in already adverse circumstances. Of course, formal support is in short supply and arguably informal support too, as moral pressure is exerted on *everyone* to be ‘economically active’ in the labour market.

Hooper *et al.’s* (2007) study explored the complex relationships between poverty, parenting and children’s wellbeing in diverse social circumstances. They found that ‘stress, unless buffered by sufficient social support and/or mitigated by other sources of resilience, is likely to be significant in the increased risk of some forms of maltreatment among parents living in poverty’ (p. 105). Hooper and colleagues (2007) found that parents’ own experiences of violence and abuse had ongoing impacts on their lives and were compounded by poverty. As with the CA they suggest an individualistic focus is inadequate, and recommend that a more holistic approach is required in order for social workers to have a fuller appreciation of the many ways poverty impacts on family life. They argue that ‘a limited conception of poverty, lack of resources to address it, and lack of attention to the impacts of trauma, addiction and lifelong disadvantage on the choices they experience themselves as having may contribute to overemphasising of agency at the expense of structural inequality’ (Hooper *et al.,* 2007, p. 97). Like Sen and Nussbaum, Hooper *et al.* (2007) acknowledge that recognition and respect are fundamental human needs often denied to marginalised and oppressed groups, and that the ‘spoiled’ identities associated with poverty and other life experiences could lead to social isolation and ‘othering’ processes.

Drawing on the CA, Bartley (2006) reviews the evidence on health inequalities and suggests ways of promoting capabilities and resilience. The study found that the two factors that make resilience possible and increase people’s capabilities are the quality of human relationships and the quality of public responses. Bartley (2006, p.3) argues that ‘good public services enable and encourage people to maintain social relationships, but badly provided ones can create social isolation’. The study suggests that the key to promoting children’s well-being is to help their parents, and by increasing the living standards of poor families, including the improvement of social housing, schools and other public services. However over the past few years, due to public spending cuts, there has been a reduction of community and formal support services, such as children centres (Ridge, 2013). As indicated above, from a capabilities perspective not only are current Government policies on welfare benefit changes impacting on vulnerable parents’ capabilities to adequately care for their children, but the reduction in family support services also diminishes the buffers to deal with the effect of social adversities.

The nature of the support services and how parents experience these, whether as undermining or promoting their capabilities, is of relevance. Featherstone *et al.* (2012) argue that the individualising neo-liberal discourse of welfare that started under the Thatcher Government was continued by New Labour and led to services ‘based on a reductive analysis of needs, conflating multiple vulnerabilities of social networks, environmental resources, parenting capacity and health and well-being to, simply, skills deficits’ (p. 625). This resulted in the minimizing of social and structural constraints facing many families living in poverty. The policies of the Coalition Government have significantly escalated this process. Two reviews on early intervention (Field, 2010 and Allen, 2011) have not served to counterbalance the impact of austerity policies on the lives of children experiencing poverty, and, indeed, have led to a more punitive and individualized focus on parenting in poverty. Allen (2011) draws upon neuroscientific arguments that have been widely critiqued from within neuroscience and are far from ‘policy ready’ (Wastell and White, 2012). It takes an unforgiving approach to parenting, where parents (particularly working class mothers) are expected to ‘change’ within rigid timescales and is devoid of any consideration of social and political contexts and the complex range of factors that may have diminished their capabilities to be ‘good enough’ parents (Grover and Mason, 2013; Featherstone *et al.*, 2014).

Parton (2014) asserts that what has emerged is an ‘authoritarian neoliberal state’ in child welfare that is changing the nature of relationships between the state and families, particularly families from lower socio-economic backgrounds. The new *Working Together* guidance identifies the need to ‘rescue children from chaotic, neglectful and abusive homes’ (HM Government, 2013, p. 22). In a speech at the Institute of Public Policy Research (IPPR) in November 2012, Michael Gove reaffirmed the need to act swiftly as ‘too many children are left for far too long in homes where they are exposed to appalling neglect and criminal mistreatment’. The blame was placed solely on parental behavior with no recognition of the influence of social and environmental adversities. Policies in relation to child protection and care proceedings have led to more (inevitably poor) children coming in to the care system and being placed for adoption. It is current government policy to speed up the family courts, giving less opportunity for parents to be supported to care for their children, and also to prioritize adoption as the ‘gold standard’ for children in care.

Nussbaum (2011) uses the idea of capabilities to develop thinking about social justice, and a state’s basic responsibilities towards their citizens. Her central capabilities are closely related to rights; like rights they include the idea of entitlement. One of the capabilities is ‘Affiliation’ - being able to live with and toward others’ (Nussbaum, 2011, p. 34). She suggests that protecting this capability means protecting institutions that constitute and nourish such forms of affiliation, which would include the family. This is closely linked with the value as a society we place a on ‘private family life’ as indicated by Article 8 of the European Convention on Human Rights (ECHR). However some children are unable to live with their parents because of maltreatment, and it is recognized by the CA that the state has a role in intervening in private family life in order to protect the capabilities and rights of children. Crucial questions are therefore when and how the state should intervene.

The legal threshold for compulsory state intervention in private family life in England and Wales is the concept of ‘significant harm’. ‘Harm’ is defined as ill-treatment or impairment of health and development. The harm or likelihood of harm needs to be attributable to parental care, *‘not being what it would be reasonable to expect a parent to give to him*’ (S. 31(2)(b)(i) of the Children Act 1989). The permanent removal of a child from her birth family is one of the most draconian actions of the state with life-long consequences. Two significant case law judgements (*Re B (A Child) (Care Proceedings: Threshold Criteria)* [2013] UKSC 33, [2013] 1 WLR 1911 and *Re B-S (Children)* [2013] EWCA Civ 1146) have reaffirmed adoption as a placement of last resort. *Re B* states that ‘the court’s assessment of the parents’ ability to discharge their responsibilities towards the child must take into account the assistance and support, which the authorities would offer. So ‘before making an adoption order … the court must be satisfied that there is no practical way of the authorities (or others) providing the requisite assistance and support’ (para. 105).

Many of the parents involved in care proceedings will be experiencing socio-economic deprivation as well as other difficulties, such as learning difficulties, mental health problems or substance misuse. Neglect is the most common form of harm experienced by children involved in care proceedings (Masson *et al.,* 2008). However the link between neglect, poverty and social deprivation, makes decisions about parental culpability and ‘reasonable parenting’ particularly difficult given the severe cuts to welfare benefits, housing and family support services. This raises questions about children and families’ rights under Article 8 of the ECHR that have been largely absent from current debates in the family justice system.

From a capabilities perspective the diagnosis of capability failures, or significant interpersonal variations in capability, directs attention to the relevant causal pathways responsible. If a parent is deemed to be failing to provide ‘reasonable’ care for her child, exploration is needed as to the various possible personal, social and environmental factors that affect her capabilities. It requires recognition of poverty and inequalities as capability deprivators. Although the ecological approach outlined in the Assessment Framework (DH, 2000) includes consideration of environmental factors, there is evidence to suggest that challenging the dominant political discourse of blaming poor families for their poverty and related difficulties is not a feature of some social work assessments. For example Hooper *et al*. (2007, p. 109) concluded that in social work with children and families ‘poverty has slipped out of sight’. Burgess *et al*. (2014) similarly found that that practitioners can tend to overlook and fail to assess adequately socio-economic factors.

Parental difficulties should not be ignored, but policy and practice responses need to be contextualised. Unfortunately the policy context for social work practice supports an individual deficit view of parenting difficulties. Hall *et al.* (2010) argue that the shift to ‘child centric’ practices has rendered parents and their needs irrelevant, only their capacities count. A Government funded review of research to assist decision-making in the family courts focuses primarily on parent-child interactions drawing upon neuroscientific research (Brown and Ward, 2012). Quite extraordinarily even in the section on ‘issues affecting parenting capacity’ there is no mention of poverty, poor housing, racism or any other structural inequalities. The construction of a ‘reasonable parent’ in the family courts is thus stripped of context.

How the causal factors in relation to parents and children’s difficulties have been framed will determine how families are responded to prior to, as well as during court proceedings, often with life-long consequences. For example in a care proceedings case that one of the authors was involved in as an independent social worker, a major criticism by the local authority of the children’s father and reason for not placing the children in his care when their mother suffered a mental health breakdown, was that he had not obtained suitable housing. This was seen as reflecting his ‘lack of commitment’ to the children. However he had come to this country as a refugee, had only obtained Indefinite Leave to Remain a few years previously, and was employed on the minimum wage. He also assiduously attended contact with the children three times per week. An approach based on the CA would recognise that obtaining private rental property is a challenge in many parts of London, but especially so when on a low wage with little chance of saving a deposit and rent in advance. It would not involve a dismissal of concerns about his emotional relationship and commitment to the children, but would recognise his strengths as well as work with him to understand and address any identified deficits.

For some children and families greater attention to structural inequalities and support provisions as required by the CA may not change the outcome of care proceedings, but the process will have been more just. For others, however, detailed attention to the complex interactions between parents’ life histories, their current social circumstances and effective support services could result in the child remaining in the family and the child and their parents’ rights to family life (or human capability of ‘affiliation’) being upheld.

The quality of the relationship between the child and family and professionals directly impacts on the effectiveness of help. There has been increasing attention to the development of relationships as a means of effecting change in social work practice, particularly in response to the bureaucratic nature of much local authority children’s social work and the risk averse context in which workers operate (Munro, 2011). Issues of power are central to the CA, including the intrinsic importance of ‘power with’ rather than ‘power over others’. Social workers need to be aware of their power to promote strengths and enhance capabilities, as well as diminish and destroy them (Entwhistle and Watt, 2013). Where compulsory intervention is required to protect and promote children’s capabilities, the CA requires that attention still be paid to parents’ fundamental right to be treated with dignity and respect (Nussbaum, 2011).

Drawing upon the CA, Cottam (2011) discusses the work of the organization, Participle, which is based on an approach termed ‘relational welfare’. She describes practice where professionals are not there to intervene and solve problems, they are there to listen, challenge and support a process of discovery and transformation. Although not specifically based on the CA, Jack and Gill (2010) highlight examples of practices that similarly challenge individually oriented and punitive approaches to safeguarding children. These include services that develop a culture of listening to children and adults; recognize and promote strengths; and develop partnership approaches to extending local support services. Tobis (2013) describes a parental advocacy scheme in New York City, where disadvantaged parents who had lost children to public care worked with other parents to improve their capabilities and confidence massively reducing the number the numbers of children in care:

The parent advocates movement has lifted the pessimism that was pervasive amongst child welfare-affected parents… They have a voice and are making a difference in their own lives and in the lives of parents throughout the city… Parents have overcome enormous difficulties and have helped move an intransigent system (p. 217).

**Conclusions**

Sen (2009, p. ix) aims in his work *The Idea of Justice* to present a broad theory of justice, a way ‘to address questions of enhancing justice and removing injustice’. In the above we have analysed the current policy and practice context for child protection work with children and families living in poverty, with reference to the CA. We have argued that policies increasing poverty and inequalities serve to reduce the ‘means’ available to families, whilst cuts to local authority and community- based support services are at the same time diminishing ‘conversion’ factors that would enhance capabilities in these adverse circumstances. Families involved in the child protection and family court systems face a ‘triple jeopardy’ of punitive practices that fail to recognize the socio-economic context of their lives.

However things can be done differently. Whilst much further work is needed, it would seem that the CA offers potential for developing critical and ethical social work practice that promotes human dignity, incorporates a multi-dimensional analysis of factors that impact on individuals’ lives, and works with families to promote the capabilities of parents and children. Our analysis suggests that there is both a moral and legal imperative to rethink current child welfare policy and practice in relation to families living in poverty and it is going to involve reconnecting with the humanness of struggle. ‘They’ need what ‘we’ need when our worlds go awry:

Anyone who has experienced their own difficulties might think about the times we have been depressed, have not had enough money, have drunk too much, or have broken promises to ourselves. Think about the mistakes each of us has made while parenting (Tobis, 2013, p. 217).

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