

MARIA ERIKSSON · LINNÉA BRUNO · ELISABET NÄSMAN



DOMESTIC VIOLENCE, FAMILY LAW AND SCHOOL

*Children's Right to Participation,
Protection and Provision*



Domestic Violence, Family Law and School

Also by Maria Eriksson

FÖRÄLDRASKAPETS POLITIK. Från 1900-tal till 2000-tal (*co-editor*)

BARN SOM UPPLEVER VÅLD: Nordisk forskning och praktik (*editor*)

BARN, VÅLD, FAMILJERÄTT OCH KVINNOJOURSARBETE

BARNS RÖSTER OM VÅLD – ATT TOLKA OCH FÖRSTÅ (*co-editor*)

I SKUGGAN AV PAPPA. FAMILJERÄTTEN OCH HANTERINGEN
AV FÄDERS VÅLD

MÅNS VÅLD MOT KVINNOR OCH BARNNS UPPLEVELSER:
INTERVENTIONER, KUNSKAPER OCH UTVECKLINGSBEHOV (*co-author*)

NÄR BARN SOM UPPLEVT VÅLD MÖTER SOCIALTJÄNSTEN – OM BARNNS
PERSPEKTIV, DELAKTIGHET OCH GILTIGGÖRANDE (*co-author*)

TACKLING MEN'S VIOLENCE IN FAMILIES: Nordic Issues and
Dilemmas (*co-editor*)

Also by Elisabet Näsman

JAG; DEN ANDRE. Spelet mellan dej och mej och dom utstötta (*co-author*)

BARNNS RÖSTER OM VÅLD – ATT TOLKA OCH FÖRSTÅ (*co-editor*)

NÄR BARN SOM UPPLEVT VÅLD MÖTER SOCIALTJÄNSTEN – OM BARNNS
PERSPEKTIV, DELAKTIGHET OCH GILTIGGÖRANDE (*co-author*)

SAMHÄLLSVETENSKAP & VARDAGSERFARENHET. Teori,
praktik, etik (*co-editor*)

STÄMPLINGSPROCESSEN (*co-author*)

MAMMA, PAPPA, JOBB. Föräldrar och barn om arbetets villkor (*co-author*)

ETIK I FORSKNINGENS VARDAG (*co-editor*)

BARNEFATTIGDOM. Om bemötande och metoder ur ett
barnperspektiv (*co-author*)

FRÅN SPARGRIS TILL KONTOKORT. Barndomens ekonomiska
SPIRALTRAPPA (*co-editor*)

MAMMA PAPPA UTAN JOBB (*co-author*)

ELEVVÅRD TILL VEMS BÄSTA (*co-author*)

FÖRÄLDRARS ARBETE & BARNNS VILLKOR (*co-author*)

Domestic Violence, Family Law and School

Children's Right to Participation, Protection and Provision

Maria Eriksson
Mälardalen University, Sweden

Linnéa Bruno
Uppsala University, Sweden

and

Elisabet Näsman
Uppsala University, Sweden

palgrave
macmillan



© Maria Eriksson, Linnéa Bruno and Elisabet Näsman 2013
Softcover reprint of the hardcover 1st edition 2013 978-1-137-28304-7
All rights reserved. No reproduction, copy or transmission of this publication may be made without written permission.

No portion of this publication may be reproduced, copied or transmitted save with written permission or in accordance with the provisions of the Copyright, Designs and Patents Act 1988, or under the terms of any licence permitting limited copying issued by the Copyright Licensing Agency, Saffron House, 6–10 Kirby Street, London EC1N 8TS.

Any person who does any unauthorized act in relation to this publication may be liable to criminal prosecution and civil claims for damages.

The authors have asserted their rights to be identified as the authors of this work in accordance with the Copyright, Designs and Patents Act 1988.

First published 2013 by
PALGRAVE MACMILLAN

Palgrave Macmillan in the UK is an imprint of Macmillan Publishers Limited, registered in England, company number 785998, of Houndmills, Basingstoke, Hampshire RG21 6XS.

Palgrave Macmillan in the US is a division of St Martin's Press LLC, 175 Fifth Avenue, New York, NY 10010.

Palgrave Macmillan is the global academic imprint of the above companies and has companies and representatives throughout the world.

Palgrave® and Macmillan® are registered trademarks in the United States, the United Kingdom, Europe and other countries.

ISBN 978-1-349-44886-9 ISBN 978-1-137-28305-4 (eBook)
DOI 10.1057/9781137283054

This book is printed on paper suitable for recycling and made from fully managed and sustained forest sources. Logging, pulping and manufacturing processes are expected to conform to the environmental regulations of the country of origin.

A catalogue record for this book is available from the British Library.

A catalog record for this book is available from the Library of Congress.

Typeset by MPS Limited, Chennai, India.

Contents

<i>List of Figures and Tables</i>	vi
<i>Acknowledgements</i>	vii
<i>List of Abbreviations</i>	viii
1 Domestic Violence and Family Law Disputes on the School Agenda	1
2 Children and Domestic Violence	17
3 Domestic Violence and Family Law	27
4 Social Issues at Pre-School and School	45
5 School in a Complex Field of Policy and Practice	60
6 The Impact of Family Law Proceedings	74
7 Children's Vulnerability and Support at School	89
8 Pre-School and School Staff Strategies	107
9 Privilege and Marginalization	127
10 Children's Rights to Participation, Protection and Provision	142
<i>Appendix A: Empirical studies</i>	154
<i>Notes</i>	158
<i>References</i>	161
<i>Index</i>	182

List of Figures and Tables

Figures

7.1	Child and adult positions	102
8.1	Pre-school and school staff strategies	111

Tables

6.1	Hand-over arranged at pre-school/school premises due to domestic violence (frequency and per cent)	81
6.2	Mediation of information between parents due to domestic violence (frequency and per cent)	81
6.3	Children attending two pre-schools or schools (frequency and per cent)	85
7.1	Children talking about domestic violence at pre-school/school (per cent)	92
7.2	A parent without right to contact seeking out the child at pre-school/school (per cent)	93
7.3	Violence or threats from a parent against the other at pre-school/school (frequency and per cent)	94
7.4	Staff subjected to threats or violence by parents or other adult next of kin (per cent)	95
A.1	Informants working in pre-school	154
A.2	Informants working in school	155

Acknowledgements

We wish to thank everyone who has made this book possible by participation in research projects or through comments and suggestions on different versions of the text. Special thanks goes to Keith Pringle for contributing to the improvement of the manuscript by engaging in constructive dialogue about broader themes and key perspectives, as well as careful consideration of important details. The research project *Children whose father is violent to the mother encounter the family law: Vulnerable children as social actors in investigations regarding custody, residence or contact* was funded by the Swedish Crime Victim Fund and the Swedish Council for Working Life and Social Research (FAS). In addition to authors Eriksson and Näsman, the research team consisted of Gunilla Dahlkild-Öhman at Uppsala University and Jeanette Sundhall at Göteborg University. The project *Family law proceedings and decisions in a school perspective – focusing children at risk: A pilot study* was funded by the Children's Welfare Foundation Sweden and the Swedish Council for Working Life and Social Research (FAS).

List of Abbreviations

BO	Barnombudsmannen [Children's Ombudsman]
BRÅ	Brottsförebyggande Rådet [Swedish Council for Crime Prevention]
CAFCASS	Children and Family Court Advisory and Support Service
Dir.	Kommittédirektiv [Parliamental committee instructions]
FB	Föräldrabalken [Parental Code]
FSR	Familjerättsprofessionernas Riksförening [Association of Family Law Social Workers in Sweden]
GU	Göteborgs universitet [University of Gothenburg]
HMICA	HM Inspectorate of Court Administration
LU	Lagutskottet [Civil Law Committee]
LVU	Lagen med särskilda bestämmelser om vård av unga [Special Regulations of the Care of Young People Act]
NACCC	National Association of Child Contact Centres
NSPCC	National Society for the Prevention of Cruelty to Children
Ofsted	Office for Standards in Education, Children's Services and Skills
ONS	Office for National Statistics
Prop.	Proposition [Governmental White Paper]
SCB	Statistiska Centralbyrån [Statistics Sweden]
SOU	Statens Offentliga Utredningar [Swedish Government Official Reports]
SoL	Socialtjänstlagen [Social Services Act]
UNCRC	United Nations Convention on the Rights of the Child

1

Domestic Violence and Family Law Disputes on the School Agenda

The father had been given single custody this time, and the social services came here to fetch two children. It was quite dramatic. It is tough when it happens because ... The other children get upset as well [deep sigh] when they see what happens. So ... one has to be very careful. I could wish it could take place somewhere else, than at school, actually. (School head teacher, Sweden)

In most countries, children 'do' a large part of their childhood at pre-school and school. They live a significant part of their lives at these institutions. For children who experience problems in their family, pre-school and school can offer relief in difficult life situations. At pre-school and school, children's problems at home can be made visible and support from school staff can help children to find strategies to deal with their situation (e.g. Näsman and von Gerber, 1996; Openshaw, 2008; Øverlien et al., 2009). In most countries, pre-schools and schools also have a responsibility to make child protection agencies aware of cases in which the authorities may have to intervene to protect and support a child, due to neglect or some form of abuse. For all of these reasons pre-school and school are very important institutions for children in difficult life situations. However, pre-school and school can also be sources of difficulties, due to, for example, problems in concentrating or problems in doing home-work (e.g. Openshaw, 2008; Weinehall, 1997). Furthermore, it can be a place associated with fear and pressure. Problems at

home can become aggravated in pre-school or school, for example, expressed in bullying or subjection to bullying or exclusion (by teachers as well as by peers) (e.g. Jackson, 1998; Sundelin Wahlsten, 1997), or because it becomes a site where conflicts between parents are played out (e.g. Øverlien et al., 2009).

The topic of this book is children's situation at pre-school and school when there is a history of domestic violence and the parents are disputing parental responsibility, the child's living arrangements or the child's contact with the non-residential parent. These kinds of situations can create difficulties not just for the child with disputing parents but for all the children at school as well as school staff. In our own previous studies in this field we have seen examples of how family law proceedings may impinge upon school and school activities. However, while there has been considerable discussion about issues of child protection and the cooperation between school and social services in that context, studies on the intersection between pre-school/school and family law disputes seem virtually non-existent. This is also the case when it comes to family law, school and different forms of childhood adversity. The aim of this book is thus to contribute to increased knowledge about the underexplored area of children's lives at pre-school and school, and about social work with children at risk.

Divorce, parental responsibility and domestic violence

In many parts of the Western world, current family policies presuppose shared parenting and a high degree of parental cooperation post-separation or -divorce. Parents are expected to be able to share the legal responsibility for the child (parental responsibility or custody), and face-to-face contact is presumed to be in the best interests of the child. This is also the case with the two policy contexts in focus in this book: England and Wales, and Sweden. In England and Wales, new measures for working with children and families in relation to arrangements for children where parents separate and divorce were introduced in the late 1980s through the Children Act 1989 (see Eriksson and Hester, 2001). The Children Act codified a shift away from children being 'owned' by parents to parents having responsibility for their children, reflected in the change of terminology from the formerly used 'custody' to 'parental responsibility'.

As regards parental responsibility in the Swedish context, it can be noted that the Swedish term '*vårdnad*' was introduced through the law on children born out of wedlock 1917 and the law on children within marriage 1920. The word is an abbreviation of '*omvårdnad*', which is 'care' in English, and was chosen to avoid a terminology of parental power and parental authority. Instead, the aim was to emphasize parents' responsibility for good life conditions for children when growing up (SOU 1995:79, p. 71). In this sense there are a lot of similarities between 'parental responsibility' in England and '*vårdnad*' in Sweden. However, there are also important differences due to the construction of the law in each country (see below). Therefore, and to remind readers that there are differences between these two legal systems, parental responsibility will only be used in relation to law in England and Wales, and the term 'custody' will be used in relation Sweden.

As regards living arrangements, the 1989 reforms in England and Wales made it clear that it was expected that the children would reside with one parent and that the non-residential parent would have contact (formerly known as access). The presumption in current policy and law is that contact between a child and the non-resident parent is the desired outcome of any court proceedings (Hester, 2011; Radford and Hester, 2006; Trinder et al., 2006). The ethos of the Children Act of 1989 is conciliatory and parents are expected to work out arrangements for their children if they separate. The point of departure is that courts should only get involved as a last resort.

A similar development can be seen in Sweden. A chain of changes to the family law since the 1970s have aimed to reduce conflict between parents and to encourage agreements over contact, custody and residence (see Nordborg, 2005). This increased emphasis on agreements and parental cooperation has changed the role of the courts in Sweden as well (see Schiratzki, 1997). As has been the case in England, legal reforms in the family law area have aimed to remove family law disputes out of the courts and to avoid long, repeated and costly legal processes. Other institutions are expected to tackle the problem of parental disputes. For example, the local authority social services have since 1991 been obliged to offer 'cooperation talks', which is a kind of mediation, to parents who do not live together and want to solve conflicts regarding their children (Socialtjänstlagen [SoL] Chapter 5 § 3). This kind of mediation can

also be mandated by the court in a legal dispute between parents (Föräldrabalken [FB] Chapter 6 § 18).¹ Here we can compare with England where mediation and other forms of dispute resolution services outside of court have become increasingly central to policy in this field (see, for example, Ministry of Justice et al., 2011; Ministry of Justice, 2012).

Following the recommendations made by a governmental inquiry in Sweden on custody disputes in the mid-1990s (SOU 1995:79), in 1998 it also became possible for Swedish courts to award joint custody against the explicit wish of one parent. The inquiry strongly emphasized joint custody as the preferable option at separation or divorce. The changes to the law that came into force in 1998 also increased the possibilities for the court to specify contact and residence arrangements when parents share custody (which was not possible before; see Prop. 1997/98:7). Parents who share custody are defined as jointly responsible for the care of the child and for ensuring that the child's physical and psychological needs are fulfilled. The parents also share decision-making rights regarding the child and are obliged to make all major decisions jointly – that is, all that goes beyond the everyday care (food, clothes, bedtimes, leisure time activities etcetera). One parent cannot make any major decision 'of central importance for the child's future' unless the best interests of the child 'apparently demand' such a decision (FB Chapter 6 § 13). It can be noted that in comparison to England, parents in Sweden are expected to co-operate to a larger extent when they share legal responsibility for the child. In England, the Children Act 1989 makes it clear that where more than one person has parental responsibility for a child, each of them may act alone in meeting that responsibility, except in particular circumstances where the consent of everyone with parental responsibility is required (such as when changing the child's name or removing the child out of the jurisdiction of England and Wales for a longer period of time). The law in England and Wales thus makes it possible to allow the residential parent a greater degree of freedom to make decisions regarding the child, compared to Swedish law. However, it can also be noted that the most recent review of the family law area and the government's plans for further reforms indicate that an increased emphasis on shared decision-making between parents can be seen in England and Wales as well (see Ministry of Justice, 2012).

A key foundation for policy is the notion of the child's right to contact with parents, and in England also with other people such as grandparents and siblings. In both countries contact is framed as the *child's right* (not a parental right). However, in both England and Wales, and Sweden, in practice children lack opportunities to enact this right: in neither country the child is automatically a party to the case. In England and Wales, this is not the case unless there are particular circumstances that make the case complex (see below), and in Sweden it is never the case. When children are not parties to the case and do not have legal representation, it is adults – most commonly parents or persons with parental responsibility – who have to raise the question of the child's right to contact. Another interesting feature of the construction of the law – seen from children's rights point of view – is the fact that there tend to be a lack of measures to force parents to comply with a contact order. Instead, sanctions tend to be aimed at the residential parent – and as a consequence also the child. For example, if contact ordered by a Swedish court is undermined or not supported by the residential parent, there are options of legal sanctions. The residential parent may be fined and ultimately the contact order may be enforced (with the help of the police) (FB Chapter 21 § 3). However, if the residential parent or the child wants the child to have contact with an unwilling parent, there are no legal measures (such as fines) available at all; 'contact refusing' parents are surrounded by a 'law-less space' in Swedish law, as Nordborg (2005, p. 114) puts it.

The child's best interest

In research on separation, divorce and legal disputes between parents regarding children, such processes have been discussed as potentially very difficult situations for the children (Butler et al., 2002; Smart et al., 2001, 2003). Over the past decades, additional issues such as mental health problems, addiction and domestic violence have increasingly been placed upon the research and policy agendas when it comes to separation and divorce (e.g. Hester and Radford, 1996; Jaffe et al., 2003; Röbbäck, 2012).

In both countries, the interests and rights of the child are supposed to be at the heart of the legal process. In England and Wales, for all proceedings under the Children Act 1989 when the court considers a

question of the child's upbringing, the child's welfare should be the court's paramount consideration. According to the Swedish Parental Code, all decisions in family law disputes should be based upon the best interests of the child (FB Chapter 6 § 2a). As regards domestic violence, measures have gradually been introduced in both countries to enable courts to appropriately deal with this issue. In England and Wales some important steps were taken in 2000, through a Court of Appeal decision and the Children Act Sub-Committee report *Contact Between Children and Violent Parents*. Both of these were important in placing greater emphasis on risk assessment and management in contact cases (Hester, 2011; Trinder et al., 2010). In the following year, the Lord Chancellor's Department launched new guidelines for the family courts on *Child Contact Where There Is Domestic Violence*. Moreover, in 2002 the Children Act was amended by the Adoption and Children Act, which included changes that involved an extension to the definition of 'significant harm' to include witnessing domestic violence (the ill-treatment of another person). More recently, measures have also been introduced to assist screening of risk in court proceedings (see Trinder et al., 2010).

In Sweden, courts are (since 1993) obliged to consider the *risk* of abuse, kidnapping or other forms of harm to the child when assessing the best interests of the child. In family law cases it is not necessary to prove 'beyond reasonable doubt' that a child will be harmed by contact, custody or residence arrangements. It should be enough that 'there are concrete circumstances indicating risk' (LU 1992/93:22, 22; Author's translation). Thus the level of proof required should be significantly lower than in criminal law cases (Nordborg, 2005). However, previous reviews of the lower courts' practice in cases where statements about violence have been made by one or both parties indicated that at that time (around the new millennium) practice had developed in a way which was contrary to the legislator's intent (see below). In the wake of severe criticism of both the family law itself and of practice, a parliamentary committee was appointed in 2002 to review changes made in both 1996 and 1998 (Dir. 2002:89). Special consideration was to be given to the situation for children where one parent has been subjected to serious crimes by the other parent. After having consulted both research and different interest groups, and after having conducted some investigations of its own, the committee concluded with a critique of legal practice

similar to that previously expressed by others (SOU 2005:43). The work of the committee resulted in safety-oriented changes to the law that came into force on 1 July 2006 (see Chapter 2).

Children's right to participation

Another key issue is children's right to participation. Both England and Sweden have ratified the United Nations' Convention on the Rights of the Child (UNCRC), and in both countries the legislation recognizes children's right to have a say in matters that concern them. In England and Wales, the Children Act 1989 starts off by stating that the welfare of the child should be the court's paramount consideration. It then lists a number of aspects relevant to the assessment of the child's welfare, of which the first item is 'the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding)'. In Sweden, changes to the law that came into force on 1 January 1996 (Prop. 1994/95:224) clarified that the child's wishes should be taken into account in the legal process, with consideration of age and maturity. Children's right to participation has been emphasized even further with changes in 2006 which mean that children also have a right to express their views in the context of interim decisions on custody, residence or contact. In addition, the rules for enforcement mean that a court order should not be enforced against the child's wishes if enforcement is not necessary to secure the best interests of the child.²

However, although the UNCRC has been ratified both by England and Sweden, and the principles relating to the child's best interests and the child's right to express their views have been included in respective legislation, children's voices are seldom heard in family law proceedings (e.g. Dahlstrand, 2004; James and James, 1999; Socialstyrelsen, 2003). As discussed above, in neither country are children parties to the case. Thus it is adults who will report on children's views and wishes.

In England, the court can request a welfare report under s7 Children Act 1989 either from the local authority or from a Children and Family Reporter, who is an officer appointed by the Children and Family Court Advisory and Support Service (CAFCASS, 2013). The report will normally contain information about the child's views, wishes and feelings, although the officers making the report will not

just record the child's wishes' but make recommendations based on what they think is in the child's best interests. A similar situation can be found in Sweden where social workers from the local authority social services carry out court-mandated investigations into the child's situation. In larger local authorities family law social workers are separated organizationally from social workers concerned with, for example, child protection investigations or different forms of support to children and families. However, in smaller municipalities family law investigations, child protection investigations and other social service tasks are often carried out by the very same professionals. The impact on the children of such differences has not so far been researched. Like their English equivalent, Swedish family law social workers should, if it is not deemed completely inappropriate, investigate 'the child's view' and give an account of it to the court (FB Chapter 6, § 19). In this context children's views are filtered through the voices of adults, just as is the case in England and Wales.

It can also be noted that in both countries, children are only given this limited opportunity to influence the living arrangements and relationships when there is a dispute between the parents. When parents agree, the principle is not to intervene: the principle of parental autonomy is stronger than children's views or welfare (see James and James, 1999). Thus parental agreement is presumed to be *identical* to the best interests of the child.

Children at risk, pre-school and school

In many countries – including England and Wales, and Sweden – legislation and policy emphasize the importance of early and speedy preventive measures as well as the need for multi-professional cooperation to protect maltreated children (Department for Education and Skills, 2006; Dufva, 2001; Socialstyrelsen et al., 2007). As regards strategies and routines for such cooperation, policy is currently more developed in, for example, England and Wales than in Sweden. Policy documents do of course not guarantee good practice. Nevertheless, the existence of guidance in England and Wales must be considered as at least a step forward, compared to the current Swedish situation. There is no Swedish equivalent to the strategy document *Working Together to Safeguard Children* (Department for Education and Skills, 2006), which explains in detail the responsibilities, roles and duties

of various agencies and professionals that work directly with children and young people. It can be noted that in recent years, cooperation in child protection has been given more attention in Sweden as well. Large governmental investments in nearly 100 local cooperation projects have been carried out in the period 2006 to 2009, and these have recently been evaluated (Danermark et al., 2009).

Research on the relationship between school and social services also addresses the potentially problematic aspects of inter-agency cooperation from the perspective of service users. A recurring theme is the possibility of parents manipulating staff and thus drawing attention away from the child's needs to their own difficulties or to conflicts between professionals (e.g. Stanley and Goddard, 2002). The educational needs of looked after children is another important issue (see, for example, Jackson, 1998; Snow, 2009). Studies have also been concerned with ways to overcome existing barriers for cooperation (e.g. Altshuler, 2003). For example, a recent Danish survey based on replies from 733 teachers, pre-school staff, child protection workers and nurses demonstrates that differences between professions were only slightly more marked than the difference between respondents from the same profession. However, one significant disagreement between the groups was that the child protection workers were less interested in multi-professional cooperation (Ejernæs, 2006).

Regarding domestic violence as a child protection issue, some studies focus upon school. Here, a key issue is the schools' lack of reporting to the social welfare agencies of suspected child maltreatment or abuse. For example, a study in Finland and the United Kingdom suggests that there is a lack of cooperation between school staff and social services in a large segment of cases where school staff are confronted with signs of domestic violence (Aitken, 2001; Dufva, 2001. Cf. Sundell and Flodin, 1997). However, as stated above, these studies do not focus upon the issue of family law in the context of cooperation between school and social services.

Participation and care

To understand the difficulties in implementing the principles of children's right to protection as well as right to participation, it is important to recognize the tension in perspectives on children that can be seen in a number of contexts, from research and policy to everyday

practice – in England, Sweden and elsewhere. The notion of the child and the social position of children have changed a lot during the past century. Whilst the first statements on children's rights in the global community only constructed the child as an object in need of adult care, protection and control, the UNCRC combines a developmental perspective on the child with that of the child as an actor. The child is no longer only seen as a non-citizen 'growing into'³ society, but some citizenship rights are acknowledged already during childhood. In the UNCRC *participation* appears as a fundamental right though it is still limited by reservations based on the developmental perspective, which puts children's competence into question (a key part of the UNCRC in this matter is Article 12). Today, both the English and the Swedish legislation may be considered as representing children as competent enough to make their voices heard and to have their opinions taken into account (cf. James, 2008; James and James, 1999; Schiratzki, 1997; Singer 2000). The law opens up for children being perceived as subjects and parties to the case. However, as indicated above, research in both England and Sweden demonstrates that this perspective on children is not always put into practice (see, for example, Dahlstrand, 2004; Eriksson, 2003, 2005a; James, 2008; James and James, 1999). Children's competence as regards their participation and the value of their opinions in decision-making processes are questioned.

This questioning can be found in society more generally, which points to a double-ness as regards the perspective on children, constructing them as, on the one hand, subjects and, on the other hand, objects. Qvortrup (1994) talks about these two perspectives as 'becoming' and 'being', respectively, existing side by side. Lee argues in his analysis on three institutional levels starting with the UNCRC that 'Article 12 incorporates an ambiguity within itself as to children's ability to represent themselves. This is just the issue that we might expect Article 12 to finally resolve' (Lee, 1999, p. 456). Lee's conclusion is that

rather than making clear and univocal assumptions about children's capacities, adult institutions display an inability to decide on what status they should accord to children's utterances ... Childhood's ambiguity, which is at once a product of, and a hindrance to, institutional legitimacy, is typically 'managed' by institutions by deferring the moment of its resolution. (Lee, 1999, p. 455)

Legitimacy is gained by putting children's competence into question for future decision-makers to consider.

Bren Neale argues that '[t]he whole process relies on adult discretion to judge children's developing competences' (2002, p. 456).⁴ The qualification made with reference to both age and maturity creates an opacity which may be of importance in the different contexts where the convention is supposed to be implemented. Chronological age does not have a meaning in itself, but can be regarded as a practically useful indicator of the level of maturity, which is also mentioned as a factor. However, more information is needed to assess maturity as such. There is an apparent risk that age is used as a simple measure to routinely decide which children are allowed some agency; children below a certain age may be judged as incompetent regardless of what kinds of competences they might demonstrate if they were given an opportunity. There is furthermore a risk that the assessment of maturity is influenced by the kind of views the child expresses rather than being evaluated independently. In other words, views that run counter to what the adult in charge sees as reasonable may be regarded as indicating immaturity, which means that the adult might never take account of views that deviate from the adult perspective (cf. Eriksson, 2003, p. 296f; Röbbäck and Höjer, 2009).

This ambiguity has also been expressed as the tension between a welfare principle 'that assumes children to be inadequately socialized dependants in need of care, protection and control' versus a 'liberationist' view 'that sees children as creative social and moral agents with the capacity to act, to interact and to influence the scope of their childhoods' (Neale, 2002, p. 456). The label of 'welfare' for the first principle implies that there is a contradiction between welfare and agency, but is this necessarily so? Is it not possible also to see rights such as the right to participation as part of that which is included in the notion of welfare? In the Swedish debate about democracy and welfare the picture is somewhat different (see SOU 2000:1). Here, welfare is to a large extent defined on the basis of contemporary Swedish welfare research. Following from this, a definition of welfare becomes the resources to which the individual has access, in order for the individual to control her or his own life. In the Swedish context, welfare is thus largely associated with the active subject, rather than a passive object. Furthermore, political resources and participation in decision-making processes have been

included among welfare indicators. In this discourse, welfare is not an antithesis to agency but includes agency. A better label for the so-called welfare principle would thus be a care principle, which makes visible more clearly the relative power positions of the carer and the care recipient: the subordination of children to adults, in contrast to a relationship based on rights to participation. In this book the term 'care principle' (and care discourse, Chapter 5) is used to name a needs-oriented perspective on children, constructing them as objects for adults' care and control. Whilst, according to the 'principle of participation' (and participation discourse, Chapter 5), children are viewed as citizens and actors.

Participation and validation

Drawing upon the discussion above, the analysis presented in the book is organized by a 'double view' on children, conceptualizing them as both vulnerable in need of protection and care, and as competent and with rights to participation. Over the past decade, the 'new' social studies of childhood have increasingly gained ground within child welfare research. The book follows this trend and one of the key concepts is children as social actors: both as actors in the research process – children are included as informants – and in the sense that children are analytically understood as social actors in relation to other social actors (see, for example, Alanen and Mayall, 2001; James et al., 1998; Närvänen and Näsman, 2007; Qvortrup, 1994). Hitherto, this theoretical approach has not informed the production of knowledge on children exposed to domestic violence to any great extent in any country. Instead, research on this group of children at risk – typically children exposed to their father's violence against their mother – has primarily drawn upon established theories of child development, socialization and/or trauma and coping (see, for example, Cohen et al., 2006; Graham-Bermann and Hughes, 2003; Jaffe et al., 1990; Kitzmann et al., 2003; Wolfe et al., 2003). With some notable exceptions (e.g. McGee, 2000; Mullender et al., 2002), children's own views and interpretations have not been central. However, several Nordic researchers currently working in the field are influenced by the 'new' social studies of childhood (e.g. Cater, 2004; Eskonen, 2005; Forsberg, 2005). The book follows that new angle in research on children exposed to domestic violence and attempts to treat children as subjects, in their own lives as well as in research.

A conceptualization of children as social actors does of course not exclude the need to recognize existing knowledge, for example, about possible consequences of childhood traumas, nor the possibility that children may need protection and support from adults. As regards this particular group of vulnerable and victimized children, Halldis Leira's (2002) discussion about their need for validation of their experiences forms a point of departure. Leira argues that in many contexts there are cultural taboos against talking about violence in the family, in the private sphere. As a consequence, children's opportunities to interpret their experiences become limited. According to Leira, in order to be able to work through what they have seen, heard and felt and to find strategies to deal with their life situation, children need to have their experiences recognized and affirmed, that is, validated. This is the case regardless of whether we encounter these children as researchers, social workers or as school staff.

Rights to participation, protection and provision

At an overarching level, the UNCRC can be said to bring forward three types of rights for children: rights to participation, protection and provision. The present book concerns all of these aspects of children's rights. As we discussed above, children's participation is often constructed as the opposite to a care perspective of children. However, with the help of Leira, participation can be defined as something central for children also when drawing on the care principle. Participation can create possibilities for validation of children's difficult experiences and, thereby, support for children's recovery after violence and abuse. Thus we argue that children's rights to provision (in this case, help and support), protection (in this case, from exposure to domestic violence) and participation (in family law proceedings) do not exclude one another. On the contrary, they should be considered in relation to each other. It is against the backdrop of these perspectives on children that we discuss the issues of domestic violence, family law and school.

Outline of the book

Drawing upon existing studies on children and domestic violence and of vulnerable children in school (and pre-school), as well as our own previous and on-going research on family law and domestic

violence in Sweden, the book explores how family law proceedings in cases involving domestic violence impact on pre-school and school, how school staff tackle the issue of domestic violence and family law, and what the practices of family law professionals (such as CAFCASS officers and Swedish family law social workers investigating the child's situation) as well as school staff mean for children's vulnerability and victimization, especially at school.

That view is also broadened so as to place these issues within the context of different domains of policy and practice in the field of child welfare, and of different professional approaches to children exposed to domestic violence. To contextualize these issues even further, the book is shaped by a comparative lens and explores differences and similarities between policy and practice in England and Wales, and Sweden.⁵

The empirical studies in Sweden

As regards our own empirical research, we draw upon several different sets of empirical data coming from two different studies in Sweden on family law, domestic violence and children. Below the empirical foundations for our discussion are described briefly, and a fuller account of the studies can be found in Appendix A. The first project (Study 1) is an exploratory study of how family law proceedings in cases involving domestic violence impact on pre-school and school. The project draws upon qualitative interviews with a smaller sample of staff and upon a questionnaire to the managers of schools and pre-schools, developed against the backdrop of the qualitative interviews. In total 12 interviews were conducted with 22 persons from a number of different categories of organizations and staff (see Bruno, 2011, 2012). The questionnaire was sent out to the management of 110 pre-schools and 110 schools in two Swedish counties (response rate 51 per cent and 65 per cent, respectively).

In addition to these two datasets we have in a previous project reviewed court orders in family law disputes in three district courts from the years 2003 to 2006 (Study 2). In total we identified just over 100 court orders where there are some indications of a history of violence from the child's father against the mother. In the research project we mainly used the court orders to identify possible informants. However, we discovered that a number of these court orders exemplify how the dispute (including the investigation process and

its outcomes) may impact upon the child's situation at school and on the school staff. Some of the examples are discussed in the book. We also draw on a selection of 33 social worker reports to the court, from three different social services offices in Sweden, and interviews with a sample of 20 social workers (from four offices) about their conversations with children in family law investigations. In this project we have also gathered information – mainly through interviews – from 17 children aged 8 to 17 years old about their participation in the family law proceedings (see Eriksson, 2009, 2012; Eriksson and Näsman, 2008, 2012).

Chapters

The book consists of ten chapters, including this introductory one. Chapter 2 follows with an overview of current research on children and domestic violence, and Chapter 3 of recent developments in policy and practice in relation to this issue. In Chapter 3 we conclude that a process of increased visibility and focus on safety can be seen at a policy level in both England and Wales, and Sweden. On the other hand, it is uncertain to what extent such a positive development can be seen when it comes to pre-school and school. In Chapter 4 we introduce the topic of pre-school and school and outline the policy framework as well as debates about social issues at pre-school and school. Thereafter in Chapter 5 we explore how different domains of policy and practice in the field of child welfare impact upon approaches to the issue of domestic violence among agencies and professionals who become involved in the lives of children and families. We argue that education can be conceptualized as a separate domain that needs to be added to the analysis of how welfare systems tackle domestic violence. Furthermore, we discuss how hierarchies between groups of professionals have implications for practice in relation to children exposed to domestic violence. After these chapters that introduce and contextualize the topic for the book, we move onto four chapters that discuss practice in pre-school and school in more depth. Chapter 6 reviews a series of issues which we have identified as ones that can arise at the interface between family law proceedings and the school environment. In Chapter 7 we explore what the practices of family law professionals as well as school staff mean for children's victimization at pre-school/school. The analysis concerns both the children exposed to violence and

who are the objects of family law disputes, and the victimization of children in school who are peers to children at the centre of family law disputes. Chapter 8 further explores practices by school staff and examines the staff's readiness to handle potentially problematic events as well as how members of staff cope with their own and the children's vulnerability. When looking more closely at the strategies used in relation to different groups of parents, it becomes evident that staff strategies tend to vary with the parent's social location. Thus the focus of Chapter 9 is social locations and the differential impact of privilege and marginalization on the situation of children exposed to domestic violence as well as practices in the context of family law disputes and the pre-school/school setting. The final chapter (10) highlights some of the lessons for practice that can be drawn from the findings presented in the book.

2

Children and Domestic Violence

Several studies indicate that in England or Sweden a significant minority of children experience violence as a result of one parent engaging in violence against the other. Estimates vary depending on the age range of children in question, whether the informant is a child or a parent and which definition of violence is adopted. Bearing these kinds of factors in mind, several studies indicate that the figures range from 26 per cent of a nationwide sample of young adults in the United Kingdom who had experienced violence between their parents (Cawson, 2002) to about every tenth child (under 18) in Sweden. What do we know about these children's life situation and needs? In this chapter we provide an overview of current research on children and domestic violence, its consequences for children's health and well-being, and discuss key perspectives in the book when it comes to violence: domestic violence as intimate partner violence and the importance of recognizing the complexity of children's exposure to domestic violence, as well as children's own views.

The extent of children's exposure to domestic violence

A recent study of child abuse and neglect in the United Kingdom by NSPCC found that 12 per cent of children under 11, 17.5, per cent of children aged 11–17 and 23.7 per cent aged 18–24 had been exposed to domestic violence between adults in their homes during childhood (Radford et al., 2011). In 2010, 3.2 per cent of the under 11 and 2.5 per cent of those aged 11–17 were reported to have exposure to domestic violence. In both the United Kingdom and Sweden, it is

estimated that approximately 5 per cent of the children experience violence regularly (Allmänna Barnhuset, 2007; Annerbäck et al., 2010; Cawson, 2002; SOU, 2001:72). In Great Britain it is furthermore estimated that 4 per cent of all children have been exposed to severe violence according to parent reports (Meltzer et al., 2009; there is no corresponding figure available from Sweden). It is estimated that between 75 and 90 per cent of violent incidents in the home are experienced by children (Underdown, 2007). Research shows that some groups of children are more at risk of this experience than others: for example, children with divorced or separated parents. In this group of children, probably a larger proportion have been exposed to domestic violence since violence in some cases starts within the context of separation, or because violence can be one of the reasons behind a divorce and/or separation (Lundgren et al., 2002; Meltzer et al., 2009; Fleury et al., 2000). In both countries the typical case of violence is the children's father who is abusive towards their mother. For example, the NSPCC study reported that adult males were the main perpetrators, accounting for 93.8 per cent of cases where one parent had 'beaten up' the other (Radford et al., 2011). Children can of course experience violence in other types of relationships as well, such as the father's violence against a new partner, or violence in same-sex relationships. In heterosexual relationships women can use violence and in some instances could be the main source of violence. However, as is further discussed below, in cases involving systematic violence with severe consequences for health and well-being, the main pattern observed is men being violent towards women (see below and e.g. Dobash and Dobash, 2004; Hester et al., 2006).

Domestic violence as child maltreatment

Studies from different countries indicate that fathers who are violent to women are often violent to children as well, both physically and/or in the form of child sexual abuse (Bancroft and Silverman, 2002; Edleson, 1999; Grip, 2012; Hester et al., 2006; Hornor, 2005; Kitzmann et al., 2003). This can be part of a broader pattern of violence or directly linked, such as when children are hurt whilst sitting in their mother's lap, when they intervene or when they are used as a means of terrorizing the mother (Buckley et al., 2007). Exactly how big the overlap is between different forms of violence is hard to say

since the numbers vary significantly between studies. According to some (early) studies the overlap between physical violence against the adult woman and the children is only approximately 6 per cent (e.g. Dobash, 1976–77), whilst according to others it is 97 per cent (e.g. Kolbo, 1996). One explanation for the differences is that violence is defined in different ways. It may also be that studies with higher numbers tend to include less severe forms of violence from any parent against any child, while studies with lower numbers may focus on more severe forms of violence or violence perpetrated by a specific person – for example, the father – against all children. There may also be other methodological differences as well such as in choice of indicators, measurement instruments, time span included and sampling procedures where clinical samples may produce higher numbers. Furthermore, it is important who is used as a source of information: if it is adults only or if children are included as informants as well (Almqvist and Broberg, 2004; Edleson, 1999; Grip, 2012).

The picture about the extent of violence is also affected by whether the time post-separation is included or not. A number of studies show – as mentioned – that violence can continue post-separation; in some cases the violent man may escalate the violence in the context of separation so that it becomes a high risk context for violence (see e.g. Fleury et al., 2000; Hester et al., 2006; Lundgren et al., 2002). Thus violence does not necessarily stop at separation or divorce. It can also be that the form of violence changes with a separation and divorce: without physical access to the woman, and the physical violence thereby being stopped or reduced, the man can escalate threats and other forms of controlling and abusive behaviour such as financial abuse (Ekbrand, 2009; Fernqvist and Näsman, 2008). This can also put children at risk in new ways since they might be used as ‘messengers’ of threats or as sources of information about their mother.

In addition to being the target of physical violence and/or sexual abuse, almost all children in these families are subjected to psychological abuse: witnessing violence against a parent, mostly the mother, can be defined as child abuse in itself (SOU, 2001:72; Underdown, 2007). Here it should be noted that in many instances, the abused mother is the child’s primary carer and attachment figure, which increases the difficulties for the child: threats against her can be perceived by the child as a threat against her or his own existence (Hornor, 2005; Metell, 2001; Rivett et al., 2006).

Problems in childhood and adult life

A number of studies show that children exposed to violence against a parent are at an increased risk for various kinds of problems in childhood and adult life (e.g. Bream and Buchanan, 2003; Buckley et al., 2007; Grip, 2012; Higgins and McCabe, 2000; Hornor, 2005; Meltzer et al., 2009; Stith et al., 2000; Wolfe et al., 2003). Research suggests that the impact is not significantly different from that on children who are physically abused themselves (Kitzmann et al., 2003). Children may present with psychosomatic symptoms, developmental deviances, emotional and behavioural problems and difficulties in social relations (Grip, 2012). Research also indicates that children witnessing domestic violence tend to be more fearful, find it difficult to trust other people and be depressed or feel anxiety compared to other children (Buckley et al., 2007; Edleson 1999; Underdown, 2007). Feelings of fear and anxiety can be related to themselves, their siblings or their mothers (Buckley et al., 2007). The latter research suggested that they had lost self-confidence and felt different. Children in these situations have also been seen to display aggressive and antisocial behaviours (Meltzer et al., 2009).

Some studies show increased risk of school leaving and difficulties at school due to lack of concentration, which in turn may be related to worries, shortage of sleep and problems in completing homework (Buckley et al., 2007). The children in this research furthermore feared being rejected and bullied if their situation was disclosed at school. They used strategies to conceal their situation such as not becoming close to anyone or inviting anyone home, thus excluding themselves from the circuit of birthday party and sleepover. Such children also run the risk of being involved in bullying or to be bullied themselves (Buckley et al., 2007; Underdown, 2007).

Trauma

Furthermore, exposure to violence can itself be a cause of trauma: that is, experiences so terrifying and overwhelming that they create a number of physical and psychological reactions in the child increasing the risk of developing a post-traumatic stress disorder (PTSD) or emotional and behavioural disorders to an extent close to the criteria of PTSD (Grip, 2012; Hornor, 2005, Levendosky et al., 2002;

Meltzer et al., 2009; Terr, 1991). As discussed in Chapter 1, when the terrifying events take place in the private sphere, in the context of family relationships and in the home, they are also surrounded by cultural taboos (Leira, 2002). A taboo refers to something that is almost unthinkable and cannot be talked about. That the violence has a character of taboo compounds the difficulties since the child's opportunity to work through the traumatic events becomes limited (Leira, 2002). This can also be part of the explanation for the high prevalence of symptoms of PTSD among children exposed to domestic violence (see, for example, Grip, 2012; McClosky and Walker, 2000; Salzman et al., 2005). Such symptoms may persist for a long time period – among younger children until late childhood but among older children into adulthood (Meltzer et al., 2009).

A complex picture of impact on children

According to studies on the long-term effects, childhood exposure to domestic violence is associated with an increased risk of violence in adult relationships (Jaffe et al., 1990; Stith et al., 2000). As regards boys growing up in these families, there is an increased risk that they become perpetrators of violence, whilst girls suffer an increased risk to be subjected to violence. However, most children exposed to domestic violence in childhood do not experience violence in adult intimate relationships (Jaffe et al., 1990; Stith et al., 2000). Furthermore, some studies indicate that attitudes accepting violence as well as traditional gender expectations are more important as explanations for violence in adult intimate relationships (e.g. Stith et al., 2000). They are more important than growing up in a family where a parent is violent to the other parent. The link between childhood experiences of domestic violence and adult experiences of violence as perpetrators (boys) and victims (girls) is, in other words, relatively weak. The patterns that are possible to identify statistically while looking at a whole group do not represent 'truth' about every individual in that group, and there are many factors influencing adult life.

There are also studies that indicate that the patterns of symptoms among children exposed to domestic violence are not as clear-cut as one could imagine (Sternberg, 1996). For example, in a longitudinal study of children in Denmark, Christensen (2007) shows that children with separated parents, where physical or psychological abuse

against the mother was part of the reason for the separation, do run an increased risk of developmental and social problems. At the same time, the differences between children with experiences of violence and children in general are statistically small and it is important to note that there is a huge variation among children when it comes to exhibiting symptoms after exposure to domestic violence.

Overall, the health impacts on children exposed to domestic violence are relatively weak, though there is a pattern of increased risks compared to other children. A study of a nationally representative sample of children aged 5–15 in Great Britain showed that being exposed to domestic violence tripled the likelihood of children having a conduct disorder but the exposure was not independently associated with emotional disorders (Meltzer et al., 2009). Studies also show that some children exhibit symptoms of one kind of effect while other children may exhibit different symptoms and most children do not show symptoms of detrimental effects at all during childhood. In trying to explain these differences in reactions, researchers have emphasized several different explanatory factors: age at exposure (younger children exhibit more problems, e.g. Edleson 1999; Levendosky et al., 2002; Underdown, 2007), gender (boys exhibit more externalizing reactions, girls more internalizing, though the difference is not clear-cut), disability (increased risk of negative impact), ethnic minority status, relationship to the non-abusive parent or another adult who can emotionally protect the child, and not the least, the characteristics of the violence (forms of violence, frequency, duration, proximity and severity, e.g. Grip, 2012; Horner, 2005; Meltzer et al., 2009).

Intimate partner violence

In this book the concept of domestic violence is used to capture different forms of intimate partner violence. In the literature and in policy documents it is not always clear whether, for example, physical violence targeting children directly is included in the concept of domestic violence or not. The same can be said about family violence, another concept current in the field. To avoid such lack of clarity, we choose (i) to exclude violence targeting children directly when talking about domestic violence and (ii) to specify the other forms of violence children might be subjected to, such as physical violence or child sexual abuse.

When it comes to intimate partner violence there is an ongoing debate in research regarding the extent to which this is a gendered phenomenon, and the extent to which it is specifically linked to heterosexual relationships. On the one hand, a number of studies indicate that (heterosexual) women may also use violence in intimate relationships (see Dobash and Dobash, 2004). On the other hand, it is clear that men to an overwhelmingly large extent are the perpetrators of repeated and severe forms of violence, sexual violence and violence with severe consequences – such as fear and physical harm (e.g. Dobash and Dobash, 2004; Walby and Allen, 2004). Here it can be added that studies on violence in same-sex relationships also point to gendered patterns of violence. For example, in same-sex relationships, men also seem to subject their partners to sexual violence to a greater extent than women tend to do (e.g. Holmberg et al., 2005; Hester and Donovan, 2009, p. 171).

As regards violence in same-sex relationships, existing literature indicates that this is also a relatively common occurrence (e.g. Hester et al., 2010). This suggests that it is an issue for children as well, considering that many children have a mother or a father living in a same-sex relationship. In a recent study on this topic in the United Kingdom, 16.1 per cent of the respondents parented children, with more than two-thirds (70.8 per cent) having all or some of their children living with them (Hester and Donovan, 2009). In this study women identifying themselves as lesbian were most likely to parent children (24 per cent of lesbians), followed by individuals identifying themselves as bisexual (19.4 per cent of bisexuals), 13.7 per cent of gay women, 9.5 per cent of queer, 8.6 per cent of homosexual, and 7.5 per cent of those identifying themselves as gay men. This study also showed that parenting was an important aspect to the abuse, and women were significantly more likely than men to have their children threatened or used against them in some way as part of abusive behaviour (Hester and Donovan, 2009, p. 168). However, in spite of the emerging research on violence in same-sex relationships, there is still little research-based knowledge about the specific situation for children exposed to violence in same-sex relationships.

Against the backdrop of the literature as well as the typical pattern of perpetrator and victim, the book focuses upon children's exposure to men's violence against women in intimate relationships. Many of

the issues discussed here are of course relevant to children who experience violence in other types of relationships as well.

The concept of ‘exposure’ to violence

In the literature and in policy documents children who live with domestic violence are sometimes named as children ‘witnessing’ violence, especially in Sweden. Several commentators have pointed out that the notion of witnessing is often too limited to really capture children’s experiences when one parent is violent against the other (Eriksson et al., 2007; Hydén, 1995; Meltzer et al., 2009). The concept of witnessing is easily associated with being a distant eye witness. This is a misrepresentation of children’s position and it can easily lead to an underestimation of the problems children may suffer from. The impact upon children due to their closeness to both the abusive and abused parent may be underestimated. Furthermore, the focus on the sense of vision may downplay their experiences as a whole. Children can be in the next room or in the same room with their eyes shut. They may not see the violence, but hear it (Edleson, 1999).

The term ‘witnessing’ also indicates some kind of distance to the events one is a witness to, but children may live in the middle of the violence and are often involved in some way, for example when attempting to mediate or stop violence, protecting siblings or when being identified as the cause of the dispute that end up with violence (Buckley et al., 2007; Hornor, 2005). They may also be manipulated to side with the perpetrator (e.g. Eskonen, 2005; Graham-Bermann et al., 2007; Mullender et al., 2002). Furthermore, witnessing may seem to refer to the moment a specific event takes place, but children can also experience violence indirectly and afterwards by seeing or hearing about the outcome such as injury to the mother and her emotional state. They may also be aware of the destruction of the home and of objects such as furniture and, in the case of financial abuse, even through the impact on the distribution of material resources (Fernqvist and Näsman, 2008). A number of perpetrators of domestic violence also hurt family pets as part of the abuse, which can cause special harm to the children, since animals sometimes are a particular source of comfort and support for children (e.g. Becker and French, 2004; Forsberg, 2002; Holmberg, 2004).

A focus on special separate violent events may furthermore underestimate the continuity of violence. To some children, violence is an ongoing process in their life for a long period of time (Buckley et al., 2007). Even if the physical violence has been a single event a threat of violence may last long afterwards. The perpetrator may only need to demonstrate the possibility of violent acts once in order to keep the victims fearful and aware of the potential risk. Thus children experience violence from one parent against the other in many different ways; by seeing it, hearing it, getting involved in it and/or through the consequences of the violence and threats (Buckley et al., 2007; Edleson, 1999; Meltzer et al., 2009). To capture all of these dimensions of the experiences the concept of *exposure* to violence is used in the remainder of this book, instead of witnessing.

Recognition of complex effects and of children's views?

A significant minority of children experience violence perpetrated by one parent on the other, typically their father's violence against their mother. A number of studies show that children exposed to violence against a parent suffer an increased risk for various kinds of problems in childhood and adult life, including symptoms of post-traumatic stress. Thus exposure to violence against a parent – an attachment figure – can be defined as a form of child abuse in itself. In addition, many of these children are direct targets of emotional, physical or sexual abuse as well. The experience of violence can be regarded as one of several harmful factors in children's environment that could impede their health and development and have negative – but unpredictable – effects (Wolfe et al., 2003). Children respond to these experiences in many different ways and to different degrees.

As pointed out in Chapter 1, research on this group of children at risk – typically children exposed to their father's violence against their mother – has primarily drawn upon established theories of child development, socialization and/or trauma and coping. However, in recent years the interest in children's views on their life situation has been growing. Another dimension of explanation when analysing the variation among children could be found in the fact that they themselves also make sense of and create meaning regarding domestic violence in different ways (Cater, 2004; Rivett et al., 2006). Rivett and colleagues (2006) argue that the child's own interpretations of

meaning and potential impact of violence on themselves and their family are of major importance to understand the impact of domestic violence and may explain why some children are affected and why some children do not seem to be affected at all. The risk of an adverse impact is increased if the child views the violence as threatening or blames her – or himself – and feels responsible. All in all, this discussion means that it is very important to be sensitive to the situation of each individual child and to pay attention to not only the child's reactions but also to her or his own perspective and strategies in that situation.

3

Domestic Violence and Family Law

How are agencies such as Children and Family Court Advisory and Support Service (CAFCASS), Swedish local authority social services and courts in England and Wales and Sweden responding to the situation of children who are exposed to domestic violence and at the heart of a family law dispute? Violence against women was made visible as a social problem, and placed upon the political agenda, already in the 1970s. Yet it took some time before practitioners, policy makers and researchers started to pay attention to the situation of children living with this violence. This is especially true in the area of family law. This chapter discusses recent developments in policy and practice as a response to an increased recognition of domestic violence also as a form of child maltreatment when it comes to legal disputes between parents regarding children. Looking at changes to policy and law in the last decade especially, it is argued that a process of increased visibility and focus on safety of children is evident at a policy level in both England and Wales and in Sweden. However, it is uncertain to what extent such a positive development can be seen when it comes to children in pre-school and school. We also note that there has not been a programme in either country to ensure the full implementation of safety-oriented reforms. So far, policy makers have been paying very little attention to the challenges awaiting the professionals tackling this kind of complex cases in their everyday practice.

Divorce and separation

In England and Wales, 42 per cent of all marriages end in divorce, and the separation of an increasing proportion of co-habiting couples is not included in this statistic (ONS, 2012). In 2011 nearly 150,000 children under 18 in England and Wales experienced a divorce between their parents (*ibid.*). This is the equivalent of approximately one per cent of all children in England and Wales under 18 (ONS, 2013). Over a fifth (21 per cent) of the children of divorcing parents were under 5 while 64 per cent were under 11 (ONS, 2012). These figures underestimate the number of children who experienced a separation between parents, since they do not include the children of co-habiting couples who separate (ONS, 2012). The number of children born to co-habiting couples has increased in England (ONS, 2012) and data from other countries show that the risk of separation is higher in such couples. It is estimated that 25 per cent of the dependent children in England will experience their parents' divorce before the age of 16 (Bream and Buchanan, 2003).

In Sweden every second marriage is expected to end in divorce and each year about 50,000 children (3 per cent of children in Sweden) experience a separation of their parents (Lundström, 2009). Nearly a third of Swedish 16- to 17-year-olds have experienced a separation between co-habiting parents or divorce between married parents (Lundström, 2009). Just over 5 per cent of Swedish 17-year-olds have never lived with both parents. In relation to these statistics, readers should note the differences in population between the two countries: just over 56 million people lived in England and Wales in 2011 (with approximately 12 million children under 18), while just over 9 million people currently reside in Sweden (with approximately 1.9 million children under 18; see SCB, 2013).

Due to the parents' disagreements about the understanding, sharing and division of parenting roles, children may become involved in a legal dispute between the parents and become the objects of an investigation about which parent the child is going to live with (residence), arrangements concerning the interaction with the non-resident parent (contact) and which parent or parents will have the decision-making powers over the child (parental responsibility/custody).

In England and Wales about 10 per cent of separating couples go to court to settle their disputes regarding contact (Ministry of Justice, 2011). There were 109,656 children involved in family law proceedings

in 2011 (private law applications to the Children Act 1989; see Ministry of Justice, 2012) compared with 126,220 children in 2010, a decrease of 13 per cent, and continuing downward trend is seen since a peak in 2009. Applications for contact orders and residence orders each make up about one-third of the total private law applications to the Children Act 1989, while applications for prohibited steps orders (e.g. to stop a parent to move the child out of the country) make up 17 per cent of the total (Ministry of Justice, 2012). In Sweden, approximately 7,400 children and young people aged 0–17 were the object of an investigation regarding custody, contact or residence in 2011 (Socialstyrelsen, 2012a).

A significant number of the children at the heart of these proceedings have experienced domestic violence, and as the previous sections in the chapter show, they have a very difficult and complex life situation. How is their situation tackled when the parents are involved in matters of family law dispute? In recent years, children exposed to domestic violence have gained increased attention in research, policy and practice, including in the area of family law (see e.g. Cleaver et al., 2006; Eriksson, 2011; Hester and Radford, 1996; Jaffe et al., 2003; Humphreys and Stanley, 2006). Considering the increased level of political interest in both the issue of children's participation and the issue of children's exposure to violence in their family, it is somewhat surprising to find that until recently there has been very little research investigating domestic violence and some of the central aspects of family law proceedings. This includes questions such as what children's rights to participation may mean for children who – in addition to the legal dispute between the parents – find themselves in a vulnerable position due to domestic violence. Some studies focus on these children's experiences of support from social welfare agencies in various situations and there are also studies of children's experiences of conversations with professionals in family law disputes in general (e.g. Butler et al., 2002; Mullender et al., 2002; Nijnatten and Jongen, 2011; Smart et al., 2001; Smith et al., 2003). However, there is a lack of research on children exposed to domestic violence specifically and these children's encounters with professionals who carry out investigations in a family law context (Eriksson, 2012).

Problems in safeguarding children

The efforts in both England and Wales and in Sweden to promote post-separation parental co-operation and to hold parents jointly

responsible for their children's well-being seem to have had some unintended and negative consequences for children exposed to domestic violence. Research in both countries points to a number of institutional and organizational conditions which limit the opportunities to make visible (within the framework of family law proceedings) the risks that children run due to domestic violence (e.g. Bream and Buchanan, 2003; Barnombudsmannen [BO], 2005; Eriksson, 2003, 2005; McDonald, 2010; Rejmer, 2003; SOU, 2005:43; Trinder et al., 2006, 2010).

In England and Wales the Children Act 1989 requires the child's welfare to be the court's paramount consideration (see Chapter 1). However, there has still been an insufficient focus on, and awareness about, domestic violence: for instance, the risks associated with children's contact with perpetrators of domestic violence (Underdown, 2007). Concerning the evaluation of the child's best interests in England and Wales, Bream and Buchanan (2003, p. 227) state that there is a problem in 'balancing the potential benefits of non resident parents' involvement against the potential risk to the resident parent and child, and the emotional costs for the child of on-going conflict'. Research in the early 1990s showed that arrangements made for contact between children and a violent parent (usually a father) need to be considered in relation to the protection of children from abuse and harm. Otherwise, child contact becomes a major flashpoint for post-separation violence and provides a context where domestic violence perpetrators are able to continue to abuse and harass both the mother and/or the children (e.g. Hester and Radford, 1996; Radford and Hester, 2006). Another source of information on domestic violence as an issue needing attention is a court inspectorate report suggesting that CAFCASS practitioners themselves estimate the incidence of domestic violence to be about 90 per cent or more of cases they deal with (HMICA, 2005). However, these insights were not informing practice to a satisfactory extent. For example, a study of the process and outcomes of in-court conciliation found that in some instances a contact presumption would override any concerns about risk arising from information about domestic violence (Trinder et al., 2006). Also, after inspections, family courts have been criticized for the lack of attention paid to the impact of domestic violence on children's situation and well-being, claiming that although allegations of domestic violence were a common feature in cases

reviewed, its impact on children was assessed adequately in only a minority of cases (Ofsted, 2008).

More recently, research looking in detail at different aspects of family law proceedings has found that domestic violence, although increasingly recognized at a policy level, still becomes a marginal issue when it comes to family law. For example, when Trinder and others (2010) studied conversations between family court advisors and parents during mediation or conciliation sessions, they found that information about domestic violence would be ignored, reframed or rejected by the family court advisors – and thereby ‘disappear’ from the process. Another study concerned the reports and recommendations to the courts from family court advisors (‘section 7 reports’, McDonald, 2010). This study showed that even extensive knowledge about domestic violence tends to be deemed of minimal relevance in recommendations for outcomes for children. Instead, the presumption of contact and a focus on the future – instead of risks due to the past – dominate the reports. This piece of research also found that a lack of documentation about previous or present violence to the mother or the child (e.g. from the police or social services) sometimes compounded the failure to recognize the risks of domestic violence. The lack of hard evidence may result from, among other things, a lack of co-ordination of information and of co-operation between professionals from different parts of the welfare system and legal system (Hester, 2011). This is a point we will return to in the next chapter.

On the basis of a study involving parents and children, Bream and Buchanan (2003, p. 235) emphasize the risk that ‘the judicial system designed to resolve the conflict might actually be adding further fuel to the flames’. A family justice review report from 2011 shares this judgement and concludes that seven reviews have been conducted following the Children’s Act 1989, yet without any sustained improvement in the performance of the system (Ministry of Justice, 2011). Some of the critical points raised in the report are the long delays in case management, no shared objectives to bind together the many different agencies and professions involved, insufficient competence and capabilities of the workforce, especially in understanding of domestic violence and child development. Furthermore, low morale, tensions between different professional roles and agencies, and problems of management and leadership are included

among the problems mentioned. An additional set of issues are missing data and system for distribution of data for reviews, and lack of understanding among parents and children of how the system works, due partly to the very complicated system of courts and other agencies (Ministry of Justice, 2011). Another problem underscored in the report is the fragile funding of contact centres, which is problematic since they 'play a key role in providing secure and child centred environment for contact, as well as intensive social work support and shuttle mediation where parents are not able or willing to speak to each other' (Ministry of Justice, 2011, p. 55).

Swedish courts are (since 1993) obliged to consider the *risk* of abuse, kidnapping or other forms of harm to the child, and in family law cases the level of proof required should be significantly lower than in criminal law cases (Nordborg, 2005). It is thus not necessary to prove 'beyond reasonable doubt' that a child will be harmed by contact, custody or residence arrangements. It should be enough that 'there are concrete circumstances indicating risk' (LU, 1992/93:22, p. 22; authors' translation). However, reviews of both lower court and courts of appeal practice in cases where statements about violence have been made by one or both parties indicated that at the end of the 1990s practice had developed in a way which was contrary to the legislator's intent (see e.g. Boqvist and BO, 2002). For example, a study of all relevant cases from 2002 by the central government's Children's Ombudsman found that in cases where violence was mentioned in the court order, joint custody was ordered against the wish of one parent in almost half of the cases (BO, 2005, p. 35). In cases where the father previously had been convicted for a crime against the mother, the district courts awarded joint custody in almost four out of ten cases. This was in spite of the fact that when the law was introduced in 1998, the preparatory works which guide the interpretation of the law¹ stated that in cases of violence from one parent against the other, joint custody should normally be out of the question (LU, 1992/93:22).

According to the Children's Ombudsman, the study of the lower courts clearly shows that the courts did not see how the issue of custody is linked to the well-being of the child. An assessment of risk for the child was lacking in 71 per cent of the court orders in cases with violence. In the cases where a parent had been convicted of a crime, an assessment of risk was lacking in 57 per cent of the orders.

This practice developed in spite of the fact that research on the links between men's violence against adult women and men's violence to children in the family was well known and quoted at the policy level in Sweden at that time (e.g. SOU, 1995:60). According to the study, some children ended up living with the parent who claimed to be violent and many had unsupervised contact. For example, in cases where the mother had stated that she had been subjected to violence by the father the results were: unsupervised contact between child and father in 47 per cent of the cases; supervised contact in 31 per cent of the cases; and no contact in 10 per cent of the cases. In the remaining cases (12 per cent) the child ended up living with the father and had unsupervised or supervised contact with the mother.

Some of the problems in court practice are also exemplified by a study on the enforcement of contact orders, which shows that it is quite hard for vulnerable and victimized children to make their voices heard (Röbäck, 2012; Röbäck and Höjer, 2009). In terms of the court orders, children's own views tended to be identified as 'a big problem' if the child did not want contact with a violent or addicted parent. The study indicated that Swedish courts can strongly question children's views if they do not conform with the general principle of children having a right to contact with both parents, whilst they only interpret the child's view as 'authentic' if the child wants to see her or his parent. Similar patterns have been documented in previous studies of family law social workers, the Swedish equivalent of CAFCASS officers (Eriksson, 2003, 2005). The study on enforcement also gave examples of cases where children place conditions on the form of contact they can accept: for instance, they may say that they can see their parent if she or he is sober, or if another adult is present. In such cases the court sometimes discussed the conditions proposed by the child, but did not necessarily assess issues of risk or discuss the possible consequences of different contact arrangements. Furthermore, the child's conditions were not included in the court order. The result was that the child is left to herself or himself when it comes to protection in relation to contact, without possessing the necessary power to ensure such protection. The study also gave examples of cases where children explicitly are expected to protect themselves against violence.

When it comes to the professionals who carry out court-mandated investigations into the child's circumstances, research highlights

problems such as: uneven knowledge about domestic violence, including risks for children; non-existent or inadequate screening methods; a lack of risk assessments; and also inadequate methods for assessing the child's experiences and perspective on violence (e.g. Eriksson, 2005; Rejmer, 2003). Our own interviews with 20 family law social workers and a review of their written reports to the court (see Appendix A, Study 2) also indicate problem issues. The description in the reports of children's situations and of child interviews, as well as suggested arrangements for custody, contact or residence, show that in these texts children tend to be constructed as lacking a need for protection or support (for example through supervised contact) even though investigators have not excluded the possibility of risk by talking to children about their experiences of violence, possible fears and other relevant issues. The group interviews with investigators add to the picture of how children's fear, vulnerability and experiences of violence become marginalized through the investigation process. The interviewees discuss their difficulties in talking to children about violence especially. However, the material contains a few descriptions of cases where they actually have done so. These situations come across as exceptional. For example, the investigators seem to consider it reasonable to talk to children about violence when: the violence has happened recently so that the child can remember it; the investigators are aware that the child knows about the violence; the child wants to talk about the violence; the child is not afraid of her/his father; and the child is not so badly affected that she or he needs counselling. The question is: how many vulnerable children can fulfil these 'demands'?

The interviews also show that it is a complex process to learn how to start talking to children about domestic violence. Thus, the local context, workgroup characteristics and the investigators' stage of change in a process of learning about domestic violence are of importance for children's participation. At a policy level in Sweden, risk assessment has tended to be seen as equivalent to assessment of perpetrator dangerousness. Assessment of children's sense of safety has not been central. This pattern recurs in the material: children's security and sense of safety are given little consideration in investigations. In cases with violence, the study shows, as a whole, that there is a great need for training and a need for guidelines regarding family law investigations and risk assessment, including assessment of children's sense of safety.

Safety-oriented reforms?

It was not until the new millennium that intimate partner violence was placed upon the policy agenda in either England or Sweden to any greater extent when it comes to the field of family law (Eriksson, 2011; Hester, 2011; Trinder et al., 2010).

Developments in England and Wales

From the late 1990s the English judiciary began to focus on the problems of family law disputes in the context of domestic violence. By then, both pressure from women's organizations and evidence from research had made a number of problems visible to policy makers. Some important steps were taken in 2000, through a Court of Appeal decision and the Children Act Sub-Committee report *Contact between Children and Violent Parents*. Both of these were important in placing greater emphasis on risk assessment and management in contact cases (Hester, 2011; Rivett et al., 2006; Trinder et al., 2010; Underdown, 2007). The year after the Lord Chancellor's Department launched new guidelines for the family courts on *Child Contact Where There Is Domestic Violence*, and in 2002 the Children Act was amended by the Adoption and Children Act, including changes that included an extension to the definition of 'significant harm' to include witnessing domestic violence (the ill treatment of another person). More recently, measures have also been introduced to assist screening of risk in court proceedings (see Trinder et al., 2010). Bream and Buchanan (2003) propose that The Family Court Social Service plays a part in the development and arrangement of more preventive measures to save the children in particular from the health risks to children resulting from the court process which their study had revealed. They furthermore stress the need for evaluations in order to establish which interventions tend to produce the best outcomes for children.

In the final report from the Family Justice Review in 2011, the general conclusion is that the legal framework in private law is robust with the core principle that the welfare of the child should be the paramount consideration in all decisions affecting them. At the same time the report concludes that there are immense difficulties in the way the system operates (Ministry of Justice, 2011). A number of organizational changes are proposed: to improve case management, develop

the judicial culture, reduce confusion due to a complicated system of courts and agencies and to strengthen leadership and management. There are further proposals concerning improvement of competence and capabilities of all involved staff, for instance concerning child development and domestic violence, which was stressed by many commentators in the review. This also includes judges and combines with a proposal that the latter should be given opportunities to follow up on some of their cases as well as for a specialization in family matters.

For social workers there is a stress on knowledge about child development, court skills and assessment skills in order that they may set out a clear narrative of the child's story. The report presents a list of core skills and knowledge including, *inter alia* good communication skills with children and young people; the ability to assess and manage risk; skills to ensure that the child and family narrative is evidenced effectively; knowledge in child development including the impact of abuse, neglect, parental separation, parental contact and delay. Other skills proposals concern understanding children's rights, children's safeguarding issues, domestic violence and an awareness of risk assessment and management. Furthermore, it is proposed that there should be shared learning opportunities and inter-disciplinary training promoting learning from and about each other. A family justice service should be established as a new organization to be in charge of the key responsibilities within family justice so as to create a single coherent system.

When it comes to more specific issues concerning private law, a general conclusion of the report is that it seems better if parents resolve the problem for themselves. Hence cases ending in court should be reduced. This requires better information and services such as online information and mediation to promote agreements on parental responsibilities between parents before application to court, with exceptions for when there are concerns about the risk of child abduction or where domestic violence is a strong concern. Mediation should be child centred and focus on the best interests of the child and mediators should be trained to identify risks. Standards of competence and regulation of mediation are needed to reduce risks for children. Some commentators in the report raised the issue of the difficult situation of victims of domestic violence in mediation. 'Decisions should take the wishes of children into account and children should know what is happening and why' (Ministry of Justice, 2011, p. 6). This includes the proposal that parents should discuss their agreements

on parental responsibilities with their children. 'Children and young people should be given the opportunity to have their voices heard in cases that are about them where they wish it' (Ministry of Justice, 2011, p. 36). A problem is that: 'Children say they do not understand what is going on and do not have enough opportunities to have their say' (Ministry of Justice, 2011, p. 20). The remedy proposed is that:

Children and young people should be given age appropriate information to explain what is happening when they are involved in cases. They should as early as possible be supported to make their views known and older children should be offered a menu of options, to lay out the ways in which they could – if they wish – do this. (Ministry of Justice, 2011, p. 6)

Information to children should include clarity about the process, their options for involvement and the likelihood of their view being taken into account.

The report also addresses issues of risk and safety. It stresses the need for high-quality services to deal with any risks to the parents and their children. When discussing how to ensure that children retain a relationship with both parents and others, including grandparents, after separation, the report stipulates the following condition: 'where this is safe'. It is proposed that initial safeguarding checks should be undertaken on receipt of all Section 8 Children Act 1989 applications, which means that the judges and magistrates would be aware of any relevant risk factors. Practitioners may help children tell their story and, when it is the children's interest, help them write letters to the court. A guardian and solicitor should be appointed (under rule 16.4 of the Family Procedure Rules, 2010), when a child needs separate legal representation such as when the case involves an issue of significant difficulty. Safety is also identified in the report as an issue in relation to the court process as such, and argues that government and the judiciary should actively consider how the children and vulnerable witnesses may be protected when giving evidence in family proceedings (Ministry of Justice, 2011, p. 24, 36). A particular problem is that children, who have been exposed to domestic violence, may be cross-examined by perpetrators when they represent themselves, whereas in the criminal court a suspected perpetrator is not allowed to cross-examine an alleged victim.

Since obstruction of court orders about contact with the non-resident parent is an issue, the report stresses the child rights perspective in that connection: 'No legislation should be introduced that creates or risks creating the perception that there is a parental right to substantially shared or equal time for both parents' (Ministry of Justice, 2011, p. 21). Referring to experience from Australia where such legislation has created just that perception and thereby resulted in protection from harm being compromised in some cases, the report does not recommend changing legislation but instead reaffirms the importance to the child of a meaningful relationship with both parents after their separation where this is safe. In line with this, the proposal is that mediators assess whether the risks of domestic violence, imbalance between the parties or child protection issues require immediate referral to the family court.

Similarly to Bream and Buchanan (2003), the report puts the responsibility on The Family Justice Service for developing and disseminating national standards and guidelines on work with children and young people in the family justice system. Furthermore, it is proposed that a Young People's Board for the Family Justice Service should be established. In order to make contact with parents and children easier, court facilities should be made more family friendly. This is a proposal for change that has been repeated in a succession of reports over several decades; yet, the problems persist. Furthermore, it is worthy of note that a decision to change a child's residence as an enforcement response to parental obstruction of a court order concerning contact (a measure used in Sweden, see below) is not proposed for England and Wales.²

In the government's response from 2012 to a public consultation concerning changes in legislation regarding the involvement of parents in a child's life, the government goes against the recommendation of the Family Justice Review: it will amend the Children Act 1989 to place an explicit requirement on courts to consider the benefits of a child having a continuing relationship with both parents (Ministry of Justice, 2012). Drawing on the experience in Sweden, the question then arises as to whether such an amendment will result in a continuation of problems in investigations and court decisions due to the balancing of this interpretation of the child's best interests versus the child's need for protection. Other aspects of the government's response regarding these matters are more in agreement with the

Family Justice Review: for instance, acknowledging the need to ensure that proper safeguards are in place to protect children and vulnerable parents; making clear that the child's welfare will remain the court's paramount consideration; and that the stress should be placed on children's welfare and needs rather than on parent's perceived entitlements (Department of Education, 2012a). In the context of the chapters that follow in this book, it is interesting to note that potential risks to witnesses in these cases are acknowledged, a fact which could also be of considerable relevance to staff in pre-schools and schools.

Developments in Sweden

Turning now to the Swedish situation, in the wake of severe criticism of both the family law itself and of practice in Sweden, a parliamentary committee was appointed in 2002 to review several previous changes to the law (Dir. 2002:89). Special consideration was to be given to the situation for children where one parent has been subjected to serious criminal acts by the other parent. After having consulted both research and different interest groups, and after having conducted some investigations of its own, the committee concluded with a critique of legal practice similar to that previously expressed by others (see above). A number of measures were suggested to improve the situation (SOU, 2005: 43). The work of the committee resulted in changes to the law that came into force on 1 July 2006. To highlight the courts' obligation to assess risks for children, including the risks associated with violence to a parent, the relevant paragraph of the law has been rewritten. Prior to the changes to the law, the paragraph (Chapter 6, § 2) stated that the courts should *especially* consider the child's need of a close and good contact with both parents, and that they should *also* consider the risk of the child being abused, unlawfully taken away or detained, or at risk in other ways. After 1 July 2006 the law reads:

2 a § The best interests of the child shall be the basis for all decisions on custody, residence and contact.

When deciding what is best for the child, special consideration shall be given to

– the risk that the child or someone else in the family is abused or that the child is unlawfully taken away or detained, or at risk in other ways, and

– the child's need of a close and good contact with both parents. The child's wish shall be taken into account, with consideration of age and maturity. (Authors' translation)

Both the parliamentary committee's report and the government's paper with the suggested changes to the law outline a number of aspects that should be considered when the courts assess risk. Other significant statements from the committee and the government regarding more safety-oriented practice include making it clear that the ability to co-operate is the foundation for joint custody; and that in cases where domestic violence exists it is 'in principle in the best interests of the child that the violent parent does not get custody' (Prop. 2005/06:99, pp. 50–51; author's translation).

The parliamentary committee points out that children have an *absolute* right not to be subjected to any kind of violence, abuse or other disrespectful treatment from parents. This includes corporal punishment which – in contrast to England and Wales – has been banned in Sweden since 1979. If face-to-face contact cannot be organized without risk for the child, indirect contact or no contact, are considered better options according to the committee. Another safety-oriented measure introduced was thus the possibility for the courts to order indirect contact: that is, for example contact by phone or letter. As regards supervised contact, the committee argues that the social services should be considered as *supporting* contact, not *supervising* it to prevent risk. The social services' staff do not have the authority to intervene against violence in the way that, for example, the police have. The committee concludes that if there is a high-level risk of violence, no contact must be considered a real option. The committee's work has also been followed by a later reform in 2010 regarding contact which targets some unresolved issues regarding the co-ordination between the courts who order supervised contact, and the local authorities' social services who are responsible for the actual supervision (Prop. 2009/10:192).

Children exposed to domestic violence as crime victims

What is central to the recent changes to the family law in both England and Wales and Sweden is the fact that attempts to combat men's violence against women have been followed by an increased

focus on children exposed to domestic violence. In Sweden, this development has come quite a distance over the last decade, and children who see, hear or in other ways experience men's violence against known women have increasingly been redefined as *crime victims* (Eriksson, 2010, 2011). For example, in line with suggestions made by a parliamentary committee on child abuse, in 2003 it became an aggravating circumstance, and a reason for a harsher punishment, if a crime has been committed that was intended to harm the safety of a child and the child's trust in a person with whom she or he has a close relationship (Prop. 2002/03:53). In 2006 further changes granted children who 'witness' violence rights to crime victim compensation from the state (Prop. 2005/06:166). Significant changes have also been made in other areas, such as child protection. This latter field is regulated primarily by the Social Services Act (SoL, 2001:453) as well as by the Special Regulations of the Care of Young People Act (Lagen med särskilda bestämmelser om vård av unga [LVU], 1990: 52), which is applicable when a child needs to be taken into care. For example, changes to the Social Services Act in 2006 specified that children who 'witness' violence are also to be deemed as crime victims in their own right and that the social services have a special responsibility for them.

At the time of writing, this increased focus on children as crime victim has not yet resulted in the actual criminalization of any parent who has exposed children to domestic violence via the use of violence. So far it is primarily voluntary organizations, such as Save the Children Sweden, that have argued for criminalization in order to grant children exposed to domestic violence the same rights as other victims in criminal law proceedings.

Towards increased visibility and safety?

On the one hand, it can be argued that the developments regarding domestic violence and law, including family law, discussed above represent a significant change of direction in both English and Swedish policy in relation to this field. On the other hand, in neither country has there been a programme to ensure the full implementation of the safety-oriented reforms. So far, policy makers have paid very little attention to the challenges encountered by the professionals who tackle these kinds of complex cases in their everyday

practice (cf. Lee, 1999). A part of the problem here has been the lack of attention and guidelines relating to cases involving domestic violence (Eriksson and Hester, 2001). However, it also needs to be recognized that policy and law are implemented in a specific social context, which may also affect the level of success in implementing a more safety-oriented approach. As the reviewed studies on court and social work practice indicate, there are clearly challenges that need to be tackled in both England and Wales and Sweden.

A key part of the context for the implementation of safety-oriented reforms is the dominance of the presumption of parental co-operation and contact between children and non-resident parents discussed in the previous chapter and above. Another part of the context to which we also want to draw attention is the age order and the double-ness, or ambiguity, regarding the perspective on children outlined in Chapter 1. At least three different social positions – the child as witness, victim and competent participant respectively – are possible for children in the context of family law proceedings. These positions may create specific challenges when assessing the best interests of the child in family law cases involving domestic violence since they form a relational pattern full of tensions (Eriksson, 2012). The ambiguity in the perspective on children, constructing them as both ‘becomings’ and ‘beings’, may undermine policy intentions to create a higher degree of safety for this particular group of vulnerable children (Eriksson, 2011). A child as a *witness* concerning her or his own experience of violence may be questioned: due to young age, vulnerability as well as the scope for manipulation inherent in the child’s dependency on a parent (cf. James and James, 1999). The acceptance of children’s status as *victims* may become an obstacle to children’s agency concerning their experience as victims: a child may be seen as vulnerable and as someone who may be harmed by conversation about her or his specific experiences. A child’s ‘witness’ testimony about her or his own victimization, feelings and thoughts about violence may also be questioned due to the contestation of children as witnesses. For children are contested as witnesses (see e.g. Feltis et al., 2010; Melinder and Korkman, 2010; Wyness, 1996). They ‘inhabit’ an age position in the age order of society which connotes a state of ‘becoming’ rather than being a citizen (Qvortrup, 1994). The state of ‘becoming’ encompasses a number of characteristics differentiating the child from the adult. As a ‘not-yet’ adult, a child is understood as

less competent than an adult in a number of ways of which the most relevant aspects here are lack of cognitive development, vulnerability and emotional dependency (e.g. James et al., 1998).

As regards children's agency, both English and Swedish family law constructs children as competent subjects with rights to participation in all matters that concern them. They are expected to take part and make their voices heard because they are active subjects, not passive objects: they are constructed as actors in the same ways that adults are. This construction of children could possibly strengthen children's position as experts on their own vulnerable lives. However, notions of the 'ideal' victim may mean that a competent, 'adult-like' and active child may not seem like a (child) victim at all in the eyes of professionals implementing the law. Thus a child's participation and competence may in practice undermine the child's status as a victim. For example, our own interviews with 20 family law social workers indicate that it can be difficult for these professionals to validate children's experiences of violence while offering them participation in the investigation process: to encounter children as both victims and actors seems to be a challenge for at least Swedish family law social workers.

In the descriptions of the systems dealing with children who have experienced domestic violence and whose parents are separated and in dispute, pre-schools and schools are seen as important institutions. For they may contribute to the investigation into the child's situation by offering initiated information about the children involved as well as serving as possible places of safety (Buckley et al., 2007) with the potential of identifying children in need of help and of offering support to children harmed by domestic violence (Mantle et al., 2008). However, we also have seen that school appear in some descriptions of the problems that result from experiences of domestic violence. Such problems can be created both by difficulties that children may encounter in concentrating and behaving at school and as a consequence of the reactions to them from other children and teachers (Buckley et al., 2007).

On a policy level, public authorities such as social services, courts, pre-schools and schools are supposed to cooperate in order to fulfil their respective duties. What do we know about how such cooperation works in the everyday life of the institutions and children? Here we note that in the reform processes discussed above, the issue of

intersections between school and family law proceedings in cases where there is a history of domestic violence has been absent. Thus the support and guidance to professional that has been developed to improve practice on domestic violence may only to a very limited extent be relevant to pre-school and school staff. A process of increased visibility of children exposed to domestic violence and a focus on safety in the context of legal disputes between parents is clearly evident at a policy level in both England and Wales and Sweden. However, it is uncertain to what extent such a positive development can be seen when it comes to the domains of pre-school and school.

4

Social Issues at Pre-School and School

Before focusing on empirical findings about pre-school and school in relation to domestic violence and family law proceedings, the following two chapters place these issues in a wider context through a discussion of different approaches to the problem of domestic violence among agencies and professionals involved in the lives of children exposed to violence. This first chapter provides a review of the situation concerning work with social issues in general at pre-school and school, and of the educational staff in relation to that work. The possible victimization of staff members themselves is discussed as well.

Education systems that are both similar and different

There are both some general differences and some similarities between the education systems in England and Wales and Sweden. In England and Wales, compulsory school starts when children are five years old compared to seven years old in Sweden. In Sweden, six-year-old children attend what is labelled 'pre-school classes' situated in school facilities and with the aim of preparing children for school. This means that children spend a larger proportion of their early childhood years at school in England and Wales compared to in Sweden.

In both countries child care for pre-school children has become common, even though the proportion of children enrolled in a child care institution is larger in Sweden than in England and Wales. Currently a large majority of Swedish 1- to 5-year-olds (87 per cent) attend pre-school (Statistiska Centralbyrån [SCB], 2013). However, it can also be noted that English and Welsh working parents take

a shorter period of parental leave and children of working families in England and Wales thus start earlier in day care than is generally the case in Sweden (Powell and Gooch, 2012). Another difference in the day care system is that parents in England and Wales normally bear all the costs for this service, which is among the most expensive child care provision in the world (Powell and Gooch, 2012). Low-income parents are thus to a large extent dependent on informal support from friends and relatives. Nevertheless, a majority of children in working families in England and Wales attend formalized day care from their first year (Powell and Gooch, 2012). In Sweden, subsidies are reducing the costs for parents, even though the level varies locally and the fees are often related to the income of the parents.

In both countries there is a national curriculum for pre-school as well as school. At the same time, lack of formal regulation regarding some issues and the creation of a market for pre-schools and schools means that provision can vary significantly and that these institutions are located in a combination of the private, voluntary and public sector. For example, day care for babies and toddlers in the United Kingdom has been described as a 'lightly regulated, commercial market based upon direct financial exchanges between producers and consumers', a 'seller's market' (Vincent and Ball, 2001, p. 636). In Sweden, an increasing proportion of children entering the child care system in combination with marketization and deregulation, for instance in terms of staff/children ratios, has resulted in an increase in the number of children in pre-school groups, and the number of teachers per group has decreased. The implications for children's well-being as well as their ability to learn are currently discussed by parents, politicians and teachers, and this has become a major research issue (see e.g. GU, 2013).¹

A chain of reforms and debate

In both England and Wales and in Sweden, the area of education for children has repeatedly been the target of political change during the last decades. In the former country, the political changes since the late 1990s have aimed at establishing broad and holistic provision of good quality. The earlier distinctions between care and education have been formally abolished and career paths and education programs for early years practitioners have been developed, aiming

for a graduate-led profession. Since 2007 staff working with young children are encouraged to acquire a formally credentialized status: Early Years Professional. In the statutory framework for pre-school and school there are detailed instructions about child–adult ratios and competence of staff members (Department for Education, 2012b, pp. 18–20, see also footnote 8). Special attention has been given to children from disadvantaged backgrounds and their families, as part of an anti-poverty strategy. Children with special needs have been targeted as well, with the aim to ‘narrow the gap’ and make it possible for these children to catch up with their peers. In order to reach the politically set aims for the education system, state investments have been made, financially as well as in the form of legislation, for instance the Childcare Act of 2006 (Department for Education and Skills, 2006). There has also been a development of various new agencies such as the Office for Standards in Education, Children Services and Skills (Ofsted). This is a national inspection body where providers of early childhood education and care are registered and learning, development and welfare requirements in early childhood education and schools are successively assessed (Ofsted, 2013).

These changes in early years education and care in England and Wales have been critically examined by scholars. One predominant theme in the critique is a perceived gap between (government) rhetoric and everyday practice. Due to the fast expansion of provisions in combination with marketization, there are still huge variations in services in different areas. There is also a gap when it comes to the competence of the early years professionals. The proportion of graduate professionals is lower in both private and voluntary sector organizations (MacDowell Clark and Baylis, 2012). The ‘audit culture’ that has been created through the reforms has also been criticized for resulting in an intensification of the workload by overburdening staff with record-keeping and monitoring tasks, which means that it is harder to keep up the contact with children and parents (Osgood, 2010). Furthermore, the political prescriptions with emphasis on readiness for school are contested (MacDowell Clark and Baylis, 2012; Powell and Gooch, 2012; Redmond, 2010). The critique targets the dominant discourses on professionalism. Instead, a counter-discourse is promoted, advocating care as a social principle and for a critically reflective emotional professionalism (e.g. Osgood, 2006, 2010; Taggart, 2011).

In Sweden, educational aims have been part of some early childhood institutions already since the very beginning of the twentieth century, but a more nationwide stress on educational qualities in pre-school was introduced with the first national curriculum in 1998 (*Läroplan för förskolan [Lpfö] 98*). Due to a government decision in 1996, the responsibility to oversee day care institutions was transferred from the National Board for Health and Welfare under the Ministry of Health and Social Affairs (and regulated by the Social Services Act), to the National Agency for Education under the Ministry of Education (and regulated by the Education Act). At this point there was a similar debate in Sweden about the education system as the one currently ongoing in England and Wales. A central topic was the balance between, on the one hand, preparation for school and the culture of schools, and, on the other hand, care and a culture of learning in pre-school very much based on play (Halldén, 2010). Repeated reports from the National Agency for Education have demonstrated that with the change of the responsible national agency, pre-schools have increasingly become more like schools in terms of an emphasis on learning, even though the decision to change the responsible agency was not intended to create such effects (Skolverket, 2004, 2008). Another reform in the 1990s that also contributed to the increased similarities between school and pre-school was the decision that not just pre-school but also school should be the responsibility of local authorities rather than the central state (as it had been until then).

The different traditions of pre-school and school

In spite of the increasing similarities between pre-school and school, it is still possible to see differences between these institutions. The work of pre-school and school teachers respectively are rooted in very different traditions (Irisdotter Aldenamy and Hartman, 2009; Osgood, 2010). Pre-school teaching did not develop on a broader scale in Sweden until the 1970s and in England even later. Since then the work contents have been developed, and the child-minding aspects have been reduced in favour of early childhood education and learning (Irisdotter Aldenamy and Hartman, 2009; McDowell Clarke and Baylis, 2012). Irisdotter Aldenamy and Hartman argue that what still distinguishes pre-school from school is the rationality of care, as a contrast to the rationality of teaching of primary and

middle school, and the rationality of topics seen in high-school. One outcome of these differences is, according to Irisdotter Aldenamy and Hartman, that:

while the rationality of care means that the child's needs can be defined as something unique and unpredictable, in relation to demands set by the rationality of teaching, the needs of pupils become something specific and given. (2009, p. 226; authors' translation)

However, many pre-schools employ staff without formal qualifications which in addition to low salaries and a lack of adequate education indicate that pre-school teachers in Sweden as well as in England and Wales are a low status group with a relatively pressured work situation. The low professional status can also be linked to gendered inequality. McDowell Clarke and Baylis (2012) discuss how the prevailing discourse of care contributes to the low status of the early years professionals. They argue that a maternity discourse constructs care as a 'natural' and 'innate' skill and proficiency of women. Furthermore, they suggest that care involves affective aspects of work with the youngest children, which also contributes to a lack of acknowledgement of the staff as professionals (McDowell Clarke and Baylis, 2012). As has been discussed at length in the literature on gender, organization and profession, gendered constructions of professionalism may mean that values and characteristics culturally associated with men, such as rationality and distance, are celebrated while characteristics associated with women, such as emotion and closeness, are disregarded. Another negative conclusion is that what we also see here are the effects of society's age order, specifically the subordination of children: that is, the undervaluing of the early years professions is related to an undervaluing of babies and toddlers (McDowell Clarke and Baylis, 2012).

In England as well as in Sweden there is an emphasis on the importance of pre-school teachers being able to establish good relationships with parents, since this is a precondition for their work. Qualities like closeness, care and daily contacts with parents are often emphasized as features defining the work in this institutional context (e.g. Gannerud and Rönnerman, 2006; Osgood, 2010). Sometimes this is presented as a contrast to school which is associated with distance

and less direct contact with parents (Vallberg Roth, 2002). The closeness means that in comparison to schools, pre-school staff can both have an advantage and suffer increased risks in connection with the kind of situations this book is about.

School welfare work

The increased stress on learning outcomes in the education system in England and Wales and in Sweden does not preclude duties concerning the welfare of children. In England and Wales, both early years education and schools are legally obliged to be involved in the efforts to safeguard and promote the welfare of children (the Education Act 2002 and the Children Act 1989). The duty includes responsibility to develop children's understanding, awareness and resilience, as well as to create and maintain a safe environment for children and young people by, for instance child protection arrangements, pupil health and safety, and school security. There is an increased emphasis placed on children's welfare, as it is defined as a part of the desired outcomes in *Every Child Matters*: being healthy, staying safe, enjoying and achieving, making a positive contribution and economic well-being (Department for Education and Skills, 2004). This perspective on children assumes that learning is predicated on well-being (Watson et al., 2012). Support professionals include a number of different professional positions: for instance, school nurses and medical doctors, educational psychologists, home-school liaison workers, school social workers, education welfare officers and teaching and learning support assistants. However, access to specialized staff to deal with social issues seems to vary a lot – typically these services are very locally organized and vary from locality to locality – and specialist functions are sometimes conducted by staff members who do not have the specialist competence. For instance, many schools have very limited access to the services of educational psychologists (Farrell et al., 2006). To change this situation policy initiatives have been taken to professionalize support staff in schools, to ensure a more highly skilled workforce (Every Child Matters, 2003; Anning et al., 2006; Watson et al., 2012). Support encompasses varying groups of children, such as children with disabilities and children with a first language other than English, and different aspects ranging from care to academic support. There has been a

debate demonstrating a tension between the social agenda of *Every Child Matters* and the agenda for achievement, as well as a question concerning which professions or agencies give priority to the social and emotional well-being of children (Watson et al., 2012).

In documents concerning the responsibility of schools in England and Wales for children's welfare, children experiencing domestic violence are explicitly mentioned (Department for Children, Schools and Families, 2010b; Department for Education, 2013). Since children exposed to domestic violence are mentioned as a target group, there is no doubt that pre-schools and schools in England and Wales have a responsibility to pay attention and take action in cases where children experience family law disputes and domestic violence is an issue, even though this particular kind of risk situation is not explicitly mentioned. Different support competences may be relevant in these cases. For example, a study of teaching and learning support assistants pointed to an understanding of 'good' practice as having a primary focus on children, and to get to know them and support them. This also to some extent includes support or contact with parents. The assistants construct a bridge between home and school, and could have the role of ameliorating and supporting familial relationships (Watson et al., 2012). Social workers employed within the Child and Adolescent Mental Health Services or education welfare officers are other categories whose duties clearly involve work with schools, pupils and families, and a responsibility to protect children from abuse and danger. Furthermore, these are professions where contact with and support to children can reach outside the education institution into the family context. The education psychologist is another support professional who may become involved. Some of the incidents that will be discussed further on in the book involve threats and violence, that is, situations that could be subsumed under the heading traumatic incidents. In such situations the educational psychologists play a key role. Their contributions primarily concern individual assessments, consultancy, intervention and training, but they can also provide crisis support following traumatic incidents (Farrell et al., 2006). According to Kelly and Gray (2000), about 80 per cent of educational psychology services report providing crises support to the head teacher, pupils and staff following a traumatic incident during a year. The educational psychologist is also seen as a key figure in the Critical Incident Response Team. This kind

of support may thus be a relevant resource to staff and children in the kind of situations this book is addressing. Farrell and colleagues (2006) also mention a potential role for educational psychologists in intervention and support for children who may require protection or have experienced abuse (see also Chapter 7). In addition to these support professions, the school nurse has a special responsibility for health-related issues and plays a critical role in general when it comes to children who may be suffering significant harm (Department for Education, 2013). These examples raise the issue of multi-professional teamwork, which will be addressed further below.

In Sweden staff at pre-school and school are also responsible for protection of and support to children while they are at the institution premises. However, also in Sweden access to support staff varies considerably between schools, according to some studies (e.g. Backlund, 2007). This picture is confirmed by a governmental inquiry from 2010 exploring the opportunities and obstacles for pre-schools and schools to, as part of an effort to increase early intervention, take more responsibility for children at risk, including children who have experienced domestic violence (SOU, 2010:95). Even though there has been at least some regulation of compulsory resources for health care at schools and a wider range of resources is compulsory according to the new Education Act (Skollag, 2010:800), there is no such regulation at all for pre-schools. This means that the extent to which pre-schools have access to a nurse, social worker or psychologists depends on local politics and policies (since pre-school is the responsibility of local authorities). The governmental inquiry concludes that there is a need to develop models for pre-schools to have access to school welfare staff, of the same level of competence as in schools (SOU, 2010:95).

Prior to 2010 there was no national regulation of support professionals at schools in Sweden, except for medical competence. In the new Education Act it is stated that there should be access to medical, psychological and psychosocial competence, and also staff with competence to, on the basis of information about the pupils health and social situation, evaluate and plan for how educational needs can best be met for individual pupils (Chapter 2, § 25). However, the extent to which such resources are available and the balance between the different professional competences are decided upon locally (SOU, 2010:95). At the time of the introduction of the new education

act, the situation at pre-schools and schools is shaped by demands for cost reduction. Many local authorities have chosen to cut non-compulsory support staff, such as primarily school social workers and school psychologists. This means that there are no positions as school social workers and school psychologists, or that these resources are reduced and in some cases centralized in the local authority. Hence they have primarily become a resource for teachers and are not directly available as support for the pupils (SOU, 2010:95). This is especially the case in lower grades (cf. above on the undervaluing of young children). Pre-schools can be short of any support staff. The reduction of school budgets can also be accomplished by increasing the number of schools and pupils the existing support staff have a responsibility for. The consequence is an increased work load and compulsory duties take an increasing proportion of working hours. In effect, this reduces the time available for contact with children on children's own initiative. Another problem with this development is that school nurses, who primarily have a medical education, have to fulfil the duties of school social workers and school psychologists when such competences are not available at a school. When it comes to children, however, the school nurse is often the person they trust most and feel most free to contact in situations of trouble (SOU, 2010:95). Since the nurse has a duty of secrecy, which children are aware of at a quite an early age, she (it is most often a she) is seen as more 'on their side' than other categories of staff (Näsman and von Gerber, 1996; Näsman et al., 2012). Because of this the school nurse is often regarded as the most strategic person in the work to support children at risk, even if school social workers are perceived as important as well (SOU, 2010: 95).

Is there a difference between pre-schools and schools in the work with children at risk? Several studies in Sweden show that both school and pre-school teachers point to pre-school as a model when discussing vulnerable children and argue that these children are neglected at school (Persson, 2010; Vallberg Roth, 2002). The closer relationship to the parents has been one of the reasons why pre-schools to a larger extent than schools in Sweden have been viewed as parts of preventive social work (Halldén, 2010). When it comes to support staff, schools seems to have been more resourceful to take on such a responsibility. This is the case in both England and Wales and in Sweden. However, school welfare work could of course still

focus on social issues such as bullying or violence among pupils, and not necessarily include reaching out to the children's context in the family except in cases of truancy or non-attendance at school. Some commentators have also suggested that there might be a return in policies in England and Wales to 'the belief that it is not the schools' role to manage and intervene in mental health/emotional wellbeing issues' (Watson et al., 2012, p. 218).

Multi-professional and multi-agency co-operation

In England and Wales, the responsibility for children's welfare includes identifying and addressing welfare concerns, to report to others responsible for child protection issues and to co-operate with them and other agencies in assessing and taking action for children at risk. This includes situations of risk due to circumstances beyond the school premises. The responsibility does not stop at reporting to other agencies but includes co-operation between professions and agencies. In the case of children exposed to both domestic violence and a family law dispute, co-operation may include officials such as family court advisors (Department for Education, 2013).

As is discussed in Chapter 1, there is currently very limited knowledge about the extent and forms of interaction between, on the one hand, pre-school and school and, on the other hand, family law proceedings. However, a considerable body of research can be found when it comes to school and child protection issues more broadly. In England, inter-professional co-operation in children's services is stressed (Anning et al., 2006; Department for Education, 2013). For instance, every local authority is required to appoint an officer responsible for co-ordinating all children's services and to develop Children and Young People Plans (The Children Act, 2004). The policy on joined-up teams to work with children and their families involves a wide range of organizations from the voluntary, public and private sectors, and formalizes infrastructures at a national, regional and local level. The policy forms a part of the change from prevention to early intervention (Anning et al., 2006). National frameworks for inspecting and monitoring the effectiveness of children's services have also been developed (Anning et al., 2006).

School are acknowledged as an important partner in co-operation concerning children who have experienced domestic violence

(Department for Children, Schools and Families, 2010b; Department for Education, 2013; Department for Education and Skills, 2006) and child protection training is included in teacher education. This training concerns topics such as legal and pastoral responsibilities, awareness and recognition of child abuse, harm and neglect, and the need of co-operation with other agencies. Before they can be awarded qualified teacher status, British teachers must be able to demonstrate that they can identify children with special needs and also show that they know how to co-operate with other professionals such as social workers and health professionals (Department for Education, 2013).

In Sweden, the local authority social services have the primary responsibility to create and sustain working inter-agency co-operation as regards children at risk (SoL, Chapter 5 § 1a). School and pre-school staff do not receive any compulsory child protection training and in teacher education programmes courses on these issues are often optional. Swedish staff are nevertheless, as in England, mandated to report to the social services any suspicion that a child might be at risk and the legislation has recently been reformulated in order to lower the threshold for reporting. Also in Sweden there has been an increased interest in inter-agency and multi-professional co-operation in order to improve the quality of work with vulnerable children. As part of preventive work, multi-professional family centres have been established, where health and social work is combined. Another example is the development of so called Barnahus (Children's houses), a form of child advocacy centre enabling co-operation between police and social services when it comes to children who are victims of crime (see Kaldal et al., 2010). These facilities have established links to health care professionals and child and youth psychiatry, and schools are also invited when it is seen as relevant.

A recurring theme in the literature on multi-professional team work both in England and Wales and in Sweden is the difficulty involved in such co-operation between institutions and professions due to the different competences and perspectives (Anning et al., 2006; Germundsson, 2011; Sundell et al., 2008; Sundelin Wahlsten, 1997; Watson et al., 2012). Difficulties in establishing co-operation and trust between school and social services are well documented (Horwath, 2007; Näsman et al., 2012; Stanley and Goddard, 2002).

Notions of professionalism

How does the responsibility for children's welfare and for co-operation with other professionals resonate with how teachers understand professionalism? Research on teachers' identity work, their views on their own profession and on the boundaries of their tasks is extensive internationally and in both countries discussed in this book (see e.g. Ball, 2003; Beauchamp and Thomas, 2009; Evans, 2008, 2011). The focus tends to be on deconstruction and reconstruction of the concept of 'professionalism' and, to some degree, on the social task more broadly. In a recent study in Sweden, Backlund (2007) argues that an increased responsibility for social issues has been placed on teachers without previous consultation with teachers themselves. Hargreaves (1995) argues on this matter that debates at the policy level about increased professionalization, competence and complexity of work tasks is a rhetorical device to make teachers accept their own exploitation. What we really have seen, according to Hargreaves, is an *intensification* of the teaching profession and also de-professionalization of teachers due to their working conditions. Teachers are forced to deal with an increased level of contradictory demands and their work-overload becomes chronic. Various commentators in the United Kingdom have supported, developed or challenged this thesis about a 'proletarianisation' of teachers and argued that it is too deterministic (e.g. Avis, 2003; Osgood, 2006; Taggart, 2011).

Drawing upon research with practitioners, Osgood (2004, 2006) argues that the competitive new managerialism of the dominant government discourse on teacher professionalism contrasts starkly with the perspectives of teachers. A similar critique of top-down policy implementation has been voiced in Sweden by, for example, one of the larger teachers' unions (Lärarnas riksförbund, 2010). According to Hultqvist (2011):

professionals experience a contradiction between the power and the responsibility they have in relation to individuals, and the crisis in legitimacy they find themselves in the middle of. More and more is expected from them, without sufficient legitimacy and recognition; a deficit explaining the recurring demands for status and recognition. At the same time what is measurable becomes the only value that can be expressed. Tests and exams, national

as well as international, have become the indicator of school success. But how does one measure, for example, the ability to build relationships with young people?

In the quote above, the ability to build relationships is presented as an important but neglected part of the teachers' professional task.

Violence against staff members

In addition to political demands and notions of professionalism, what stands out as a very important factor influencing practice is the feelings of professionals, such as fear of aggression from parents (Horwath, 2007; Stanley and Goddard, 2002).

As a situation over the phone, I was verbally abused and would be reported to the social services, the municipality and what not. But it came to nothing, it was just anger over the phone. And it's okay to be angry, as long as you don't do anything violent. Once at pre-school, I was nearly beaten down by a daddy. [Interviewer: Oh] But I am... He was angry and upset, but we were a few more than him, so finally he left.

What happened then?

He had been anonymously reported for an incident that resulted in us having to drive the child to the social services on duty. After that he was angry and came to threaten us.

The quote above comes from an interview with a woman manager of a private pre-school and is one of several examples from our own research of the kind of threatening situations that can occur when staff are trying to protect vulnerable children (see Appendix A, Study 1, and Chapters 6 to 8). When it comes to violence at pre-school and school, the literature about bullying and threats between pupils is extensive (e.g. Baginsky, 2008; Bansel et al., 2009; Cowie and Jennifer, 2007; Ekerwald and Säfström, 2012; Ringrose, 2008). The vulnerability of teachers is not discussed to the same extent, especially not when it comes to violence and threats *from parents* against teachers. To foster good relations with parents is emphasized and challenges, for example due to parents' behaviour, are rarely discussed (Gannerud and Rönnerman, 2006). In England and Wales

there seems to be more awareness than in Sweden of the risk of problematic situations in relation to parents. For example, in the document *The Teachers' Guarantee* (Department for Children, Schools and Families, 2010a), teachers' legitimate power to enforce parents' responsibilities, discipline parents as well as pupils and to apply a wide range of penalties is accentuated. 'Strong leadership' and discipline is stressed throughout the document. A relatively recent staff survey by one of the main teaching unions in the United Kingdom found that, of 1,000 staff interviewed, over a third have experienced aggression from parents.² This echoes findings from previous studies, for example, a Department of Education study on the topic that was published in 1997 (Gill and Hearnshaw, 1997). It involved 2,300 schools and nearly a third (28 per cent) of the school staff reported parents causing disturbance on school premises within the previous academic year. Assaults and verbal abuse between current pupils were the most common incidents. However, half of the schools reported verbal abuse by parents against staff and 4 per cent reported physical assaults by outsiders (mostly parents) against staff during the same period of time.

In Sweden, a workplace survey with just over 1,000 respondents found that 24 per cent of teachers stated that they at some point in their working life had been subjected to violence, threats or harassment (Lärarnas Riksförbund, 2008). However, according to Statistics Sweden's annual survey of living conditions only 3 per cent of staff within pre-school and school have been subjected to violence in the last 12 months (Estrada et al., 2007; SCB, 2001). One explanation for the difference in results is that the context at least partly defines what is defined as violence and threats: the workplace-context increases the probability that an experience is perceived as violence. In the period from the middle of the 1980s to the early 2000s there seems to have been an increase in workplace-related violence (Wikman et al., 2010; see also Arbetsmiljöverket, 2011). According to both this report from the Swedish Work Environment Authority and the Swedish Council for Crime Prevention (BRÅ, 2009) there has been a shift in perspective resulting in a lower level of tolerance for violence. However, a real increase in violence has been documented as well, especially when it comes to workplaces in the public sector, numerically dominated by women. These agencies partly explain the increase in incidents of violence by cuts in the welfare system in the

1990s, following upon the economic recession seen in Sweden at the time. As will be described more in-depth later in this book, interviews with staff contain descriptions of staff tackling a number of types of violence apart from domestic violence, such as intervening in physical fights between fathers, threats directed to staff over the phone or at the workplace and experiences of physical violence from parents. Within the interviews the working conditions and vulnerability of pre-school and school staff is also highlighted in the context of family law disputes.

A tension between learning and social issues?

In both countries focused upon here, the area of education for children has repeatedly been the target of political change during the last decades, and the implications of various reforms have been debated. Not least an expanded social task associated with unclear boundaries around teacher responsibilities seems to be a contested issue, especially when access to support staff remains highly uneven.

A conclusion so far is that in both England and Wales and in Sweden, the guidance at a national level regarding pre-school and school responsibilities for child welfare somehow includes the issue of children exposed to domestic violence as well as traumatic incidents which occur on educational premises. Yet, by contrast, the connection of these phenomena to incidents and situations arising from family law disputes is not mentioned. The issue of family law proceedings' impact upon school is strikingly absent. The question then arises as to what extent educational and support staff are prepared for and have the competence as well as skills to cope with, the kind of events such cases may create. Children's safety and need for support and care are consequently of particular concern.

5

School in a Complex Field of Policy and Practice

Hierarchies between groups of professionals, discourses and areas of policy and practice have implications for children exposed to violence and whose parents dispute family law issues. The chapter outlines different domains of policy and practice in the field of child welfare, domains that are shaped by different histories, problem definitions, professional groups and that are related to different parts of the legal system. Furthermore, it is argued that education can be conceptualized as a separate domain in itself that needs to be added to the analysis of how welfare systems tackle domestic violence. An important question is how domestic violence tends to be understood and defined in this domain.

Domains of policy and practice

It may be that the lack of attention paid to violence, family law disputes and school, as well as the tensions between education and social issues outlined in the previous chapter (and in this book as a whole), are more typical of England and Wales and Sweden than of some other countries. However, parallels in many other places in the 'global north' (Connell, 2007) can be expected. One important reason is that there seem to be similarities between justice and welfare systems in these parts of the world when it comes to the way domestic violence is tackled by different institutions and professionals. For example, commentators in Canada and the United States have discussed problems in co-ordinating responses to domestic violence between professionals focusing on domestic violence or

violence against women, child protection and in relation to family law disputes (e.g. Jaffe et al., 2003; Lessard et al., 2006). In a European-Commission-funded project, a group of researchers mapped a number of contradictions between various domains of policy and practice in six different countries, including Sweden and the United Kingdom (Humphreys and Carter et al., 2006). Drawing on previous work by Eriksson and Hester (2001) and Hester (2004; see also 2011), the group argued that there were similarities among the countries in the way the justice and welfare systems are shaped by differences between the domains in framing the problem of domestic violence. Moreover, variations in discourses and practices create difficulties regarding responses to cases of violence. The patterns in policy and practice often lead to contradictory outcomes and a lack of safety for women and children.

To conceptualize the pattern of diverging professional traditions and established boundaries in policy described above, we use the concept of *domain of policy and practice*. A concrete example from Sweden of domain effects, or conflicts, and what the result may be for victimized women and children, is when an abused mother is told by a child protection case worker that she has to protect the child from the abusive father, while at the same time a family law social worker emphasizes that she has to enable contact, due to the 'child's right' to have contact with him (Eriksson, 2003). An example from the domain of education in Sweden is when school social workers advise school staff to only be supportive and not to bring up issues on maltreatment and violence with the parents (Bruno, 2011 and Chapter 8). These examples illustrate different domain claims, competing discourses and will be discussed further below.

Domain contradictions and conflicts

In our use of the concept domain, we draw to a large extent on Eriksson and Hester (2001), Hester (2004, 2011) and the aforementioned Humphreys and Carter et al. (2006), who are especially interested in the contradictions that appear in practice regarding children and families. Hester, however, does not use the concept domain, but 'the three planet model' (2011). Drawing on research primarily from the United Kingdom, she argues that the three 'planets' – 'domestic violence work', 'child protection work' and 'child contact work' – are shaped by

different histories, problem definitions, professional groups and are associated with different parts of the justice system (Hester, 2011). Hester suggests that the notion of separate 'planets' can perhaps be understood in the light of Bourdieu's (1977) concept of habitus, where the mental structures through which groups apprehend the social world are essentially the product of the internalization of the structures of that world (Hester, 2011, p. 839). Therefore, Hester goes on to argue, the particular structures, orientations and approaches in the work of a professional group may create divides between their own everyday and commonplace professional assumptions and practices, and those of other professional groups, thereby rendering the professionals less able to see practice from a different perspective.

Looking at what distinguishes different domains from each other there are key differences in approaches to the problem of violence, as well as the definition of the responsibilities of parents. When it comes to domestic violence work, violence is defined as a crime and a feminist perspective on domestic violence has been a key perspective in the development of policy and practice: men's violence against women is placed centrally and the explanatory framework focuses on gendered inequalities. However, it should be noticed that initially issues of children and parenthood were not as central within this domain as is currently the case. Not least, a lack of focus on violent men as fathers has been an expression of this tendency (Eriksson, 2007). As regards the domain of child protection work, violence is primarily defined as a social problem, public law (social services law in Sweden) is placed centrally and the tendency is to talk about violent families (rather than violent men) where the state needs to intervene on children's behalf. In addition, Hester argues that although parenthood is a central issue in this domain, the focus tends to be on mothers' responsibilities for children's safety and their possible failure to protect: not on fathers' responsibilities for children's safety and sense of security. When it comes to the domain of child contact work, it is private law (civil law in Sweden) that is the primary point of reference. Violence tends to be treated as a marginal issue and a gendered understanding of domestic violence has been lacking. Instead, parental co-operation and agreements occupy central stage (see Chapter 3).

Different professional groups dominate practice in different domains. In the domain of domestic violence work, both police and

prosecutors are emphasized, in addition to different health and welfare professionals. As in many parts of the world, both in England and Wales and Sweden, the voluntary women's refuges and hotlines have played a key role in the development of domestic violence as an issue for the welfare system (see e.g. Coy et al., 2007; Dobash and Dobash, 1992; Eduards, 1997; Hagemann-White, 2002). Over time, services to protect and support abused women and their children have increasingly been developed in both countries, and in Sweden the growth of these within the public sector has been quite noticeable in recent years (Eriksson, 2007). The implication is that a new kind of public professional specialized in domestic violence work has emerged in this context. However, their services are often separated organizationally from child protection work as well as from work with family law disputes. For example, in Sweden, family law social workers have since the mid-1990s tried to distinguish themselves from other social workers and formed 'a profession within the profession' accompanied by their own national association, separate annual or biannual conferences, internally organized training and so forth (Eriksson, 2003; FRS, 2013). The situation is thus a somewhat different compared to England and Wales where CAFCASS officers (Family Court Advisers) also work with public law applications under the Children Act: as when children are subject to an application for care or supervision proceedings by social services, or to adoption applications.

In addition to the two domains outlined by Eriksson and Hester (2001, domestic violence work and child contact work), and the model of three separate domains discussed by Hester (2004, 2011), further domains have been added to this analytical model over time. For example, in the aforementioned European-Commission-funded project the framework was elaborated with the domain of 'immigration' (Humphreys and Carter et al., 2006). Moreover, drawing on two national surveys on, among other things, support interventions for children exposed to domestic violence Eriksson has since then added 'support and treatment' (2006, 2007). In addition, Fernqvist and Näsman (2008) have discussed financial abuse as part of domestic violence, and how cases and practice concerning financial aid seem to belong to another domain of policy and practice than domestic violence work. In this book, we now also add the domain of education.

Dominating discourses

Before exploring the domain of education in more detail, we first elaborate upon the theoretical understandings underpinning this frame. By using the concept of domain we are trying to describe relatively demarcated areas in the fields of justice and welfare. On the one hand, the point is to establish links between certain discourses, policy areas, parts of the justice system, certain institutions and professions and professionals. On the other hand, the aim is also to separate these interlinked phenomena from other (interlinked) discourses, policy areas, parts of the justice system, institutions, professions and professionals and so forth. A domain is defined (and demarcated) by discourse(s) dominating this particular area of policy and practice. Here, discourse is defined as 'formations of statements, notions and ideas, that hang together in specific ways' (Jacobsson, 1997, p. 38).¹ However, even though it is possible to identify certain discourses as dominating a domain, it may well be that other discourses can be current there as well. Thus some of the negotiations of the meaning of, for example, 'domestic violence' or 'childhood risk', or professional boundary work (Gieryn, 1983, 1999) ongoing in particular empirical settings may be an indication of practitioners drawing upon discourses that can be 'traced' as dominant in other domains. For example, while the dominating discourse in the domain of child contact work constructs 'parental conflict' as a key risk for children's health and development, some family law professionals may bring men's violence to women in intimate relationships to the fore in their understanding of risks in childhood, thus drawing on a gendered discourse which dominates the domain of domestic violence work.

There are some other frameworks that in some ways can be seen to engage with similar questions. One example is Luhmann's theory on social systems (2006), even though we would argue that his theoretical approach is inadequate for our purposes, primarily since Luhmann's concept of system is not easily reconciled with our focus on agency and power relations associated with age and gender among others (see Chapter 9). Another line of thought can be found in the sociology of organizations, where the concept of domain has been used to analyse the distinctive character of welfare-producing organizations (e.g. Grape, 2006; Kuozes and Mico, 1979). According to Grape (2006), a domain is concrete tasks and objectives within

a certain area of a wider organizational field, governed by certain institutional logics. Furthermore, a domain can be dominated by one organization, but more often several organizations and actors with disparate institutional logics operate in the same domain. The domain of domestic violence work may illustrate such a phenomenon. Here, several kinds of organizations and professionals operate: police, women's refuge and help-line workers as well as social services staff and health personnel. The organizations may be governed by different logics regarding, for example, professional roles and tasks. The dominating discourse, however, is a gendered discourse on domestic violence.

In summary, our contribution to the analytical framework of different domains is a focus on discourse. In addition to an analysis of intersections between laws, groups of professionals and practice, we are interested in the construction of social problems and in how social positions (such as child and adult) are constructed through language. In this respect we also differ from Grape (2006), who instead of discourse focuses on competing institutional logics. Secondly, we argue that education can be conceptualized as a separate domain that needs to be added to the analysis of how welfare systems tackle domestic violence. Other domains, such as support and treatment work, or financial aid, may also be of great importance if we are to understand how the justice and welfare systems tackle parental separation and domestic violence. For the purposes of this book, however, the focus is on education. Moreover, since the framework will primarily be used to analyse empirical materials from Sweden, the focus is on the domain of education in this context. The extent to which this domain in Sweden is similar and different to its counterpart in England and Wales is an issue for further empirical research.

The domain of education

Care, upbringing and learning constitute a whole in the pre-school and school tasks, according to present Swedish national curricula. As early as in the pre-school curriculum, it is prescribed that each individual child shall have support to use her or his right to participation. Furthermore, it is stated that children's opinions shall be respected, and that staff are responsible for caring for children's needs and for ensuring that each child experiences her or his own

worth (Lpfö 98). There is a tension between these guiding principles and the parts of the curriculum where an underlying, more disciplining – in the Foucauldian sense (Foucault, 1977) – logic shapes the contents (Bruno, 2011). One attempt to conceptualize this disciplining task can be seen in the debates about *the hidden curriculum*, a concept introduced in Sweden in the early 1980s inspired by American, Danish and German research. The hidden curriculum refers to the institutional but implicit demands which the situation at school itself places on pupils as well as on staff. According to Broady's original formulation in the Swedish context (1981), central lessons for children to learn while in school are that you are inferior and replaceable, and that you have a 'proper' position in the class society. Broady argues that with the success of a progressive approach to education (mainly on a rhetorical level and less on a concrete level), a gap between the official curriculum and the hidden one came into existence. Later research has used the concept to analyse, for example, how young girls at school 'learn' to accept their subordination in relation to boys (Claeson, 1990). Additionally, we may use the concept in an exploration of what children in general learn about adult privilege, among other dimensions of inequality, when exposed to the impact that family law proceedings and decisions have on pre-school and school (see Chapters 7 and 9).

Broady emphasizes that each educational practice has its own hidden curriculum and all of the demands are not essentially negative. A possible point of departure for an analysis of the domain of education is to interpret the pre-school and school tasks in terms of a tension between rights and responsibilities. Following the line of thought about the hidden curriculum, it could be argued that the hidden curriculum and the compulsion to go to school mainly train children in responsibilities, while the official curriculums mainly claims that school is a right for children, and constructs it as a forum where children – through education – are given tools to exercise their rights to participation in society.

Upbringing, care and participation

Another way of understanding the disciplining aspect of practices at pre-school and school discussed above is to link them to a discourse that we here refer to as the discourse of 'upbringing'. This is a discourse

that aims at the future with the objective that children acquire knowledge as well as certain values, norms and behaviours. It refers to the Swedish concept of 'fostran', a concept that it is difficult to find a fully appropriate English translation for. One possibility could perhaps be to talk about the discourse of socialization, but since socialization does not have the very same connotations as 'fostran', we use the concept of the discourse of upbringing to capture this disciplining aspect of practices at pre-school and school. We note that in practice, upbringing seems to at least to some extent be aimed at parents as well; sometimes explicitly and sometimes implicitly so (see Chapter 8). This discourse can be said to promote a view on children as part of a collective and as being objects for the transmission of certain knowledge, norms and behaviours which are determined by adults. In the context of the upbringing discourse, heterogeneous groups of pupils can be a challenge for teachers. Moreover, 'weak' pupils as well as 'overachieving' ones can be constructed as divergent and problematic.

Looking more closely at the domain of education as it is presently organized in Sweden, it can be argued that it is shaped by a tension between, on the one hand, this discourse about upbringing and, on the other hand, a care discourse and a participation discourse on children respectively (see Chapter 1 and Bruno, 2011). Each one of these discourses constructs pre-school and school tasks in specific ways. For example, while the upbringing discourse can be said to focus upon responsibilities, both the care discourse and the participation discourse concern rights in some way. In practice, either one of these two discourses on children may be emphasized, for example the right to protection (care) or to have your wish acknowledged (participation), but they may as well be combined. An empirical example of how this can be seen in practice comes from our study of domestic violence, family law and school (Appendix A, Study 1). In an interview with a pre-school teacher, the interviewee describes how she has negotiated with the mother of a child who has protected identity about letting the pupil have at least her first name by the hook where she hangs her clothes. The interviewee goes on to say:

During the education, when you're going to be a teacher, and especially me who is a pre-school teacher, well, all this on young children and that according to the convention of children's rights everyone has the right to an identity of your own, a name of your own. You

are someone. You shall not be anybody... You shall mean something. And one is supposed to work with their personal development and all that, self-confidence and all that, in order to make them confident persons ... But these children are not allowed to exist!

This pre-school teacher argues, on the basis of her interpretation of the professional task to acknowledge every child, that this task is also relevant for children with protected identities. The future well-being of the child is stressed in the quotation above, even if she also speaks of the present. Guidelines for how the school is obliged to maintain the child's security are constructed as negotiable. The teacher's statement can be seen as an example of how an emphasis on participation is activated simultaneously as an emphasis on care.

The three different discourses discussed in relation to the domain of education are not necessarily mutually exclusive. However, analytically it is fruitful to distinguish between a 'seeing' of children that aims at disciplining and one that aims at care and/or participation. For example, the creation of future good citizens and the prevention of costly problems (for society) – central themes in an upbringing discourse – are non-questions within care/participation discourses on children. Instead, following the UNCRC (article 28) education is framed as a children's rights issue. A crucial question in relation to the topic for this book is: what consequences does an exclusive use of an upbringing discourse have for children who experience domestic violence and family law disputes? For example, problematic issues such as conflicts between parents (or even violence against a parent) may be constructed as a problem of order at school: rather than, for example, 'a crime' as in the domain of domestic violence work. Thus staff may construct mothers who inform them about experiences of domestic violence in the context of divorce and family law proceedings as 'the problem', rather than the problem being constituted by the child's vulnerable position or the father's violence (some of the consequences of this are discussed in Chapter 7 about children's vulnerability at school).

Notions of violence and of risk

The tendency in the study of domestic violence, family law and school is that family law proceedings involving domestic violence

are first and foremost experienced as if pre-school and school are invaded by external problems. Furthermore, the risk of children and staff having a sense of safety destroyed and the order disturbed is constructed as the most immediate threat. Drawing on the study discussed here, it can tentatively be suggested that the different discourses within the domain of education shape understandings of risks and solutions in competing ways. Additionally, these discourses define threats and violence differently, with different implications for children who experience difficulties in the context of family law proceedings and decisions.

The future-oriented upbringing discourse can be combined with a care discourse. If so, staff can take measures to protect and support the child out of consideration to the development and future well-being of the child. However, the upbringing discourse also seems to have the effect that domestic violence is constructed as a problem of order, which is solved as soon as the staff do not have to see or hear about it anymore. One example of this is the way an abused mother is told that the staff do not want to hear about her experiences of violence any more (see Chapter 8). Another is a case discussed in more detail in Chapter 7, where staff tackle a potentially abusive situation by sending the mother, father and child to the parking lot outside of the pre-school premises, to 'sort their problems'.

When domestic violence is constructed as a problem of order, the interviewees speak about the professional task in terms of neutrality and impartiality. The consequence seems to be that responsibility for violence is placed on abused mothers. In this perspective, it becomes logical that the problem can be defined as 'solved' when a mother subjected to violence has been 'successfully' told off for sharing hers and the child's experiences of violence with the staff and likewise, when a child is handed over to a threatening father who does not possess a right to contact (see Chapter 7). This way of interpreting professionalism, together with a notion of violence as a problem of order, have worrying implications for vulnerable children. The need of protection seems not to be taken into consideration in these cases.

Previously, it has been shown that 'childhood risk' is a key issue of contestation and discursive struggle in relation to children and domestic violence (Eriksson and Dahlkild-Öhman, 2008, pp. 139–157). Therefore, a fruitful starting point for an analysis of what characterizes education as a domain and how it differs from other domains

may be to focus on how childhood risk is constructed in the pre-school and school encounters with children's vulnerability in the context of domestic violence and family law proceedings. To illustrate this point we turn to another empirical example, also from the study about domestic violence, family law and school. In this example a school psychologist presents herself as the one who sees and protects children's rights (to care and participation) against other professionals and parents. She describes how she tries to persuade the family law social worker to talk with a child whose parents are disputing. According to the psychologist, the adults have been 'talking over the head' of the child, which she sees as problematic. According to the interview, the problem is that the child is not involved in the process and has no say in the family law dispute: this lack of participation is explicitly defined as a risk of negative impact on the child's development. The informant recalls several other occasions when pupils have not been heard in family law proceedings, and she talks about at least two other cases where she herself took action in order to make the family law social workers listen to children. A possible interpretation is that she draws quite heavily on the participation discourse, and in her story children are constructed as competent subjects. Furthermore, in this example a lack of participation is constructed as a risk for children, rather than the parental dispute in itself.

Notions of gender

When outlining her analytical framework, Hester emphasizes that in order to understand contradictions in policy and practice, gendering processes need to be recognized. This seems to be the case when it comes to the domain of education as well. As will be discussed further in Chapters 8 and 9, at least some of the interviewed pre-school and school staff tend to hold the abused mothers accountable for the way 'conflicts' with the fathers affects pre-school or school. A gendered discourse on domestic violence is not very visible in the interview material. Instead, the victim is blamed for the way the order is disturbed at pre-school or school. This tendency can also be interpreted as an expression of a discourse of gender complementary parenthood, according to which mothers have the main responsibility for the welfare and care of the child, while fathers can choose the degree of their own responsibility since they are only expected to supplement

mothers (see e.g. Bekkengen, 2002; Eriksson, 2003, 2005; Keskinen, 2005). When parenthood is constructed in a gender complementary way, showing engagement by visiting the child at pre-school can be perceived as positive and worth encouraging – even if it is a father who has no right to contact, according to some of the interviews:

He never calls in advance and the girl becomes very upset, cries and... We have encouraged him to... He really should call, but... So that we can prepare her.

In this example, the interviewees talk about a father without right to contact who repeatedly seeks out a young child at pre-school. It is worth noticing that even though this father has no right to be on the pre-school premises, the problem that is brought to the fore is that the girl is unprepared for the encounter with the father. There is no talk here about staff somehow trying to stop him from coming, for example, by calling the police for the child's as well as their own sake. In summary, violent fathers can be granted a rather wide scope for action within the domain of education. This has implications for the safety and well-being not only for the mothers subjected to violence, but also for children exposed to violence, the other children at pre-school or school, as well as staff.

This theme will be discussed in further detail in Chapter 7. Here we note that children's experiences of not having a right to protection at pre-school or school becomes for the children affected – and for other children who witness these children's adversity – a part of the hidden curriculum. They all learn something central about what it means to be a child in this context, and about the inequality of child–adult relations. The following chapters discuss more in-depth what policy and practice in the domain of education mean for how domestic violence in the context of family law disputes is tackled. After that we will return to the question of how dominating discourses and different forms of inequality shape professional practice as well as the situation for children and parents.

Professional hierarchies

The upcoming chapters will review some quite problematic professional practices in, or in the context of, pre-school and school.

While an analysis of dominating discourses is a key to understanding professional practice in relation to domestic violence and family law proceedings in the domain of education, it is also important to locate pre-school and school staff in the context of competing domain claims and professional hierarchies. Compulsory school is supposed to foster democratic values, self-confidence and to inform children of their rights. At the same time, teachers, who strive to create favourable conditions for learning, may find themselves witnessing (together with other children) how some children are literally dragged out from the school building, loudly protesting, because of a court order specifying that children should have contact with a previously violent parent. Another example of competing domain claims and the subordination of pre-school and school staff in relation to other professionals is the way a court – without consulting or even informing pre-school or school – specifies in the court order that contact hand over should be arranged through pre-school or school for safety reasons in a case involving domestic violence (see Chapter 6). These examples highlight some of the relations of professional dominance and subordination that seem to be at work at least in Sweden: relations which may be salient in other contexts as well and that have implications for vulnerable children as well as staff.

Using a somewhat drastic image, the Swedish case seems to involve a rather invasive justice system intruding upon pre-school and school without much previous debate or political decision-making (see Chapter 6). This could perhaps be explained by professional hierarchies between, on the one hand, the legal profession, and, on the other hand, social workers and teachers. Such hierarchies have also been documented in other places, and they may at least be partly explained by gender (e.g. Witz, 1992). A number of studies show that professional and occupational prestige or status is a relatively stable phenomenon in society (Crompton, 1998). In this context we note that the labour market in Sweden is highly segregated by gender and that professions numerically dominated by women, such as social workers and pre-school/school teachers, are structurally undervalued (SCB, 2012).²

When it comes to the relationship between pre-school or school and social services at a general level, education is not accorded less value than social work. However, professionals working in the domain of education may be questioned when it comes to their

competence as regards child protection and other social issues. Furthermore, they tend to be expected to adjust themselves to decisions made by judges, psychologists and social workers, and to do what these other professionals tell them to. This might especially be the case in Sweden, since Swedish teacher education does not include child protection training in the way it does in England and Wales (see Chapter 4). However, to what extent this is actually the case compared to the situation in England and Wales needs to be explored through empirical research.

In summary, while legal professionals are the ones that have the least contact with the children in the context of family law proceedings but the greatest formal power, teachers and other categories of pre-school and school staff are the ones that in their daily work are closest to the children but have the least to say in these matters.

6

The Impact of Family Law Proceedings

Together the previous chapters outline existing knowledge about – as well as the policy context for – pre-school and school encounters with family law disputes in cases where there is a history of domestic violence. The issues addressed in these chapters included some of the differences and similarities between, on the one hand, England and Wales, and, on the other hand, Sweden. Now, in this and the following three chapters we turn our attention to everyday experiences and practices in relation to the intersection between domestic violence, family law and pre-school/school. We will primarily draw on our own empirical studies in Sweden during the last decade. Since the intersection between family law and school will depend upon the particular context of welfare and the school system involved, we presume that some of the patterns discussed here may be specific to Sweden. However, drawing upon more general knowledge about the situation in England and Wales, we make some suggestions about the situation there as well.

This first empirical chapter reviews a series of issues which we have identified as ones that arise at the interface between family law proceedings and the school environment, and discuss some of the potential and problematic ways that family law proceedings may impact upon the school situation.¹ As was noted in Chapter 3, both the family law itself and its implementation in cases involving domestic violence have been the subject of serious criticism, resulting in changes to the Swedish law that came into force in 2006. However, so far there are no studies of the extent to which these measures have actually improved practice.

Investigations into the child's situation

In England and Wales as well as in Sweden, courts rely on investigations of the child's situation that are carried out by other professionals. In England and Wales, the court can request a welfare report under Section 7 of Children Act 1989, either from the local authority or from a Children and Family Reporter who is an officer appointed by CAFCASS. In Sweden, it is formally the board of the local authority social services that is responsible for the investigation of the child's situation and best interests. In practice the investigation is carried out by the specialized so called family law social workers (see Chapter 3). There are a number of ways in which investigations like these may impact upon pre-school and school.

Investigations conducted at schools or during school hours

As is discussed in Chapters 1 and 3, Swedish legislation has since 1996 been revised several times to enable children's participation in family law proceedings. The consequence is that family law social workers to an increasing extent tend to talk directly to the children involved, including very young children (often children aged four years or older). In some of the cases found in the Swedish material, family law social workers have conducted parts of their investigation at the school premises or during school hours (Appendix A, Study 2). In particular, it seems as if conversations with the children involved in the legal dispute may be carried out at school. As regards the situation in England and Wales it has not been possible to find studies reviewing this aspect of investigation practice.

The practice of conducting part of the investigation during school hours or on the school premises raises the question as to whether the availability of children at pre-school and school, and the familiarity of these institutions to children, are reasons enough to presume that this is the most appropriate place to interview children. What are the possible consequences for the children concerned? Is there a dialogue between investigators and pre-school/school staff about this practice? Have children been consulted about the choice of time and place? Apart from the child's obvious loss of pre-school/school time, such social worker practices disrupt and disturb the ongoing pre-school/school activities. Furthermore, the social worker's presence at pre-school or school makes the child concerned visible as 'different' in

relation to both staff and peers. Thus investigations carried out during school hours or at the child's pre-school/school, undermine the pre-school/school's possible role as the child's 'free zone' and a place of relief from difficult processes in the child's life.

In the court records mentioning this kind of practice, it is not clear to what extent the children concerned have participated in the decision to organize this part of the investigation in such a way. However, we know from interviews with children (Appendix A, Study 2) that some of the children who have been talking to family law social workers on the school premises or during school hours have not been consulted about this and are unhappy with the fact that they were not left at peace at school. This is something the child concerned has to deal with and for some children it can be experienced as an intrusion or as problematic. For example, one of the interviewed children (a 13-year-old boy) states that it was 'not too bad' to talk to the social workers; but, on the other hand, he also says that it was a bit difficult:

Yes, I had to leave school sometimes. [*Interviewer: Right*] And I didn't have the energy to do that.

According to this interviewee, he would have preferred to be interviewed outside of school hours and he was not consulted concerning the social workers' choice about conducting the investigation in such a way that he had to leave school. Some children involved in family law proceedings may not have a clear view on how the investigation should be conducted, a child approach that could be linked to the fact that adults often control children's time and space for different activities. Thus children may experience this as the normal state of things that is not questioned. However, some children may have quite strong views on the lack of participation. One example from our own research is a boy aged 10, who says:

When they came here, were you allowed to take part in deciding when they would come and [is broken off]

No, they just 'we'll come on Monday at five o'clock'. They just came [*Interviewer: Okay*]. They did not say if it was okay or not [No] they just came.

Did you think it was, was it okay for you or was it difficult for you in any way?

It was difficult [Yes]. They just called and said 'hi, we are going to come on Monday at five o'clock', so they didn't know, they didn't even ask if it was okay or not. Perhaps my grandma would come, don't know, well, they'll just say 'we are going to come on Monday at five o'clock bla bla bla', they don't care and say [Yes], well decide.

This child interviewee does not point at a specific reason for being critical about the time the social workers were coming to see him. His criticism of investigator practices concerns the lack of opportunities to question their decision, if that should have been necessary. It can be noted that another of the interviewees does talk about being able to suggest a time for a second meeting with the social workers, and that they accepted his suggestion. We want to emphasize that this kind of lack of participation becomes problematic particularly in cases which involve already vulnerable and victimized children. In many instances, children exposed to domestic violence have been in a situation dominated by adult misuse of power, a situation they experience as unpredictable and difficult to understand. It becomes particularly important to not subject these children to a similar experience in encounters with professionals and representatives of authorities like the court or social services.

As regards the situation for children at pre-school, we know even less about their experiences and views on how investigations are organized and carried out. However, considering the general approach to very young children's rights to participation – or rather lack thereof – we presume that the overall pattern probably will be that they have been consulted to an even lesser degree than the older children we have interviewed.

The critique voiced by some of our child interviewees against practices where family law investigators use some of children's time in school for investigation purposes seems highly justified. In addition, children with parents who are disputing issues like parental responsibility or contact have a right to school. In the Swedish context, this practice is questionable from a formal point of view as well, since there is no clear support in law for social services' decisions to carry out part of family law investigations in competition with children's time in school. Furthermore, the organization of investigation processes brings the different interests of adults and children to the fore. Is it the

children who should adapt to adult office times, or should the adults adapt to children's school hours? Put slightly differently we may ask whether it is the situation of the professionals or of the service users that forms the point of departure for the planning and practice of the investigation? Thus this question concerns the broader issue of power relations in social work, a theme accentuated by the fact that our interviewees are subordinated both as children and as services users.

Staff as sources of information in the investigation

Another issue raised both by court orders and through interviews with family law social workers is that school staff are used regularly as a source of information in the investigation. In relation to disputing parents, members of staff are presumed to be more neutral and therefore useful to the court. In particular, members of staff may be used as a form of experts and reference persons when it comes to the child's health and development as well as school performance. These are very important questions in cases where there may have been a history of violence and where children may be at risk. According to the questionnaire to school head teachers and pre-school managers (Appendix A, Study 1), most pre-schools are used as sources of information (86%), and one in four in cases where there are indications of a history of violence. As regards school, there were fewer, relatively speaking, that had been used in this way (75%). However, one in three had been providing information in cases where there were indications of domestic violence (33 per cent).

School staff may find these ongoing processes quite intrusive, as one member of school staff describes the situation:

It is a family, where we had the older sister last year and the little sister this year, and the worst dispute was last year. We are both involved, and the rest of the teachers [...] And were interviewed by the family law people first and then the child protection investigation [social workers], it has been a lot of case conferences and a lot of conflict about who should have custody and so on... And all of us have been involved. Then the head teachers decided, since it was, we were freaking out, it was such a strain last year, they decided that we should refer everything to them and then it got a bit calmer for us. So that we were not in the middle of the parents' conflict and school should be the children's protected space.

Another issue raised by this practice is how members of pre-school and school staff negotiate demands from the family law investigators together with the demands to foster close relationships with children as well as with both of the disputing parents. One of the interviewed school head teachers pointed out that staff may find these conflicting demands quite difficult to deal with:

Do you know if this has been difficult for the staff, with questions about how to do it, or... ?

Yes, many times, or almost all I would say, they come to us head teachers and ask for advice about what to do. They don't want to end up... They want to have good relationships with both parents regardless of the outcome. And the parents know that information is gathered from the school in some way.

In relation to the situation in England and Wales, it can be noted that investigating officers who are responsible for so-called Section 7 reports can – if appropriate – make contact with any professionals involved with the family for the purpose of gaining further information about the child's circumstances. Thus we expect at least some of the issues raised by the Swedish studies to be relevant to the situation in England and Wales as well.

The impact of court proceedings and decisions

In addition to the investigations into a child's situation by social services (or by CAFCASS in the case of England and Wales), the court proceedings and decisions themselves may have a key impact on the position of children at pre-school or school, and on staff.

Staff as sources of information and witnesses in court

According to the survey in Sweden, a rather common experience among pre-school and school staff is to give testimony in court (9% of pre-schools and 20% of schools). In high-conflict family law disputes, and cases involving domestic violence, staff sometimes perceive their role as witnesses and sources of information to entail a tension between, on the one hand, to promote the best interests of the child and, on the other hand, to co-operate with both parents. As is discussed in later chapters, staff may perceive it as professional to be

neutral in relation to both parents (see also Bruno, 2011, 2012). Thus the role as a witness may become problematic from the staff point of view. At the same time, it may be the presumed impartiality of pre-school and school staff that is appreciated by the legal system. Thus their testimony may be perceived as more trustworthy than sources that are closer to the child, such as parents or other kin. However, if professionalism is perceived as maintaining a 'neutral' stance, including in the face of information about domestic violence – which of course they do not investigate themselves – how can staff function as reliable sources of information regarding children's possible vulnerability?

School as informal contact centre and mediator

Other issues are raised by the results of the legal process – not least those surrounding court orders. The court orders reviewed in Sweden indicate that sometimes the courts presume that school, and in particular pre-school, works like some kind of informal mediator or contact centre. In certain difficult disputes, including cases where there is a history of domestic violence, pre-school and school staff are presumed to help parents to share information with each other, enabling them to avoid direct contact with each other. If parents are in no contact with each other at all, for example due to a no-contact order for safety reasons, there is a gap in communications that education staff are sometimes expected to manage. In this way, staff are envisaged to be a buffer between the violent parent and the abused parent. Another example is the way that the court order presumes that the hand over of the child at contact will take place at pre-school or school: one parent is expected to leave the child at pre-school or school in the morning and the other will pick the child up at the end of the day. We have identified a number of cases where it is specified in the order that contact hand over will take place at pre-school/school. The questionnaire to school head teachers and pre-school managers indicates that a significant number of schools/pre-schools have experienced hand-over arranged on their premises because of a history of domestic violence (28% of schools and 50% of pre-schools, Table 6.1).

Of the pre-schools, 14 per cent have experience of managing information between parents in cases of domestic violence, and this is also the case in just under one in four schools: 22 per cent (Table 6.2).

Table 6.1 Hand-over arranged at pre-school/school premises due to domestic violence (frequency and per cent)

	Yes (fr.)	Yes (%)	No (fr.)	No (%)	Don't know (fr.)	Don't know (%)	Total (%)
Pre-school	28	50.0	25	44.6	3	5.4	100.0
School	16	23.9	39	58.2	12	17.9	100.0

Table 6.2 Mediation of information between parents due to domestic violence (frequency and per cent)

	Yes (fr.)	Yes (%)	No (fr.)	No (%)	Don't know (fr.)	Don't know (%)	Total (%)
Pre-school	8	14.3	43	76.8	5	8.9	100.0
School	15	22.4	43	64.2	9	13.5	100.0

According to interviews with staff, they sometimes refuse to carry out this task of providing information. This is unsurprising, not least since the information shared between parents sometimes concerns issues at the heart of the legal dispute. In such cases, staff may have to manage not just information but a parent's reactions as well. The sharing of information then becomes an issue of mediating between the parents. When staff become mediators, they get involved in the parent's relationships in a significant – and possibly time- and energy-consuming – way. Nevertheless, 9 per cent of the pre-schools and 13 per cent of the schools stated that they have acted as mediators.

It may be that this role as mediator or informal contact centre is significantly more common among pre-schools and schools in Sweden, compared to their counterparts in England and Wales. Compared to the situation in the England and Wales, there are very few regular centres in Sweden providing support to contact; for example, through supervision or support through safe hand-over. Some local authorities in Sweden have developed contact centres with appropriate localities and a staff group, but the vast majority of support to contact is carried out by individual people employed or commissioned by the social services. They tend to work alone, often in or around the vicinity of the child's home(s). This can also be the case when there is a history of domestic violence, despite

the fact that recent changes to the law have provided the context for more in-depth debate about safety issues (2006, see Chapter 3). Furthermore, unless support is an explicit condition for contact specified in the court order, local authority support for contact is a needs-based social services provision for which parents have to apply. It is thus not an easily accessible resource for parents compared to a contact centre that parents can approach themselves without having to go through a case worker.

As regards supervision or support for contact in Sweden, there have been some problems when it comes to co-ordination between the courts ordering ‘supervised’ contact for safety reasons and the local government social services which are formally responsible for the actual supervision. According to the reports arising from the regional governments’ annual inspections of the social services, there have been problems in the implementation of the court orders due to unclear guidance for the handling of these cases within the social services (Socialstyrelsen, 2003). This problem was discussed by the most recent parliamentary committee reviewing the family law (SOU 2005:43). The committee’s work resulted in changed guidelines that demand that the courts consult the social services prior to awarding supervised contact. The committee also pointed out that, strictly speaking, social services cannot supervise contact – only agencies such as the police have formal authority to intervene to ensure safety – and that the role of the social services should be to *support* contact. We have not been able to find any examples of a similar discussion at the policy level when it comes to the issue of pre-school or school staff, violence and contact hand-over. It seems as if the court practice to presume that pre-schools and schools can and should act as a mediator and contact centre has developed without much discussion or even political decision-making.

Contact and protection

Another aspect of the issue of hand-over at contact between children and parents is the question of who has the right to collect the child from pre-school or school. Furthermore, pre-school and school staff may have to tackle parents without a right to contact – or even with a no contact/protection order – who seek out the child at pre-school or school. In the latter case the staff may have to protect the child

against the parent (even if they formally do not have the authority to intervene to ensure protection). A basic condition which allows one to follow the orders from the court regarding contact and protection of a child assessed as in need of such protection (most frequently from the father) is that one should be informed about the contents of the court order. By contrast, according to the questionnaire to Swedish school head teachers and pre-school managers, many of them experience a lack of information in these cases: 61 per cent of the pre-schools and 80 per cent of the schools reported this problem. Most stated that a parent, typically the mother, was their main source of information. Only a small number of pre-schools and schools state that the social services inform them about ongoing disputes or who has custody of the child. No one in the questionnaire had been informed by the court. Thus members of staff have to develop follow-up routines themselves to be able to comply with the court orders. In the staff interviews, stress was a recurring theme: stress due to conflicts associated with insecurities among staff about what the formal arrangements actually are.

In summary, the fact is that family law disputes may 'follow' the child to pre-school or school, and that the court practices affect children's right to school in a number of ways. It is not clear to what extent the school staff and management have been informed, consulted or trained to tackle this task of managing conflict, risk and safety handed to them by the courts. Lack of co-ordination and information from court to pre-school and school seems to be a key problem. Most of the pre-schools (55%) and schools (66%) in the Swedish survey had experienced that the staff did not know if only one – and who – or both of the parents should be invited to meetings concerning a child, since they were not informed about changes to parental responsibility and living arrangements. Such a lack of knowledge may result in staff being drawn into a number of situations where decisions have to be made about the child.

Children's right to school

In the previous section we discussed how investigator practices may compete with the child's right to pre-school/school. Similar problems can be seen in relation to contact. In the sample of Swedish court orders, there are some examples of contact orders that in effect mean

that the child systematically is deprived of time in pre-school or school. This is particularly the case when the parents live a long distance apart. The travel associated with contact can sometimes mean that the child is absent from school several days in a month. This is worrying, not least against the backdrop of the knowledge that children in difficult life situations may need the time at school – and the support from school staff – to a larger extent than other children. So far this competition between the child's right to contact with a non-residential parent, and the child's right to school has not been discussed at a policy level in Sweden.² Nor has the court practice of disregarding children's right to school been a topic for debate. This is somewhat surprising considering both that formally school is a duty for children in Sweden and that the UNCRC is quite clear about children's right to school.

Choice of school and 'school-swapping'

The Swedish court orders also contain examples where the consequence of the order is that the child has to change school. This means that in addition to other difficulties, the child also has to cope with a change in the school environment. The separation/divorce background, such as a new partner or high-risk threat situation, can result in moving home and change in pre-school/school. If a protected address or identity is revealed, a change in the housing situation can be followed by several others. In the questionnaire to school head teachers and pre-school managers, a majority stated that they had experienced children having to change home and pre-school/school in the context of separation or divorce (54% of the pre-schools, 61% of the schools). Other studies on children and domestic violence also point to the disruptive effect of repeated changes in the school situation and the problem of children's loss of important supportive relationships with both staff and peers (e.g. Weinehall, 1997; Øverlien et al., 2009). The fact that the change of school sometimes takes place as an unprepared case of flight can frequently increase the negative impact upon the child.

Furthermore, a change of school/pre-school sometimes lies at the heart of a family law dispute and it can thereby be placed at the centre of a sometimes very prolonged legal process. This problem is described in the literature, for example, as part of a 'home-school-battle' (e.g. Huxtable and Bluth, 2002). Sometimes a parent may change school

without the other parent knowing about it. In Sweden this should not formally be possible if both of the parents are custodians. However, opportunities to do this also depend on whether pre-schools and schools actually are informed or inform themselves about the legal situation or not (cf. the discussion above). It should also be noted that different organizations have to co-operate in a systematic way to ensure continuity in schooling when children swap school under these circumstances. At least in Sweden the situation is not satisfactory in this respect (SOU 2010:95).

Another issue raised by the Swedish questionnaire to school head teachers and pre-school managers is the placement of children in two pre-schools simultaneously, due to the conflicts between parents. More than a third (37.5%) of the pre-schools stated that they had experienced children alternating between two pre-schools (Table 6.3).

This situation was also discussed in the interviews, and staff from one of the pre-schools described how they tried to persuade the parents to only use one pre-school since the child was suffering from the situation, while staff from another organization stated that the solution with two pre-schools was not a problem for the child. Alternation between two organizations seems to be less common among schools, but does occur (9 per cent). Dual registration of a child demands even more co-operation between organizations and follow-up routines. Considering the general problems in the transmission of information between different institutions and organizations in Sweden (SOU 2010:95), a key issue is how schools 'sharing' a child organize themselves to make the dual pre-school/school arrangement work from the child's point of view. So far it has not been possible to identify any studies on what impact such arrangements might have on children's well-being and educational achievements, short term or long term.

Table 6.3 Children attending two pre-schools or schools (frequency and per cent)

	Yes (fr.)	Yes (%)	No (fr.)	No (%)	Don't know (fr.)	Don't know (%)	Total (%)
Pre-school	21	37.5	34	60.7	1	1.8	100.0
School	6	9.0	58	86.5	3	4.5	100.0

School as safe space and neutral provider of information?

In both the research literature and at a policy level, pre-school and school are often presumed to offer relief to children in difficult life situations. However, as the study in Sweden indicates, officers investigating the child's situation may conduct parts of their investigation on the school premises or during school hours, thus undermining the role of pre-school/school as a safe space for children. When contact hand-over is arranged through pre-school/school, which is a rather common occurrence at least in Sweden, or the pre-school/school staff are forced to act as mediators between parents, the child's 'free zone' is invaded even further by the family law dispute.

In contrast to Sweden, a whole network of contact centres can be found in England and Wales, and there are also some structures in place to ensure quality control, for example through the National Association of Child Contact Centres (NACCC, 2013). Contact centres in England have been criticized for inadequate practice in relation to domestic violence and women's and children's safety (e.g. Humphreys and Harrison, 2003). Even so, compared to a situation where pre-school and school staff are forced to tackle these difficult cases without any consultation, guidance or training (as on the whole in Sweden), the position in England and Wales comes across as somewhat more advanced in this respect. It may also be that Swedish court practice of using pre-school and school in this way can partly be explained by the lack of alternative agencies easily available to parents. Having said this, we also note that since, as far as we are aware, there are no studies on the subject, it is hard to assess to what extent pre-schools and schools in England and Wales de facto have to take on a similar role in some cases, and how this is tackled.

What is clear from the empirical research discussed here is that there is a need for policy debate, guidance and training for both court, social services staff (or equivalent), and pre-school and school staff to ensure that pre-school and school really becomes a safe space for children affected by family law disputes.

Another important issue raised by the research results presented here concerns the practice of using pre-school and school staff as a source of information in the investigation into the child's situation. On the whole, staff do not carry out specific investigations of their

own, for example, into the seriousness or accuracy of a mother's statements about being subjected to violence. Nor do they tend to talk to the child with the family law dispute in mind. Therefore it is justified to ask how relevant are staff conclusions about the child when it comes to children's experiences of domestic violence and the context of family law disputes. An analysis of a sample of Swedish family law social worker reports in cases involving domestic violence (Appendix A, Study 2) indicates that in these texts, pre-school and school staff tend to report that children develop normally and do not show signs of problems at home. Furthermore, it seems that this may be the case in particular when children are very young (Sundhall, 2012). The question of the relevance of pre-school and school staff views on the child's situation and development is very important in cases where family law investigators do not interview children themselves. As is discussed in Chapters 1 and 3, at least in Sweden such cases can be quite frequent. This is because – in spite of policy intentions – children's own views are not documented in a satisfactory way on a regular basis in Sweden.

Research on children and domestic violence indicates that although the exposure to violence can result in a number of both short-term and long-term negative effects on children, individual children respond to exposure to violence in different ways – and some children do not show clear signs, at least not all the time or in all areas of life (see Chapter 2). For some children, maintaining a well-functioning façade as well as achieving in school become part of their coping strategies (e.g. Weinehall, 2005). Thus one should be very careful in drawing simple conclusions about there being a well-functioning home situation from a child's adaptive and appropriate behaviour at school. Furthermore, staff views on children may be shaped by cultural expectations concerning 'ideal' victims in terms of associating victims with passivity, dependence, and helplessness (see Chapter 9). Children who do not conform to such expectations may not be perceived as victims at all, and this can especially be the case when staff lack guidance, training and support in dealing with domestic violence.

Similar issues are raised by the practice of using pre-school and school staff as witnesses in court. If pre-school and school staff are not properly trained about child protection issues in general and domestic violence in particular, how can staff function as reliable

sources of information regarding children's possible vulnerability? Without proper training and a research-informed discussion of what professionalism actually means in the context of domestic violence, an uncritical acceptance of staff views may seriously underestimate the possible risk for the child concerned. In the cases we are discussing here, the staff's own vulnerability to threats and violence from parents complicates the picture even further.

7

Children's Vulnerability and Support at School

When they were coming to collect her once she was so upset that they couldn't do it. She cried, she was wild. So the other children got really upset and it was quite a circus at the school. When the other children came home to their parents they talked about what had happened. And then it was this storm from the other parents [...] they wondered what kind of lunacy they were up to that the other children had to see [...]. Well, that time there was no contact. But then it didn't take long and they were trying again. And the same thing happened. But then she broke down even worse, and got wild and crazy, she was totally... as if she had gone mad. So they had to get the school psychologist, they had to. So the psychologist saw this and stopped it then.

The story above was told by a mother abused by the child's father.¹ The events she was talking about happened at school when social workers were trying to enforce the court's decision that her then seven-year-old daughter should have contact with the previously violent father. In this story, two professional groups are presented as almost the opposite when it comes to the protection and support to children who have experienced violence from a parent against the other. In this case, the social workers are described as the ones causing the child's distress through their emphasis on contact between the child and the non-residential parent while the school staff – especially

the school psychologist – are described as people who protect the child. This story also makes it clear that family law disputes may have a profound impact upon *all* children's situation at school, both the children who are the objects of dispute and other children present at situations like these. The chapter is divided into two parts. The focus of the first part is on what the practices of social workers as well as school staff mean for children's victimization at pre-school/school. The analysis both concerns the children exposed to violence who are the objects of family law disputes, and the victimization of other children. The second part outlines a framework for the development of different levels of support at pre-school and school to children exposed to domestic violence and family law disputes.

Processes of victimization and recovery

An important point of departure for the analysis presented henceforth is the idea that victimization is not necessarily a single event; instead it can be conceptualized as an on-going process (re)produced through the practices of the perpetrator of violence as well as other people involved in the case (Carlsson, 2009). Furthermore, as long as violent acts still have negative effects in a person's life, the process of victimization is to some extent still on-going. From this perspective it follows that recovery – or survival – after violence is a process over time, and that victimization and recovery are not mutually exclusive. Instead, these processes may be on-going simultaneously, depending on the responses from the perpetrator, the person subjected to violence and others. It is also considered important to recognize that it is not just acts of commission, such as, for example, physical violence or threats, that can cause victimization. Acts of omission, as in not taking fear into account, or the non-recognition of violent acts *as violence*, contribute to the process of victimization. The non-recognition or lack of validation (cf. Leira, 2002) of the history of violence can thus be an important aspect of victimizing responses, from the perpetrator as well as others. As is discussed in Chapter 2, a particularly problematic act of omission in relation to children who have been victimized through exposure to domestic violence is failure to validate this experience.

As regards children's recovery after experiences of domestic violence, adult practices that disqualify children as participants in processes that

concern them, or invalidate their violence experiences, may directly contribute to already vulnerable children's (continued) victimization. Furthermore, if this is the case, children are put in a position where they have very little control over what will happen to them. As is discussed in the previous chapter, this kind of dependency and lack of control has often shaped their everyday life at home. For this group of children the possibility to get information, overview and control – to be participants – is even more important than for children without experiences of violence at home. Here, the principles of participation and care could merge. As already mentioned, children's participation is often mainly associated with children's agency and rights to participation, while we argue that participation can be defined as something central for children also according to the care principle. It can create possibilities for validation of children's difficult experiences and following from that, support to children's recovery after violence and abuse.

Identifying the problem

In most countries, pre-schools and schools also have a responsibility to make child protection agencies aware of cases in which the authorities may have to intervene to protect and support a child, due to neglect or some form of abuse. A key question then becomes whether children somehow talk about or show their vulnerability to pre-school or school staff. In spite of the fact that all children exposed to domestic violence do not necessarily show any signs of this at pre-school or school, in the Swedish survey to pre-school managers and school head teachers, a significant number have somehow encountered the problem of domestic violence: 40 per cent of pre-schools and 54 per cent of the schools stated that they had experienced children talking about domestic violence at home (Table 7.1). In most cases, it was the father who had used violence against the mother.

Another quite common experience was that children had shown fear in relation to a parent: more than a quarter of the pre-schools (27%) and two-thirds of the schools (66%) reported this. Also in these cases the father was most commonly indicated to be the parent causing fear. However, among the schools it was quite common with experiences of children being scared of both their mother and their father (21%). Only three pre-schools indicated this. This is

Table 7.1 Children talking about domestic violence at pre-school/school (per cent)

	Yes, father	Yes, mother	Yes, both parents	No	Don't know	Total
Pre-school	23.2	20.7	10.7	48.2	7.1	100.0
School	37.3	6.0	9.0	23.9	23.8	100.0

an important finding, not least against the backdrop of previous research on problems in pre-school and schools reporting concerns about children's well-being to the social services /child protection agencies (e.g. Sundell and Flodin, 1997). That children who have been exposed to domestic violence are scared of the parents is something a significant proportion of pre-schools and schools know about, even though the general picture is that these children do not necessarily talk in the education settings about their experiences at home. Some children do talk directly to school staff about what goes on at home, and show, for example through fear, their vulnerability.

Because of the focus and limitations of the survey, we currently know little about how staff respond to such indications that all is not well at home. As is discussed in Chapter 4, the inter-professional co-operation seems more developed in England and Wales, compared to Sweden, and unlike the situation in Sweden, child protection training is included in teacher education in England and Wales. To what extent such differences also create a variation between the two countries in the way pre-school and school staff respond to children's disclosure of violence, or signs of fear and vulnerability, and what impact such differences may have on family law proceedings in cases of domestic violence, is not possible to say on the basis of current research.

Victimizing practices

According to the study in Sweden, there are a number of different acts that victimize children at pre-school or school, and these acts are carried out by not just parents, but also social workers and pre-school/school staff themselves. Examples that follow are meant to illustrate the range of practices identified through the questionnaire to head teachers and managers as well as through the interviews with pre-school and school staff. The aim of the analysis presented

henceforth is to identify victimizing practices through statements in the questionnaire and in the interviewees' narratives about events at school, to gain a picture of forms of children's victimization at school linked to family law proceedings and violence. In this analysis, the two data sets were studied with three points of entry: (a) which children are affected – only the ones with disputing parents or all children? (b) whose actions may have victimizing effects? (c) what kinds of victimization can be identified? In relation to the latter question, the analysis focuses on acts of commission as well as acts of omission.²

Parents

An order of no contact at all between a child and a parent is quite unusual in Sweden. For example, a study by the Children's Ombudsman show that in cases where the mother had stated that she had been subjected to violence by the father no contact was ordered in only 10 per cent of the cases (BO, 2005). Unsupervised contact with the father was ordered in 47 per cent of the cases; supervised contact with the father in 31 per cent of the cases; and in 12 per cent of the cases the child ended up living with the father and had unsupervised or supervised contact with the mother. In the few cases where courts decide on no contact at all, there may thus be very serious risk for the child concerned.

It seems to be a quite common experience among pre-schools and schools that a parent without rights to contact, most commonly the father, seeks out the child at pre-school or school. In the questionnaire to school head teachers and pre-school managers 43 per cent of the pre-schools and 59 per cent of the schools stated that they had experienced this (Table 7.2).

Also the interviewed staff described such situations (see later). When pre-schools and schools are forced to tackle a parent breaking with the

Table 7.2 A parent without right to contact seeking out the child at pre-school/school (per cent)

	Yes, father	Yes, mother	Yes, both	No	Don't know	Total
Pre-school	41.1	1.8	3.6	48.2	5.4	100.0
School	38.8	10.4	9.0	37.3	4.5	100.0

Table 7.3 Violence or threats from a parent against the other at pre-school/school (frequency and per cent)

	Yes (fr.)	Yes (%)	No (fr.)	No (%)	Don't know (fr.)	Don't know (%)	Total (%)
Pre-school	15	26.8	40	71.4	1	1.8	100.0
School	27	40.3	34	50.7	6	9.0	100.0

court order, everyone present is de facto drawn into the family law dispute. The questionnaire asked to what extent a dispute between the parents has played itself out at the school premises or close by. A majority stated that they had such experiences (57% of pre-schools and schools). One example mentioned in the interviews comes from a pre-school manager who talks about a father without a right to contact seeking out the child at school. In this case the father was assessed as dangerous enough for the school to engage a security guard:

They had to have a guard here. He [the father] was not allowed to see the child, but had found the child then. It was decided that the child should move, it was not possible to have it like that, for the staff and the other children either.

A guard makes the possible threat very real and concrete for everyone present: the staff, the protected child, and the other children as well.

A significant number of the pre-schools and schools had experienced that a parent had subjected the other parent to violence or threats on their premises or close by (27% of pre-schools and 40% of schools, Table 7.3).

In the context of questions about family law and domestic violence, the interviewed staff brought up a number of other cases of violence, such as suspected child abuse (not connected to violence against a parent), or parents – both mothers and fathers – shouting or being aggressive on the school premises and/or towards children or staff. There are even a couple of examples of stories about fathers assaulting each other physically:

Teacher A: The children and the parents were there... Now it went like this that one teacher got one father out and we phoned the police and took care of the children.

Was it children to the ones involved there and then?

Teacher A: They were going home. They were standing in the hallway and were going home when they [the fathers] started to fight. They [the children] ended up in the middle of these two.

Teacher B: It became a discussion among the other children, what will happen when they come home, this angry dad, a discussion about that and a lot of worry. And what were we to do, what happens in the family now?

These events imply that other children present in the situation or close by are subjected to harmful acts too. Thus staff can have difficulties in protecting not just children at the heart of a legal dispute, but all children in the group as well.

When it comes to experiences of other forms of violence than domestic violence, the qualitative interviews also contain a number of examples of violence against school staff. One comes from an administrator at a school who talks about being 'pushed' by a father:

So he went for me and, three times pushed against my shoulder like this. I was in another room then, and he rushed out through the door in some way that it banged. They heard that I was shouting like, and people came running.

Also the questionnaire conveys the image of violence against staff as a relatively common occurrence, with 30 per cent of the pre-school managers and 37 per cent of the school head teachers reporting violence or threats from parents or other adult next of kin against staff (Table 7.4).

Violence and threats against staff raise a number of issues, including gendered relations of power between pre-school and school staff and parents (see also Chapters 8 and 9). The most frequent cases of

Table 7.4 Staff subjected to threats or violence by parents or other adult next of kin (per cent)

	Yes, father	Yes, mother	Yes, both	Yes, other adult	No	Don't know	Total
Pre-school	19.6	7.1	1.8	1.8	66.1	3.6	100.0
School	22.5	1.4	5.6	7.0	54.9	8.5	100.0

violence or threats against staff involve fathers, and existing research indicates that most of the high-risk domestic violence cases will involve fathers as perpetrators of violence as well (see Chapter 2). Since a large proportion of school staff are women, situations where school staff have to manage a violent parent and protection of a child thus imply that women are forced to manage violent men. This is particularly the case when it comes to younger children in pre-school, where the women dominate the staff numerically to an even larger extent than is the case in school. It is also important to emphasize that this can involve situations where children, who have previously seen, heard or in other ways experienced violence at home, are again exposed to explicit or implicit threats or even violence by the same perpetrator.

An issue linked to the one discussed above is the extent to which members of the school staff are themselves subjected to manipulation, pressure or threats by violent parents. If that is the case, how do they tackle this? What strategies do they develop? How do school managers respond to issues like this? What kinds of guidelines and training have been developed at the school level to support staff in such situations? What does this mean for the children concerned?³ From research on child protection we know that social services staff may be subjected to violence in child protection cases and that this might impact negatively on children's safety (e.g. Horwath, 2007; Stanley and Goddard, 2002). These are issues that will be discussed further in the following chapters. Here we just want to add that what may complicate this picture even further is the fact that in Sweden quite a few pre-schools are formally run by parents, as co-operatives. In one case we have come across when searching for information about family law issues, domestic violence and school, pre-school staff had to tackle the protection of a child from a parent who simultaneously was their own manager since he was as part of the collective running the pre-school. As is discussed in Chapter 4, the problem of parents being abusive at pre-school or school, or towards staff seems to be a problem in both England and Wales, and Sweden.

Social workers

While the victimizing practices described in the section above are talked about as violence, there are some acts that could be defined as a form of violence against children, even if they are not necessarily

presented as such by members of staff themselves. The most evident example found in the Swedish study is when social services staff/social workers collect children at school, using physical force, which is described in some of the interviews:

I have also experienced children being picked up against their wishes. That they are going to one of the parents, who they don't want to see by themselves... perhaps they don't want to leave the mother. In this case it was the father who had got single custody, and the social services came here and collected two children. So that was a bit dramatic. It is difficult when it happens since... other children get upset too ... (sigh) when they see what is happening [Interviewer: *Mm*] So ... you have to be very flexible when it is going to happen. I think that they could do it somewhere else than in school, actually. (School head teacher)

This is a kind of institutional violence against children connected to family law disputes. It represents another example of how the legal dispute itself can be played out at pre-school or school. Again, both the child concerned and other children are subjected to this form of violence, as a direct victim and as witnesses. So far it has not been possible to identify research on the short- and long-term effects that this kind of direct and indirect violence might have on children's health and well-being. One may also ask how well practices such as these comply with the UNCRC demands that education must encourage the child's respect for human rights (Article 29). What do children learn about child-adult relations, and about children's human rights, when they are exposed to these practices at pre-school or school? We will return to this point later.

School staff

When it comes to victimizing practices by the school and pre-school staff themselves, there are no examples of the use of physical force against children in the data sets from Sweden. However, the interviews contain descriptions of ways of tackling difficult situations that place children and mothers at risk:

Have you experienced that a parent without rights to contact has sought out the child at the pre-school?

We have experienced that once. Then we phoned the mother. So she came here. So we said to the father that 'we are going to look and see if we find your child' (laughter) 'you have to wait here a little'. Then a preschool teacher went with the child to another part of the building... [Interviewer: Mm]... while we were talking to the father. Then the mother came and they had to go out into the parking lot to solve their problems themselves.

And the child during this time...?

The mother took the child with her. Since we are not dealing with conflict resolution.

So the child was there? And the father...?

Yes, the child was with the mother.

So all of them were...?

They were in the parking lot. The mother had her employer with her.

In this case, rather than contacting a public agency, such as the social services, or even the police who are responsible for physical safety and have the formal authority to intervene, the pre-school contacts the abused mother, according to the narrative. In addition, the child is put at risk too, by being sent out to a parking lot where the 'conflict' between the parents can be played out. This interviewee gives further examples of practices that put already vulnerable and victimized children at risk:

You have been thinking about this issue of a possible need of protection also for the children, if someone threatening and aggressive turned up? Then you take the child away?

Yes. We take the child away [from the situation] if it becomes threatening. Our employer says that if there is a person who is so aggressive that there is a danger for our lives, then we have to back off ... You cannot put your own life at risk, but then you have to act so that ... you ... perhaps have to leave the child to that person, if there is this emergency situation that there might be things happening. Since it is ... we still have twenty other children to see to. You have to protect them too. So ... sometimes it can be calmer to let an aggressive person have his or her way.

The interviewee talks about actually 'sacrificing' an already vulnerable child to protect the staff and other children. One interpretation

of practices like the ones described earlier is that in the domain of education domestic violence tends to be constructed as a problem of order – rather than a problem of gendered inequality or a child protection issue (cf. Chapter 5).

Other kinds of victimizing practices are not about putting children and/or mothers at risk but rather about the non-recognition of the consequences of violence. When talking about the case where the social services collected the children (discussed earlier), the interviewer and interviewee talk about how to explain to the other children what they have seen and heard:

What do you say to them?

It varies. It depends a bit on which teacher, how he or she chooses to approach it, the age of the children. Children probably understand somehow, even though it can look quite dramatic when someone comes and is going to collect the child like that and the child doesn't want to. Most understand I think.

Rather than recognizing that children may experience these kinds of events as violence against one of their peers, this practice is normalized and in the quote children are presented as if they 'understand' that this is not violence, but something acceptable.

Another reason given in the interviews for not talking to children about violence they have seen or heard is very young age. When talking about the situation when two fathers were fighting physically at a preschool (see earlier), the staff also said:

Was it in front of the children, so that they saw?

Teacher A: You could see it, it was right outside this window.

Oh, how difficult. What do you think, do you talk with the children about things like that....? About violence and how it can be at home?

Teacher A: We have such small children so [laughter]...

So they are...?

Teacher B: They are one to three in this section.

Here it is implied that, for example, a three-year-old will not be able – or have the need to – make sense of experiences of violence. This is quite contrary to studies of children exposed to domestic violence, which, for example, indicate that even very young children may benefit from working through such experiences (see Chapter 2).

In the interview data set there are also some stories about school staff not taking signs of direct child abuse seriously, including not reporting suspected child abuse to the social services, as they are mandated to. Apart from being a problematic practice in relation to children's overall life situation, vulnerability and (continued) victimization at home, these practices may also have victimizing consequences in interaction with the child. When talking about a previous experience as a temporary staff member at another preschool, one interviewee states:

I told about what the boy had said about how it is at home, different things that the dad had done, that he had thrown him off a pier, hit him on the hands and so on. [*Interviewer: Mm*] And then the other [colleague] said that there had been some incident when the boy had been very frightened, when some [other] dad had come and played a bit rough with a child and raised up the child in the air. And then this boy had become really scared. And then I felt that this person has not said... they have not taken it seriously... didn't really want to.

According to this story, the child in question has both talked about different forms of violence from the father, and also shown signs of the consequences of violence at school. At the same time, the staff had not responded to his experiences as violence, nor taken his fear seriously – and as far as the story goes, not talked to him properly about it either. Thus they had engaged in a kind of victimizing practice through acts of omission.

Support to children

In the questionnaire to school head teachers and pre-school managers, most of the preschools (82%) and almost all of the schools (94%) stated they had experienced children having been negatively affected by family law disputes, and a majority agreed that children's reactions to the legal dispute place special demands on pre-school and school (73% and 85%, respectively). The question is how well the institutions respond to these demands. As is discussed in Chapter 4, there is a lack of support in both pre-school and when it comes to children's health and vulnerability. In addition, it is not self-evident

that the existing staff have the relevant education and guidance when it comes to tackling domestic violence and family law disputes. What kind of support are children offered at school, when it comes to tackling their own fear as well as the violent parent? How is the support given related to considerations concerning the needs and the safety of the staff and the other children (cf. earlier discussion and Openshaw, 2008)? How consistent are the practices of protection and support? For example, in the Norwegian study of children at women's refuges, one girl was instructed not to walk alone even on the school premises. However, she was still left to find the bathroom by herself (Øverlien et al., 2009).

Approaches to children exposed to domestic violence

The kind of support that will be offered at pre-school or school to children exposed to domestic violence and affected by family law disputes will of course depend on management and staff views on the professional task. For example, a discourse constructing family law proceedings in the context of domestic violence as a problem of order – rather than a children's rights or child protection issue (cf. earlier discussion) – will of course be an obstacle to the development of any kind of support to these children at school. A tendency to define the social task as something that is quite separate from learning – the core task – may also work against the development of support. However, it is in principle quite possible to define tackling social issues as interlinked to the advancement of learning (see Chapter 10).

Drawing on previous research we also suggest that management and staff views and approaches to children exposed to domestic violence will be important for the possible level of support. The discussion is based on the interviews with children exposed to domestic violence, about their perspectives on encounters with family law social workers (Eriksson, 2009, 2012; Eriksson and Näsman, 2008). Different professional approaches create different positions for children in these encounters, and different opportunities for talking about what has happened in the family, that is, for validation. Some child informants describe professional approaches that position them as *protected victims*; they were protected from further violence but were given little opportunity for validation of their experiences

of violence. By contrast, other children describe actions and ways of encountering them that make their own experience of violence invisible, in spite of the fact that they still find themselves in a difficult situation: they are positioned as *invisible victims*. In addition, some of the children describe a situation where their continued victimization was in fact communicated to adults around them but they were left without protection, they were *unprotected victims*. The data from this Swedish study includes only one example where the child clearly describes an approach where the child's feelings and thoughts associated with the violence have been talked about, and the child's situation have been handled so that she or he is protected: a *victim with opportunities for validation* (Figure 7.1).

The social positions 'child' and 'adult' are internally related to each other, that is, one position is defined in relation to the other and cannot exist without it (Alanen, 2001). It is thus not possible to fully understand what it means to be a child in a certain situation without recognition of what it means to be adult. When it comes to the position of protected victim, the adults in question position themselves as a *protector*: although this adult position entails protection from further experiences of violence, a protector also undermines children's

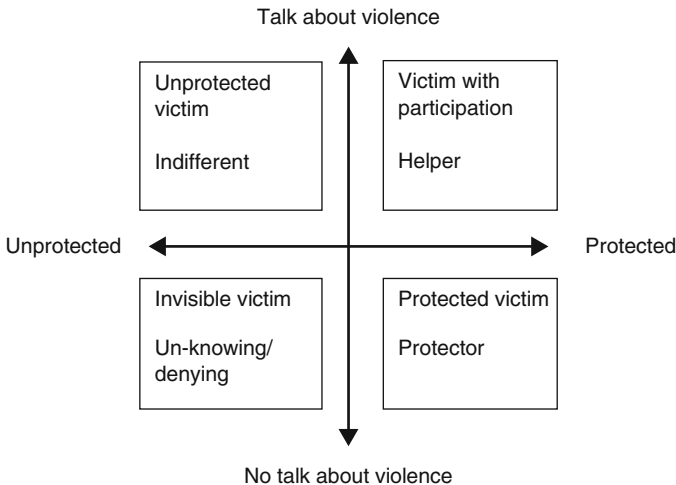


Figure 7.1 Child and adult positions

recovery through the lack of validation of experiences of violence. The child position of invisible victim is linked to the position of an *un-knowing* or *denying* adult. The adult in question does not see – or even denies – the child's previous experience as well as vulnerable situation here and now. In the case of the unprotected victim, an even less flattering image of adults emerge. This child position presumes an adult who knows about the violence but still does not intervene. This adult is de facto *indifferent* to the child's victimization. It is only when we come to the position of victim with opportunities for validation that the adults are positioned as *helpers* who are recognizing the child's experiences.

To what extent can similar approaches to children, and the child and adult positions associated with them, be found in the school context? What do they imply when it comes to possible support to children in the school context? Without a more substantial body of empirical research it is hard to assess. However, against the backdrop of the general debate about social issues at school it is possible to make at least a couple of observations. The first is that the dominating perspective on the relationship between pre-school/school responsibility for learning and for social issues is quite important: when measures to tackle social issues in the classroom are perceived as central for the development of an environment for learning – and thus a core task at pre-school and school – it probably becomes easier to develop support interventions aimed at particular groups of vulnerable children, such as children exposed to domestic violence and family law disputes. The second observation is that when recognition and validation are defined as a first level of support and something that all children in this population have a right to receive, including within the context of pre-school and school, pre-school and school staff become a self evident part of the intervention system. Furthermore, this level of support does not necessarily entail costly changes to established ways of working since a lot can be done at an everyday level through a more focused and violence aware interaction with individual children.

Protection and support to children at school?

The problematic practices described in this chapter range from actions with victimizing effects, such as the neglect of children's possible fear

due to previous experiences of violence, or the invalidation of experiences as experiences of violence, to outright dangerousness as when leaving children (and their mothers) without protection. In the worst case scenario, these practices enable further violence, possibly even lethal violence. As is discussed in Chapter 2, research from a range of countries shows that separation and divorce is a dangerous situation when it comes to lethal violence (see e. g. Fleury et al., 2000; Hester et al., 2006).

The examples found in the data sets drawn up on the earlier discussion make it clear that it is not just the children who are the objects of a family law dispute that are subjected to victimizing practices at school, but other children as well. They see or hear violence. Children with disputing parents may be subjected to violence themselves, by social workers trying to enforce contact. This may also be witnessed by other children. An issue raised by the analysis above is the question as to whether the concept of children 'witnessing' violence as crime victims – well established in Swedish policy today – should be expanded to include also children who witness violence against their peers' parents and/ or their peers at school. Some of the main arguments behind the redefinition of children witnessing violence against a parent as crime victims – such as the child's dependence on the parent and the profound effects violence can have due to this dependence – may not be applicable here. However, the fact is that (a) violence against another child's parent at school or violence against a peer – including the physical force used by staff trying to enforce contact – can be experienced as very frightening and disturbing by all the children who are present; (b) the violence is perpetrated in a place that is supposed to be safe for children; (c) the children may have few opportunities to talk about and work through their experiences, either due to the taboo surrounding domestic violence or due to the fact that violence against a peer – as it may be experienced by children – may not be defined as violence at all by adults and therefore not talked about as such.

We may also ask what practices like these mean for pre-school and school children learning (or not learning) about respect for human rights (UNCRC article 29), and for learning more broadly. The empirical material discussed above gives us a glimpse of children's situation in school, as seen through the narratives of school staff. Currently we know very little about what events and practices such

as those described by the interviewees mean for the children: both the children with disputing parents and other children at school. What do children think and feel about practices such as the ones described in this chapter? What kind of messages do they take with them from such acts? To what extent are children victimized by the practices of the courts, social workers and school staff? To what extent do the practices of these professionals support children's recovery after violence? What 'lessons' do children learn about the social world, child-adult relations and their own integrity? What do they learn about school as a place for children? All these important questions remain to be explored through further research.

The pattern found in the empirical material could also be linked to discourses in the domain of education. As is shown above, through the example from a pre-school manager talking about the 'smoothest solution', or the safest thing to do, as sometimes 'one can have to let go of a child to that person, if the situation seems dangerous', the welfare of the staff and of children as a collective can be prioritized over the welfare of an individual child. Interestingly enough, this way of tackling the problem seems to be reasonable within the discourse on upbringing: that is, one which constructs violence as a problem of order affecting the collective and solved as soon as the perpetrator together with an individual vulnerable child becomes out of sight.

When developing more positive and supportive practices, one point of departure could be that participation can create possibilities for validation of children's difficult experiences and following from that, support to children's recovery after violence and abuse. It is also possible to frame this perspective with the help of Aaron Antonovsky's salutogenic theory of the sense of coherence (Antonovsky, 1987). A sense of coherence is, according to Antonovsky, of central importance for a person's way of dealing with difficulties in life and this sense is primarily developed in childhood. A sense of coherence consists of three dimensions: that life is comprehensible, manageable and meaningful. In families where children face difficult experiences the development of a sense of coherence is undermined. Antonovsky emphasizes that in childhood, children's sense that something is comprehensible and manageable depends upon the child's trust in adults. In a legal dispute between the child's parents and when there is also a history of domestic violence, this trust becomes problematic. Participation as part of a

dynamic citizenship may, in a vocabulary borrowed from Antonovsky, imply a situation that is associated with comprehension (the process is open and transparent) is manageable (equality and influence over the process) and experienced as having meaning since participation on the premises of mutual respect is purposeful participation. Participation in family law proceedings or in processes that take place at pre-school or school, under these conditions, may therefore be a way of strengthening vulnerable children's sense of coherence: that is, their sense that life is comprehensible, manageable and meaningful. Together with staff practices that recognize these children's vulnerable situation and experiences of violence, pre-school and school can come a long way in supporting children's recovery.

8

Pre-School and School Staff Strategies

This chapter moves even further into an examination of practices by pre-school and school staff. It examines readiness to handle possible problematic events as well as how staff cope with their own and the children's vulnerability.¹ Within research as well as policy debates the increased intensity of teachers' work has gained attention in recent years (see Chapter 3). One topic for debate has been the expansion of the teachers' role, and in both England and Wales, and in Sweden, an increased professionalization of teachers has been discussed as a solution to these increasing demands (Department of Education, 2012b; Irisdotter Aldenmyr and Hartman, 2009; SOU 2007:28). This chapter draws attention to one aspect of increased demands placed on teachers that so far has gained less attention: the responsibility to tackle family law disputes and their consequences. We draw on research indicating that teachers' everyday life at pre-school/school may be shaped by conflicting demands, for example, between organizational and professional demands and educational and social tasks, and discuss what family law disputes in cases involving domestic violence can mean for pre-school and school staff.

The analysis is based upon the qualitative interviews with school staff in Sweden (Appendix A, Study 1) and explores the strategies school and pre-school staff use when encountering these issues. While the previous chapter reviewed some of the consequences staff practices may have for children's victimization and recovery, here the focus is on the patterns in staff responses, that is, their strategies.

In the Chapter 9, the analysis is elaborated to elucidate how staff strategies to handle the impact of domestic violence, family law proceedings on pre-school and school can vary in relation to age, class, ethnicity and gender.

Perspectives on staff strategies

For a long time the concept of strategy was more or less exclusively used in military contexts. However, from the latter part of the twentieth century it has become an often used – but more seldom clearly defined – analytical tool in social sciences more broadly. Strategic action has, for example, been discussed in relation to rationality and intentionality. In an historical exposé over the expanded use of the concept of strategy Crow (1989) argues that the shift to a more general use of the concept went from the military, to bureaucracy, economy and the market, to other contexts. In the discussion about how to define strategy, the relative importance of individual freedom for action versus structural forces has been one of several contested issues. There is not the space here to go in to an in-depth discussion about these previous debates. We just want to point out that this analytical tool is the topic for an ongoing debate. As regards our own position, we define strategy as meaningful and purposive action. Strategies can be more or less intentional, but never at random or without meaning. A spontaneous reaction to an isolated event cannot be conceptualized as strategic. However, if the reaction constitutes a part of a pattern of recurring practice that is meaningful it can be possible to define the reaction as strategic (cf. Crozier and Erhard, 1980). This is the case even if the pattern of practices at first may seem irrational or ineffective given the actor's stated intentions. One example is the case of a school head teacher that, on the one hand, makes statements about her or his commitment to a zero-tolerance approach to violence at the school, but, on the other hand, consistently is taken by surprise when a member of staff is abused by a parent, and has to improvise a response to the parent as well as support to the member of staff. One possible interpretation is that the head teacher's strategy in relation to staff vulnerability is a form of denial or strategic ignorance. With reference to the typology of strategies we outline below, we can also define this as an expression of the strategy creating distance.

School as street-level bureaucracy

When it comes to the teachers' and other pre-school and school staff's space for action to tackle social problems more broadly, previous research has outlined different approaches. First of all, the concept of street-level bureaucracy (Lipsky, 1980) is an established way to describe the working conditions that teachers share with, for example, social workers and police officers. What is typical for these professionals is that they are public employees that are working directly with clients, often without much insight from others and with a high degree of freedom. However, they are also subjected to tight time schedules, contradictory demands and incomplete foundations for their decisions, and they may find organizational rules and regulations inadequate in the face of client needs. In a street-level bureaucracy like pre-school/school working conditions are ultimately shaped by political trends. One example from Sweden is the reform that transferred the responsibility for school from the central state to the local authorities, which has been described as resulting in increasing opportunities for governance and decreased professional autonomy (Persson, 2006).

In a study of how high-school teachers create space for action it is argued that this space is primarily created at a micro-level, in relation to pupils, colleagues, the head teacher and policy documents (Parding, 2007). Furthermore, that these relationships are experienced very differently depending upon teacher identities: whether it is a *professional* identity or *organizational* identity. Parding argues that teachers with a professional identity strive to increase or at least defend their space for action, and that they experience a stronger contradiction between professional and organizational demands, compared to teachers with an organizational identity. Another potential conflict discussed in the literature is a tension between the focus on learning and on social issues. Commentators seem to agree that this double task for teachers has changed over time, but it is still unclear what it means in practice (Bartholdsson, 2008; Hargreaves, 1995; Hultqvist, 2011; Ranagården, 2009).

Teacher approaches and strategies

How do teachers tackle these increased demands? Ranagården outlines three ideal type categories of teacher responses to the task of

promoting social development among pupils. The expert creates distance from everything that is not directly linked to teaching the subject. The didactic perceives a good learning environment as a precondition for pupil success, and tries to support especially those with difficulties (cf. Chapter 7). However, teachers adopting this approach find the boundaries for their professional task unclear and consequently these tend to be under constant renegotiation. The counselor perceives being an adult who listens and validates children as the most important professional task, and he or she is also available to parents to some extent. The ambition to be a responsible adult, taken together with the task to teach and support pupils to reach their learning goals, means that this category of teachers risk burn-out, as Ranagården (2009) argues. These three ideal types were used as a point of departure in the process of analysis of the material discussed below. As it became increasingly evident that staff strategies were more related to various dimensions of privilege and inequality and the parent's position, and less related to individual professionals embodying a certain set of strategies, other analytical tools had to be developed. These are presented below and in Chapter 9.

A study of recently qualified teachers' reflections on their first time in the profession and their strategies to deal with contradictory demands points to a strong orientation towards relationships with both pupils and parents among these new teachers (Andersson and Andersson, 2004). In this study, the authors make a distinction between a proactive relationship-oriented strategy, and a reactive one. In the first case, the teacher is initiating and pushing constructive suggestions and solutions herself or himself, either in a diplomatic or more confrontational manner. In the latter case, the teacher is available and gets involved in a lot of calls and meetings, but is at the same time adapting to the pupils' and parents' actions and wishes. The framework presented in the following sections is a development of Andersson and Andersson combined with some new categories developed through the analysis of the empirical material. In the analysis presented in the following, the framework of Andersson and Andersson is thus elaborated. What they call the proactive relationship-oriented strategy is divided into the categories of diplomacy and care. Furthermore, a confrontational approach is conceptualized as disciplining. Although it is not presented in a focused way by Andersson and Andersson, they also discuss a more defensive strategy. In some instances, parents'

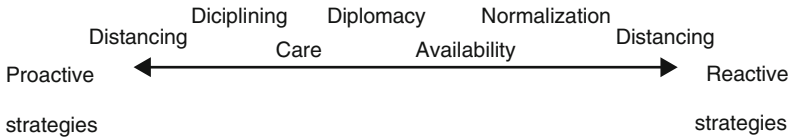


Figure 8.1 Pre-school and school staff strategies

or pupils' problematic behaviours are perceived as signs of inherent problems or symptoms of problems at home, and thereby something beyond the teachers' responsibility. We may call this strategy distancing (see Figure 8.1).

Strategies to tackle parental disputes, threats and violence

The different strategies identified through an analysis of interviews with pre-school and school staff in Sweden can be placed on a continuum ranging from teacher dominance to teacher subordination (Figure 8.1). At one extreme we find (proactive) distancing, the most clear expression of teacher authority and dominance in relation to parents and/or pupils, and then disciplining where the teacher also can demonstrate authority in relation to parents or pupils, for example by threatening to use some kind of punishment or call for the police. The next step is care where the teacher still holds the privilege of interpretation, but act in a more caring way, taking the (presumed) needs of children, or sometimes even parents, into account, followed by diplomacy, where the teacher's aim is to find joint solutions in a constructive climate. As stated above, unlike distancing and disciplining, both care and diplomacy can be regarded as proactive and relationship-oriented strategies. As we will see in the next section, teachers may regard themselves as the responsible 'diplomats', while making an effort to understand the parents' view of the situation. Diplomacy can also turn into availability, a more reactive relationship-oriented strategy, where the parent or pupil holds the privilege of interpretation, or where the teacher's overarching aim is to fulfil the other person's needs or wishes, even when this implies vulnerability for other children and staff. Finally, the most reactive strategy is normalization. Here, the overarching aim is to avoid provoking the other person, and the power dynamics resembles

intimate relationships where one partner regularly subjects the other partner to threats and violence, and where the victims gradually accepts – normalizes – the situation (see below and Chapter 9). In some instances, the subordination can be expressed through passive adaptation, where the teacher out of fear or due to ideas that she or he does not have a right to ‘interfere in family matters’ avoids contact with parents and deselect information about the children’s vulnerable situation. In this way, normalization can also be expressed through reactive distancing.

Distancing

The first strategy is to create distance. Drawing on the interviews, it can be argued that sometimes distancing is used in a proactive way to set boundaries and avoid getting involved, and sometimes it is used when other strategies have failed and the staff cannot deal with the situation anymore. According to a head teacher from a local authority run school the teachers are ‘always’ coming to him for consultation regarding their contacts with the family law social workers and disputing parents. This interviewee describes his task as stepping in when teachers perceive contacts with parents as problematic:

Within certain limits the staff can deal with it themselves, but it happens that we managers have to step in and explain to the parents that they cannot use the staff in this way, that ‘you just have to make it work for the sake of the child’.

In this example, the teachers’ strategy is presented as distancing through the referral of the case to the head teacher, who then uses disciplining in relation to parents. In an interview with a teacher a similar division of work between teachers and managers is described. The strategies care, diplomacy and availability may have been used for some time, without the desired result seen from the teacher’s point of view. Then distancing becomes an option:

It is a family, where we had the older sister last year and the little sister this year, and the worst dispute was last year. Both of us are involved, and the rest of the team, and I was the main teacher for the older sister last year. I was interviewed by the family law social workers first and then in the child protection investigation, it

has been loads of pupil welfare conferences and loads of disputes about who will be custodian, and like that... And everybody has been involved. Then the head teacher made a decision since it was, we were going nuts. It was so exhausting last year. Then they made a decision that we should refer to the management all the time and then it calmed down a bit for us. To not be in the middle of the parents' dispute and the school should be the children's protected zone.

In both of the examples above the school management is presented as what Lipsky (1980, p. 133) calls effective pressure specialists. These are specialists who are needed within all street-level bureaucracies to be able to function as normal in extraordinary cases. The pressure specialists will also take care of work tasks where the street-level bureaucrat risks damaging the relationship to the client if he or she were to carry them out himself or herself.

These interviews also make visible how the parent's social location may be ascribed meaning and play a part in the strategies chosen by school staff. A school administrator describes a strategy we would characterize as distancing, since the privilege of interpretation is located with the school staff, in spite of vulnerability due to the parents' abusive behaviour:

Well, I have... it was physically he went for me and, but it was not a threat against a child. I don't know exactly what happened, but he couldn't stand that I was a woman and said 'no, stop'. So he went for me and, three times, pushed against the shoulder like this. I was in another room then, and he went out through the door, and hit it somehow so it just banged. They heard that I shouted like, so people came running here. It turned out that it was a parent in a class where the children come from difficult circumstances, from other countries, they don't speak the language and they may be unaccompanied [refugees / asylum seekers]. This dad he couldn't stand women having a say. It is something with their religion, views or culture and what not. But he couldn't stand that I had something to say, so he went for me and we were thinking of reporting this [to the police] actually, but we never did. But then one of the teachers, who were women, said that they had these problems.

The abusive behaviour is presented as linked to a father who 'couldn't stand women having a say', as something to do with *their* religion, views or culture. The distancing is achieved through the construction of the father as belonging to a different 'them' as opposed to the 'us' of the ethnic majority staff. Furthermore, the interviewer is included in this white 'we', contrasted against the threatening father representing a racialized Other. Based on this example alone we cannot know how the situation would have been defined if the threatening father had belonged to the ethnic majority. He might have been presented as influenced by 'his views and culture' regarding gender. However, our interpretation is that it is the construction of the father as different, as *the patriarchal Other* that enables the interviewee's analysis of gender and power. This point is elaborated further in the next chapter. Thus the emphasis on professionalism as impartiality otherwise recurring in the interview material is notably absent in this case. Instead, the interviewee describes how she and the other women in the staff have developed a common understanding of the problem of immigrant fathers who 'can't stand when women have a say'. The strategy used to deal with the vulnerable situation seems to be, on the one hand, to seek support from colleagues, and, on the other hand, to create (racialized) difference in relation to the father. If the father's definition of the situation would have been internalized by the staff, and would have perceived his abusive behaviour as legitimate, the strategy would have been normalization (cf. examples given later). If he would have been reported to the police, the strategy would have been disciplining.

The only other example in this material where the interviewee explicitly making statements about explanations for a father's violence against his children's mother comes from an interview with staff at a privately run pre-school. In this case the staff had received information that the father had undergone treatment for substance abuse, that he had been diagnosed with a neuro-psychiatric diagnose and that he, due to violence against the mother, was only allowed to see his children under supervision. In this case both the father and staff belonged to the ethnic majority, while the mother is presented as strongly linked to South East Asia, even though her ethnicity is not explicitly mentioned. The staff describes how they think that the mother has failed as a parent since she has gone travelling and the 'dad suddenly was approved as a child minder'. Our interpretation

is that the staff are distancing themselves in relation to the mother, who is constructed as different, irrational and irresponsible. The naming of the father as a 'child minder' is naturalizing the mother as the primary carer and contributes to the construction of her as irresponsible. To leave your child in the care of the other parent for a while is more responsible than leaving it to a child minder. In this interview, the neuro-psychiatric diagnosis acts as the explanation for violence, and in the interview there are no statements indicating that he, through his violence or in other ways, has failed when it comes to his responsibilities as a parent. Instead, he is described as 'absolutely not aggressive to us' when the staff stopped him from collecting the child. In addition, the father's pleasant manners are emphasized, and this undermines the credibility of the mother even further. It also contributes to the distance created in relation to her.

In summary, two different ways of (proactively) creating distance can be found in this material: (1) The conflict or violence is defined as something outside of staff responsibilities; (2) parents and staff are constructed as a racialized ethnic minority 'them' in contrast to an ethnic majority 'us'.

Disciplining

In a group interview, staff at a pre-school run by the local authority talk about how they resist being drawn into disputes between parents:

That time we had to take the mum in and sit down all of us and say that we don't mediate. We were really clear and said this to her, that we should not get involved and that we find it difficult. The mum was quite stunned and... well, upset. Then she phoned her... well, a social work lady then, and they talked to the manager and that, the three of them. But after that it improved a lot for us in the staff anyway. [...] So it was a stressful situation for a long time. Plus that she was really scared of him. And that he suddenly could turn up from time to time. For example at the Christmas celebration, he was sitting in one end of the room and she was sitting with the child in the other end, and you were thinking 'what if it blows up here now'.

This is the clearest example of the strategy disciplining that can be found in the study. According to the interview statements, the

mother is put into a situation where she alone is facing a whole staff group that have come to the conclusion that they have had enough of hearing about her and the child's problems with violence and abuse. In this example, it seems as if it primarily is the mother who is perceived as problematic, who need to be told things and realize that the staff do not mediate. The interviewees do not present themselves as able to provide the kind of protection and support (for herself and the child) that the mother is asking for according to them. As a contrast, the father's space for action at the pre-schools comes across as unlimited and unproblematic. In relation to him, the strategy seems to be availability or possibly normalization. Disciplining, for example through denying him access to and contact with the child protection services and the police, does not seem to be an option. Perhaps it is perceived as involving too big risks, seen against the backdrop of the staff's own vulnerability and fear. What is explicitly presented as something that needs to end is not the situation with a constant threat and fear, in the form of the mother's fear and the staff's 'what if it blows up here and now'. Instead, the overarching aim is to *not to have to hear* about threats and violence, and to demonstrate professionalism defined as impartiality.

Disciplining, care or diplomacy?

When it comes to the relationship-oriented strategies, the boundaries between them are not always clear in the interview material, and sometimes they seem to overlap. One example can be found in an interview with a head teacher:

Sometimes it becomes a bit of telling them off-talks. Not that we get advice from someone else, we take this on ourselves, playing amateur psychologists sometimes. [-] We are working really hard at not creating marginalization, that children who have difficulties should get support in their class and not be placed in a special group. That everyone should learn to read in their first year.² Parents are grateful for that of course, and then we get good relationships.

In a jocular way the interviewee describes how his work includes contacts with parents where he sometimes is 'telling them off' and that he 'plays amateur psychologist'. These are two tasks activating

very different associations – disciplining, and care and availability, respectively. However, when read against other and more serious and concrete examples from the work presented in the interview, the dominant strategy seems to be care, even though disciplining and diplomacy can be seen to some extent as well. In the examples, the initiative and privilege of interpretation rests with the school management, but they are also presented as very engaged in their pupils' welfare. A recurring theme is mutuality and dialogue, 'so that we find each other', which can be understood as an expression of a certain degree of diplomacy. To support and to contribute to the upbringing of pupils – and to some extent of parents too – is presented as a part of the school's task (Chapter 5). Furthermore, the promotion of learning and the dealing with social issues are presented as intimately intertwined and interconnected activities for school staff.

Diplomacy and availability

Diplomacy is a recurring theme when interviewees talk about their general strategy in relation to parents and pupils. They talk about the importance of establishing trust and developing an ongoing dialogue. The material also contains some concrete examples of this strategy. One comes from an interview with a teacher:

I have got a child with an immigrant myself, that I've got single custody of, and I was scared that his dad would take him. So when a mum comes and says that 'the dad can't take him, if he comes up from x-city he can't take him!' you understand her. Then you recognize yourself as a private person, you understand how she is thinking. But then the dad comes, that was what he had signalled to her, but he just wanted to take the child for a few hours, spend time with her and have lunch, just spend some hours with her in the day, and then go back. And they wanted to see each other, so then he wanted to come back to the pre-school with her. It was just the thing that we had heard that he was not allowed to take her [*Interviewer: Mm*]. He became upset and then it turned out that they had shared custody. And then we can't deny him that. [*No*] So I said that 'I hear what you are saying but you can't take her until I've checked it out'. But it isn't so easy to check either, when you are in the middle of a group of children, have

your hands full and you are supposed to leave and phone, look for a phone number, and [he] is standing there and is really upset and wants his child here and now.

However, this is one of the few examples of diplomacy. When providing concrete examples from their involvement in family law processes, this comes across as a less common than when informants talk 'in general'. Communication on equal terms and cooperation that presumes a shared definition of the situation can be time-consuming and challenging in several ways. The example above illustrates some of the challenges typical in the setting of street-level bureaucracy. In direct contact with clients the bureaucrat needs to make decisions quickly, often based on incomplete information, decisions that can have severe consequences for individual people, in this case a pre-school child. A bureaucratic organization demands predictability and equal treatment, demands that in practice can be very hard, and sometimes even ethically problematic, to fulfil. In the interview, the teacher describes how she spontaneously identifies with the mother, while self-critically reflecting upon the fact that the identification is based on a shared situation as ethnic majority mothers with ethnic minority ex-partners as fathers to their children. In this example, the interviewee displays a relationship-oriented strategy in relation to both the mother and the father. The father is presented as 'really upset' but is not encountered with either aggression or avoidance. Instead, the teacher presents herself as using a calm, friendly and straight approach: 'I hear what you are saying, but...'. If the interviewee had described how she released the child into the father's care without checking out that the information he provided about his rights to contact is accurate the strategy could have been interpreted as availability, or had she released the child in spite of him not having rights to contact, the strategy could have been interpreted as normalization.

In an interview with staff at a pre-school in an area with a lot of social problems, a similar gap can be seen between statements about strategies in relation to parents and pupils 'in general' and descriptions of concrete cases. Staff strategies 'in general' are described as oscillating between diplomacy and availability, but concrete examples point in a slightly different direction. In the quote below, the building of relationships is presented as a central task for pre-school

teachers, while a frustration over unclear boundaries for the professional task is expressed as well:

It is really missing in this system at the pre-school, school nurse and that.

Interviewer: Like school welfare work?

Yes, really! That there was a person dealing with these issues. Since we have to... keep track of everything. It's a lot to keep track of. [*Interviewer: Mm*] It feels like it is more divided at school [...]

Interviewer: Yes... And you are so much closer to the children as well?

Yes. Since it is that too. Are you really supposed to go through the whole lot with court hearings at the same time as one should encounter the parents in everyday life afterwards? Since somehow we are trying so very hard to gain the parents' trust. We are working really hard at that, especially in the first years. With some all of the six years [in pre-school]. Or? That's how I feel anyway.

A bit further on in this interview the interviewee expresses a concern that the pre-school teacher becomes 'a counsellor' when expectations of availability dominate and it thereby becomes hard to uphold ideals of professionalism constructed as equal treatment and impartiality in the face of disputing parents. Another voice on this theme is a school psychologist who comes across as somewhat ambivalent as regards the expanded teacher role and increased responsibility for social issues. The school psychologist describes the teachers at her workplace as generally quite available to parents and pupils. On the one hand, this interviewee talks about relationship orientation as something basically positive and something that she appreciates about her workplace. On the other hand, the teachers are presented as inadequate, often over-worked and she talks about them lacking competence to encounter the pupils in a professional, constructive way. It is positive that they want to and are trying to, but 'they get it a bit wrong sometimes', according to her.

Availability or normalization?

Again... well, I feel terrible here about my colleagues, but I think that many, when we talk about these issues, think that 'but we have so nice parents here, that...' and don't think that this happens at our school. And I think that this can be a disadvantage

for these children. Precisely since it always becomes problematic for children when it is well educated or upper-class parents. It becomes too difficult to see, when the parents are well mannered and know how to behave socially. And if they kind of also are more educated than the staff it can be... Well I really think that for the children it can be...

Interviewer: It is easier for them generally, to speak for themselves, these parents...?

Yes, and cover up things they don't want others to see... So in a way one could think that we should be extra observant [-]. Especially at the pre-school among the child-carers I feel, among those who have worked for a long time, that it becomes a bit like, 'no who am I to', at the children's expense.

Some of the descriptions of staff strategies included in the material illustrate how class or Socio-economic status can have implications for how staff deals with parents (see also Chapter 9). The quote above comes from a privately run pre-school in an affluent area. All through the interview, this pre-school teacher is expressing concern that children's vulnerability is not recognized enough at pre-school and school in general and at her workplace in particular. In this example, the interviewee claims that her colleagues have problems in imagining that children can be at risk, and that they tend to act in a reactive, distancing way when they suspect violence or neglect. She talks especially about the staff category of child-carers, often older and with least education and lowest status in the professional hierarchy, as submissive in relation to parents. In the interview, the interviewee brings several cases to the fore where she thinks that staff have neglected to recognize children at risk. Violence has been trivialized by the management, colleagues and child protection services, the staff have been instructed to act in a relationship-oriented way towards parents and been explicitly asked not to make reports about suspected abuse to the child protection services, she claims. One interpretation of the acts described in the interview is that the staff's own vulnerability is expressed through a reactive form of distancing. This strategy seems to be developed as a response to conditions set by parents, and not in relation to the staff's views on the boundaries for their legitimate task (cf. the strategy of creating distance discussed above). The interviewee above shifts between being available to

parents and diplomacy, and is expressing some fear that she, due to lack of support from her managers, might normalize her vulnerable position in relation to the affluent parents she is working with. She seems to be a little ashamed of the fact that she is disloyal to her organization when she talks to the interviewer about her working conditions. However, her shame or frustration over the fact that she is unable to fulfil her professional responsibilities in relation to social issues is stronger. Later on she says:

And sometimes, I can feel, now I'm that kind of person who questions things, but nobody else, and then you don't get anything from the social [services] either or others around... that you can feel that it is you who overreact. You get quite unsure of yourself after a while.

Interviewer: Yes. Well, what it is they are afraid of do you think?

Be in conflict with the parents I think. And then, at such as small pre-school where I was then, it was also to lose the child, not to get the money in. Things like that. Since you know, you have had children who have been there for six months and then disappeared. You never get a chance to... get an idea about them.

Here the pre-school teacher suggests that it is out of concern for the organization's economy that the staff develop their reactive strategies of either availability or distancing and normalization.

A last example in this section illustrates what the consequences of availability and normalization might be in practice. In a group interview from a local authority run pre-school the interviewees describe how an abused mother repeatedly has sought protection at the pre-school premises:

But in this case it went like this, with them, that to start with she was really scared of going home. It happened sometimes that he was standing here outside and waited. And there we got involved like. So then she could go into another room for a while. So if she saw him over there she could go out through another door and get a head start, in case he was coming after her. She was really sad and upset. I found it really hard to deal with. When she left the child the child noticed too, that she was sad. She could go into another room. [-] And as a mum yourself you find it hard,

when another mum is so scared. His times were never allowed to be written down in the book, since that dad could come any time and just 'I'm here to see my child'. We were never allowed to write down the times she was going to collect the child, and she picked the child up at different times every day, if she would have come at five every day he would know about it. So we never really knew... It became a quite insecure situation for the staff too.

Interviewer: And there you knew that there had been violence...?

It had been... It was a mess in the beginning, it is the same case we are talking about.

In the quote, the pre-school teacher talks about the staff experiencing themselves as getting dragged into a difficult situation when a mother is literally hiding at the pre-school and is afraid to go home because of her ex-partner. To be a mother yourself is presented as explaining that the staff cannot do anything but showing empathy and help the mother with emergency protection, and also take further protective steps such as keeping the child's pre-school hours secret. Here the interviewee identifies with the mother's position, and she shares to some extent the mother's vulnerability and fear. However, the interviewee does not seem to consider any possibilities to protect the right of the mother, the child, and others *not* to have to experience fear of violence and threats at the pre-school premises. In relation to the mother the strategy seems to be relationship-oriented availability, although it is a temporary availability in an emergency situation, and not more long-term advice or support to make a report to the police, ask for a protection (no-contact) order, or to seek other help. In relation to the father the strategy seems to be normalization, resulting in him being able to carry on with his controlling behaviour without any resistance from the staff or consequences for himself. It can also be noted that to not name the violence as violence, but as 'mess' can be interpreted as an expression of the strategy of normalization. In theory, it could have been possible for the staff to, for example, at least try to stop the father from turning up at the pre-school as he pleased. If he continued to create an insecure situation for not just the mother and child, but also other children and the staff, it should have been possible to try to ban him from visiting the pre-school premises altogether. However, these options would have demanded a more proactive strategy to tackle an abusive parent.

A professional approach to domestic violence and family law disputes?

To tackle violence from a parent against the other, and from parents to staff, are extreme cases for pre-school and school staff. These aspects of work can be said to be at the limits of an imprecisely formulated task to deal with social issues. The study discussed here supports other research suggesting that the teacher role has been expanded and that the work has been intensified without previous consultation with the teachers concerned (Backlund, 2007; Hargreaves, 1995). The responsibility for social issues can become especially challenging when teachers face family law disputes, especially cases involving domestic violence. The point of departure for the analysis above is that the work of teachers is to varying degrees shaped by latent or manifest conflicts between professional and organizational demands, and between support to learning and dealing with social issues. When the interviewed staff talk about their work, some strategies in relation to parents and pupils are presented as an ideal: to be caring and diplomatic. However, in practice, it can be very hard to approach parents in this way in critical situations with either aggressive or abused and terrified parents seeking protection. The challenge to recognize and support children in difficult life situations seems to be even greater when there is a legal dispute between the parents. As is discussed above, tackling violence can be perceived as becoming an ally to the abused parent, and thereby taking sides in the legal dispute and thus becoming unprofessional. In this study creating distance was a recurring strategy, either actively due to ideas about limits to teacher responsibilities, or as a reaction to a difficult situation where other options seemed unavailable. Staff narratives about challenges can be regarded as typical for street-level bureaucracy: fast decisions about difficult issues in direct contact with clients and often with only partial information as a foundation for the decision. However, there were also some examples of the more demanding strategies of care and diplomacy. As will be discussed more in depth in Chapter 9, the reason for reactive strategies like availability or normalization can be fear of aggression from a violent parent. However, yet another reason could be found in the material: financial considerations. It is clear that the interviewees engage with a demand that could be more or less explicit from the

management: in this context, parents are also customers with the option to place their children in another school or pre-school, if they are dissatisfied with the staff's attitude towards them or anything else. Setting boundaries to an aggressive or abusive parent can thus imply a financial loss for the organization since pre-schools and schools recruit children on a competitive market.

A significant difference between pre-school and school becomes visible through this empirical material. The school head teachers and school social welfare staff come across as self evident resources for teachers, people they can refer parents to when the communication with the parents becomes too difficult or is not working. As is discussed above, these categories of staff can act effective pressure specialists (Lipsky, 1980). However, a similar category of people seems to be unavailable for pre-school staff, which can be seen in the light of the lack of formal regulation of access to support staff in pre-school (see Chapter 4). Furthermore, school teachers have a longer education and compared to pre-school teachers greater opportunities to draw on professional status to claim privilege of interpretation, expand their space for action and create distance in relation to aggressive parents, typically fathers. Pre-school lack support staff and according to this study they are particularly vulnerable to difficult situations. Their closer contact with parents as part of daily routines is in this context a source of risk. On the other hand, school teachers are responsible for larger groups of pupils and spend most of their time with them alone. Furthermore, at school social issues compete with support to learning, giving grades and more extensive demands on documentation.

It is clear that also the participants in this study experience the boundaries for the professional task as unclear. Drawing on Parding (2007) an interpretation could be that the interviewees tend to identify with the profession, rather than with the organization, and they experience lack of clarity and lack of support from managers and colleagues as especially stressful. Furthermore, organizations in the domain of education seem to lack readiness to handle these difficulties, thereby accentuating latent or manifest conflicts between different tasks and discourses. For example, while some interviewees speak of professionalism in terms of neutrality in relation to conflicting parties – even in cases of domestic violence – others stress the care principle in relation to children, and talk, among other things, about

promoting a sense of safety and self-confidence among children and how this professional task can clash with other professional objectives and obligations.

The results thus suggest that the task of tackling the impact of high-conflict divorce, family law proceedings and violence on pre-school and school can be a particularly demanding emotional labour (Hochschild, 1983; Osgood, 2010). Having said this, it is important to recognize that emotional labour can be regarded as something central to teachers' professional role. Drawing on a large body of research, Osgood (2006, 2010) argues that emotions are not just accepted, but even desirable in pedagogic thinking and practice. She uses the concept emotional labour in a slightly more positive way than it was originally developed by Hochschild (1983), and states that:

Rather than viewing emotional labour or emotional capital as a means of exploitation, emotions should be reclaimed as vital and credible in ECEC [Early Childhood Education and Care] practice [...] The current reform agenda and related narrow focus in training programmes effectively banish emotions or hide them from view because 'emotional professionalism' runs counter to hegemonic masculinist constructions. Emotional professionalism should become celebrated rather than denigrated and obscured from public discourse. What children need, what parents want and what practitioners intuitively extend is well-managed and appropriate emotional practice through daily professional interactions. By reflecting on the discursive landscape in which the nursery workers are located and considering autobiographical subjectivities it is possible to dismantle and reconceptualise the notion of professionalism. (Osgood, 2010, pp. 130–131)

Following this line of thought, the challenge in improving practice in relation to social issues such as domestic violence and family law disputes is not to try to banish emotions, but to create guidance and support to staff to act with emotional professionalism, and to ensure that the emotional labour associated with this social issue does not become too big a burden.

According to the interviews, there is a lack of policies and guidelines at the local level for how to tackle family law disputes, including processes with domestic and other forms of violence. Several of

the interviewees describe how they have asked for guidance after experiencing difficult cases. In summary, the context in which teachers are supposed to create security and promote learning through active emotional labour is shaped by lacking or inadequate support from managers and school welfare staff, organizational demands on a 'customer' approach to parents, lack of information from the legal system and child protection services, and lack of clarity when it comes to the limits to their responsibility for social issues. Lack of information from school staff about who has rights to contact and who has not, or the fact that pre-school and school staff sometimes have to deal with parents with no-contact orders or without rights to contact seek out the child at school is clearly a problem that needs to be addressed somehow. However, for the individual child, such situations can imply imminent risks for health and safety. More research on the implication of staff strategies in relation to children's safety is clearly needed, including research documenting children's views. Furthermore, there is a need for more knowledge about prevention of problems and appropriate guidance and support to staff.

9

Privilege and Marginalization

Although children exposed to domestic violence have something in common, the effects of violence as well as children's overall life situation can differ significantly. As is discussed in Chapter 2, there is a growing body of research exploring the differences in both short-term and long-term effects of exposure to domestic violence. A large part of that body of research draws on individual perspectives and theories from psychology, especially child development. This chapter is also concerned with differences between children, and differences between parents. However, our focus is not individual psychology but social locations and the impact of privilege and marginalization on practices in the context of domestic violence, family law disputes and the pre-school/school setting. When looking more closely at the practices discussed in the previous chapter and the particular strategies that are used in relation to different groups of parents, it becomes evident that staff strategies tend to vary with the parent's social location. This patterning of relationships between staff and parents is most evident in relation to class, ethnicity and gender. An abused ethnic minority mother in a socio-economically disadvantaged area seems to be in the category of parents most likely to encounter distancing and disciplining approaches from pre-school and school staff. An abusive ethnic majority father in an affluent area comes across as far less likely to encounter such approaches from staff. Drawing on the interviews from Sweden discussed here we can hypothesize that he will probably not experience attempts from these institutions to control his abusive behaviour, and in the context of pre-school and school he will probably not be held accountable for

his violence or its consequences for his own or other children's welfare at pre-school and school.

The theoretical point of departure is that social structures always impact upon individual action, although the meaning of different forms of inequality may vary historically and in different contexts (Pease, 2010). In some situations social structures explain individual behaviour to a larger extent than the person's stated intentions and goals (Crow, 1989). Thus the use of the concept of strategy to interpret staff responses to vulnerable or aggressive parents does not necessarily imply an individualization of the issue. Instead, it is a question of a level of analysis – such as in the previous chapter – which aims to clarify how different forms of inequality are experienced, negotiated, accepted or challenged by actors in a particular professional, organizational and institutional context. In this chapter the analysis of staff strategies is developed further to make the structural aspect of staff practices more visible. In the following, we discuss in more detail the patterns of inequality evident in the Swedish material. We also give some examples of how different forms of inequality may interact with each other, forming specific regimes of inequality impacting upon practices in relation to domestic violence and family law proceedings.

Staff and parents 'doing gender'

Family policy is often based upon a gender-neutral and gender-equal ideal, not least in the Nordic countries. However, as many researchers have pointed out, the social position of 'parent' is highly gendered, and in many contexts there are clear differences in the space for action available for fathers and mothers. There are discrepancies between norms prescribing gender equality and everyday practices (e.g. Bekkengen, 2002; Bergman et al., 2011; Smart et al., 2001). When the focus is on violence in the relationship between the parents, including violence in the context of separation, the significance of gender is accentuated even further. As is discussed in Chapter 2, some women use violence in heterosexual relationships, and violence in same-sex relationships is a problem. However, in the majority of cases, especially when it comes to more severe forms of violence, men are violent to women in heterosexual relationships. In addition, inequality tied to gender clearly patterns the relationships between staff and

violent fathers and abused mothers respectively. It can be argued that when staff tend to approach abused mothers with distancing and disciplining strategies to a much larger extent than they approach violent fathers, they are 'doing gender' (West and Zimmerman, 1987). According to this perspective, gender is 'a situated accomplishment of societal members, the local management of conduct in relation to normative conceptions of appropriate attitudes and activities for particular sex categories' (West and Zimmerman 1987, p. 134f). Through staff practices, specifically their strategies in tackling issues of domestic violence, a gender order shaped by men's domination and women's subordination is thus (re)produced. In this social order, masculinity is 'done' as domination, and femininity as subordination (cf. e.g. Connell 1987, 1995; Pringle, 1995).

Normalization of gendered vulnerability

The gendering of staff-parent relations clearly affects staff as well, and the empirical material from Sweden drawn upon in this chapter contains some interesting parallels between the situation of the interviewed staff members – who, with one exception, are all women – and women abused in intimate relationships. In research on domestic violence it has been argued that a key to understanding this form of violence is to recognize the pattern of coercive control (see Stark, 2007) that shapes the relationships. Moreover, it is suggested that this pattern of coercive control adds to the consequences for the victims – most commonly women – so that violence has a profound impact on a woman's sense of self as well as her situation. An early example of an attempt to describe the consequences of violence is Walker's (1979) notion of 'the battered woman syndrome'. Later on, commentators such as Lundgren (1989, 1995) and Römken (e.g. Mastenbroek and Römken, 1996) have argued that abused women normalize the violence as a part of their everyday life. Furthermore, they have argued that abused women gradually internalize the abuser's views and perspectives. Looking at the staff strategies, it can be noted that for some of the interviewees there seems to be a risk that threats and abusive behaviour from parents (fathers) become a normalized part of their everyday work situation. For example, one of the informants quoted in the previous chapter describes how she shifts between being available to parents and diplomacy. She

expresses some fear that she, due to the lack of support from her managers, might normalize her vulnerable position in relation to the affluent parents she is working with. If this situation is maintained over time, and the staff lack support from their managers, it may gradually become normalized and experienced as an unpleasant but inevitable aspect of work. The interview material contains several examples of this way of adapting to a difficult work situation. A theory on the normalization of violence may thus be expanded to include the phenomenon of women pre-school and school staff gradually normalizing their own work-related vulnerability to violence and abuse from parents, particularly fathers.

Racialization and white privilege

The existing knowledge base clearly indicates that violence is a highly gendered issue in both public and private domains and that it is tied to notions of masculinity as well as gender relations more broadly. As stated previously, this is particularly the case when we are talking about systematic and severe forms of violence, and cases where children are affected. Therefore the invisibility in the interviewees' narratives of gendered inequality as a frame for interpreting violence is quite noticeable.¹ Women in the staff groups seem rarely to connect their own vulnerability and experiences of violence and threats at work to the vulnerability of women/mothers at home. Instead, domestic violence tends to be constructed as a social problem associated with particular problematic groups, such as ethnic minorities, deviant individuals or with relationship problems and conflicts between two equal parties (Bruno, 2011). The only example found in the interview material where gendered power is used as an interpretative frame, and where gender is explicitly drawn upon to make sense of what is going on in cases of domestic violence, is the case discussed in Chapter 8 where the man is described as belonging to a culture that 'cannot stand that women have a say':

This dad he couldn't stand women having a say. It is something with their religion, views or culture and what not. But he couldn't stand that I had something to say, so he went for me and we were thinking of reporting this [to the police] actually, but we never did. (school administrator)

As we have already noted, in this case the father is constructed as belonging to a different 'them' as opposed to the 'us' of the ethnic majority staff. Furthermore, the interviewer is included in this white 'we', contrasted against the threatening father representing 'the others'.

Against the backdrop of other studies in Sweden, pointing in a similar direction, our interpretation is that it is the construction of the ethnic minority father as different, as *the patriarchal Other* that enables the interviewee's analysis of gender and power (cf. Eriksson, 2003; Johansson and Molina, 2006; Towns, 2010). One example of research in Sweden pointing in a similar direction is an interview study of approaches among family law social workers to the issue of domestic violence (see Eriksson, 2005a, 2006). Like the pre-school and school staff, the family law social workers tended to link domestic violence to people that for some reason are different from 'ordinary' fathers and mothers, and men's domination, controlling behaviours and violence were constructed as 'deviant' in Sweden/Swedish culture. Another cultural background different from 'Swedish' was included among the forms of deviance used to explain domestic violence. The interpretative frame used by the family law social workers when trying to make sense of the problem of domestic violence thus presumed that 'Swedish' men are generally different from 'immigrant' men – and not as patriarchal – and that 'Swedishness' conforms to the public ideology of gender equality. It could also be noted that when the social workers talked about 'culture clashes' some configurations of gender relations were more visible than others: the immigrant man who wants to stay 'traditional' while his partner is adapting to the 'modern' Sweden was a recurring idea, while, for example, a rural, traditional oppressive ethnic majority Swedish man and a modern, urban woman born 'abroad' was never used as an example of 'culture clashes'. The combination of an ethnic majority 'patriarchal Swede' and a 'gender equal immigrant' seemed to be beyond the social workers' imagination. In these interviews the association between ethnic minorities and violence also became visible when the interviewees talked about physical violence to children. Thus gender equality and 'child friendliness' worked as ethnic and racializing markers (cf. de los Reyes and Mulinari, 2005; Eduards, 2002), producing a hierarchy between Swedish culture and other cultures.²

Here we use the concept of racialization to discuss practices and processes where dominance and subordination are created between

the ethnic majority population and 'others' with the reference to bodily signs or notions of cultural difference (see Brah, 2001; Miles, 1993; Ware and Back, 2002). When the racialization implies that the Other is associated with something deviant and dysfunctional, we are dealing with a specific mechanism for creating dominance and subordination, what we would call racialization through pathologizing. It may well be that this type of racialization becomes particularly visible when the empirical material concerns something that is defined as a social problem, such as domestic violence.

Another example pointing in the same direction is patterns in policy debates in Sweden in the 1990s about fathers and violence (Eriksson, 2005b). This is especially the case when child protection is in focus. In this policy area, men's violence against women tended to be discussed as something deviant, and violent fathers tended to be framed in a gender neutral way, as 'parents' or 'perpetrators'. However, there was one notable exception from this overall pattern: in the 1990s there was one example where violent *fathers* were constructed as 'the Problem' (cf. Bacchi, 1999), and that was in the context of so called honour-related violence. In relation to the vulnerability of young women in 'the patriarchal family structure' a specific form of fatherhood (and motherhood) was brought forward and problematized. This form of fatherhood was associated with controlling behaviour and violence, 'especially against girls' (e.g. SOU 2000:77, p. 187). Conflicts between fathers and daughters were described as 'culture conflicts' and associated with a transition from 'the patriarchal and traditional' to the (implicitly gender equal, modern) 'Swedish'. As a contrast, in this period ethnic majority fathers tended to be constructed as gender equal and good for children, or possibly as problematic due to their absence after separation or divorce, but not as violent.

Interacting power relations, visibility and legitimacy

The cases discussed above indicate that it is only when the racialized Other enters the scene that pre-school and school staff draw on gendered power as an interpretative frame for understanding violence or their own relationship with parents. Thus gender and race seems to be intimately connected to each other in the way they shape social relations in this context. Most notably, racialization through pathologizing

is closely connected to (the invisibility of) gendered inequality. The idea that different forms of inequality must be analysed in relation to each other is well established within social research today. Internationally, already in the 1970s and 1980s the relationship between gender and, for example, class (e.g. Hartmann, 1979; Walby, 1986), sexuality (e.g. Rich, 1980) and race (Lorde, 1984) was explored. Later on, the concept of intersectionality was established (e.g. Crenshaw, 1991; Hill Collins, 1998; West and Fenstermaker, 1995; Young, 1997) and entered into social theory more broadly (see Walby, 2009).

One contested question in the debates on intersectionality is *how* the theoretical insight about interacting relations of inequality should be put into research practice (e.g. de los Reyes and Mulinari, 2005; Lykke, 2003; Walby, 2009). Here two suggestions are put forward. As West and Fenstermaker pointed out already in the mid-1990s, different power relations are both experienced and produced simultaneously: the very same actions – such as disciplining strategies in relation to abused mothers but not abusive fathers – may produce several different forms of inequality simultaneously (cf. Messerschmidt, 1998). According to West and Fenstermaker, it is vital to recognize this ongoing simultaneity. Following this line of thought, it can be argued that pre-school and school staff are not just ‘doing gender’ when they engage with abusive/abused parents and children, they are ‘doing difference’ (West and Fenstermaker, 1995). That is, they are simultaneously (re)producing several different forms of inequality.

Furthermore, with the help of Acker’s concept of inequality regimes (2006) it is possible to ‘freeze’ the picture and look more closely at what the staff are doing when they are ‘doing difference’. Acker developed her concept for the purpose of analysing organizations. According to this analytical framework, inequality regimes are loosely interlocked practices and processes that result in systematic disparities between an organization’s members in terms of power and control over: goals, resources and outcomes; workplace decisions such as how to organize work and so forth. Inequality regimes are shaped by inequalities in the surrounding society and the organizational structure as well as a number of different practices. While Acker focuses on relationships between members of staff, we expand the concept to also include relationships with parents and children in the context of pre-school and school, as well as relationships between members of different organizations and institutions.

Of particular interest for the discussion here is Acker's claim that the level of visibility and awareness within the organization regarding forms of inequality will vary. A lack of awareness may be unintentional and linked to privilege: men tend not to see their gender privilege, and white people tend not to see their race privilege. Adults tend not to see their age privilege, we may add. Another important issue is the relative legitimacy of inequalities. According to Acker, legitimacy is partly linked to the organizational ideology and she points to the differences between organizations with democratic goals and bureaucratic ones. She also claims that gender and race inequality tend generally to be less legitimate than class (Acker, 2006, p. 452). We would argue that the relative legitimacy of different forms of inequality in a particular context is an empirical question. However, in many contexts an age order shaped by adult privilege and child subordination is both visible and perceived as legitimate to the extent that it has become naturalized as the normal state of child-adult relations (see e.g. James et al., 1998). This is the case also in pre-school and school.

One interpretation of the interconnections between gender and race discussed above is that it is an expression of a social order where inequality tied to ethnicity/race is more invisible as well as more legitimate than gendered inequality. The long-standing public ideology of gender equality and wide spread acceptance of norms prescribing equality between women and men makes a 'too obvious' form of domination by men illegitimate and visible. The talk about 'immigrant men' who do not listen to women recurring in different parts of the empirical material may be an indication of this. By contrast, it seems to be quite unproblematic in a number of contexts to portray 'Swedish' culture as the standard and as superior to other cultures.

Class

In addition to age, gender and ethnicity/race, class inequality also comes to the fore in the empirical material from the Swedish study about pre-schools and schools. As discussed in Chapter 8, an abused ethnic minority mother in a socio-economically disadvantaged area seems to be the category of parents most likely to encounter distancing and disciplining approaches from pre-school and school staff. It

is primarily when focusing on pre-schools and schools in different areas, with different socio-economic profiles, that the dimension of class emerges. In the discussion about staff strategies above, one of the informants from a pre-school in an affluent area talks about the staff category of child-carers, often older and with least education and lowest status in the professional hierarchy, as submissive in relation to parents. In this example, class in the form of cultural and social capital is presented as crucial for the staff's normalization of their own subordination. According to this narrative, class has been a key issue when violence has been trivialized or even intentionally ignored (see Chapter 8). There is a stark contrast between this picture of deference to parents and active disregard of signs of child abuse, and the way some of the informants from socio-economically disadvantaged areas portray their practice. For example, a pre-school manager talks about being very systematic and explicit about the obligation to report children at risk and suspected child abuse to the child protection services:

This with the duty to report, it seems like you have...?

Manager: We have it under total control. [Interviewer: Mm] Usually we inform the parents that we are obliged to report too. [Mm] At every meeting for parents, so that they know that we are keeping our eyes on them (laughter)... But since we care about the best interests of children, so to speak.

According to this informant, parents are made very aware of the fact that staff are 'keeping our eyes on them', and the obligation to report suspected child abuse is presented as something self-evident and as a normal part of pre-school practice. Similarly, a head teacher at a school in another socio-economically disadvantaged area talks about reports of suspected abuse or children at risk as part of the everyday life at the school:

And... many of the children here have quite a tough situation. Many parents are divorced, many are single and you live separately. The parents take turns. Many who don't have work, some on benefits, so... sometimes this school is a space to breathe for these children. Many children are at risk and it is often that we have to make these reports to the child protection services. So it

is... But it is incredibly rewarding and positive to work with these children. It is so rewarding since they really appreciate the work we are doing.

It may be that the difference between the picture conveyed by the informant from the affluent area quoted above, and the one presented by informants from disadvantaged areas can – at least partly – be explained by the informants' different organizational positions: it may be that the manager and head teacher are more keen to present themselves as acting in accordance with law and policy on children at risk. However, the difference may also be an expression of inequality tied to class. Furthermore, we note that in at least one of the disadvantaged areas a large proportion of parents are young single mothers, a group that probably is more of a target for disciplining strategies, compared to well to do couples or fathers (cf. Osgood, 2005; Ranson et al., 2004).

Different approaches to different children?

In the discussion about inequality regimes, Acker focuses on class, gender and race. However, she claims that other forms of inequality may be relevant as well (Acker, 2006). Considering the topic of this book, it is important to critically examine inequality tied to age and child–adult relations as well. The people that suffer the worst consequences of inadequate policy and guidance on how to tackle the highly gendered issue of domestic violence (including in the context of family law disputes), and of organizational and professional deficiencies, are children. Thus we could talk about the study in Sweden as exposing intersections of inequality tied to age and gender, in addition to class and race. Interestingly enough, age as in child–adult relations seems to have been quite absent in the early debates and developments regarding intersectional perspectives. Thorne pointed out already in the late 1980s that on the whole, children have not been included in the discussions about intersecting power relations:

I want to add to that complexity [of theorizing intersecting patterns of domination and their effects on knowledge] by pursuing a relatively simple observation: Both feminist and traditional knowledge remain deeply and unreflectively centered around the experiences of adults. (Thorne, 1987, p. 86)

She also asks how we can bring children more fully into our understanding of social life. Almost 20 years later, the situation seems to be quite similar when it comes to debates on intersectionality and young age (Krekula et al., 2005). There is clearly a need to also think intersectionally about children and child–adult relations. In the following, we discuss intersections between age and gender to illustrate how this could perhaps be done.

Girls and boys as victims

When it comes to gender, the ways by which staff do gender is not as apparent when it comes to children as it is in relation to parents. However, that does not mean that gender is irrelevant for staff approaches to children as well. As discussed in Chapter 3, children who ‘witness’ violence are increasingly defined as crime victims in both policy and practice. However, the relationship between the category of victim in a criminal law sense (a crime victim, that is, someone who has been harmed and has legal rights to redress), and victim as identity, social position and cultural phenomenon is neither simple nor without ambiguity (Eriksson, 2009). An important theme in the debate about victims and victimization is how the categories of ‘victim’ and ‘perpetrator’ tend to be constructed as a dichotomy: as mutually excluding categories defined in relation to each other, where the ‘victim-like’ (the ‘ideal’ victim) cannot simultaneously be ‘perpetrator-like’ (Christie, 1986). Furthermore, characteristics associated with ‘ideal’ victims (such as passivity, dependence and helplessness), conform to well-established cultural constructions of ‘child-like’ and femininity, while characteristics associated with perpetrators (such as agency, dominance/control and violence) conforms to well-established constructions of ‘adult-like’ and masculinity, the latter in particular when it comes to violence (see e.g. Hearn, 1998; Pringle, 1995). It should be added that dominant constructions of femininity and masculinity do not necessarily correspond to the actual behaviour of women and men, or girls and boys.

When put into practice, notions of the ‘ideal’ victim may (especially in conjunction with the care principle, see Chapter 1) make it easy for pre-school and school staff to view children as victims: a more ‘child-like’ child implies a more ‘victim-like’ victim (Eriksson, 2011). At the same time, constructions of children as incompetent may help adults to disregard what children who are defined as

victims say about their lives, or to protect them from speaking about their situation at all. Secondly, the victim–perpetrator dichotomy can also mean that a very ‘adult-like’, competent and active child may not seem like a victim at all in the eyes of the staff (cf. Eriksson, 2011; Eriksson and Näsman, 2008). If this is the case, it is precisely a child’s competence which could be undermining the child’s status as a victim.

This picture becomes even more complex when gender is considered as well. Drawing upon the existing Swedish literature on children at risk (e.g. Lagerberg and Sundelin, 2000), at least two different cultural constructions of girlhood and boyhood can be outlined. On the one hand, girls are expected to be more relationship-oriented and dependent than boys are expected to be. Furthermore, girls are expected to take more responsibility and mature earlier (be more competent), and to internalize problems. Boys are expected to be more activity-oriented than girls are expected to be. They are also expected to be physically more expansive than girls, to mature later (be more incompetent) and to externalize problems. These presumptions about girls and boys can be found in an everyday context as well as in research in Sweden. Their pervasiveness and status as natural and self-evident truths may make it difficult for professionals to recognize and verbalize how these notions shape the interpretations of a particular child. On the other hand, girlhood and boyhood are also constructed in a more explicitly gender neutral, but implicitly gendered, way. The care principle places the relationship between child and adult centrally, not the relationship between girls and boys: here, girls and boys are framed as ‘children’, rather than gendered beings. However, the construction of the (incompetent) child produced through the care principle seems to come closer to constructions of boys (presumed to mature later, be more incompetent), than the construction of girls (presumed to mature earlier, be more competent). In this implicitly gendered construction of children, it is the Boy that comes across as the model for the Child, not the Girl (Eriksson, 2009).

The notions discussed above are analytical categories, separated from each other to be clearly visible to the reader. In everyday life, when pre-school and school staff interpret a particular girl or boy, these categories can be expected to be intertwined with each other. The question then becomes: how do they interact in the approaches to a particular child? To date, we have not been able to locate empirical

studies discussing this aspect of pre-school and school staff practices. However, results from our study on encounters between children exposed to domestic violence and family law social workers can shed some light on problematic patterns that could possibly be seen in the context of pre-school and school as well. In that study one of the children who describes the most problematic social work practices is a boy approximately 10 years old. He presents himself (Goffman, 1959) in a way that does not conform to notions of the 'normal' child, a 'real' victim or a 'normal' boy. Instead, he comes across as an independent and competent party to the case who demands participation in the family law process, and, at the same time, he presents himself as somebody who in a very explicit – competent – way can talk about his own fear of his previously violent father. None of this fits neatly with notions of child-like children or victim-like victims. In addition, the boy also describes himself as highly uninterested in talking about leisure time activities and similar topics. Instead, he has tried to place his and his father's relationship and his own emotions centrally in the conversations with the social workers. Here, this particular child does not come across as a very boy-like boy either. His clearly expressed fear and victimization may undermine his status as a boy-like boy even further, considering the cultural associations between victimhood and femininity. It is not possible to say how the investigators would have encountered this child if he was a girl. However, a girl in the same situation could possibly have been more culturally intelligible to social workers. For example, expectations that girls are more mature and relationship-oriented could make a difference: a girl who acted like this boys would also deviate from notions of 'child-like' children and 'victim-like' victims, but she could possibly pass as a 'normal' – and girl-like – girl. The patterns in the interview material from this particular study raise the question whether notions of children, 'ideal' victims, girlhood and boyhood in some contexts make it especially hard for social workers in Sweden to recognize 'age-inadequately' competent boys as victims.

Undoing privilege when tackling violence and children's vulnerability

In relation to some of the examples and issues raised above we may use the concept of the hidden curriculum. It can serve as a conceptual

tool in exploring what children in pre-school and school learn about adult privilege, among other dimensions of inequality. For example, what is it children are expected to 'understand' when they witness a peer being subjected to physical force by social workers, in order to facilitate contact? (Chapter 7). We may also ask what children in pre-school and school learn when they are exposed to different staff strategies in relation to their parents, as when abused mothers are subjected to disciplining while abusive fathers are allowed to have their way.

This chapter focuses on the impact of privilege and marginalization on practices in the pre-school/school setting. By bringing the structural aspect of staff relations to children and parents to the fore, the aim is to add anti-oppressive practice into the picture. In addition to the improvement of practice through the development of guidance, routines and methods discussed in this book, reflection on and focused work to counteract different forms of social inequality are clearly needed. This is to enable staff to tackle *all* children's vulnerable situations when children are exposed to domestic violence and family law disputes, regardless of, for example, class, ethnicity and gender. Furthermore, anti-oppressive practice is needed to challenge the hidden curriculum.

In relation to anti-oppressive practice, the undoing of adult privilege may pose a particular challenge in the context of pre-school and school. This is due, for example, to the construction of the professional role of teachers and the dominance of the discourse of upbringing in the domain of education. It may also be a function of the very young age of pre-school children, making adult dominance and privilege of interpretation even more naturalized in the pre-school setting than is the case in school.

There are some differences between England and Wales, and Sweden, when it comes to training and traditions in relation to tackling social problems and social inequalities. Unlike their counterparts in England and Wales, Swedish teachers do not get systematic training in child protection issues (Chapter 4). Another key difference concerns anti-oppressive practice. In comparison with several countries in the Anglophone world, where anti-oppressive practice has been developed and debated for several decades (see Rush and Keenan, 2013), the debate about, for example, social work with other forms of inequality than class comes across as recent and underdeveloped

in Sweden. This has led some commentators, for example, Pringle (2010a, 2010b), to argue that the Swedish welfare system may be far less benign in challenging, among other issues, racism and ethnic discrimination than it is when assessed along more 'mainstream' comparative measures associated with poverty alleviation or issues of work in the labour market and home. Furthermore, very similar findings occur when gendered violence to women and children is placed in focus for the analysis of the Swedish child welfare system (Pringle, 2010a, 2010b). Thus the undoing of privilege in relation to domestic violence may pose a particular challenge to social workers in Sweden, including those working with family law issues.

As regards the domain of education there is a tradition in Sweden of working with gender issues (see Bondestam, 2010; Carlberg and Bondestam, 2010), and the interest in the broader field of anti-oppressive education has been growing recently, especially over the last decade. However, it is also clear that the topic of education and anti-oppressive practice has been debated internationally a lot longer than it has in Sweden (see e.g. Bromseth and Darj, 2010; Kumashiro, 2002). Not least in the context of such as recent history of debate about anti-oppressive education in Sweden, the undoing of privilege in relation to domestic violence may pose a particular challenge to pre-school and school staff as well.

10

Children's Rights to Participation, Protection and Provision

This book started off with a presentation of a child perspective on family law disputes and domestic violence, followed by a summary of research findings on the impact of domestic violence on children as well as policies and legislation in relation to the topic area. This forms the background for a closer look at pre-school and school as arenas for parental disputes and domestic violence – especially fathers' violence and threats – resulting in risky situations for the children of those families as well as for other children present in situations of violence and threats at school or pre-school. This final chapter outlines some of the conclusions that can be drawn in terms of future challenges as well as opportunities for change so that pre-schools and schools can become safe, caring and productive environments, which children have the right to expect. The discussion is divided into three parts representing the three professional arenas involved in this kind of case, starting with where the children are physically: in pre-school and school.

Increased competence and awareness

In order for pre-school and school professionals to manage the various problematic situations they may encounter related to high-conflict parental separations (possibly involving different aspects of domestic violence), they require knowledge and competence about such issues as well as about children's rights. For a number of reasons knowledge about children's rights, as defined by the UNCRC, ought to be routinely available in these institutions. First, pre-school

and school have a basic task to promote learning about society and citizenship, which is part of children's right to education as well as to information. Secondly, it is clear that children's rights as a whole should be implemented within professional practices in all those countries which have ratified the Convention. However, as we have seen in the Swedish case there appears to be a gap between general knowledge of these matters and actual implementation as far as the issues addressed by this book are concerned. In these situations, children's rights to protection (Article 19) are not met. Similarly, their right to participation (Article 12) is not paid due regard. Both these inadequacies occur when children discuss their fears as well as their actual exposure to violence but are still not protected from their actual exposure to violence. Violent incidents also occur when decisions are made by staff members about how to solve problematic situations within the pre-school and school settings. In order to be able to implement children's rights, staff members must contest the impact of the age order within society and actively strive to undo their own privilege as adults and as professionals. This entails challenging both the privilege of interpretation as well as of decision making that their adult professional status affords them. For example, sometimes children may know better than the adult professionals what kind of solutions to problematic situations that feel safe enough – to children.

Children's rights to protection demands knowledge about the health risks children are likely to be predisposed to when exposed to domestic violence. At the present time pre-schools and schools seem primarily concerned about health risks related to other children and young people. Research on violence in these institutions as well as policy documents concerning violence is predominantly focused on violence from and between children as well as young people. Policy documents in England and Wales highlight children exposed to domestic violence as an important group for whom staff should take responsibility. This is not true to the same extent in Sweden. Despite this contrast, there are still similarities between these two countries since in neither of them is domestic violence related to the possible impact that family law proceedings and decisions may have on pre-schools and schools.

Clearly this is an area for development since it is crucial that pre-school and school staff members are both knowledgeable about the impact of domestic violence on children and appreciate the dynamics

of violence in families in relation to separation and divorce processes as well as their aftermath. Moreover, in both England and Wales as well as Sweden, policy documents stress the importance of staff fostering good relationships with both parents of a child. However, it is important that staff awareness concerning domestic violence also encompasses knowledge about women's vulnerability and their need for protection and support. This is because children's welfare is highly dependent on the welfare of their parents, and in these cases especially that of their abused parent who is, typically, their mother.

Securing the context for learning

According to existing research, teachers have an increasing burden of tasks both in England and Wales, and Sweden (Chapter 4). This may contribute to a situation where teachers do not want, or are not able, to be involved in social issues concerning children outside the learning context. Given such a context, it is important to emphasize that domestic violence and family law disputes can create a risk that children may demonstrate lower potential for learning and achievement at school (Chapter 2). Thus even within the narrower focus of learning demands, some attention must be paid to children's need for protection from further experiences of domestic violence and for support to recover from the violence to which they have already been exposed. From a right's perspective and according to the UNCRC, it is clear that children have a right to such a promotion of their learning potential. Teachers share the responsibility for this with specialized support staff. In both England and Wales and Sweden, various forms of support staff may play central roles when children are at risk. In each country school nurses are seen as a key resource in such cases. At the same time, in both countries, there is a huge variation between different pre-schools and schools regarding access to support staff: in terms of their competencies, their availability in time and the extent to which children can gain appointments with them on their own initiative.

Finally, difficulties with inter-professional cooperation are commonly encountered in discussions about support services in both England and Wales and Sweden. A lack of understanding of one another's perspectives and duties is a recurring theme in these debates. Thus clarification is necessary for the duties of different professionals

related to the situations addressed by this book. Such clarification needs to be incorporated into safety plans and as a part of the development of new strategies.

Safety planning and coping strategies

With a foundation in this knowledge and awareness on domestic violence and family law disputes, the personnel at the managerial level also has to develop clear strategies and ensure appropriate training for staff about dealing with these kinds of situations as part of the safety plan for the organization. A majority of the organizations reviewed in the Swedish survey did not have any plan for how to act in cases of emergency related to domestic violence and/or family law disputes. It is of course important for organizations to develop such plans and routines for contact with the social services as well as with the police in order to safeguard children and the parent who is the victim of domestic violence. The cases discussed in previous chapters where both the mother and the child are put at risk of further violence can be understood as the result of improvised solutions in emergency situations. Thus they could probably have been avoided with preparation and established routines.

It is clear that pre-school and school managers are responsible for developing staff knowledge and competence, as well as for establishing guidance, routines and cooperation with other authorities. Our overview in this book strongly indicates that safety planning ought to include routines for the process of risk assessment and – depending of the results of such assessments – proper procedures for safeguarding children at pre-school and school can flow from this. At the same time, it should be emphasized that risk assessment in these cases presents a real challenge for several reasons. First, none of the more established instruments or methods for assessment of risks in relation to domestic violence (e.g. the Spousal Assault Risk Assessment [SARA] Guide, Kropp and Hart, 2000) have been developed to ‘fit’ perpetrators in contact with pre-school school, or agencies involved in family law disputes (cf. Shlonsky and Friend, 2007). Secondly, from a child point of view it is not enough to only assess perpetrator dangerousness, as most well-established instruments and methods do. In addition, assessment of the consequences of violence for the child, and the child’s sense of security is a key to fully

understanding both short-term and long-term risks for the child: for example, when the perpetrator re-traumatizes the child by turning up at pre-school or school. In addition, children have a right to feel that it is safe to be in pre-school and school. Thus risk assessment must take as its starting point the experiences, understandings and feelings of the child concerned.

Considering the work environment problems that these kinds of situations may create for staff members, it is important that safety planning also includes routines for support and debriefing of staff to help them cope with and recover from the strain caused by threatening experiences.

Support to children at pre-school and school

Over the last decades support interventions for children exposed to domestic violence have been rapidly developed internationally as well as in England and Wales and Sweden. At the same time, evaluation studies of different interventions have become increasingly sophisticated (see e.g. Cohen et al., 2006; Graham-Bermann and Hughes, 2003; Grip, 2012). In both countries there are also a number of examples of efforts to prevent domestic violence through interventions at school (see e.g. NSPCC, undated). However, it is not clear to what extent these measures take the particular issues raised in the context of family law disputes into account.

A key question in the general discussion about support to children exposed to domestic violence is to what extent children's different needs are met. As discussed in Chapter 2, children can respond to their experiences in a number of different ways, both short term and long term. Therefore a differentiated intervention system is needed. One way of conceptualizing such a differentiated system is to look at it as a spectrum of interventions stretching from rights to symptom reduction, that is, from universal (for this population) to indicated interventions (see Ferrer-Wreder et al., 2004). To put in another way, support interventions targeting specific children at pre-school and school can entail secondary prevention as well tertiary prevention aimed at symptom reduction when children have already developed problems due to the experiences of domestic violence (and family law disputes).

At least four different levels of help can be outlined (Broberg et al., 2011). At the first level of support we find all children in the

population (i.e. children exposed to domestic violence). The first step in helping such children is to make sure that agencies have structures in place to identify these children and recognize their vulnerable situation, for example through systematic screening for domestic violence. At the same time, children should be encountered in a way that is adapted to the needs of this particular group of children at risk. An important aspect of such a child-centred approach is adults validating children's experiences of violence (cf. Leira, 2002). Thus a recognition and validation approach to the individual child is the most basic level of support that should be offered to children exposed to domestic violence.

The second step is protection. Many children exposed to domestic violence need protection, but not all. For example, a child may not be in contact with the perpetrator any more: as in the case when a perpetrator is not the child's parent and disappears out of the child's life after separation or divorce. Children may need different degrees of protection, depending on, among other things, the level of fear (cf. earlier discussion on risk assessment). Thus this level of intervention demands some kind of investigation and assessment, both of perpetrator dangerousness and the child's sense of security (Eriksson and Dahlkild-Öhman, 2008).

The third level consists of support developed especially with children exposed to domestic violence in mind. Interventions at this level can be individual or group interventions. They can represent crisis intervention or support in a chaotic life situation. Furthermore, they can entail the emotional working through and reconstruction of potentially traumatizing events, promotion of children's sense of selfhood or support to tackle emotions such as guilt and shame. What all of these interventions have in common is that they are aimed at prevention of children developing problems (both currently and later in life) due to exposure to domestic violence. All children may not need this level of support. For some children, recognition, validation and/or protection will be enough. Thus an important question for research and evaluation is development of routines and methods to assess which children may not need this level of support.

Moreover, for some children, interventions at the third level will not be enough. Those are children showing signs of serious problems or difficulties: for example, symptoms of post-traumatic stress (PTSD), serious behavioural problems or problems in relationships

with their attachment figures and care persons. At this level we find children who have developed problems of their own, and the kind of specialized support they require will in most cases be a question for agencies with specialist competence in, for example, psychology, child psychiatry and treatment. While all children exposed to domestic violence have a right to a recognition and validation approach from professionals they come in contact with (levels one and two), only some children need preventive support interventions (level three). Moreover, an even smaller group will need specialist treatment due to their own individual difficulties (level four).

This way of presenting a differentiated system of help and support is very general and does not focus on pre-school and school – or the context of family law proceedings – specifically. Looking at the role of pre-school and school with these four levels of interventions in mind, it is however possible to make some suggestions about different levels of support at pre-school/school. It is quite clear that pre-school and school staff can play an important role in supporting children's recovery through recognition of children's vulnerable situation due to family law proceedings in the context of domestic violence. Such support can also be achieved by responding to these children in ways that validate the children's experiences of violence as well as their experiences of family law disputes. It is also apparent that pre-school and school have a responsibility in relation to protection: both as regards reports of concerns for children's safety and well-being to child protection agencies; and in the form of inter-agency co-operation to ensure safety.

When it comes to interventions at levels three and four the situation may not be quite so clear-cut. Nevertheless, some examples can still be found that illustrate work at school with children exposed to domestic violence which can perhaps be linked to these levels of support. There is not space here for an extensive review, so we just point to a couple of examples that have been derived from the international literature. One is the *Children Exposed to Domestic Violence: A Teacher's Handbook to Increase Understanding and Improve Community Responses* (Baker et al., 2002). This document was published a number of years ago by the Centre for Children and Families in the Justice System in London, Ontario, Canada. The handbook contains, among other things, guidance on ways to support students making disclosures of domestic violence, and guidance on how to make formal

reports to child protection agencies. It also points to anti-bullying or healthy dating relationship programs that may teach conflict resolution skills, which provide alternatives to what is modelled at home. Furthermore, it argues that teachers play an important role in advocating for, implementing and sustaining school-based violence prevention. One illustration of such a prevention initiative is special violence awareness events for students: that is, events that name and define violence, as well as increase awareness about different types of violence and its impact on victims. Examples given include activities such as assemblies featuring guest speakers whose lives have been touched by violence and theatre productions focused on violence prevention and debriefing sessions with older student facilitators. Thus measures included in the handbook touch upon both the first, second and third levels of intervention discussed above. Furthermore, it is quite possible to adapt activities such as these to include the specific issues raised in the context of family law disputes.

An illustration that could perhaps be placed at a fourth level of pre-school and school interventions—specialized treatment for children who already exhibit problems—is a resource developed in the United States for school staff to make the school environment sensitive to traumatized children. It also seeks to support staff in tackling the fact that trauma can undermine children's ability to learn, form relationships and function appropriately in the classroom (Chapter 2). This resource is entitled *Helping Traumatized Children Learn. Supportive School Environments for Children Traumatized by Family Violence* (Cole et al., 2005). Although the suggested measures focus on traumatized children, it is argued that trauma-sensitive school environments benefit all children: those whose trauma history is known, those whose trauma will never be clearly identified and those who may be impacted by their traumatized peers. Ultimately, the aim is to ensure that all children will be able to achieve at their highest levels of education and learning whatever traumatic circumstances they may have endured.

Information-sharing

Information about the formal situation as regards parental responsibility/custody is a key to dealing with many of the situations discussed in the previous chapters. As the examples from Sweden

show, a lack of such information is one of the reasons for staff uncertainty in handling these issues. Thus the legal system needs to develop and fully implement routines for informing pre-schools and schools about changes in parental responsibility/custody and contact arrangements. On the other hand, the legal system requires notification concerning the pre-school(s) and school(s) at which children are enrolled since these institutions are important as sources of information. The specific framework for confidentiality and information-sharing between agencies will differ depending on country and will impact upon the level of information-sharing that is possible. However, a general observation, regardless of specific framework, is that reporting back about the results of the legal dispute should always be a routine process. When such information has reached the pre-school and school it is crucial that all staff members who may encounter a situation where that information is relevant are told and that this is repeated when new staff are introduced.

Professionals working with children are expected (in England and Wales) or mandated (in Sweden) to report their suspicions that a child may be at risk to the child protection agencies/social services. As previous research indicates, this is not always easy to practise. In relation to the kind of situations of childhood risk discussed in this book, there may be specific challenges due to a perceived clash between reporting risk, on the one hand, and promoting good relationships with both of a child's parents, on the other. The examples from Sweden thus also indicate a need for guidance and training on domestic violence and family law disputes in relation to implementing the duty to report in that country. Another challenge could be the marketization of pre-schools and schools which has occurred in Sweden – and to some extent in England and Wales – in recent years. Increased competition for children/pupils might imply that a reputation for reporting parents could be seen as negative in terms of recruiting families and pupils. If there was such a possibility, the reluctance to report could be countered by increasing the knowledge about the impact on children which the risk refers to, as well as by establishing closer personal contacts between professionals from the relevant authorities involved. According to the Swedish survey, a large minority of the pre-school and school managers did not know of anyone in other agencies they could turn to for advice and assistance in coping with difficult cases of family law disputes.

Social work practice

As regards professionals investigating the child's situation in the context of family law disputes (that is, CAFCASS officers or family law social workers), the findings reported in this book strongly suggest that improvements in practice may also be necessary. As both other studies and the examples discussed here show, there is a need for increased knowledge about the impact of domestic violence on children and the demands that such an impact requires of professionals in order to protect and support children's recovery. Moreover, although there have been policy developments in both England and Wales and Sweden which aim at strengthening children's position and rights to participation in family law proceedings, the realization of such good intentions still requires hard work for their accomplishment. As discussed in previous chapters, this participatory approach is not necessarily in conflict with the care and protection of children. On the contrary, it may be part of a caring perspective on children – and especially in the case of domestic violence.

In line with our analysis in previous chapters and here, it is also important for professionals involved in family law cases to develop channels of contact and cooperation with pre-schools and schools rather than simply using these institutions as sources of information, or as sites for investigation and solutions to contact arrangements. The investigators need to broaden their perspective to appreciate the importance of following up on the situation of the child after the investigation and/or court decision. Moreover, children's need for a working and productive environment at pre-school and school has to be given full recognition. As the cases detailed in this book illustrate, a lack of recognition may result in, first, investigations during school hours; second, investigations occurring on the institutional premises; and third, decisions being proposed to the court that result in loss of school hours since that time is used for transportation and contact. Thus family law professionals have to take into consideration the obligations and rights of the child in connection with education, and also to consider the limitations of their own mandate in relation to professionals in pre-schools and schools. Pre-schools and schools – staff as well as children – have the right to be protected from undue utilization by other agencies for purposes additional to those for which these institutions are designed.

Legislation and court practice

In both principle and in practice, the legal systems in England and Wales and in Sweden acknowledge children's right to participation in legal processes concerning parental responsibility/custody, contact and living arrangements. However, the policy debates on how these processes actually work have highlighted a number of problems. As a result, in recent years several changes have been implemented and/or proposed in both countries. Looking at the impact of the legal processes from the perspective of pre-schools and schools, our findings suggest that some additional developments in policy and law are clearly required. First, there seems to be a need to further strengthen children's rights, for example by clarifying the legal status of the UNCRC (cf. the situation in Norway where UNCRC is incorporated into national law, Søvig, 2009). Secondly, increased competence and guidance for the implementation of children's rights in practice is needed. The long tradition whereby parental rights dominate over children's rights has to be contested. Here it can be noted that there are some differences between the countries when it comes to challenging issues. In addition to the ones outlined in the previous chapters, we may add that in England and Wales it is still legitimate for parents to use corporal 'punishment' when raising their children, while any form of physical violence from parents against children has been banned in Sweden since 1979.

Drawing on the case of Sweden, there seems to be a need to clarify the extent to which the legal system has the mandate to intrude on pre-schools and schools through court decisions in family law cases where there is a history of domestic violence. Is it in children's best interests that contact arrangements involve their pre-school or school? Has the court the right to expect that staff at pre-schools and schools manage risk and contacts between abusive and abused parents? Which rights do children have to participation and to protection when attending these institutions?

Radical learning

Increased awareness of and competence in tackling family law disputes in cases where there is a history of domestic violence entails anti-oppressive practice focused upon, among other things, children's

rights and perspectives as well as gendered inequality (Chapter 9). Thus training and development calls for 'radical learning' among professionals, that is, a kind of learning that contests mainstream values and ways of understanding and regulating social life, for example adult and parental dominance and child subordination (Dahlkild-Öhman, 2011). Such learning processes may be appropriate for staff at pre-schools and schools, at local authorities/social serviced and courts. For they may all need to find ways of undoing their privileges as adults, professionals and other relevant social positions (Chapter 9).

In order to accomplish such a learning process, a necessary starting point is an awareness of a problem to be solved, which may contest established and taken for granted professional traditions and routines. Hopefully, some of the difficult situations brought to the fore in this book can contribute to making the problem visible. What is then required is a stepwise process of both increased knowledge about and awareness of existing regimes of inequality and their impact on practice. Such processes take time and may be experienced as painful, but when accomplished they may enable a new perspective on professionalism and a change in professional practices whereby the ability of society to safeguard and support children who are exposed to domestic violence and family law disputes may be significantly increased.

Appendix A: Empirical Studies

Family law proceedings and decisions in a school perspective – focusing children at risk: A pilot study (study 1)

The project was an exploratory study of how family law proceedings in cases involving domestic violence impact on pre-school and school and ran from 2010 to 2012. It was funded by the Children’s Welfare Foundation Sweden and The Swedish Research Council for Working Life and Social Research (FAS). The project was carried out in two steps. The first step was qualitative interviews with a smaller sample of pre-school and school staff. The second step was a questionnaire that was developed on the basis of the qualitative interviews, and sent out to the management of 110 pre-schools and 110 schools in two Swedish counties.

Interviews

The qualitative interviews were carried out in two counties. In total 12 interviews were conducted, of which three were group interviews, one an interview with two interviewees and eight were individual interviews. In total, 22 persons from 10 organizations and different categories of staff were interviewed (see Tables A.1 and A.2). One of the interviewees was a man, the rest women and the majority defined their ethnicity as Swedish.

The selection of informants was a combination of a strategic sample where we tried to get a sample that was as varied as possible, and self-selection by people who wanted to be interviewed after hearing about the project. The following categories of staff are included in the sample: head teachers/managers for schools run by the local government and as independent schools; head teachers/managers for pre-schools run by the local government and as

Table A.1 Informants working in pre-school

Pre-school	A	B	C	D	E	F	Total
Type	Local authority	Private	Private	Private	Private	Private	1 local authority 5 private
Interviews	(a) Manager (b) 6 teachers	(a) Manager	(a) Manager and 2 teachers	(a) Manager	(a) 3 teachers	(a) teacher	7 interviews 16 interviewees

Table A.2 Informants working in school

School	A	B	C	D	Total
Type	Local authority	Local authority	Local authority	Private	3 local authority 1 private
Interviews	(a) Head teacher (b) Psychologist	(a) Head teacher	(a) Administrator and teacher	(a) Head teacher	5 interviews 6 informants

independent preschools; teachers from schools run by the local government and as independent schools; pedagogues/teachers from pre-schools run by the local government and as independent pre-schools; and school social welfare staff from a school run by the local government. As regards the category 'independent schools' it refers to a system introduced in Sweden in 1992, with schools (including pre-schools) that are publicly funded but run by another agency than the state (local authority). Independent schools are tax funded through a pot of money that follows each pupil (see www.skolverket.se). Informants were recruited from schools/pre-schools in different socio-economic areas and the interviews were carried out in two different counties.

The interviews were semi-structured into different themes, and after some initial questions about the schools followed, firstly, one section about experiences of family law proceedings, of court proceedings etcetera, and, secondly, a section about every day encounters with parents and children, situations where school staff have had to act as mediators, and similar. The interview also concerned consequences of court decisions, the informants' thoughts about children's situation and need for protection, and pupil care (school health and social work). The interviews have been transcribed and sent to the informants for comments and corrections. The interviews were carried out by Bruno.

Questionnaire

On the basis of the qualitative interviews, a questionnaire was developed that roughly covered the same themes as the interviews. The questionnaire was sent to a selection of pre-school managers and school head teachers for 110 pre-schools and 110 schools (pupils 7 to 16). The survey was carried out in two counties with significant differences as regards population size. If the number of questionnaires to each county would have been adjusted to the population, the division would have been 16 and 84 per cent of the questionnaires to each county. However, since this selection strategy would have resulted in very few responses from the county with a smaller population we decided to allocate a third of the questionnaires to the county with the smaller population and two-thirds to the county with a large population. In the county with the smaller population, four pre-schools and four schools in each community (local authority) received a questionnaire. In the county with a large population, 26 communities (local authorities) were selected strategically to cover

the county as a whole as well as different socio-economic areas, and three pre-schools and three schools in these 26 communities received a questionnaire. Pre-schools and schools in each community were selected at random. Since the questionnaire was part of the pilot study and mainly aimed at descriptive statistics, we considered this selection strategy acceptable in relation to the project aims.

Fifty-one pre-schools (51% response rate) and 71 schools (65% response rate) answered after two reminders. Since the questionnaire was anonymous we are not able to analyse patterns of non-responses. Several explanations are possible. For example, due to the sensitive area covered, it could be that organizations with experiences of problems are over-represented, and that they want to contribute to knowledge about an issue that is seldom discussed. It could also be that these organizations are under-represented if they do not want to share information about problematic experiences. The response rate is not satisfactory if we want to generalize from the answers, but the answers we got were enough to show that the kinds of experiences we are interested in are not uncommon. The exploratory approach of the project meant that the questionnaire was designed to capture the variation of experiences, rather than measuring frequencies of types of experiences in a given time period. The questions asked if the management ever have had information about a particular kind of situation or issue at their organization. This means that we are not able to know which kinds of pre-schools and schools that experience problems more often than others. However, comments from respondents indicate that the situation can vary a lot between different organizations within the same area. What we can say something about is to what extent specific organizations have been forced to tackle a certain range of situations and issues (although not necessarily during the same time period). To get a more in-depth picture of the extent of problems at specific organizations, a more in-depth study is needed. One question asked about the situation at the time of answering the questionnaire, and this item provides some indications about the current situation at these organizations. Readers should also bear in mind that typically pre-schools are much smaller units than schools, with fewer children and thereby a more narrow empirical foundation for the kinds of experiences we are asking about.

Children whose father is violent to the mother encounter the family law: vulnerable children as social actors in investigations regarding custody, residence or contact (study 2)

The research project *Children whose father is violent to the mother encounter the family law: vulnerable children as social actors in investigations regarding custody, residence or contact* ran from 2005 to 2008 and was funded by the Swedish Crime Victim Fund and the Swedish Council for Working Life and Social Research (FAS). In addition to the authors, the research team consisted of

Gunilla Dahlkild-Öhman at Uppsala University and Jeanette Sundhall at Göteborg University.

The project explored how children exposed to domestic violence experience encounters with social workers who carry out investigations into the child's situation in legal disputes concerning custody, contact or residence and how institutional and organizational conditions impact upon children's participation in social services' family law investigations. Of special interest was how professionals pay attention to children's victimization, fear and need of protection. The research questions were how (a) children whose father has been violent to their mother retrospectively describe and interpret encounters with social services' investigators and their own participation in family law proceedings; (b) investigators describe, interpreted and present children exposed to domestic violence in written reports to the court; and (c) investigators describe and interpret their encounters with children and their own methods in child interviews. The empirical material consists of individual interviews with 17 children aged 8 to 17 (7 girls and 10 boys), and of group interviews with investigators from 4 workplaces, 17 women and 3 men. Furthermore, 33 written reports (regarding 48 children) in cases with violence from the father to the mother have been gathered from three of the workplaces.

In this project we also reviewed court orders in family law disputes in three district courts from the years 2003 to 2006. In total we identified just over 100 court orders where there are some indications of a history of violence from the child's father against the mother. In the project we mainly used the court orders to identify possible informants.

Notes

1 Domestic Violence and Family Law Disputes on the School Agenda

1. Another measure (introduced in 1998) intended to aid agreements is the possibility for parents to make formal contracts regarding custody, contact or residence at the Social Services office. When approved by the local government's Board for social services the contracts have the same legal status as a court order (FB Chapter 6 § 6).
2. Until recently the law stated that this is the case if the child has reached the age of 12 years or the equivalent maturity. The age limit was removed in 2006.
3. 'Growing into a modern world' was the title of a world congress on children in Trondheim in Norway in 1987.
4. See the elaboration on this in Näsman (2004). This is also questioned by, for example, Smith et al. (2003, p. 213).
5. There is not space in this book to account for the differences in law and policy in the different parts of the United Kingdom. Therefore we limit the comparison to England and Wales. Some of the research we draw upon refers to the United Kingdom, some to Great Britain and some to England specifically, which is specified in the text.

3 Domestic Violence and Family Law

1. In the Nordic courts the role of the preparatory works is quite central in the interpretation of the laws. The preparatory works are often rich in statements about the aims of the acts and often also about how the acts should be interpreted (Nousiainen, 2001).
2. To be noted is also that The UNCRC since May 2012 is part of domestic Welsh legislation and from May 2014 the duty to have due regard to the convention will apply to all Welsh ministers functions (Ministry of Justice, 2011, p. 48).

4 Social Issues at Pre-school and School

1. Similar issues are currently debated in the United Kingdom since the government is intending to implement a policy whereby the demands for qualifications for those working in day care will be raised, and the ratio of children to each day care worker will be increased. Under the plans, staff will be able to take charge of six two-year-olds rather than four. The ratio

for under-1's will increase from three to four. This has led to widespread opposition from child care organizations and experts, see <http://www.guardian.co.uk/education/earlyyearseducation> (accessed 22 March 2013).

2. See <http://www.guardian.co.uk/education/2010/mar/29/violent-students-schools-teachers>

5 School in a Complex Field of Policy and Practice

1. Our understanding of discourse is inspired by, among others, Laclau and Mouffe (1985). However, we see the need for a more differentiated conceptual toolbox within the overarching theoretical framework outlined by Laclau and Mouffe. Therefore we refer to language and a cognitive level when we are talking about *discourse*. As regards phenomena such as institutions and professionals we understand them as *discursive*: they can be regarded as materialized aspects of specific discourses and as social actors shaped by the subject positions made available by specific discourses respectively. See also Foucault (1972); Purvis and Hunt (1993, p. 485). For a more in-depth discussion about the contested concept of discourse and the diversified discourse analytical field, see e.g. van Dijk (1997a; 1997b).
2. Regarding the situation in the United Kingdom, existing research points in a similar direction (see also Chapter 4). For example, a recent large-scale study concluded that despite the fact that women's and men's career patterns are becoming more similar, women still face the greatest obstacles to career advancement. Women are trapped at the bottom of the occupational hierarchy, while for men a low level entry job to a much larger extent is a stepping-stone to more favourable positions (Bukodi and Dex, 2010).

6 The Impact of Family Law Proceedings

1. The chapter is a revised and elaborated version of the analysis presented in Eriksson et al. (2013).
2. Here we note that Øverlien et al. (2009) show that in Norway, the opportunities to go to school may vary considerably for children who live in protected housing with their mothers. The safety issue is often given first priority, and the co-operation between social services, women's refuges/protected housing and school is not always so well developed. Similar problems of granting a right to school to children under protection/in hiding have been reported in Sweden (e.g. Eriksson et al., 2006; Weinehall, 2007).

7 Children's Vulnerability and Support at School

1. The interview was part of a research project in Sweden on responses to violence from fathers in the context of separation and divorce (Eriksson, 2003, 2008).

2. It is to some extent inspired by a previous study of different ways of invalidating the history of violence in family law investigation reports (Sundhall, 2012).
3. Children may also be subjected to other forms of problematic behaviour from parents and their schooling sabotaged, as in the case of a girl's violent father who stole her bag with all her school books (Øverlien et al., 2009).

8 Pre-School and School Staff Strategies

1. The analysis presented here is an elaboration of an article by Bruno previously published in Swedish (Bruno, 2012).
2. Here 'first year' refers to seven-year-old children in the first year of the Swedish equivalent of primary school.

9 Privilege and Marginalization

1. Interpretative frames are schemes for interpretation making it possible for actors to place, perceive, identify and name phenomena in their life world and world at large (Goffman, 1959; Mumby and Clair 1997: 196ff).
2. Here ethnicity refers to the social construction of belonging to a cultural group on the basis of cultural heritage (cf. Mirza, 1997). Since bodily signs – such as facial feature and hair colour – are often central to the construction of ethnicity the concept is partly overlapping with race. One example is how in everyday talk 'Swedish' often refers to light skinned, light haired people with Swedish as their first language, born in Sweden by Swedish born parents, grandparents, and so forth. As regards the concept of race that also refers to a social construction and the point of departure for the analysis is that through racism, racialized dominance and subordination is produced. Some forms of racism focus on bodily characteristics, while others focus on cultural differences when drawing boundaries between groups of people (see Brah, 2001; de los Reyes et al., 2003). What makes such 'cultural' perspectives racism is the dominant group's assumption that the others are essentially different and inferior.

References

- Acker, J. (2006) 'Inequality regimes: Gender, class, and race in organizations', *Gender and Society*, 20(4), 441–464.
- Aitken, R. (2001) *Domestic violence and the impact on children. Results from a survey into to knowledge and experiences of educational personnel within two European countries* (London: Refuge).
- Alanen, L., (2001) 'Exploration in generational analyses', in L. Alanen and B. Mayall (eds.) *Conceptualising Child-Adult Relations* (London: Routledge).
- Alanen, L. and B. Mayall (eds.) (2001) *Conceptualising Child-Adult Relations* (London: Routledge).
- Allmänna Barnhuset [Children's Welfare Foundation, Sweden] (2007) *Våld mot barn 2006-2007 – en nationell kartläggning* [Violence Against Children 2006–2007 – A National Survey] (Stockholm: Allmänna Barnhuset).
- Almqvist, K. and A. Broberg (2004) *Barn som bevittnat våld mot mamma – en studie om kvinnor och barn som vistas i kvinnojourer i Göteborg* [Children who witness violence against their mother – a study of women and children at Women's refuges in Gothenburg] (Gothenburg: The City of Gothenburg).
- Altshuler, S.J. (2003) 'From barriers to successful collaboration: Public schools and child welfare working together', *Social Work*, 48(1), 52–63.
- Andersson, I. and S. B. Andersson (2004) 'Mikropolitiska perspektiv på nyutbildade lärares reflektioner' [Micro political perspectives on newly educated teachers' reflections], *Pedagogisk Forskning i Sverige* [Pedagogic Research in Sweden], 9(3), 161–188.
- Annerbäck, E-M., G. Wingren, C. G. Svedin and P.A. Gustafsson (2010) 'Prevalence and characteristics of child physical abuse in Sweden – findings from a population based youth survey', *Acta Paediatrica*, 99(8), 1229–1236.
- Anning, A., D. Coorell, N. Frost, J. Green and M. Robinson (2006) *Developing Multiprofessional Teamwork for Integrated Children's Services* (Maidenhead and New York: Open University Press).
- Antonovsky, A. (1987) *Unraveling the Mystery of Health. How People Manage Stress and Stay Well* (San Francisco, CA: Jossey-Bass).
- Arbetsmiljöverket [Swedish Work Environment Authority] (2011) *Hot och våld i skolan – en enkätstudie bland elever och lärare* [Threat and violence in school – a survey to pupils and teachers] (Stockholm: Arbetsmiljöverket 2011:15).
- Avis, J. (2003) 'Re-thinking trust in a performative culture: the case of education', *Journal of Education Policy*, 18(3), 315–332.
- Bacchi, C. L. (1999) *Women, Policy and Politics. The Construction of Policy Problems* (London: Sage).
- Backlund, Å. (2007) *Elevvård i grundskolan – Resurser, organisering och praktik* [School welfare work in primary and secondary school – Resources, organisation, and practice] (Stockholm: Stockholm University).

- Baker, L.L., P. G. Jaffe and L. Ashbourne (2002) *Children Exposed to Domestic Violence: A Teacher's Handbook to Increase Understanding and Improve Community Responses* (London, Ontario: Centre for Children and Families in the Justice System).
- Bansel, P., B. Davies, C. Laws and S. Linnell (2009) 'Bullies, bullying and power in the contexts of schooling', *British Journal of Sociology of Education*, 30(1), 59–9.
- Baginsky, M. (ed.) (2008) *Safeguarding Children and Schools* (London: Jessica Kingsley).
- Bagshaw, D. and T. Brown (eds.) (2010) *Family Violence and Family Law in Australia* (Attorney-General's Department, Commonwealth of Australia).
- Bancroft, L. and J. Silverman (2002) *The Batterer as Parent. Addressing the Impact of Domestic Violence on Family Violence* (New York: Sage).
- Ball, S. (2003) 'The teacher' soul and the terror of performativity', *Journal of Education Policy*, 18(2), 215–228.
- BO [Children's Ombudsman] (2005) *När tryggheten står på spel. Barnombudsmannen rapporterar 2005:02 [When safety is at stake]* (Stockholm: Barnombudsmannen).
- Bartholdsson, Å. (2008) *Den vänliga maktutövningens regim – om normalitet och makt i skolan* [The regime of benign power – on normalisation and power at school] (Stockholm: Liber).
- Beauchamp, C. and L. Thomas (2009) 'Understanding teacher identity: An overview of issues in the literature and implications for teacher education', *Cambridge Journal of Education*, 39(2), 175–189.
- Becker, F. and L. French (2004) 'Making the links: Child abuse, animal cruelty and domestic violence', *Child Abuse Review* 13(6), 399–414.
- Bekkengen, L. (2002) *Man får välja: om föräldraskap och föräldradedighet i arbetsliv och familjeliv* [One/man may choose: on parenthood and parental leave in working life and family life] (Malmö: Liber).
- Bergman, H., M. Eriksson and R. Klinth (eds.) (2011) *Föräldraskapets politik: Från 1900- till 2000-tal* [The politics of parenthood. From the 19th to the 20th century] (Stockholm: Dialogos förlag).
- Bergström, M. and I. Holm (2005) *Den svårfångade delaktigheten i skolan. Ett ungdomsperspektiv på hinder och möjligheter* [The elusive participation at school. A youth perspective on obstacles and opportunities] (Linköping: Linköping University).
- Bondestam, F. (2010). *Kunskap som befrielse? En metaanalys av svensk forskning om jämställdhet och skola 1969–2009*. Rapport III från Delegationen för jämställdhet i skolan, SOU 2010:35 [Knowledge as liberation? A metaanalysis of Swedish research on gender equality and school 1969–2009. Report III from the Committee for gender equality at school] (Stockholm: Fritzes).
- Boqvist, A.-K. and BO [Children's Ombudsman] (2002) *Olämplig vårdnadshavare? – En studie av överrättsdomar angående våld och vårdnad* [Unfit custodian? A study of courts of appeal orders regarding violence and custody] (Stockholm: Barnombudsmannen).
- Bourdieu, P. (1977) *Outline of a Theory of Practice* (Cambridge: Cambridge University Press).

- Brah, A. (2001). 'Re-framing Europe: Gendered racisms, ethnicities and nationalisms in contemporary Western Europe', in J. Fink, G. Lewis, G. and J. Clarke (eds.) *Rethinking European Welfare. Transformations of Europe and Social Policy* (London, Thousand Oaks, New Delhi: The Open University in association with Sage Publications).
- Brandon, M. and A. Lewis (2007) 'Significant harm and children's experiences of domestic violence', *Child and Family Social Work*, 1(1), 33–42.
- Bream, V. and A. Buchanan (2003) 'Distress among children whose separated or divorced parents cannot agree arrangements for them', *British Journal of Social Work*, 33(2), 227–238.
- Broady, D. (1981) *Den dolda läroplanen: KRUT-artiklar 1977–80* [The hidden curriculum. KRUT- articles 1977–80] (Stockholm: Symposion).
- Broberg, A., L. Almqvist, U. Axberg, K. Grip, K. Almqvist, U. Sharifi, Å.K. Cater, A. Forssell, M. Eriksson and C. Iversen (2011) *Stöd till barn som upplevt våld mot mamma. Resultat från en nationell utvärdering* [Support to children who have experienced violence against their mother Results from a national evaluation study] (Göteborg: Göteborg University).
- Bromseth, J. and F. Darj (eds.) (2010) *Normkritisk pedagogik – Makt, lärande och strategier för förändring* [Norm critical pedagogics – Power, learning and strategies for change] (Uppsala: Uppsala University).
- BRÅ [Swedish Council for Crime Prevention] (2009) *Grövre våld i skolan* [Severe violence at school] (Stockholm: BRÅ).
- BRÅ (2010) *Mäns våld mot kvinnor, hedersrelaterat våld och förtryck samt våld i samkönade relationer* [Men's violence against women, honour related violence, and same sex violence] (Stockholm: BRÅ).
- Bruno, L. (2011) 'Skolan, familjerätten och barnen' [School, family law, and children], *Utbildning och Demokrati* [Education and democracy], 20(2), 73–92.
- Bruno, L. (2012) 'Pedagoger i det sociala uppdragets gränstrakter: Att hantera familjerättsliga processer, hot och våld' [Teachers at the boarder of the social task: Tackling family law processes, threats and violence], *Sociologisk Forskning* [Sociological Research], 49(3), 189–210.
- Buckley, H., S. Holt and S. Whelan (2007) 'Listen to Me! Children's experiences of domestic violence', *Child Abuse Review*, 16(5), 296–310.
- Bukodi, E. and S. Dex (2010) 'Bad start: Is there a way up? Gender differences in the effect of initial occupation on career mobility in Britain', *European Sociological Review*, 26(4), 431–444.
- Butler, I., M. Robinson, G. Douglas and M. Murch (2002) 'Children's involvement in their parents' divorce: implications for practice', *Children and Society*, 16, 89–102.
- CAFCASS (2013) <http://www.cafcass.gov.uk/> (accessed 15 January 2013)
- Carlberg, M. and F. Bondestam (2010) *Svensk forskning om jämställdhet och skola. En bibliografi. Rapport IV från Delegationen för jämställdhet i skolan, SOU 2010:36* [Swedish Research on gender equality and school. A bibliography. Report IV from the Committee for gender equality at school] (Stockholm: Fritzes).

- Carlsson, N. (2009) *Avslöjandets tid. Kvinnors bearbetning av sexuella övergrepp* [The time of telling. Women working through child sexual abuse] (Gothenburg: University of Gothenburg).
- Cater, Å. K. (2004) *Negotiating Normality and Deviation – Father's Violence against Mother from Children's Perspectives* (Örebro: Örebro University).
- Cawson, P. (2002) *Child Maltreatment in the Family. The Experience of a National Sample of Young People* (London: NSPCC).
- Christensen, E. (2007) 'Barn i familjer där mamma misshandlas' [Children in families where the mother is abused], in M. Eriksson (ed.) *Barn som upplever våld. Nordisk forskning och praktik* [Children who experience violence. Nordic research and practice] (Stockholm: Gothia förlag).
- Christie, N. (1986) 'The ideal victim', in E.A. Fattah (ed.) *From Crime Policy to Victim Policy. Reorienting the Justice System* (New York: St. Martin's Press).
- Claeson, Å. (1990) *Flickor och den organiserade fritiden* [Girls and the organised leisure time] (Stockholm: Stockholm Fritid).
- Cleaver, H., D. Nicholson, S. Tarr and D. Cleaver (2006) *The Response of Child Protection Practices and Procedures to Children Exposed to Violence or Parental Substance Abuse* (London: Department for Education and Skills / Royal Holloway, University of London).
- Cohen, J. A., A.P. Mannarino, L.K. Murray and R. Igelman (2006). 'Psychosocial Interventions for Maltreated and Violence-Exposed Children', *Journal of Social Issues*, 62(4), 737–766.
- Cole, S. F., J. Greenwald O'Brien, M. Geron Gadd, J. Ristuccia, D. Luray Wallace, M. Gregory (2009) *Helping Traumatized Children Learn. Supportive School Environments for Children Traumatized by Family Violence* (Boston: Massachusetts Advocates for Children).
- Connell, R.W. (1987) *Gender and Power. Society, the Person and Sexual Politics* (Cambridge: Polity Press).
- Connell, R. W. (1995) *Masculinities* (Cambridge: Polity Press).
- Connell, R. (2007) *Southern Theory: the Global Dynamics of Knowledge in Social Science* (Cambridge: Polity Press).
- Cowie, L. and D. Jennifer (2007) *Managing Violence in Schools: A Whole School Approach to Best Practice* (London: Sage).
- Coy, M., L. Kelly and J. Foord (2007) *Map of Gaps: The Postcode Lottery of Violence Against Women Support Services* (London: CWASU).
- Crenshaw, K (1991) 'Mapping the margins: Intersectionality, identity politics, and violence against women of color', *Stanford Law Review*, 43(6), 1241–1299.
- Crompton, R. (1998) *Class and Stratification. An Introduction to Current Debates* (Cambridge: Polity Press).
- Crow, G. (1989) 'The use of "strategy" in recent sociological literature', *Sociology*, 23(1), 1–24.
- Crozier, M. and E. Friedberg (1980) *Actors and Systems. The Politics of Collective Action* (Chicago: University of Chicago).
- Dahlkild-Öhman, G. (2011) *Att börja tala med barn om pappas våld mot mamma. Radikalt lärande i arbetet med vårdnad, boende och umgänge* [To start

- talking to children about father's violence against mother. Radical learning in work with custody, living arrangements, and contact] (Uppsala: Uppsala University).
- Dahlstrand, L. (2004) *Barns deltagande i familjerättsliga processer* [Children's Participation in Family Law Proceedings] (Uppsala: Uppsala University).
- Danermark, B., P. Germundsson, U. Englund and K. Lööf (2009) *Samverkan kring barn som far illa eller riskerar att fara illa. En formativ utvärdering av samverkan mellan skola, socialtjänst, polis samt barn- och ungdomspsykiatri* [Inter-agency cooperation regarding children at risk. A formative evaluation of cooperation between school, social services, police, and child- and youth psychiatry] (Örebro: Örebro University).
- de los Reyes, P. and D. Mulinari (2005) *Intersektionalitet. Kritiska reflektioner över o(jäm)likhetens landskap* [Intersectionality. Critical Reflections on the Geography of (In)equality] (Malmö: Liber).
- Department for Children, Schools and Families (2010a) *The Teachers' Guarantee* (London: Department for Children, Schools and Families).
- Department for Children, Schools and Families (2010b) *Working Together to Safeguard Children. A Guide to Inter-agency Working to Safeguard and Promote the Welfare of Children* (London: Department for Children, Schools and Families).
- Department for Education (2012a) *Cooperative Parenting following Family Separation: Proposed Legislation on the Involvement of Parents in a Child's Life. Summary of Consultation Responses and the Government's Response* (London: Department of Education).
- Department for Education (2012b) *Statutory Framework for the Early Years Foundation Stage* (London: Department of Education).
- Department for Education (2013) *Working Together to Safeguard Children. A Guide to Inter-Agency Working to Safeguard and Promote the Welfare of Children* (London: Department for Education).
- Department for Education and Employment (1997) *Personal Safety and Violence in Schools* (London: Department for Education and Employment).
- Department for Education and Skills (2004) *Every Child Matters: Change for Children in Schools* (London: Department for Education and Skills).
- Department for Education and Skills (2006) *Working Together to Safeguard Children. A Guide to Inter-agency Working to Safeguard and Promote the Welfare of Children* (London: The Stationary Office).
- Department for Education and Skills (2007) *Safeguarding Children and Safer Recruitment in Education* (London: Department for Education and Skills)
- Dingwall, R. (1989) 'Some problems about predicting child abuse and neglect', in O. Stevenson (ed.) *Child abuse: Professional Practice and Public Policy* (Hemel Hempstead: Harvester Wheatsheaf).
- Dir. [Parliamentary Committee instructions] 2002:89. Vårdnad, boende, umgänge [Custody, Residence, Contact] (Stockholm: Fritzes).
- Dobash, R. E. (1976–77) *The Relationship between Violence Directed at Women and Violence Directed at Children within the Family Setting* (London: HMSO, Appendix 38, Parliament Select Committee on Violence in the Family).

- Dobash, R.P. and R.E. Dobash (1992) *Women, Violence and Social Change* (London and New York: Routledge).
- Dobash, R.P. and R.E. Dobash (2004) 'Women's violence to men in intimate relationships. Working on a puzzle', *British Journal of Criminology*, 44(3), 324–349.
- Dufva, V. (2001) *What's Troubling the Child? Domestic Violence as Seen by Workers in Schools* (Helsinki: The Federation of Mother and Child Homes and Shelters).
- Edleson, J. (1999) 'The overlap between child maltreatment and woman battering', *Violence Against Women*, 5, 135–154.
- Eduards, M. (1997) 'The Women's Shelter Movement', in G. Gustafsson, G. M. Eduards and M. Rönnblom (eds.) *Towards a New Democratic Order? Women's Organizing in the 1990s* (Stockholm: Publica).
- Eduards, M. (2002) *Förbjuden Handling. Om Kvinnors Organisering och Feministisk Teori* [Forbidden Acts: Womens's Organizing and Feminist Theory] (Malmö: Liber).
- Edwards, R. and J. Ribbens (1991) 'Meanderings around "strategy": a research note on strategic discourse in the lives of women', *Sociology*, 25, 477–488.
- Ejernæs, M. (2006) *Faglighed og tværfaglighed: vilkårene for samarbejde mellem pædagoger, sundhedsplejersker, lærere og socialrådgivere* [Professionalism and inter-professionalism: Conditions for cooperation between teachers, nurses, and social workers] (Copenhagen: Akademisk forlag).
- Ekbrand, H. (2009) *Separationer och mäns våld mot kvinnor* [Separations and Men's Violence against Women] (Gothenburg: Gothenburg University).
- Ekerwald, H. and C-A. Säfström (2012) *Levd demokrati? Skola och mobbning i ungdomars liv* [Lived Democracy? School and Bullying in the Lives of Young People] (Malmö: Liber).
- Enander, V. (2008) *Women Leaving Violent Men. Crossroads of Emotions, Cognition and Action* (Gothenburg: Gothenburg University).
- Enander, V. (2011) 'Violent women? The challenge of women's violence in intimate heterosexual relationships to feminist analyses of partner violence', *NORA – Nordic Journal of Feminist and Gender Research*, 19(2), 105–123.
- Eriksson, M. (2003) *I skuggan av Pappa. Familjerätten och hanteringen av fäders våld* [In the Shadow of Daddy. Family Law and the Handling of Fathers' Violence] (Stehag: Förlags AB Gondolin).
- Eriksson, M. (2005a) 'A visible or invisible child? Professionals' approaches to children whose father is violent to their mother', in M. Eriksson, M. Hester, S. Keskinen and K. Pringle (eds.) *Tackling Men's Violence in Families: Nordic Issues and Dilemmas* (Bristol: The Policy Press).
- Eriksson, M. (2005b) 'Den onda och den normala fadersmakten? Fäders våld i svensk offentlig politik' [The bad and the normal father power? Fathers' violence in Swedish politics], *Tidsskrift for kjønnsforskning* [Journal of Gender Research/Norway] No. 2, 56–72.
- Eriksson, M. (2006) 'Avvikande eller osynlig. Rasifierande praktiker i familjerättssekreterares hantering av fäders våld' [Deviant or invisible.

- Racializing practices in family law social workers handling of fathers' violence], in P. de los Reyes (ed.) *Om välfärdens gränser och det villkorade medborgarskapet. Rapport av Utredningen om makt, integration och strukturell diskriminering* [On the limits for welfare. Report to the public inquiry on power, integration and structural discrimination], SOU 2006:37 (Stockholm: Fritzes).
- Eriksson, M. (2007) Fäders våld mot kvinnor och barns situation: interventioner på olika planeter? [Fathers' violence against women and children's situation: Interventions on different planets?], in M. Eriksson (ed.) *Barn som upplever våld. Nordisk forskning och praktik* [Children who experience violence. Nordic research and practice] (Stockholm: Gothia Förlag).
- Eriksson, M. (2008) 'Revolutionary mothers? Interacting power relations, agency and social change', *NORA: Nordic Journal of Feminist and Gender Research*, 16(2), 96–113.
- Eriksson, M. (2009) 'Girls and boys as victims: social workers' approaches to children exposed to violence', *Child Abuse Review*, 18 (6), 428–445.
- Eriksson, M. (2010) 'Justice or welfare? Nordic women's shelters and children's rights organizations on children exposed to violence', *Journal of Scandinavian Studies in Criminology and Crime Prevention*, 11(1), 66–85.
- Eriksson, M. (2011) 'Contact, shared parenting and violence: children as witnesses of domestic violence in Sweden', *International Journal of Law, Policy and the Family*, 25(2), 165–183.
- Eriksson, M. (2012) 'Participation for children exposed to domestic violence? Social workers' approaches and children's strategies', *European Journal of Social Work*, 15 (2), 205–221.
- Eriksson, M. with H. Biller and D. Balkmar (2006) *Mäns våld mot kvinnor och barns upplevelser: interventioner, kunskaper och utvecklingsbehov* [Men's violence against women and children's experiences: interventions, knowledge, and issues for future development] (Stockholm: Fritzes).
- Eriksson, M., L. Bruno, E. Näsman (2013) 'Family law proceedings, domestic violence and the impact upon school: a neglected area of research', *Children and Society*, 27 (3), 81–91.
- Eriksson, M. and G. Dahlkild-Öhman (2008) 'Motstridiga förståelser av risk och riskbedömningar i familjerättssammanhang' [Contradictory notions of risk and risk assessments in the context of family law], in M. Eriksson, Å. K. Cater, G. Dahlkild-Öhman, E. Näsman (eds.) *Barns röster om våld – att tolka och förstå* [Children's Voices about Violence – Interpreting and Understanding] (Malmö: Gleerups).
- Eriksson, M. and M. Hester (2001) 'Violent men as good-enough Fathers? A look at England and Sweden', *Violence Against Women*, 7(7), 779–799.
- Eriksson, M. and E. Näsman (2008) 'Participation in family law proceedings for children whose father is violent to their mother', *Childhood*, 15(2), 259–275.
- Eriksson, M. and E. Näsman (2012) 'Interviews with children exposed to violence', *Children and Society*, 26(1), 63–73.
- Eriksson, M. and K. Pringle (2005) 'Introduction: Nordic issues and dilemmas', in M. Eriksson, M. Hester, S. Keskinen and K. Pringle (eds.) *Tackling Men's Violence in Families: Nordic Issues and Dilemmas* (Bristol: The Policy Press).

- Eriksson, M., with M. Oranen, A. Solberg, S. K. B. Vatnar (2007) 'Introduktion: Nordiska perspektiv på barn som upplever våld i sin familj' [Introduction: Nordic perspectives on children who experience violence in their family], in Eriksson, M. (ed.) *Barn som upplever våld: Nordisk forskning och praktik* [Children Who Experience Violence: Nordic Research and Practice] (Stockholm: Gothia Förlag).
- Eskonen, I. (2005) 'Violence in children's narration', *The International Journal of Child and Family Welfare*, 8(1), 32–45.
- Estrada, F., A. Nilsson and S. Wikman (2007) Det ökade våldet i arbetslivet: en analys utifrån de svenska offerundersökningarna [The increased violence in working life: an analysis based on the Swedish victim surveys] (Stockholm: Stockholm University).
- Evans, L. (2008) 'Professionalism, professionalism and the development of education professionals', *British Journal of Education*, 56 (1), 20–38.
- Evans, L. (2011) "The "shape" of teacher professionalism in England: Professional standards, performance management, professional development and the changes proposed in the 2010 White Paper', *British Journal of Education*, 37(5), 851–870.
- Every child matters (2003) Green Paper. Presented to Parliament by the Chief Secretary to the Treasury by Command of Her Majesty September 2003 (London: The Stationary Office).
- Farrell, P., K. Woods, S. Lewis, S. Rooney, G. Squires and M. O'Connor (2006) *A Review of the Functions and Contribution of Educational Psychologists in England and Wales in light of 'Every Child Matters: Change for Children'* (Manchester: University of Manchester).
- Feltis, B.B., M.B. Powell, P.C. Snow, P.C. and C.H. Hughes-Scholes (2010) 'An examination of the association between interviewer question type and story-grammar detail in child witness interviews about abuse', *Child Abuse and Neglect*, 34, 407–413.
- Fernqvist, S. and E. Näsman (2008) 'Ekonomiskt våld och barns utsatthet' [Economic violence and children's vulnerability], in M. Eriksson, Å. K. Cater, G. Dahlkild-Öhman and E. Näsman (eds.) *Barns röster om våld. Att tolka och förstå* [Children's Voices about Violence – Interpreting and Understanding] (Malmö: Gleerups).
- Ferrer-Wreder, L., H. Stattin, C. C. Lorente, J. G. Tubman, and L. Adamson (2004) *Successful Prevention and Youth Development Programs* (New York: Kluwer Academic/Plenum Publishers).
- Flcury, R. E., C. M. Sullivan and D. I. Bybee (2000) 'Domestic abuse by ex-partners: When ending the relationship does not end the violence. Women's experiences of violence by former partners', *Violence Against Women*, 6 (12), 63–81.
- Forsberg, H. (2005) "'Talking feels like you wouldn't love Dad anymore" – Children's emotions, close relations and domestic violence', in M. Eriksson, M. Hester, S. Keskinen and K. Pringle (eds.) *Tackling Men's Violence in Families. Nordic Issues and Dilemmas* (Bristol: The Policy Press).
- Foucault, M. (1972) *The Archaeology of Knowledge* (London: Tavistock Publications Ltd. [London and New York: Routledge Classics [2002]]).

- Foucault, M. (1977) *Discipline and Punish: The Birth of the Prison* (New York: Pantheon Books).
- FRS (2013) <http://www.sfsr.se/> (accessed 22 March 2013).
- Gannerud, E. and K. Rönnerman (2006) Innehåll och innebörd i lärares arbete i förskola och skola. En fallstudie ur ett genusperspektiv [Contents and meaning of teacher work in pre-school and school. A case study from a gender perspective] (Gothenburg: Gothenburg University).
- Germundsson, P. (2011) *Lärare, socialsekreterare och barn som far illa. Om sociala representationer och interprofessionell samverkan* [Teachers, social workers and children at risk. On social representations and inter-professional cooperation] (Örebro: Örebro University).
- Gieryn, T. F. (1983) 'Boundary-work and the demarcation of science from non-science: strains and interests in professional ideologies of scientists', *American Sociological Review*, 48(6), 781–795.
- Gieryn, T. F. (1999) *Cultural Boundaries of Science: Credibility on the Line* (Chicago: The University Chicago Press).
- Gill, M. and Hearnshaw, S. (1997) *Personal Safety and Violence in Schools* (London: Department for Education and Employment).
- Goffman, E. (1959) *The Presentation of Self in Everyday Life* (New York: Doubleday).
- Graham-Bermann, S. A. and H. M. Hughes (2003) 'Intervention for children exposed to interparental violence (IPV): assessment of needs and research priorities', *Clinical Child and Family Review*, 6(3), 189–203.
- Grape, O. (2006) Domänkonsensus eller domänkonflikt? – integrerad samverkan mellan myndigheter [Domain consensus or domain conflict? – Integrated cooperation between authorities], on O. Grape, B. Blom and R. Johansson (eds.): *Organisation och omvärld – nyinstitutionell analys av människobehandlande organisationer* [Organisation and Context – New Institutionalism Analysis of Human Services Organisations]. Lund: Studentlitteratur.
- Greiff, M. (2006) 'eller profession? Yrkeskulturer och skapande av manligt och kvinnligt mellan klient och arbetsköpare' [Vocation or profession? Occupational cultures and the creation of masculinity and femininity in relationships between client and buyers of work], in H. Petersson, V. Leppänen, S. Jönsson and J. Tranquist (eds.) *Villkor i arbete med människor – en antologi om human servicearbete* [Conditions in Work with Human Beings – An Anthology on Human Service Work] (Malmö: Arbetslivsinstitutet).
- Grip, K. (2012) *The Damage Done. Children Exposed to Domestic Violence and their Mothers – Towards Empirically Based Interventions In Order to Reduce Negative Health Effects in Children* (Gothenburg: University of Gothenburg).
- GU [University of Gothenburg] (2013) <http://www.ipkl.gu.se/forskning/forskningsprojekt/gruppstorlek/> (accessed 22 March 2013).
- Hagemann-White, C. (1998) 'Violence without end? Some reflections on achievements contradictions, and perspectives of the feminist movement in Germany', in R. Klein (ed.). *Multidisciplinary Perspectives on Family Violence* (London and New York: Routledge).

- Halldén, G. (2010) 'Stockholm: Förskolan som en plats för barn och barnens sätt att göra denna plats till sin' [Stockholm: Pre-school as a place for children and children's ways to make this place theirs], in K. Rydsjö, F. Hultgren and L. Limberg (eds.) *Barnet, platsen, tiden. Teorier och forskning i barnbibliotekets omvärld* [The Child, the Place, the Time. Theories and Research in the Context of Children's Libraries] (Stockholm: Regional Library of Stockholm).
- Hargreaves, A. (1995) *Changing Teachers, Changing Times: Teachers' Work and Culture in the Postmodern Age* (London: Cassell).
- Hartmann, H. (1979) 'The unhappy marriage between Marxism and feminism: Towards a more progressive union', *Capital and Class* 3(2), 1–33.
- Hearn, J. (1998) *The Violences of Men. How Men Talk About and How Agencies Respond to Men's Violence to Women* (London, Thousand Oaks, New Delhi: Sage).
- Hester, M. (2004) 'Future trends and developments – violence against women in Europe and East Asia', *Violence Against Women*, 10(12), 1431–1448.
- Hester, M. (2011) 'The three planet model: towards an understanding of contradictions in approaches to women and children's safety in contexts of domestic violence', *British Journal of Social Work*, 41(5), 837–853.
- Hester, M., and C. Donovan (2009) 'Researching domestic violence in same sex relationships: A feminist epistemological approach to survey development', *Journal of Lesbian Studies*, 13(2), 161–173.
- Hester, M., C. Donovan and E. Fahmy, E. (2010) 'Feminist epistemology and the politics of method: surveying same sex domestic violence', *International Journal of Social Research Methodology*, 13, 251–263.
- Hester, M., C. Pearson and N. Harwin with H. Abrahams (2006) *Making an Impact. Children and Domestic Violence – a Reader*, 2nd edition (London: Jessica Kingsley).
- Hester, M. and L. Radford (1996) *Child Contact Arrangements in England and Denmark* (Bristol: The Policy Press).
- Higgins, D. J. and M. P. McCabe (2000) 'Relationships between different types of maltreatment during childhood and adjustment in adulthood', *Child Maltreatment*, 5, 261–272.
- Hill Collins P. (1998) 'It's all in the family: Intersections of gender, race, and the nation', *Hypatia*, 13(3), 62–82.
- HMICA [HM Inspectorate of Court Administration] (2005) *Domestic Violence, Safety and Family Proceedings* (London : HM Inspectorate of Court Administration).
- Hochschild, A. R. (1983) *The Managed Heart. Commercialization of Human Feeling* (Berkeley and Los Angeles: California University Press).
- Holmberg, C. (2004) *Med husbondens röst: om våld mot djur i misshandelsrelationer* [In His Master's Voice: On Violence Against Animals in Abusive Relationships] (Gothenburg: Kabusa böcker).
- Holmberg, C., U. Stjernqvist and E. Sörensen (2005) *Våldsamt lika och olika: om våld i samkönade parrelationer* [Violently Similar and Different: on Violence in Same-Sex Relationships] (Stockholm: Stockholm University).

- Horwath, J. (2007) 'The missing assessment domain: personal, professional and organizational factors influencing professional judgements when identifying and referring child neglect', *British Journal of Social Work*, 37(8), 1285–1303.
- Hornor, G. (2005) 'Domestic violence and children', *Journal of Pediatric Health Care*, 19(4), 206–212.
- Hultqvist, E. (2011) 'Skolans vacklande legitimitet' [The faltering legitimacy of school], *Skola och samhälle* [Web magazine School and Society], 8 April 2011, <http://www.skolaochsamhalle.se> (accessed 22 February 2013).
- Humphreys, C. and R. Carter with M. Eriksson, B. Haller, J. Hanmer, M. Hester, L. Kirwil, J. Lovett, K. Lunnerman, H. Rabe, R. Logar, C. Seith and R. K. Thiara (2006) *The justice system as an arena for the protection of human rights for women and children experiencing violence and abuse*, Co-ordination Action on Human Rights Violations (CAHRV), <http://www.cahrv.uni-osnabrueck.de> (accessed 1 November 2007).
- Humphreys, C. and Harrison, C. (2003) 'Focusing on safety – domestic violence and the role of child contact centres', *Child and Family Law Quarterly* 15, 237.
- Humphreys C. and N. Stanley (eds.) (2006) *Domestic Violence and Child Protection – Directions for Good Practice* (London: Jessica Kingsley).
- Huxtable M, and E. Bluth (eds.) (2002) *School Social Work Worldwide* (Washington, D.C.: NASW Press).
- Hydén, M. (1995) *Kvinnomisshandel inom äktenskapet: mellan det omöjliga och det möjliga* [Woman Abuse within Marriage. between the Impossible and the Possible]. (Stockholm: Liber utbildning).
- Irisdotter Aldenamy, S. and S. Hartman (2009) 'Yrkesetik för lärare och behovet av professionsförankring' [Occupational ethics for teachers and the need for professional grounding], *Pedagogisk forskning i Sverige* [Pedagogic Research in Sweden], 14(3), 212–229.
- Jackson S. (1998) 'Educational success for looked-after children: the social worker's responsibility', *Practice*, 10, 47–56.
- Jacobsson, K. (1997) *Så gott som demokrati. Om demokratifrågan i EU-debatten* [As Good as Democracy. On Democracy in the EU Debate] (Umeå: Boréa Bokförlag).
- Jaffe, P. G., D. A. Wolfe and S. K. Wilson (1990) *Children of Battered women* (Newbury Park, London and New Delhi: Sage).
- Jaffe, P. G., N. K. D. Lemon, and S. E. Poisson (2003) *Child Custody and Domestic Violence. A Call for Safety and Accountability* (Thousand Oaks, London, and New Delhi: Sage).
- James, A. (2008) 'Children, the UNCRC, and family law in England and Wales', *Family Court Review* 46(1), 53–64.
- James, A., C. Jenks and A. Prout (1998) *Theorizing Childhood* (Cambridge: Polity Press).
- James, J. and A. James (1999) 'Pump up the volume: listening to children in separation and divorce', *Childhood*, 6(2): 189–206.

- Johansson, S. and I. Molina (2006) 'Kön och ras i rumsliga identitetskonstruktioner' [Gender and race in spatial identity constructions], in P. de los Reyes, I. Molina and D. Mulinari (eds.) *Maktens (o)lika förklådningar. Kön, klass och etnicitet i det postkoloniala Sverige* [The (Dis)Similar Faces of Power: Gender, Class and Ethnicity In Post-Colonial Sweden] (Stockholm: Atlas Akademi), pp. 261–283.
- Kaldal, A., A. Diesen, J. Beije and E. Diesen (2010) *Barnahusutredningen* [The Inquiry of Children's Houses] (Stockholm: Stockholm University).
- Kelly, D. and C. Gray (2000) *Educational Psychology Services (England): Current Role, Good Practice and Future Directions. The Research Report* (London: Department for Education and Employment).
- Keskinen, S. (2005) 'Commitments and contradictions: linking violence, parenthood and professionalism', in M. Eriksson, M. Hester, S. Keskinen, and K. Pringle (eds.) *Tackling Men's Violence in Families. Nordic Issues and Dilemmas* (Bristol: The Policy Press).
- Kitzmann, K.M., K. Noni, A.R. Gaylord, E. Holt and D. Kenny (2003) 'Child witnesses to domestic violence: a meta-analytical review', *Journal of Consulting and Clinical Psychology*, 17(2), 339–352.
- Knights, D. and G. Morgan (1990) 'The concept of strategy in sociology: A note of dissent', *Sociology*, 24(3), 475–483.
- Kolbo, J. R. (1996) 'Risk and resilience among children exposed to family violence', *Violence and Victims*, 11(2), 113–128.
- Krekula, C., A-L. Närvänen and E. Näsman (2005) 'Ålder i intersektionell analys' [Age in intersectional analysis], *Kvinnovetenskaplig tidskrift [Journal of Women's Studies]* no. 2–3, 81–94.
- Kropp, P.R. and Hart, S. D. (2000) 'The Spousal Assault Risk Assessment (SARA) guide: reliability and validity in adult male offenders', *Law and Human Behaviour*, 24, 101–118.
- Kumashiro, K.K. (2002) *Troubling Education; Queer Activism and Anti-Oppressive Education* (New York: Routledge).
- Kuozes, J.M. and P.R. Mico (1979) 'Domain theory: An introduction to organizational behavior in human service organizations', *Journal of Behavioural Science*, 15 (4), 449–469.
- Laclau, E. and C. Mouffe (1985) *Hegemony and Socialist Strategy. Towards a Radical Democratic Politics* (London: Verso).
- Lagerberg D, and C. Sundelin (2000) *Risk och prognos i socialt arbete med barn: forskningsmetoder och resultat* [Risk and Prognosis in Social Work with Children: Research Methods and Results] Stockholm: Gothia förlag.
- Lee, N. (1999) 'The Challenge of childhood. Distribution of childhood's ambiguity in adult institutions', *Childhood*, 6(4), 455–474.
- Lessard, G., C. Lavergne, C. Chamberland, D. Damant and D. Turcotte (2006) 'Conditions for resolving controversies between social actors in domestic violence and youth protection services: Toward innovative collaborative practices', *Children and Youth Services Review*, 28, 511–534.
- Levendosky, A. A., A. C. Huth-Bocks, M. A. Semeland D. L. Shapiro. (2002) 'Trauma symptoms in pre-school-age children exposed to domestic violence', *Journal of Interpersonal Violence*, 17(1), 150–164.

- Leira, H. K. (2002) 'From tabooed trauma to affirmation and recognition I and II', in M. Eriksson, A. Nenola and M. M. Nilsen (eds.) *Gender and Violence in the Nordic Countries* (Copenhagen: Nordic Council of Ministers TemaNord 2002:545).
- Lind, L., B. Mosholt and E. Schultz (1999) *Två världar. Samarbetet mellan barnomsorg och socialtjänst* [Two Worlds: The Cooperation between Child Care And Social Services] (Stockholm: Runa förlag).
- Lipsky, M. (1980) *Street-level Bureaucracy: Dilemmas of the Individual in the Public Services* (New York: Russel Sage Foundation).
- Lorde, A. (1984) *Sister Outsider: Essays and Speeches* (Trumansburg, NY: Crossing Press).
- LU [Civil Law Committee] (1992/93:22) *Olovligt bortförande av barn samt vårdnad och umgänge m.m* [Children Unlawfully Removed and Custody, Contact etc] (Stockholm: Fritzes).
- Luhmann, N. (2006) 'Systems as difference', *Organization*, 13(1), 37–57.
- Lundström, K. (2009) 'Växelvis boende ökar bland skilsmässobarn' [Shared living arrangements increasing among children of divorce], *Välfärd*, 4, 45–57.
- Lundgren, E. (1989) 'Våldets normaliseringsprocess. Två parter – två strategier' [The process of normalising violence. Two parties – two strategies], *Kvinnomisshandel* [Violence against women] (Stockholm: Delegationen för jämställdhet i Sverige. Jämfo-rapport nr. 14).
- Lundgren, E. (1995) *Feminist Theory and Violent Empiricism* (Aldershot: Avebury).
- Lundgren, E., G. Heimer, J. Westerstrand and A.-M. Kalliokoski (2002) *Captured Queen: Men's Violence Against Women in Equal. Sweden: A Prevalence Study* (Umeå: Crime Victim Compensation and Support Authority).
- Lykke, N. (2003) 'Intersektionalitet – ett användbart begrepp för genusforskningen' [Intersectionality – a useful concept in gender research]. *Kvinnovetenskaplig tidskrift* [Journal of Women's Studies], no.1, 47–56.
- Lärarnas Riksförbund [National teachers association] (2010) *Låt inte lärarna betala reformerna! Rapport från Lärarnas Riksförbund* [Don't let the teachers pay for the reforms! Report from the National teachers association] (Stockholm: Lärarnas Riksförbund).
- Lärarnas Riksförbund [National Teachers Association] (2008) *Ingen ska behöva vara rädd i skolan! Lärarnas Riksförbunds arbetsplatsundersökning 2008: Hot och våld i skolan* [Nobody should have to be afraid at school! National teachers association's work place survey 2008: Threats and violence in school] (Stockholm: Lärarnas Riksförbund).
- Mantle, G., T. Moules and K. Johnson with J. Leslie, S. Parsons and R. Shaffer (2007) 'Whose wishes and feelings? Children's autonomy and parental influence in family court enquiries', *British Journal of Social Work*, 37, 785–805.
- Mantle, G. and I. Williams with Leslie, J. Parsons, S. and Schaffer, R. (2008) 'Beyond assessment: social work intervention in family court enquiries', *British Journal of Social Work*, 38, 431–443.
- Mastenbroek, S. and Römkens, R. (1996) 'Budding happiness. Relationship dynamics of girls and young women abused by their boyfriend', *Comenius*, 16(4), 417–432.

- McClosky, L.A. and M. Walker (2000) 'Posttraumatic stress in children exposed to family violence and single-event trauma', *Journal of the American Academy for Child Adolescent Psychiatry*, 38(1), 108–115.
- McDonald, G. (2010) *Domestic Violence, Children's Voices and Child Contact: Exploring CAFCASS Section 7 Reports* (Bristol: University of Bristol).
- McDowell Clark, R. and S. Baylis (2012) 'Wasted down there: policy and practice with under-threes', *Early Years: An International Research Journal*, 32(2), 229–242.
- McGee, C. (2000) *Childhood Experiences of Domestic Violence* (London: Jessica Kingsley).
- Melinder, A. and Korkman, J. (2010) 'Children's memory and testimony', in P.A. Granhag (ed.) *From Forensic Psychology in Context. Nordic and International Approaches* (Portland, OR: Willan Publishing).
- Mellberg, N. (2004) *Mäns våld mot kvinnor: Synliga mödrar och osynliga barn* [Men's Violence against Women: Visible Mothers and Invisible Children] (Uppsala: Uppsala University).
- Meltzer, H., L. Doos, P. Vostanis, T. Ford and R. Goodman (2009) 'The mental health of children who witness domestic violence', *Child and Family Social Work*, 14(4), 491–501.
- Messerschmidt, J. W. (1998) 'Men victimizing men: The case of lynching, 1865–1900', in L. H. Bowker (ed.) *Masculinities and Violence* (Thousand Oaks, CA, London and New Delhi: Sage).
- Metell, B. (ed.) (2001) *Barn som ser pappa slå* [Children Who See Daddy Hit] (Stockholm: Gothia förlag).
- Miles, R. (1993) *Racism after 'Race Relations'* (London: Routledge).
- Ministry of Justice (2012) *Family Justice Review: Government Response* (London: Ministry of Justice).
- Ministry of Justice (2013) *Co-operative parenting following family separation: Proposals on enforcing court-ordered child arrangements* (London: Ministry of Justice).
- Ministry of Justice, Department for Education, and the Welsh Government (2011) *Family justice review. Final report* (London: Ministry of Justice).
- Mirza, H. S. (ed.) (1997) *Black British Feminism. A Reader* (London: Routledge).
- Mullender, A., G. Hague, U. Imam, L. Kelly, E. Malos and L. Regan (2002) *Children's Perspectives on Domestic Violence* (London and Thousand Oaks: Sage).
- Mumby, D. K. and Clair, R. P. (1997) 'Organizational discourse', in T. A. van Dijk (ed.) *Discourse as Social Interaction. Discourse Studies: A Multidisciplinary Introduction*. Vol. 2 (London: Sage).
- NACCC (2013) <http://www.naccc.org.uk/> (accessed 22 March 2013).
- Neale, B (2002) 'Dialogues with children. Children, divorce and citizenship', *Childhood*, 9(4), 445–475.
- Nilsson, A. and S. Wikman (2007) 'Det ökade våldet i arbetslivet. En analys utifrån de svenska offerundersökningarna' [Increasing violence in working life. An analysis based on the Swedish victim surveys], *Nordisk Tidskrift för Kriminalvetenskap* [Nordic Journal for Criminology], 94, 56–73.
- Nijnatten, C. and Jongen, E. (2011) 'Professional conversations with children in divorce-related child welfare inquiries', *Childhood*, 18(4), 540–555.

- Nordborg, G. (2005) 'Children's Peace? The possibility to protect children by means of criminal law and family law', in M. Eriksson, M. Hester, S. Keiskinen and K. Pringle (eds.) *Tackling Men's Violence in Families: Nordic Issues and Dilemmas* (Bristol: The Policy Press).
- Nousiainen, K. (2001) 'Introductory remarks in Nordic law and gender identities', in K. Nousiainen, Å. Gunnarsson, K. Lundström and J. Niemi-Kiesiläinen (eds.) *Responsible Selves. Women in the Nordic Legal Culture* (Aldershot, UK: Ashgate).
- NSPCC (undated) *NSPCC Domestic Violence Campaign Briefing 4. The Role of Schools in Addressing Domestic Violence* (London: NSPCC)
- Närvänen, A-L. and E. Näsman (2007) 'Age order and children's agency', in H. Wintersberger, L. Alanen, T. Olk, and J. Qvortrup, (eds.), *Childhood, Generational Order and the Welfare State: Exploring Children's Social and Economic Welfare* (Odense: University Press of Southern Denmark).
- Näsman, E. (2004) 'Barn, barndom och barns rätt' [Children, childhood, and children's rights], in L. Olsen (ed) *Barns makt* [Children's Power] (Uppsala: Iustus förlag).
- Näsman, E. and C. von Gerber (1996) *Mamma, pappa utan jobb* [Mum, Dad without a Job] (Stockholm: Save the Children).
- Näsman, E., C. P. von Gerber and S. Fernqvist (2012) *Barnfattigdom. Om bemötande och metoder ur ett barnperspektiv* [Child Poverty. On Approaches and Methods from a Child Perspective] (Stockholm: Gothia).
- Ofsted (2008) The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2007/08. <http://www.ofsted.gov.uk/> (accessed 26 February 2013)
- Ofsted (2013) <http://www.ofsted.gov.uk/> (accessed 26 February 2013).
- ONS (2012) Statistical Bulletin Divorces in England and Wales 2011 (London: Office for National Statistics).
- ONS (2013) Office for National Statistics, Table KS102EW 2011 Census: Age structure, local authorities in England and Wales, <http://www.ons.gov.uk/> (accessed 22 March 2013)
- Openshaw, L. (2008) *Social Work in Schools. Principles and Practice* (New York: Guilford).
- Osgood, J. (2004) 'Time to get down to business?: The responses of early years practitioners to entrepreneurial approaches to professionalism', *Journal of Early Childhood Research*, 2(1), 5–24.
- Osgood, J. (2005) Who cares? The classed nature of childcare, *Gender and Education*, 17(3), 289–303.
- Osgood, J. (2006) 'Professionalism and performativity: the feminist challenge to facing early years practitioners', *Early Years: An International Research Journal*, 26(2), 187–199.
- Osgood, J. (2010) 'Reconstructing professionalism in ECEC: the case for the "critically reflective emotional professional"', *Early Years: An International Research Journal*, 30(2), 119–133.
- Parding, K. (2007) *Upper Secondary Teachers' Creation of Discretionary Power – The Tension between Profession and Organisation* (Luleå: Luleå University).

- Pease, B. (2010) *Undoing Privilege: Unearned Advantage in a Divided World* (London and New York: Zed Books Ltd).
- Persson, A. (2006) 'Nöjda som lärare, missnöjda som anställda – skolexistens mellan mening och missnöje' [Satisfied as teachers, dissatisfied as employees – school existence between meaning and dissatisfaction], in V. Petersson, S. Leppänen, S. Jönsson and J. Tranquist (eds.) *Villkor i arbete med människor – en antologi om human servicearbete* [Conditions in Work with Human Beings – an Anthology on Human Service Work] (Malmö: Arbetslivsinstitutet), pp. 19–36.
- Persson, L. (2010) *Pedagogerna och demokratin. En rättssociologisk studie av pedagogers arbete med demokratiutveckling i förskola och skola* [The Teachers and the Democracy. A Sociology of Law Study of Teachers' Work with Development of Democracy in Pre-school and School] (Lund: Lund University, Lund Studies in Sociology of Law: 33).
- Powell, S. and K. Gooch (2012) 'Whose hand rocks the cradle? Parallel discourses in the baby room', *Early Years: An International Research Journal*, 32(2), 113–127.
- Pringle, K. (1995) *Men, Masculinities, and Social Welfare* (London: UCL Press).
- Pringle, K. (2010a) 'Swedish welfare responses to ethnicity: The case of children and their families', *European Journal of Social Work*, 13(1), 19–34.
- Pringle, K. (2010b) 'Comparative studies of well-being in terms of gender, ethnicity, and the concept of "bodily citizenship": Turning Esping-Andersen on his head?', in E. H. Oleksy, J. Hearn, and D. Golanska (eds.) *The Limits of Gendered Citizenship: Contexts and Complexities* (New York: Routledge).
- Prop. [The Government's Proposition] (1994/95:224) *Barns rätt att komma till tals* [Children's right to voice] (Stockholm: Fritzes).
- Prop. [The Government's Proposition] (1997/98:7) *Vårdnad, boende, umgänge* [Custody, Living Arrangements, Contact] (Stockholm: Fritzes).
- Prop. [The Government's Proposition] (2002/03:53) *Stärkt skydd för barn i utsatta situationer* [Increased Protection for Children at Risk] (Stockholm: Fritzes).
- Prop. [The Government's Proposition] (2005/06:99) *Nya vårdnadsregler* [New Custody Rules] (Stockholm: Fritzes).
- Prop. [The Government's Proposition] (2005/06:166) *Barn som bevittnat våld* [Children Who Have Witnessed Violence] (Stockholm: Fritzes).
- Prop. [The Government's Proposition] (2009/10:192) *Umgängesstöd och socialtjänstens förutsättningar att tala med barn* [Contact Support and the Conditions for Social Services' Talks with Children] (Stockholm: Fritzes).
- Purvis, T. and A. Hunt (1993) 'Discourse, ideology, discourse, ideology, discourse, ideology...', *British Journal of Sociology*, 44(3), 473–499.
- Qvortrup, J. (1994) 'Childhood matters: an introduction', in J. Qvortrup, M. Bardy, G. Sgritta and H. Wintersberger (eds.) *Childhood Matters. Social Theory, Practice and Politics* (Aldershot: Avebury).
- Radford, L., N. Blacklock and K. Iwi (2006) 'Domestic abuse risk assessment and safety planning in child protection – assessing perpetrators', in C. Humphreys

- and N. Stanley (eds.) *Domestic Violence and Child Protection. Directions for Good Practice* (London: Jessica Kingsley).
- Randall, L., S. Corral, C. Bradley, H. Fisher, C. Bassett, H. Howat and S. Collishaw (2011) *Child Abuse and Neglect in the UK Today* (London: NSPCC).
- Radford, L. and M. Hester (2006) *Mothering Through Domestic Violence* (London: Jessica Kingsley).
- Ranagården, L. (2009) *Lärares lärande om elever. En sociologisk studie av yrkespraktik* [Teachers' learning about pupils. A sociological study of occupational practice] (Gothenburg: University of Gothenburg).
- Ranson, S., J. Martin and C. Vincent (2004) 'Storming parents, schools and communicative inaction', *British Journal of Sociology of Education*, 25(3), 259–274.
- Redmond, G. (2010) 'Children's agency and the welfare state: policy priorities and contradictions in Australia and the UK', *Childhood* 17(4), 470–484.
- Rejmer, A. (2003) *Vårdnadstvister. En rättsociologisk studie av tingsrätts funktion vid handläggning av vårdnadskonflikter med utgångspunkt från barnets bästa* [Custody Disputes. A Study in the Sociology of Law on District Courts' Practice on Custody Disputes with the Best Interests of the Child as the Point of Departure] (Lund: University of Lund, Lund Studies in Sociology of Law 16).
- Rich A (1980) 'Compulsory heterosexuality and lesbian existence', *Signs* 5(4), 631–660.
- Ringrose, J. (2008) "'Just be friends": exposing the limits of educational bully discourses for understanding teen girls' heterosexualized friendships and conflicts', *British Journal of Sociology of Education*, 29(5), 509–522.
- Rivett, M., E. Howarth and G. Harold (2006) "'Watching from the stairs": Towards an evidence-based practice in work with child witnesses of domestic violence', *Clinical Child Psychology and Psychiatry*, 11(1), 103–125.
- Röbäck, K. (2012) *Barns röster i vårdnadstvister – Om verkställighet och professionellas riskbedömningar* [Children's voice in custody disputes – on enforcement and professional risk assessments] (Gothenburg: University of Gothenburg).
- Röbäck, K. (2012) 'Children's best interest in contested contact cases', in K. Röbäck *Barns röster i vårdnadstvister – om verkställighet och professionellas riskbedömningar* (Göteborg: Göteborgs universitet, Institutionen för socialt arbete) diss.
- Röbäck, K. and I. Höjer (2009) 'Constructing children's views in the enforcement of contact orders', *International Journal of Children's Rights*, 17(4), 663–680.
- Rush, M. and M. Keenan (2013) 'The social politics of social work: Anti-oppressive social work dilemmas in twenty-first-century welfare regimes', *British Journal of Social Work*, Advance Access published 28 February 2013.
- Salzman, K. M., G. W. Holden and C. J. Holahan (2005) 'The psychobiology of children exposed to marital violence', *Journal of Clinical Child and Adolescent Psychology*, 34(1), 129–139.
- SCB [Statistics Sweden] (2001) *Undersökningen av levnadsförhållanden. ULF 2001:2* [Survey of living conditions] (Stockholm/Örebro: SCB).

- SCB [Statistics Sweden] (2012) *På tal om kvinnor och män – Lathund om jämställdhet* [On women and men – Short guide to gender equality] (Stockholm/Örebro: SCB).
- SCB [Statistics Sweden] (2013) http://www.scb.se/Pages/TableAndChart____151499.aspx (accessed 22 March 2013).
- Schiratzki, J. (1997). *Vårdnad och vårdnadstvister* [Custody and Custody Disputes] (Stockholm: Norstedts juridik).
- Shlonsky, A. and Friend, C. (2007) 'Double jeopardy: risk assessment in the context of child maltreatment and domestic violence', *Brief Treatment and Crisis Intervention*, 7(4), 253–274.
- Singer, A. (2000) *Föräldraskap i rättslig belysning* [Parenthood in a Legal Perspective] (Uppsala: Iustus förlag).
- Skolverket [School authority] (2004) *Förskola i brytningstid. Skolverket rapport nr 239* [Pre-school at a time of change. School authority report no 239] (Stockholm: Fritzes).
- Skolverket [School authority] (2008) *Tio år efter förskolereformen: nationell utvärdering av förskolan. Skolverket rapport nr 318* [Ten years after the pre-school reform: national evaluation of the pre-school. School authority report no 318] (Stockholm: Fritzes).
- Smart, C., B. Neale and A. Wade (2001) *The Changing Experience of Childhood. Families and Divorce* (Cambridge: Polity Press).
- Smith, A.B., N.J. Taylor and P. Tapp (2003) 'Rethinking children's involvement in decision-making after parental separation', *Childhood*, 10(2), 201–216.
- Snow K. (2009) 'The case for enhanced educational supports for children in public care: An integrative literature review of the educational pathway of children in care', *Vulnerable Children and Youth Studies*, 4, 300–311.
- Socialstyrelsen [National Board of Health and Welfare] (2003) *Social tillsyn 2002. Resultat av länsstyrelsernas Tillsyn* [Social Services Inspection 2002. Results from the Regional Authorities' Inspection] (Stockholm: Socialstyrelsen).
- Socialstyrelsen, Myndigheten för skolutveckling [Authority for School Development] and Polismyndigheten [Swedish Police] (2007) *Strategi för samverkan – kring barn som far illa eller riskerar att fara illa* [Strategy for multi-agency cooperation – in relation to children at risk]. (Stockholm: Socialstyrelsen).
- Socialstyrelsen (2011) *Handbok om socialnämndens ansvar för våldsutsatta kvinnor och barn som bevittnat våld* [Handbook on Social Services Responsibilities for Abused Women and Children Witnessing Violence] (Stockholm: Socialstyrelsen).
- Socialstyrelsen (2012a) *Familjerätt år 2011* [Family Law in 2011] (Stockholm: Socialstyrelsen).
- Socialstyrelsen (2012b) *Kunskap om våld mot barn – behov av nationell samordning* [Knowledge on violence against children – need of national coordination] (Stockholm: Socialstyrelsen).
- Socialstyrelsen (2013) *Att ge ordet och lämna plats. Vägledning om brukarmedverkan och inflytande inom socialtjänst, psykiatri och missbruks- och beroendevård*

- [To give opportunities to speak and create space. Guidance on service user participation and influence in social services, psychiatry and addiction and dependency care] (Stockholm: Socialstyrelsen).
- SOU [Swedish Government Official Reports] (1995:60) *Kvinnofrid. Kvinnovåldskommissionens huvudbetänkande* [Women's Peace. Main Report from the Commission on Violence against Women] (Stockholm: Fritzes).
- SOU (1995:79) *Vårdnad, boende, umgänge. Vårdnadstvistutredningen* (Custody, Residence, Contact. The Inquiry on Custody Disputes] (Stockholm: Fritzes).
- SOU (2000:1) *En uthållig demokrati! Politik för folkstyrelse på 2000-talet* [A Sustainable Democracy! Politics for the People's Rule in the 21st Century] (Stockholm: Fritzes).
- SOU (2000:77) *Omhändertagen. Samhällets ansvar för utsatta barn och unga. Betänkande från LVU-utredningen* [Taken into Care. Society's Responsibility for Children and Young People at Risk. Report from the Inquiry on the Law on Young People in Care] (Stockholm: Fritzes).
- SOU (2001:72) *Barnmissandel. Att förebygga och åtgärda* [Child Abuse – Prevention and Protection. Final Report from the Parliamentary Committee against Child Abuse] (Stockholm: Fritzes).
- SOU (2005:43) *Vårdnad – Boende – Umgänge. Barnets bästa, föräldrars ansvar. Betänkande från 2002 års Vårdnadskommitté* [Custody, Residence, Contact. The Best Interests of Children, Parents' Responsibility. Report from the 2002 Parliamentary Committee on Custody] (Stockholm: Fritzes).
- SOU (2007:28) *Tydliga mål och kunskapskrav i grundskolan. Förslag till nytt mål- och uppföljningssystem* [Clear Targets and Knowledge Demands in Primary and Secondary School. Suggestion of a New Monitoring System] (Stockholm: Fritzes).
- SOU (2010:95) *Se, tolka och agera – om allas rätt till en likvärdig utbildning* [See, interpret, and act – on everyone's right to equal education] (Stockholm: Fritzes).
- Stanley, J. and C. Goddard (2002) *In the Firing Line. Violence and Power in Child Protection Work* (Chichester and New York: Wiley).
- Stark, E. (2007) *Coercive Control: How Men Entrap Women in Personal Life* (Oxford: Oxford University Press).
- Sternberg, K. J. (1996) 'Fathers, the missing parents in research on family violence', in M. E. Lamb (ed.) *The Role of the Father in Child Development*, 3rd ed. (Chichester: Wiley).
- Stith, S.M., K. H. Rosen, K. A. Middleton, A. L. Busch, K. Lundberg and R. P. Carlton (2000) 'The intergenerational transmission of spouse abuse: A meta-analysis', *Journal of Marriage and the Family*, 62(3), 640–654.
- Sundelin Wahlsten, V. (1997) *Utveckling för att överleva. Utsatta familjer möter socialtjänst, hälsovård och skola* [Development to survive. Vulnerable families encounter the social services, health care and school] (Gothenburg: Kommentus).
- Sundell, K. and B. Flodin (1997) *Skola, barnomsorg. Att samverka kring barn i riskzonen: 'ett mullvadsarbete som tar tid'. Utvärdering av samverkan i 19 kommuner* [School, child care. Cooperation regarding children at risk: 'an

- underground job that takes time'. Evaluation of inter-agency cooperation in 19 local authorities] (Stockholm: Svenska kommunförbundet).
- Sundell, K., T. Egelund, C. Andrée Löfholm and C. Kaunitz (2008) *Barnvårdsutredningar. En kunskapsöversikt* [Child protection investigations. An overview of knowledge] (Stockholm: Gothia förlag and IMS).
- Sundhall, J. (2012) *Kan barn tala? En genusvetenskaplig undersökning av ålder i familjerättsliga utredningstexter* [Can children speak? A gender studies exploration of age in family law social work reports] (Gothenburg: University of Gothenburg).
- Søvig, K.H. (2009) *Barnets rettigheter på barnets premisser - utfordringer i motet mellom FNs barnekonvensjon og norsk rett* [Children's right on children's premises – challenges in the encounter between the UNCRC and Norwegian law] (Bergen: Barne- og likestillingsdepartementet [Department of Children and Gender Equality]).
- Taggart, G. (2011) 'Don't we care?: the ethics and emotional labour of early years professionalism', *Early Years: An International Research Journal*, 31(1), 85–95.
- Terr, L. C. (1991). 'Childhood traumas: an outline and overview', *American Journal of Psychiatry*, 148(1), 10–20.
- Thorne, B. (1987) 'Re-visioning women and social change: Where are the children?', *Gender and Society*, 1(1): 85–109.
- Towns, A. (2010) 'Kultur inför rätta? Kön, nation och civilisation i polisförhör om mäns dödliga våld mot kvinnor' [Prosecuting culture? Gender, nation and civilisation in police interrogations about men's lethal violence against women], in M. Jansson, M. Wendt and C. Åse (eds.) *Den nationella väven. Feministiska analyser* [The National Fabric. Feminist Analyses] (Lund: Studentlitteratur).
- Trinder, L., Connolly, J., Kellet, K., Notley, C. and Swift, L. (2006) *Making Contact Happen or Making Contact Work? The Process and Outcomes of In-Court Conciliation*, DCA Research Series 3/06 (London: Department of Constitutional Affairs).
- Trinder, L., Firth, A. and Jenks, C. (2010) "So presumably things have moved on since then?" The management of risk allegations in child contact dispute resolution', *International Journal of Law, Policy and the Family*, 24(1), 29–53.
- Underdown, A. (2007) *Young Children's Health and Well-being* (Maidenhead and New York: Open University Press).
- Vallberg Roth, A-C. (2002) *De yngre barnens läroplanshistoria* [The curriculum history of young children] (Lund: Studentlitteratur).
- van Dijk, T. A. (ed.) (1997) *Discourse as Structure and Process. Discourse Studies: A Multidisciplinary Introduction. Volume 1* (London, Thousand Oaks, New Delhi: Sage).
- van Dijk, T. A. (ed.) (1997b) *Discourse as Social Interaction. Discourse Studies: A Multidisciplinary Introduction. Volume 2* (London, Thousand Oaks, New Delhi: Sage).
- Vincent, C. and S. Ball (2001) 'A market in love? Choosing pre-school childcare', *British Educational Research Journal*, 27 (5), 633–651.

- Walby, S. (1986) *Patriarchy at Work* (Cambridge: Polity Press).
- Walby, S. (2009) *Globalization and Inequalities: Complexity and Contested Modernities* (Los Angeles: Sage).
- Walby, S., and J. Allen (2004) *Domestic Violence, Sexual Assault and Stalking: Findings from the British Crime Survey* (London: Home Office Research Study).
- Walker, L. E. (1979) *The Battered Woman* (New York: Harper and Row).
- Ware, V. and L. Back (2002) *Out of Whiteness: Color, Politics, and Culture* (Chicago and London: The University of Chicago Press).
- Watson, W. (1990) 'Strategy, rationality and inference: The possibility of symbolic performances', *Sociology*, 24(3), 485–498.
- Watson, D., C. Emery and P. Bayliss with M. Boushel and K. McInnes (2012) *Children's Social and Emotional Wellbeing in Schools. A Critical Perspective* (Bristol: The Policy Press).
- Weinehall, K. (1997) *Att växa upp i våldets närhet* [Growing up in the proximity of violence] (Umeå: Umeå University).
- Weinehall, K. (2005) "Take my father away from home". Children growing up in the proximity of violence', in M. Eriksson, M. Hester, S. Keiskinen and K. Pringle (eds.) *Tackling Men's Violence in Families: Nordic Issues and Dilemmas* (Bristol: The Policy Press).
- Weinehall K. (2007) *G(l)ömda: en studie om kvinnor och barn med skyddade personuppgifter* [Hidden/forgotten: A study of women and children with protected identities] (Umeå: Umeå University).
- Wendt Höjer, M. (2002) *Rädslans politik. Våld och sexualitet i den svenska demokratin* [The politics of fear. Violence and sexuality in the Swedish democracy] (Malmö: Liber).
- West, C. and S. Fenstermaker (1995) 'Doing Difference', *Gender and Society*, 9(1), 8–37.
- West, C. and D. Zimmerman (1987) 'Doing gender', *Gender and Society*, 1(2), 125–151.
- Witz, A. (1992) *Professions and Patriarchy* (London: Routledge).
- Wikman, S., F. Estrada and A. Nilsson (2010) *Våld i arbetslivet – en kriminologisk kunskapsöversikt* [Violence at work – a criminological overview of knowledge] (Stockholm: Arbetsmiljöverket).
- Wolfe, D.A., C. V. Crooks, V. Lee, A. McIntyre-Smith and P. G. Jaffe (2003) 'The effects of children's exposure to domestic violence: A meta-analysis and critique', *Clinical Child and Family Psychology Review*, 6(3), 171–187.
- Wyness, M. G. (1996) 'Policy protectionism and the competent child', *Childhood*, 3, 431–447.
- Young, I.M. (1997) *Intersecting Voices: Dilemmas of Gender, Political Philosophy, and Policy* (Princeton, NJ: Princeton University Press).
- Øverlien, C., M. Jacobsen and A. Evang (2009) *Barns erfaringer fra livet på krisesenter. En landsomfattende studie om flukten, oppholdet og forestillinger om fremtiden* [Children's experiences of life at the refuge. A national study of the break up, stay and notions of the future] (Oslo: National Knowledge centre on violence and traumatic stress NKVTS).

Index

- Acker, J., 133
Adoption and Children Act (2002), 6, 35
adult positions and child, 102–3
advisors, family court, 31–2, 36, 63
agency, 1, 9, 15, 27, 31, 45, 47, 48, 51, 58, 64, 82, 137, 145, 147–51, 155
 of children, 11, 42–3, 91, 92
 cooperation and, 54–5
 welfare and, 12, 29
Aldenamy, I., 49
anti-oppressive practice, 140, 141
Australia, 38
availability, 112, 116, 117, 123
 diplomacy and, 111, 117–19
 and normalization, 119–22
- Backlund, Å, 56
Barnahus (Children's houses), 55
battered woman syndrome, 129
Baylis, S., 49
best interests, of child, 5–7
Bourdieu, P., 62
Bream, V., 30, 31, 35, 38
Broady, D., 66
Buchanan, A., 30, 31, 35, 38
- Canada, 60
care, 3, 4, 13, 19, 41, 45–50, 59, 65, 67, 94, 110–12, 115, 117, 118, 123, 124, 137, 138, 148
 participation and, 9–12, 68, 70, 91
 rationality of, 49
 upbringing and, 69
Carter, R., 61
Centre for Children and Families in the Justice System in London, 148
Childcare Act (2006), 47
- Child Contact Where There Is Domestic Violence*, 6, 35
childhood and adult life, problems in, 20
child maltreatment, domestic violence as, 18–19
children, 7–8, 142
 exposure to domestic violence, 17–18
 impact on, 21–2
 increased competence and awareness, 142–4
 information-sharing, 149–50
 legislation and court practice, 152
 problems in safeguard of, 29–34
 radical learning, 152–3
 right to school, 83–4
 choice of school and school-swapping, 84–5
 safety planning and coping strategies, 145–6
 securing context of learning and, 144–5
 social work practice, 151
 support at school and pre-school and, 146–9
 vulnerability and support, at school, 89–90
 approaches to children exposed to domestic violence and, 101–3
 problem identification and, 91–2
 protection and support to children at school and, 103–6
 support to children and, 100–1
 victimization practices and recovery, 90–100
 see also individual entries
Children's Ombudsman, 32, 93

- Children's Welfare Foundation (Sweden), 154
- Children Act (1989), 2–3, 4, 5–6, 7, 29–31, 37, 38, 50, 75
- Children and Family Court Advisory and Support Service (CAFCASS), 7, 27, 30, 33, 63, 75, 79, 151
- Children and Family Reporter, 7
- Children and Young People Plans, 54
- children at risk, 8–9, 53
- Children Exposed to Domestic Violence*, 148
- class, 134–6
- complex effects, recognition of, 25–6
- Contact Between Children and Violent Parents*, 6, 35
- cooperative talks, 3–4
- denying adults, 103
- diplomacy, 110, 111, 121, 123, 129
and availability, 117–19
- disciplining strategy, 58, 66–8, 110–12, 114, 115–17, 127, 129, 133, 134, 136, 140
- distancing strategy, 111, 112–15, 120, 121, 127, 129, 134
- divorce, 18, 19, 68, 125, 135
parental responsibility and, 2–5
separation and, 28–9, 84, 104, 132, 144, 147
- Early Childhood Education and Care (ECEC), 125
- Education Act (2002), 50
- educational psychologist, 51–2
- education systems, 45–6
- emotional professionalism, 125
- Eriksson, M., 61, 63, 159n1
- Every Child Matters*, 50–1
- exposure to violence, concept of, 24–5
- Family Justice Review (2011), 35
- family law and domestic violence, 27
- children as crime victims and, 40–1
- development in Sweden and, 39–40
- developments in England and Wales and, 35–9
- divorce and separation and, 28–9
- increased visibility and safety and, 41–4
- problems in safeguarding children and, 29–34
- family law proceedings, impact of, 74
- children's right to school, 83–5
choice of school and school-swapping, 84–5
- contact and protection, 82–3
- investigations conducted at schools and during school hours in, 75–8
- school as informal contact centre and mediator, 80–2
- school as safe place and neutral provider of information, 86–8
- staff as sources of information in investigation, 78–9
and witnesses in court, 79–80
- Farrell, P., 52
- father, 1, 14, 18–19, 25, 30, 32–3, 59, 62, 68, 70–1, 89, 91, 93–6, 98–100, 116, 118, 127–31, 139–40, 156–7
as 'child minder', 115
as patriarchal Other, 114, 131
protection from, 61, 69, 71, 83, 94, 122, 124, 132
- Fernqvist, S., 63
- Finland, 9
- fostran, Swedish concept of, 67
- Foucault, M., 159n1
- gender, 21–3, 108, 130, 138, 141
age and, 136–7
class and, 127, 131, 134–6
discourse and, 64–5, 70

- gender – *continued*
 doing, 128–9, 133
 inequality and, 49, 62, 99, 128,
 130, 133, 134, 136, 153
 normalization and, 129–30
 notions of, 70–1
 power and, 95, 114, 130–2
 professions and, 49, 72
 race and, 132–4
 Grape, O., 64, 65
 Gray, C., 51
- Hargreaves, A., 56
 Hartman, H., 49
*Helping Traumatized Children Learn.
 Supportive School Environments
 for Children Traumatized by
 Family Violence*, 149
- Hester, M., 61, 63
 hidden curriculum, 66, 71, 139–40
 Hultqvist, E., 56
 Humphreys, C., 61
 Hunt, A., 159n1
- impartiality, 69, 80, 114, 116, 119
 in-court conciliation, 30
 inequality, 71, 110
 age and, 136
 class and, 136
 gendered, 49, 62, 99, 128, 130,
 133, 134, 136, 153
 hidden curriculum and, 66, 140
 intersectionality and, 133
 regimes, 128, 133, 136, 153
 and relative legitimacy of, 134
 social, 140
 intimate partner violence, 17, 22–3,
 35
see also individual entries
 invisible victims, 102, 103
- Kelly, D., 51
- Laclau, E., 159n8
 learning and social issues, tensions
 between, 59
- legitimacy, 11, 58, 120, 152
 crisis in, 56
 institutional, 10
 power relations and visibility and,
 132–4
 relative, of inequalities, 134
 Leira, H., 13
 Luhmann, N., 64
 Lundgren, E., 129
- McDowell Clark, R., 49
 Ministry of Education (Sweden), 48
 Ministry of Health and Social Affairs
 (Sweden), 48
 Ministry of Justice, 36–8
 Mouffe, C., 159n8
 multi-professional and multi-agency
 co-operation, 54–5
- Näsman, E., 63, 158n4
 National Agency for Education
 (Sweden), 48
 National Association of Child
 Contact Centres (NACCC), 86
 National Board for Health and
 Welfare (Sweden), 48
 Neale, B., 11
 Nordborg, G., 5
 normalization, 99, 111–12, 114, 135
 availability and, 116, 118,
 119–23
 of gendered vulnerability, 129–30
 reactive distancing and, 112
- Office for Standards in Education,
 Children Services and Skills
 (Ofsted), 47
 Osgood, J., 56
 Other, 132
 father as patriarchal, 114, 131
 Øverlien, C., 159n2
- physical abuse, *see* physical
 violence
 physical violence, 19, 21–2, 25, 59,
 90, 131, 152

- policy and practice domain, 60–1
 contradictions and conflicts, 61–4
 dominating discourses, 64–5
 education and, 65–6
 gender and, 70
 professional hierarchies and, 71–3
 upbringing, care, and
 participation and, 66–8
 violence and risk and, 68–70
 post-traumatic stress disorder
 (PTSD), 20, 21, 147
 pressure specialists, 113
 Pringle, K., 141
 privilege and marginalization, 127–8
 approaches to children, 136–7
 girls and boys as victims, 137–9
 class and, 134–6
 normalization of gendered
 vulnerability and, 129–30
 power relations, visibility, and
 legitimacy and, 132–4
 racialization and white privilege
 and, 130–2
 staff and parents doing gender
 and, 128–9
 undoing, when tackling violence
 and children's vulnerability,
 139–41
 proactive relationship-oriented
 strategy, 110
 professional hierarchies, 71–3
 professionalism, 47, 49, 80, 88, 124,
 153
 emotional, 125
 as impartiality, 114, 116, 119
 interpretation of, 69
 notions of, 56–7, 125
 protected victims, 101, 102
 protector, adult as, 102–3
 psychological abuse, 19, 21–2
 Purvis, T., 159n1

 Qvortrup, J., 10

 racialization, 115
 of Other, 114, 132
 through pathologizing, 132–3
 and white privilege, 130–2
 rationality of care, 48–9
 reactive relationship-oriented
 strategy, 110, 111
 reforms, 46–8

 salutogenic theory, of coherence, 105
 same-sex relationships, violence in,
 23
 school
 agenda, disputes on, 1–2
 child's best interest and, 5–7
 children at risk and, 8–9
 children's right to participation
 and, 7–8
 divorce, parental responsibility
 and, 2–5
 participation and care and, 12
 participation and validation
 and, 12–13
 rights to participation,
 protection, and provision
 and, 13
 as informal contact centre and
 mediator, 80–2
 as safe place and neutral provider
 of information, 86–8
 welfare work, 50–4
 see also individual entries
 school nurse, 52, 53
 Smith, A. B., 158n4
 social issues, at pre-school and
 school, 45
 different traditions and, 48–50
 education systems and, 45–6
 learning and social issues tensions
 and, 59
 multi-professional and
 multi-agency co-operation
 and, 54–5
 professionalism and, 56–7
 reforms and debate and, 46–8
 school welfare work and, 50–4
 violence against staff members
 and, 57–9

- Social Services Act (2001), 41
 social systems, theory of, 64
 social workers, 51, 77, 89, 96–7, 139
 family law, 63
 sociology, of organizations, 64–5
 Special Regulations of the Care of
 Young People Act (1990), 41
 staff, as sources of information
 in investigation, 78–9
 and witnesses in court, 79–80
 staff members, violence against, 57–9
 staff strategies, 107–8
 perspectives, 108
 professional approach to domestic
 violence and family law
 disputes and, 123–6
 school as street-level bureaucracy
 and, 109
 to tackle parental disputes,
 threats, and violence, 111–12
 diplomacy and availability,
 117–19
 disciplining, 115–17
 distancing, 112–15
 normalization and availability,
 119–22
 teacher approaches and, 109–11
 Statistics Sweden, 58
 street-level bureaucracy, school as, 109
 Sweden
 development in, 39–40
 empirical studies in, 14–15
 see also individual entries
 Swedish Council for Crime
 Prevention, 58
 Swedish Council for Working Life
 and Social Research (FAS), 156
 Swedish courts, 32–3
 Swedish Crime Victim Fund, 156
 Swedishness, 131
 Swedish Parental Code, 6
 Swedish Work Environment
 Authority, 58
 taboo, 104
 cultural, 13, 21
 meaning of, 21
 The Family Court Social Service, 35
 The Family Justice Service, 38
 The Swedish Research Council
 for Working Life and Social
 Research (FAS), 154
The Teachers' Guarantee, 58
 three planet model, 61–2
 trauma, 13, 20–1, 51, 59, 146, 147,
 149
 Trinder, L., 31
 United Nations' Convention on the
 Rights of the Child (UNCRC),
 7, 10, 13, 68, 84, 97, 142,
 144, 152
 United States, 60, 149
 unknowing adults, 103
 unprotected victims, 102, 103
 upbringing, care, and participation,
 66–8
 validation and participation, 12–13
 van Dijk, T. A., 159n1
 victims, girls and boys as, 137–9
 victimization, 13–16, 33, 42, 45,
 61, 77, 102–5, 107, 137, 139,
 157
 practices, 92–3
 parents, 93–6
 school staff, 97–100
 social workers, 96–7
 and recovery, 90–1
 Wahlsten, S., 2
 Walker, L. E., 129
 welfare, 6–9, 14, 15, 29–31, 35, 39,
 47, 56, 58–61, 63–5, 70, 74,
 75, 105, 113, 117, 128, 141,
 144
 school, 50–4, 119
 significance of, 11–12
 witnessing, 6, 19, 20, 35, 37, 39, 41,
 42, 71, 72, 79–80, 87, 97, 104,
 137, 140
 significance and meaning of, 24
*Working Together to Safeguard
 Children*, 8