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DEPARTMENT OF SOCIAL WORK

Swedish Child Protection under the CRC:
*Application of the UN Convention on the Rights of the
Child in the Social Work Assessments*

Master's Programme in Social Work and Human Rights
Degree report 30 higher education credit
Spring 2015
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Abstract

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After reviewing previous researches regarding the child care system in Sweden, the actual application of the Convention on the Rights of the Child seems questionable. Sweden has ratified the Convention on the Rights of the Child in 1990 and has adopted its principles into the domestic law regarding the child welfare system. The aim of the present study is to examine how the CRC is applied in the social work practice. The research questions that aimed to be answered are how do the social workers in Sweden implement the CRC in the child assessment process? To what extent does the domestic Swedish Child Protection setting favor CRC functioning? Moreover, to what degree do children actively participate in their own welfare assessment? A qualitative method of interviewing was used applied on five social workers of different municipal child welfare offices. Meaning condensation was the main tool used to analyze the gathered data. According to the findings, social workers do apply the CRC indications in their assessments and intervention planning however the predominant guidelines they use are the instructions of the domestic legislation such as BBIC and SSA. The latter ones allow social workers to act flexibly in the decision-making process based on their professionalization and discretion. Finally, the children's participation is the main focus of the social workers while conducting assessments, yet it is not always feasible due to law's restrictions regarding the age and maturity of the child as well as the social workers' estimations regarding those aspects. The interconnection between the findings will be analyzed and discussed further. Theories used to analyze the findings are the organizational theory including the street-level bureaucracy approach and the service providers' professionalization and discretion as well as the organizational culture approach in order to define how and why social workers function under certain ways. The sociology of childhood was applied in order to understand how children are included and allowed to participate in the social welfare. Finally, the human rights- based approach was used since *human rights* are the core stone of the present study.

Key words: Convention on the Rights of the Child (CRC); BBIC; organizational culture; street-level bureaucrats' discretion; Child participation;

Abbreviations

BBIC: Framework for the Assessment of Children in Need and Their Families (*Barns Behov i Centrum*)

CRC: Convention on the Rights of the Child

CYPA: Care for Young Persons Act (*Lagen om Vård av Unga*)

HRBA: Human Rights - Based Approach

IASSW: International Association of Schools of Social Work

IFSW: International Federation of Social Workers

NBHW: National Board of Health and Welfare (*Socialstyrelsen*)

SSA: Social Services Act (*Socialtjänsten*)

UN: United Nations

UNFPA: United Nations Population Fund

Terms translated from Swedish

Föräldrabalk: Family Law

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Chapter 1

1. Introduction

Child vulnerability has fascinated scholars and practitioners for a long time inspiring a workload of research. During the Victorian age of the 19th century, Charles Dickens characterizes children as «reservoirs of sensitivity» (Piper, 2005, p.15). As a long-standing concern child vulnerability has been defined as the degree to which a child can avoid or modify the impact of safety threats such as illnesses, invisibility, powerlessness, physical and mental disabilities (Action for children protection, 2003). Initially, children's vulnerability focused on the visible abuse proofs and physical fragility of the children (Piper, 2005, p.15). The assessment of children physical abuse and maltreatment is easier to observe and analyze than studying the emotional and behavioral reactions of abused children. Nevertheless, corporal punishment has not always been considered a social problem and concern, but rather a disciplinary approach (Loseke, 2010, p.9). Child abuse by parents was considered many times and in many cultures as a way of discipline unlikely to be of serious harm to the children (Piper, 2005, p.18). Moreover, there are countries, which still do not recognize the physical child abuse as a social concern at all (Lindell & Svedin, 2004, p.340).

Through time, due to many child death investigations and other child-related maltreatments mainly in the United Kingdom, the Children Act was established in 1989 (Freymond & Cameron, 2006, p.55). This new legislation included the child protection, the support of families, and the determinations about the child welfare when the parents of the family were divorced. The focus of the act was strictly child-centered with all amendments designed to serve the best interest of the child (Freymond & Cameron, 2006, p.58). It was the first time that the children's voice was legally imposed in the legislative system of the UK social policy (Roche, 2005). In accordance to the Children Act, under section 1(3)(a) the court has the obligation to take into consideration children's will and feelings, depending on their age and their maturity (Roche, 2005, p.225).

On the contrary, under the Swedish law, there is a Corporal Punishment Ban, which forbids any kind of child physical abuse (Janson, 2005, p.1411-1415). Moreover, according to the Swedish Family Law (1949:381), chapter 6(1) indicates that all children are entitled to care, security and a proper upbringing. Children should be treated with respect for their person and individuality, and should not be subject to any corporal punishment or other degrading treatment.¹ It is important to state also that in Sweden children are regularly informed in school for their rights, the Corporal Punishment Ban, and partially about international child protection measurements, such as the UN Convention on the Rights of the Child (CRC).

Although child protection is a social concern since before a legislation in place to protect children, only the last decade(s) the care and protection from abuse and neglect has received the attention of the society in a universal dimension. International and domestic legislations have been developed and modified in such a way that special attention is given on the promotion of the universal human rights

¹ Please see refernces: Sveriges Riksdag (2015) - Föräldrabalk (1949:38)

with a particular focus on children's human rights and well-being. CRC is the one international tool ratified by the Swedish government in 1990, with its principles adjusted and tailored to fit the domestic law. These amendments are of very central importance as two out of ten million inhabitants of Sweden are children (Cocozza and Hort, 2011, p.90). The Swedish Social Services Act - described thoroughly in the coming sections - is the core manual on how to embrace the family and the children in need (Janson, 2005, p.1415).

1.1 Research problem

Our point of departure is the socially-wide problematic findings of research studies conducted in Sweden, which state that children living in Sweden have a limited freedom of speech compared to the freedom that the CRC promotes (Närvänen and Näsman, 2007, p.236). Närvänen and Näsman (2007) argue that limited freedom is given to children when the local social services are called upon to intervene, most likely because social workers' lack of training with respect to the understanding of children. Other studies that have addressed the same problem, confirm that social workers in Sweden are overconfident about their abilities and competences, and take decisions based on the notion of the child being incompetent (James,1995, cited in Welbourne, 2012). However, the explanation based on the notion of the child being incompetent is ambiguous and contradictory with the CRC, therefore, we believe that the matter is worthwhile to be further examined. On the one hand, authoritative agencies pretend that social works are competent and skillful to act in the best interest of the child. On the other hand, research evidence signal incompetence and lack of professional training with respect to the emotional and behavioral aspects of vulnerable children, as a consequence the extraction of inappropriate information regarding the child's neglect and care.

1.2 Aim of the study

The Swedish government has not only ratified the CRC, but has also adopted the articles of the Convention on the Rights of the Child within the domestic law through the Social Services Act and the handbook of BBIC.² From a practical and humanitarian point of view, it would be vital to study the impact of CRC embedded in the domestic legislation on the social worker's assessments and their intervention plans.

Explicitly, the purpose of this research study is to examine how the United Nations Convention on the Rights of the Child is applied and implemented into the Swedish child protection system, with emphasis in Gothenburg. The evidence is derived via interviews conducted to social workers that cover child protection sector within the municipalities of Gothenburg.

² Framework for the Assessment of Children in Need and Their Families (*Barns Behov i Centrum*)

1.3 Research questions

The research questions that are particularly addressed in this study are:

- 1) How do the social workers in Sweden implement the CRC in the child assessment process?
- 2) To what extent does the domestic Swedish Child Protection setting favor CRC functioning?
- 3) To what degree do children actively participate in their own welfare assessment?

Chapter 2

2. Child social welfare in Sweden

Sweden is a member of the «social democratic family» as part of the ‘Scandinavian family’, according to Cousins (2005, p.97). In line with Esping-Andersen (1990), a social democratic welfare regime provides a universal welfare system, and separates the access to social services from the social status of the citizen. Moreover, a social democratic regime promotes the universal access to social welfare regarding the highest standards of living, rather than the equality on the minimum standards of the citizen.

Sweden applies also universal means-testing benefits (Esping –Andersen, 1990, p.168). Aspalter (2011) asserts that Sweden’s welfare state has powerful social services and an immediate authoritative intervention system, which prevents the family from being ‘paralyzed’, while enhancing its position (see, Esping- Andersen, 1990, p.169). In consonance with Höjer and Sjöblom (2006, p.120), Swedish households feel at ease with the State’s interventions, and they expect from the State to decisively act upon child protection and caretaking of elderly people.

Thirty years ago, Sweden had been accused for excessive intervention into the family life of its people, and had also been criticized for the extreme over-protection of the children and their extract from children’s natural families (Cocozza & Hort, 2011, p.90). For instance, an incident of a teen girl committing suicide one day before her confession in the court regarding her sexual abuse episode cumbered the criticism. As a consequence, Sweden’s municipal welfare system had been accused as very strict, rigid, and incompetent to act according to the best interest of the child (Cocozza & Hort, 2011, p.91). After such incidents, intervention plus prevention of child maltreatment and neglect by the parents, became of crucial importance within the municipal welfare systems.

Nowadays, the community plays an important role in supporting the family when it is necessary, and in providing supplement parents or psychological and social support during the child's entire childhood. The purpose is to offer parents the support and help they may need in order to deal with parenthood easier. An early intervention of parental support can prevent future health and social problems of the child.³ Child protection begins before the birth of the child, with prenatal check-ups and education, and it continues with their maturity until adulthood, for example, free dental care for adults up to 23 years old. Societal expenditure regarding the social welfare of the children is regarded as ‘investment’ for the sake not only of the individuals but of the society as a whole (Cocozza & Hort, 2011, p.93).

Traditionally, child welfare services work with families who have children with behavioral problems but also being victims of abuse and neglect (Barth et al., 2011, p.55). Cocozza and Hort (2011) stipulate two main aspects for the social services to deal with child abuse and neglect: the child protection orientation, and the family service orientation. Freymond and Cameron (2006, p.175) consider Sweden to have a

³ Utreda barn och unga: Handbok för socialtjänstens arbete enligt socialtjänstlagen. (2015).

family-oriented service child welfare system, where the assistance that parents receive from the social services is very important. All the emotional, communicational, and behavioral problems that parents face within the family have an impact child's well being. In support to that, Höjer and Sjöblom (2011, p.2453) state that family-oriented services tend not to stigmatize its users, but rather emphasize the supportive interventions for the family and children. The social services do not provide any specific intervention or services applicable for families at risk or other targeted groups of people, but it provides universal social services for all the population.

Sweden could be considered as a pioneering country, whose welfare system is not designed to follow an individualistic model of intervention, in contrary to most of the existing welfare systems (Ostner, 2007, p.45). Under the Swedish law the child care and family support are considered to be inseparable. The family institution is important because «healthy families are viewed as fundamental for social cohesion and properly educating children» (Freymond & Cameron, 2006, p.21). Parents, children, and the community share same ultimate welfare aims. The Swedish child welfare system follows the Scandinavian compulsory reporting system (Wiklund, 2006, p.42). The compulsory reporting character is common within child oriented social welfare systems according Coccozza and Hort (2011, p.92).

The social service interventions occur in two different positions. The first position occurs when someone applies for social assistance from the social services voluntarily, and the second position comes along when an authorized social service worker distinguishes a mandated report. Nevertheless, both approaches might end up in the same kind of intervention and support (Coccozza & Hort, 2011, p.93).

Children's Ombudsman is a Swedish national jurisdiction, which was established in 1993, in favor of promoting the best interest of the child (Freymond & Cameron, 2006, p.171). The principles that Children's Ombudsman promotes are based on CRC, and they concern the best interest of the child were made by what was assumed to be «a child's point of view» (Ostner, 2007, p.46). Having a child's perspective regarding the best interest of the child means that before a decision or a measurement is taken, it has to be examined whether and at what extend it concerns the child. In consonance with the chapter 6 (§2a) of Swedish Family Law, while assessing what is the best interest of a child, we have to ensure that the child is protected from the exposure to any risk and maltreatment, as well as the need of the child to keep contact with its parents. Therefore, adopting a child's perspective encourages child's participation, knowledge and consent. The legal system perceives children as equally-rights citizens and competent individuals to be treated with respect at all times under all circumstances.⁴

2.1 Gatekeepers in the child protection process

Social Services Act (SSA) is a legislation, which guides how the social services' interventions should take place. According to the official statistical reports of Sweden for 2013 (Swedish Bureau of Statistics), approximately 12900 children and young

⁴ Utreda barn och unga: Handbok för socialtjänstens arbete enligt socialtjänstlagen. (2015).

people have been subjected to SSA and CYPA⁵. In line with Coccozza and Hort (2011, p.93) and the administrating chapters of SSA, there are three main gatekeeping stages that each case has to undertake.

The first gatekeeping stage is widely known as the reporting stage of child abuse, neglect and maltreatment (SSA, chapter 14). It is a legal duty of the authoritative representatives to immediately report any information of potential child abuse to the social welfare committee. All relevant welfare services which deal with child protection and social welfare, such as health care institutions, police departments, psychiatric investigation services, child care centers, pediatric departments, and schools, have ethical and legal responsibility to inform the committee of suspicion of child abuse in order to protect the child. Moreover, as previously stated, the entire community is involved in the protection of the child, therefore, an individual that has suspicions of child abuse of any form, have to report to the authorities while being anonymous. According to SSA⁶ the social welfare committee, who receives the report, must initiate a preparatory work of a first assessment to verify the reporting statements. The decision on whether to initiate a formal assessment may take up to fourteen days since the day of the report submission.⁷ Thereafter, a meeting with the informer, the child and his/her guardians has to be arranged according to the National Board of Health and Welfare (NBHW / Socialstyrelsen in Swedish) regulated by SSA (see SSA, chapter 14 (1)). The aim of the initial meeting is either to reach a negotiation between the social services and the guardians to provide preventive assistance to the family in order to protect the child, or to go on with the assessing process. The essence of the meeting serves obviously the best interest of the child, that is, it does not make any harm to the child.

Given that at the first assessment regarding the associated family, the conditions of the child's wellbeing are not satisfactory, a second stage of assessment will take place. Any information that cannot be verified by a legal base for a categorization of child maltreatment judge, are not taken into consideration and the case is not going to a further point of assessment. Until November 2013, approximately 22700 children and young person were abided by a 24- hour measures while 21600 were subjected to one or more 24-hour measures⁸. Although under chapter 5(2) of SSA, NBHW might deny an investigation process, it should create a new record (if the child has no previous reports) in its database indicating the reasons of rejection, the date and the name of the person who made the final decision.⁹ The most common social assistance that children are usually granted is a contact person/family (Höger and Sjöblom, 2011).

The second stage of the process is the investigation or assessment of the case as stated in chapter 11 of SSA. When a suspicion has acquired the demanded evidence and social services pass the case further to the next gatekeeping point, the investigation is

⁵ CYPA: Care for Young Persons Act (*Lagen om Vård av Unga*). See reference: "Barn och unga – insatser år 2013, 2015, p. 38.

⁶ See "Utreda barn och unga", 2015, p.52

⁷ See "Utreda barn och unga", 2015, p.66

⁸ See "Barn och unga- insatser år 2013", 2015, p38

⁹ See "Utreda barn och unga", 2015, p.55

regulated by the NBHW. Approximately 29100 children have been estimated as subjects to any SSA measures until November 2013.¹⁰ In accordance to SSA's Chapter 11(1), the NBHW shall promptly initiate investigation into the report and supplementary material that has come to the Board's knowledge and may potentially result to act upon.

When the social welfare committee receives the case of a mandatory assessment by the NBHW, they immediately immobilize an assessment based on the gathered evidence. The SSA's Chapter 11(2) indicates that the assessment should not be made more comprehensive than what is actually needed, and that the process should be conducted in such a way that any of the parties involved will not unnecessarily be exposed to injury or inconvenience.¹¹

The social welfare committee should consult with the police before notifying the custodians with further details about the reason of investigation, as Chapter 11(2) of SSA indicates. The information regarding the investigation shall be conducted in such a way that will safeguard the child's right to privacy and custodians' right to information about the case.¹²

Children aged fifteen or more are entitled to participate in processes that they are involved, and express their standing and opinion. In agreement with SSA Chapter 11(10) and CYPA paragraph 36, a child over fifteen years old should be informed about the assessment process concerning them. The guardians represent children younger than fifteen years of age, however, they can also be informed as directly involved parties.

The same plan of intervention is followed regardless of whether the initial report is due to a parent or an informer. It is permitted by the law to initiate an assessment within the family life so as to be indicated if child maltreatment has been occurred. The starting point of the social welfare committee working with children and youth is child-driven, that is to say, both the assessing process and the follow-up planning shall act on the best interest of the child. In complicated situations where many things can simultaneously occur in the family, attention may be diverted from the child towards the guardians. For instance, such complicated situations may be acute housing problems, strong family conflicts, parental abuse and maltreatment, and so on. This could result indirectly to a certain manner in which the child is affected of its parents' problems and its immediate surroundings. Therefore, the importance of listening and observing the child is crucial.¹³

The Swedish legislation emphasizes support and protection to children in close cooperation with their family members. The demand for increased participation is not only legally anchored, but also there is a scientific basis for assuming that more balanced and comprehensive decisions are extracted from the conducted assessments when the cooperation with the parents is fruitful.¹⁴ If the outcomes of an assessment

¹⁰ See "Barn och unga-insatser år 2013", 2015, p38

¹¹ See "Utreda barn och unga", 2015, p.72

¹² See "Utreda barn och unga", 2015, p.78

¹³ See "Socialstyrelsen, BBIC", 2013, p.25

¹⁴ See "Socialstyrelsen, BBIC", 2013, p.31

show that the child has been indeed abused, the case is automatically transferred to the third gatekeeping level, which is the intervention planning, either voluntary as indicated by SSA chapter 4, and/or compulsory according to CYPA regulations. The investigation is conducted under the supervision of BBIC.¹⁵

In accordance to SSA chapters 1(1) and 3(5), NBHW comes to decisions of various interventions for children based on voluntary participation and consent. In accordance to Swedish national statistics of 2013, almost 17000 children and young persons have received care under SSA, whereas another 5400 persons have been treated under CYPA.¹⁶ The intervention should be designed in consent with the child and its parents or guardians.¹⁷ However, the social welfare committee according to chapter 19(2) of the Family Law allows the social worker to be entitled as chief guardian over the protection of the child. In line the Family Law, chapter 21(1), the implementation of the social worker's intervention plan should always consider the child's best interests and wishes, with respect to his/her age and maturity. Chapter 21(2) of the same law appoints the social welfare committee to negotiate with the parents or custodians of the child to fulfill their obligations over their child voluntarily, before any CYPA is requested. On the other hand, chapter 21(3) of the Family Law allows the social welfare committee to enforce an intervention through CYPA subject to certain circumstances where the child is under risk or threat of serious damage.¹⁸ The social service authorities decide the kind of the intervention they will imply. If a specific intervention is estimated suitable for the specific case, then the social welfare committee tries to come in an agreement with the parents in order for the authorities to have the consent of the parents to conduct the intervention. Additionally, chapter 21(5) of the Family Law highlights that, when the child has reached an age and degree of maturity that his/her wishes can be taken into consideration, the compulsory execution of CYPA does not take place against the child's will. Subsequently, chapter 21(6) permits children to refuse the application of a mandatory intervention if they claim that it is against their best interest.

It is worthwhile to note that the social services can take actions like a juvenile court authority for crimes committed by Swedish youth, and that they cooperate closely with the Swedish police. De facto Police is the first of the mandated sources of reporting cases particularly with respect to youth crime (Cocozza & Hort, 2011, p.97). The second most common mandated informers are the school-teachers and the day-carers.

2.2 Out- of- home placement as a protective intervention

Out-of-home care is a well-known social service intervention, which consists of foster care and institutional care. In the United States, between 1982- 1991 the number of

¹⁵ See "Socialstyrelsen, BBIC", 2013

¹⁶ See "Barn och unga-insatser år 2013", 2015, p38

¹⁷ See "Utreda barn och unga", 2015, p.24

¹⁸ See refernce: "Sveriges Riksdag", 2015.

children sent to foster care increased from 262,000 to 429,000 (Barth et al., 2011, p.4). The foster care became popular in Sweden since the early 20th century, as it was considered the most suitable intervention to defend the best interest of the child upbringing and development (Höjer & Sjöblom, 2014, p.72). However, the out-of-home placement is a temporary solution and its main aim is to facilitate and reunify the children with their biological families (Cocozza & Hort, 2011, p.100).

In accordance to the Swedish law and the guidelines of the SSA and CYPA, more than 20000 children have been placed in out-of-home placements during 2012 (Höjer & Sjöblom, 2014, p.2). It has been estimated that 57 percent of SSA and 70 percent of CYPA cases have been allocated out-of-home placements.¹⁹ Note that the out-of-home placements are the last desirable intervention of social services, since the separation of the children from their parents is not the most preferable solution. A contact person/family is a much preferable alternative choice when it is of course feasible. The dominant cause of children being under an out-of-home placement is parental maltreatment regarding physical and sexual abuse (Barth et al., 2011, p.74). If the reason of the child being in placement is due to parental neglect or disability to promote the child's well-being, then the child has to stay in an out-of-home placement until the age of 18. If a young person's attitude is abusive or criminal, then the youth is obliged to stay in the placement until the age of 21 (Höjer & Sjöblom, 2011, p.2453). Andersson (2006, p.177) points out that the legislation of the out-of-home placement do not give any specific deadline that a child is required to spend with the new family, but the law assures that this placement is not permanent.

Nevertheless, the law supports the idea that it is very important for the children to keep contact with their biological family (Höjer & Sjöblom, 2014, p.72). The parents always are responsible, even if the circumstances do not allow them to practice their parental status (Roche, 2005, p.225). Most of the times, the biological parents have experienced traumatic events in their lives, which have cast them incapable of providing any kind of support to their children.

The Swedish law does not give any indications about the length that the parents have in their disposal to recover or rehabilitate, nor what would happen if the natural parents of a child are not ready to receive their child back. Andersson (2006, p.177) states « ... in Sweden, the underlying assumption of the law is that every parent can be rehabilitated». The foster care system in Sweden is quite rigid comparing to other countries. As Andersson (2006, p.178) argues there are three types of foster homes: 1) traditional foster homes 2) kinship (foster care provided by family members), and 3) emergency foster homes (families being paid and authored by the social services to be used as emergency foster homes for a limited period of time). Kinship is considered to be the most preferable solution for an out-of-home placement (Barth et al., 2011, p.128).

To conclude, the best place for a child to grow up is within its biological family; hence, Swedish local authorities encourage and ensure vulnerable families to bring up and educate their children properly (Roche, 2005).

¹⁹ See "Barn och unga-insatser år 2013", 2015.

Chapter 3

3. Domestic and international legislation for children

This section explains the focus of the domestic legislation about the welfare of child (BBIC), and its integration with the international standards reported under CRC. Major concepts and arguments have been mentioned previously, however, in here we present a thorough description of the legislation and the quality of the assessment process.

3.1 BBIC and its focus of interest

The BBIC (Barns Behov i Centrum / Framework for the Assessment of Children in Need and Their Families) is a guiding tool, introduced by England, focused on how social services should take care of maltreated children (Cocozza and Hort, 2011, p.104). Cocozza and Hort (2011) report that most of the Swedish municipalities use BBIC as their main handbook. Moreover, the National Board of Health and Welfare in Sweden states that BBIC is the main approach used to enhance and integrate child's perspective and participation within the family and society. The system is expected to also have universal functions across the country and to improve the quality of the social care of child and youth. In order to implement BBIC perspectives, it is necessary that the municipalities acquire a BBIC license and the necessary BBIC knowledge, which can be supplied via cooperation and agreements with the NBHW. The Board acts also as an auditing mechanism responsible for the content of the system and for its national quality assurance. Additionally, it is expected to provide security for all persons in contact with BBIC (see, Socialstyrelsen, BBIC: Barns Behov i Centrum, 2015).

NBHW, acting on behalf and at the very best interest of the government, enhances the further development of BBIC by conducting comprehensive revisions of the social models and perspectives encouraged under BBIC. Through systematic monitoring the scientific and evidence-based property is enlarged, and in turn, BBIC becomes more efficient (see, Socialstyrelsen, BBIC: Från enskilt ärende till nationell statistik – Barns behov i centrum, 2015).

There is a visionary plan of 2015 to upgrade BBIC by revising and reworking on the existing forms and supporting documents, in order to design more efficient data sets to be used as the basis for statistical and systematic analysis at local, regional, and national level. The BBIC's goal is to provide comprehensive support for quality assurance and performance management. BBIC's framework can be seen as a triangle with children's best interest at its very center. Applying a holistic perspective regarding child's development, BBIC accounts for external factors and child's surrounding environment as well. Three main pillars compose the triangle: child's needs, parental skills, and family and environment. These pillars serve as the machine for collecting data during the assessment process, for analysis of child's potential

needs and for supporting out-of-home children and children under institutional and foster care. Figure 1 presents the basic form of the triangle used by the Swedish authorities, and the subsequent paragraphs will describe every pillar more in detail.

Figure1: BBIC principles



A) *Child's needs*

The BBIC have a clear focus and child-driven perspective based on regular observations and communication with the child, based on constructive conversations, and based also on other supplementary methods which vary with child's age and level of development. In order to understand the child's needs, it requires knowledge of child's emotional and behavioral development and experiences. Note that variations through the process can occur, and potential discrepancies may indicate the need for supportive services. Children and young people have a range of different non-simple needs to be fulfilled in order for a favorable development to take place. The most important needs for the well-being of a child, according to BBIC, are the following:

- Health
- Education
- Emotional and behavioral development
- Identity
- Family and social relationships
- Social behavior

B) Parental skills

Undoubtedly, parental support and sacrifices in order to fulfill child's needs and desires are fundamental to the child's appropriate development, physical and mental health. Parental care is an important part of the process. The assessment process examines the abilities of the parents to meet child's needs, how potential parental problems impact child's development, and how poor parental skills impact the psychosocial development of the child. A failed attempt of parents to meet children's needs burden emotional and behavioral status of the children. The core aspects of desired parenting skills are shortly named below:

- Basic care
- Security
- Emotional availability
- Incentives
- Guidance and boundaries
- Stability

C) Family and environment

In addition to child's needs and parental skills as core aspects of the BBIC triangle, the broad environment and family surrounding the child are of important significance. For instance, family's economic wealth, work safety, housing, and society's structure and tendency affect child's emotional, behavioral and social development (see, Sosialstyrelsen, BBIC: Barns Behov i Centrum - Labor and housing policy, 2015). The following six factors are identified as important in the family and environment investigation:

- The family's background and situation
- Family network
- Accommodation
- Economic wealth
- Work
- Social integration
- Local community resources

3.2. UN Convention on the Rights of the Child principles

The Convention on the Rights of the Child is considered to be relatively new, since it was firstly signed in 1989. It has been ratified and adopted by most of the world countries, except the United States and Somalia (Link, 2007, p.216; Socialstyrelsen, Barnkonventionen fyller 25 år, 2015). Sweden signed the Convention in 1990, however, the guidelines indicated by the CRC have to be integrated with the domestic policies regarding the provisions on human rights of children.

3.2.1 CRC and its impact on the domestic law

In Sweden, considerable effort has been devoted to elaborate and enrich the child protection system. The Swedish National Board of Health and Welfare is trying to upgrade the social services system with respect to BBIC driven by the best interest of the child, the fulfillment of child's needs and opportunities for development, child's participation and influence in health care and social services, and so on (Socialstyrelsen, Barnkonventionen fyller 25 år, 2015).

The CRC has an impact on the construction of the national welfare system in general, and with respect to children in particular. In cooperation with Children's Ombudsman, they process information related to social services about the children and young people. They encourage efforts and provide support to children and young people when family members have substance abuse problems, mental illness, or serious physical illness. Particular attention is given to the unaccompanied children's need for protection and support. Furthermore, CRC contributes in providing and ensuring safety and security for children and young people who are placed in out-of-home care (Socialstyrelsen, Utreda barn och unga, 2015).

3.2.2 Prevalent articles of CRC

Article 1 of the Convention defines "child" as the human being less than eighteen years of age, who is entitled to receive protection from the present Convention. The core stone of the Convention is the recognition of the vulnerable position of the children (Smith, 2012, p.371).

The CRC has 54 Articles regarding the legal approach and protection of a child (Link, 2007, p.218). To begin with, CRC covers all the aspects of child protection, starting with the basic ones. Article 3 promotes the best interest of the child, meaning that every single action taken from social services or other state representatives should be driven by the extent of the impact on child's emotional and social balance (Socialstyrelsen, Utreda barn och unga, 2015, p.24). The promotion regarding the best interest of the child is also explained within the SSA and CYPA legislation (SSA Chapter 1(2) and CYPA Chapter 1(5), according to BBIC). However, surprisingly

child's best interest is defined neither in SSA, nor in CYPA. CRC does also lack a clear-cut definition. Child's best interest is an individual assessment in every situation; hence, it is defined according to the social worker's knowledge and judgment about the case under investigation.

Article 2(1, 2) promotes the states' responsibility to protect under the domestic law, all children without any discriminatory indicators (Socialstyrelsen, *Utreda barn och unga*, 2015, p.18). An integrated approach regarding child protection has been declared through the CRC. Article 6 ensures the right to life and the obligation of the states to promote the survival and development of the child to the greatest degree possible in a safe environment (Smith, 2012, p.373). With respect to the Convention and its article 6(1), children need care, protection and good rising. The treatment of children should not be under any corporal punishment or other kind of degrading treatment (Socialstyrelsen, *Utreda barn och unga*, 2015, p.51). Articles 9 and 10 promote the idea that children have the right to a family life (Smith, 2012, p.373). Regardless the common view that parents have the right to discipline their children according to the best way they can, CRC partially disagrees on the matter (Link, 2007, p.216).

Article 16 safeguards children's right to privacy, family, and correspondence. As delicate and sensitive concept-matters they are strongly linked to family interventions and social service investigations (OHCHR, *Convention on the Rights of the Child*, 2015). Articles 18, 19, 20 and 21 declare the primary parental responsibility of bringing up their children, in order to a healthy emotional and physical development (Link, 2012, p.456). Other articles do also declare the state's responsibility to provide support to the families in which parents cannot carry out properly their child-raising responsibilities (Lansdown, 2005). Moreover, article 19(1) distinctly refers to the states' appropriate legislation in order to protect the children from any kind of physical or mental violence, abuse or neglect (OHCHR, *Convention on the Rights of the Child*, 2015). When the family conditions are not fruitful for the harmonious development of the child, states should take action for a temporary or permanent separation of the child. In Sweden, the state considers the parental inadequacy for the harmonic development of the child as 'rehabilitable', and so the adoption option is not viable, with limited exceptions of international adoptions, so no permanent separation from the parents is viable (Andersson, 2005:178; Höjer & Sjöblom, 2014, p.172).

Article 24 argues that prenatal and postnatal check-ups should be guaranteed as a provision of a universal and fully covered health care of the child (Smith, 2012, p.374). It subsequently protects the child of any kind of sexual exploitation or sexual abuse as indicated under article 37 (Smith, 2012, p.373).

According to the CRC, the child is entitled to get involved in actions that affect him or her, according to his/her emotional maturity (Smith, 2012, p.372). The CRC has influenced the composition of SSA, principally articles 3 and 12 (Cocozza & Hort, 2011, p.103). Since the best interest of the child is the main promoting principle of the CRC, children should participate and have an impact on matters affecting their development and interest. In this spirit, Article 12 is about children's participation and empowerment. It concentrates on children's right to express their opinions and get their views taken into account (Socialstyrelsen, *Utreda barn och unga*, 2015, p.27). In order to give the child the opportunity to express opinions and beliefs about a decision regarding them, it is important that the responsible actors have the knowledge of how

this could be implemented in the attempted operations. This means that there must be specific knowledge, and explicit approaches to the child's views in line with child's age, maturity, and development. It is important that the child feels safe and that the methods and procedures are well adapted and suit child's case and circumstances appropriately. In all child-based decisions, social workers should state whether and how the child views have been taken into consideration. Obviously, it may vary by case how to assess the child's ability to understand the information transmitted by the social services (Socialstyrelsen, BBIC, 2013, p.24). In this setting, the language used to approach the children and inform them should also be adequate and in line with their abilities to understand (Socialstyrelsen, Utreda barn och unga, 2015, p.78).

To conclude, the power that children's voice has over the agenda of the social services is also a matter of democracy (Närvänen & Näsman, 2007, p.238). The Convention allows children's participation when the decisions to be taken concern themselves. Article 5 imposes the children's involvement into decision participation in their case (Smith, 2012, p.375). SSA Chapter 11(10) does also adopt and promote children's right to information and participation to any decision making process that concerns themselves. Assistance shall be provided in order for the children to fully understand and assimilate the information asked upon to take action.

Chapter 4

4. Literature review

This chapter reviews the literature about the welfare sector, the professionalization of the social workers, and the participation of the child not only as a matter of co-production between the social services and the children, but also as a granted human being with his/her own rights.

To get access to existing literature (articles, books and e-books), Gothenburg University's library web page was used. Then the option of *Databases* was selected with focus on *sociology and social work* categories. In turn, going through the *sociological abstracts*, the proQuest system's features were used for a detailed analysis. The key words used to find the sources were: SOCIAL WORK, CHILD PARTICIPATION SWEDEN, CHILD WELFARE SWEDEN, CONVENTION ON THE RIGHTS OF THE CHILD, CHILD SOCIAL WORK SWEDEN, and CHILD PROTECTION SWEDEN. Library's main *supersearch* option was also used with the same key words, which lead to several e-book and book suggestions from the Social Sciences library. The selection criteria were the relevance of the sources to child participation in social services and child protection. Particular interest was given to information about the professionalization of the social workers and their abilities and flexibility to include service users in their investigation approaches.

4.1 Child participation

The Convention on the Rights of the Child was one of the first official tools that introduced the freedom of expression of the child as an important dimension that shows respect to the child as an individual human being. Articles 12 and 13 of CRC promote the right to freedom of expression on judicial and administrative matters, which brought along the idea of children's active participation on authoritative decision making (Smith, 2012, p.375). Lansdown (2005, p.123) states that the CRC in addition to securing the conventional idea that the welfare state is engaged to promote the best interest of the child based on good will and professional assessments, it does also promote protection and respect of the rights of the children in all dimensions that affect children. The rights-based approach to child welfare ensures that by promoting one or more of the child's rights, the other rights are not violated or understated, for example the right to privacy or family (Ibid, p.124). The key principles that the CRC promotes can be expressed in terms of the three P's: provision, protection and participation (Johansson, 2013, p.267). Under BBIC it is also stressed that *children are considered no longer as passive objects of adult upbringing and care, but as independent and acting individuals with early ability to act within their environment* (Socialstyrelsen, BBIC, 2013, p.22).

Many of the CRC provisions are already taken into consideration in the operating system of the SSA. Participatory approaches are strongly connected to the child protection policies in several countries within the last years (Healy, 1998, p.897). Arnstein (1969, p.216) introduces eight different levels of participation in the child and family welfare. The first two stages are those of 1) manipulation and 2) therapy, and they actually represent the society's attempt to heal and empower powerless people rather than give them a chance to participate. The next two stages are those of 3) informing and 4) consultation, focused on the power of the people to get involved with (child) participation and protection concerns. Note that initially they are silent and invisible in the official political agenda of social welfare, however they can be represented via the power-holders. Step 5) is placation, which means that the powerless can speak up their opinion but still the power-holders will decide for them. The last three stages represent the citizen's involvement into the decision making, that is, stage 6) partnership, which allows citizens to cooperate with the power holders, and lastly 7) delegated and 8) citizen control, where the citizens have the ability to fill the greater part into the decision making or have the absolute power to decide.

Thoburn et al. (1995) argues that Arnstein's model of participation is not suitable for child protection practice since it promotes participation through "delegated power" relations and distinctions. However, the statutory power has been used to control the population, for instance statutory representatives, such as social workers, have the obligation to protect vulnerable groups, such as children. By using this hierarchical model of participation, it is dangerous that signals of inequality may appear, and that the social workers will not be able to fulfill their goal to promote the well-being of the service users (see, Ibid, 2013).

According to Johansson's (2013, p.271) research, competent social workers know their responsibilities to act on behalf of the child's best interest and their duty to use their professional skills and apply the current domestic legislation to achieve the highest quality of protection for the children by involving them in the decision making process. Johansson (2013) supports this argument via examples where social workers consider the will and decision of young persons to be given another chance before the social worker intervene with his or her own terms. These kind of problem-treatments are examples of successful involvement of children into the decision making process, while social workers respect and encourage what the children estimate to be best for them.

Vamstad (2012) introduces the idea of co-production between the service providers and the directly involved service users. By cooperating, the quality of the final product-service is higher than a unilateral approach of intervention planning. Bovaird and Downe (2005, cited in Vamstad, 2012) study British municipalities and show that 90 percent of the respondents who took part in a survey conducted by the local authorities replied that the social services were mostly driven by the needs of the service users. Vamstad (2012) interprets Bovaird (2005) co-production concept as part of a general social progress and development, while the involvement of the government is shrunk. Bovaird and Downe (2009, cited in Vamstad, 2012) warn that if co-production were mis-performed, the outcome would have the opposite effect leading to low services instead. Swedish public sector effectiveness and high quality is based on the professionalization, training, and expertise of the service providers (Vamstad, 2012). The level of the service quality is virtually synonymous to the level of professionalism in line Vamstad who argues that in the Swedish welfare ideology

professionalism plays a crucial role in the public services (2012). Pollitt et al. (2006, cited in Vamstad, 2012) favors co-production in organizations, instead of overconfident social workers that exclude non-professionals to be involved and affect public services.

Pestoff (2008, cited in Vamstad) states that the best quality is easier achievable when there is direct and fruitful communication between the service users and the service providers.

4.2 Child as a dependent member

In consonance with Lansdown (2005, p.117), children are dependent members of the society and thus they have limited autonomy to make choices on their behalf. They lack competence to actively subsidize for their well-being. Instead, adults who take care for them, undertake responsibility and decisions for them. Adults are expected to make decisions according to the best interest of the child. Höjer and Sjöblom (2011, p.2454) report that the Swedish social welfare system covers adequately cases that are related to child and elderly care. However, in order to be able to request for benefits, citizens should be active in labor force, otherwise, they should apply for means-tested benefits. This shows that children, who are not active in the labor market, could be considered as an *oversighted* age group, who has voice in the social life through their rights to be members of a family. In other words, they are included in the welfare system due to the family membership.

It has been noticed that adults abuse the power they have over children as a result of unintentionally failing their duty to promote the well-being of the child (Lansdown, 2005, p.117). An incident was the case of a girl in the USA who was beaten to death by her parents when was returned to her biological family after being in an out-of-home placement. Examples as this one prove that the notion all professionals have about the family bond and the importance for the child to be raised in its family environment turns up to be untrue. This last statement challenges the importance of the right to privacy within the family life when it comes to child protection (Ibid, p.118). Ofsted (2011, cited in Welbourne, 2012, p.10) highlights the importance of competent social workers to estimate children's emotional stability and safety.

4.3 Deprivation of child participation

As already mentioned earlier, Närvänen and Näsman (2007) show that the children in Sweden do not have as much freedom of speech as it is expected from the CRC principles. Often children are not granted the opportunity to speak about what is happening in their lives, they are systematically disbelieved, and pretend that their rights are respected. For instance, children avoid complaining about their problems due to fear of further abuse (Lansdown, 2005, p.118). Other incidents like separation of children from their mothers in warzones, children's placements in care families, denied identity of biological parents in cases of adoption, even the denial of giving

analgesics to babies while they are suffering from pain, are some harsh daily decisions made by adults in order to protect children (Ibid, 2013). A clear view and perception about children might prove to be of essential value. James (1995, cited in Welbourne, 2012, p.7) defines four ways of perceiving the concept of the “child”. He mentions the developing child, who lacks competence and so participation. The tribal child, who lives “in a conceptually different world from adults, separated from adults, and having his or her own rules”. The adult child who is competent and actively participant in the adult world, and lastly the social child, who have different capacities than the ones adults have but their competences are not necessarily minor that those of the adults (Ibid). As a consequence, it can be seen as impossible for adults and agencies to act in favor of the best interest of the child without listening the child’s point of view (Lansdown, 2005, p.118). Lansdown (2005) refers to education as a means of safeguarding the professional attitude of the social workers to let children actively participate in their assessments.

Ofsted (2011, cited in Welbourne, 2012) presents the findings of *Serious Case Review* regarding the reasons why children’s voices were not taken into consideration. One reason is that the child was not regularly meeting with the professionals or not being asked about his/her feelings. A second reason is that social services were not interested to listen to what adults who spoke on behalf of the children had to say. A third reason was that parents tried to avoid any communication between the child and the professionals. Fourth reason was blaming the professionals who focused more to the (vulnerable) parents needs overlooking the impact to the children. Fifth reason was that the social service authorities did not interpret properly the extracted findings in order to protect the child. Wrong interpretations or ignorance of children’s points of view could be fatal.

Johansson (2013, p.263) states that child protection services deal with sensitive and complex settings, which require distinguished professional knowledge in order to accomplish satisfactory results. Surprisingly, Roose and De Bie (2008, cited in Johansson, 2013, p.263) argue, “The CRC is an obstacle to social work because it emphasizes the legal equality between children and adults. Paradoxically, this legal equality may create inequality because parents subjected to measures, such as out-of-home care, enforced by child protection services do not meet the societal standards of good parenting for cultural or socio-economic reasons”. This is an ambiguous statement with implications worthwhile to be taken into account by the policy-makers.

Johansson (2013) in her study regarding ethnic minority children using the social services observed that social workers sometimes act without the consent of the child. She describes an incident when a child confidentially admitted to the school counselor his home experiences with his mentally ill and abusive mother. The young boy was shocked when he returned home and found social workers from the child protection services reported by the school counselor without his acknowledgement and consent. This reveals that professional social workers’ failure to involve the young child into the decision making process and put forward their own will.

Social workers are seen as bureaucrats to promote the social control, and their main task is to assess and estimate needs and risk (Welbourne, 2012, p.7). Being occupied with their target, social workers do not focus on establishing relationships with children and young persons as a matter of children’s rights. Bureaucracy of the

profession itself keeps social workers occupied more with filling forms rather than establishing relationships with children and encouraging their wills and thoughts.

To conclude, there is a vast multilateral existing literature on the social welfare services and child protection. Applications and empirical studies focused on the Swedish domain are more limited, however, there are influential studies with interesting and challenging insights that merit further development and analysis. In this study we aim to enrich this sample via an interview-based qualitative research study on the effectiveness and functionality of the social welfare and health system, with particular focus in the child protection rights, in the municipality of Gothenburg.

Chapter 5

5. Theoretical framework

Baker (in Trevithick, 2012, p.29) describes theory as « a group of related hypotheses, concepts and constructs, based on facts and observations, that attempts to explain a particular phenomenon». This chapter introduces the relevant theories that the data analysis will be based on. Theories in this respect are not absolute ideas but indicators to help us interpret what is happening in our area of research based on the observations and information at hand (Trevithick, 2012, p.29). Therefore, our theoretical framework will be based on careful and rational integration of observations, facts, and information available to the fundamental theories, which will serve as the foundations for furthering the understanding and knowledge about the research topic.

Organizational theory and its various multisided lenses will serve as the basic pillar to interpret this study's observations and insights. The main approaches within organizational theory to be used are the street-level bureaucracy approach and the organizational culture approach, because they were estimated suitable in order to analyze the social service structures, to understand why service providers act in certain ways, and how do they contribute to the distribution of the services. Sociology of childhood approach is also suitable in order to explore the different aspects of the child perspective, and how child's active involvement is understood into the society. Finally, the human rights-based approach is used in order to spot the actual application of the Convention on the Rights of the Child in the Swedish domain, according the observations and material extracted from the interviews.

5.1 Organizational theory

Organizational theory studies the way organizations, social services, communities and social enterprises behave and function according to their agenda, characteristics, experiences, environments, and culture (Trevithick, 2012, p.38). Street-level bureaucracy and organizational culture approaches will be explained below.

5.1.1 Street-level bureaucracy approach

Lipsky (1980) introduces a special term to describe all workers who behave according to their discretion in order to provide the service users with benefits and services such as schools, police, social welfare departments, courts and so on – street-level bureaucrats. In an aggregate level all agencies and public services that provide services of this nature are called street-level bureaucracies. He points out that the public policies applied by street-level bureaucrats are structured in such a way that

reflect their established routines, their decisions, and their invented approaches to deal with uncertainty and work pressure. The purpose of their services is to distribute assistance to socially deprived people and to promote the social order. In fact, they have to deal with a vast amount of service users who asks for a favorable, fair, and appropriate handling. The point of departure in their daily work depends on their professionalization and discretion skills shortly presented below.

5.1.1.1 Professionalization in street- level bureaucracy

Lipsky (1980, p.200) acknowledges street-level bureaucrats to be “professionals whose relatively altruistic behavior, high standards and self- monitoring substitute for what the society cannot dictate”. Their inspection is difficult to exist from outside of the organization so their self-monitoring is the main supervision approach. Street-level bureaucrats are professionals who have acquired the adequate knowledge from their educational background at the universities, they have been under supplementary training to get credentials, and they have successfully entered in occupational positions via successful entry interviews conducted by administrative representatives in charge. The main orientation that guides street-level bureaucrats in their practical work is the application of their acquired knowledge in practice. Often, this application could be dysfunctional or difficult due to different orientations from the street-level bureaucrats. Professionalism is an ambiguous aspect of street-level bureaucrats’ function, because the fieldwork requires critical judgment and spontaneous decision-making, which often does not fit their *theoretical knowledge* based on training and education (Lipsky, 1980, p.202).

5.1.1.2 Street-level bureaucrats’ discretion

Street-level bureaucrats as governmental representative usually put all their effort to achieve the highest quality of services possible by inventing suitable techniques due to limitations forced by the organizational structures (Lipsky, 1980). Their main mechanism when they interact with the service users is discretion (Lipsky, 1980, p.3). A competent street-level bureaucrat requires skills of ‘sensitive observation and judgment’ in order to respond under ‘human dimensions of situations’ (Lipsky, 1980, p.15). Street-level bureaucrats interact directly and personally with the service users and they need “to make decisions on the spot” which may change the recipients’ lives (Ibid, p.5). The knotty thing regarding street-level bureaucrats’ work is that they need to incorporate their clients’ personal reactions to their interventions. It may happen that service recipients respond to the bureaucrats’ intervention aggressively, nevertheless, they are not able to affect street-level bureaucrats’ final decisions (Lipsky, 1980, p.9). Service users are dependent on the street-level bureaucrats’ discretion, on whether the latter will estimate a favorable intervention on behalf of the first, casting them relatively powerless. They are in charge of the nature, amount and quality of the services that will be distributed to the service user. The impersonal

character of many social services can lead to lower benefits and opportunities than those initially expected by the service users.

Different dimensions of social control, such as norms, legislations, and administrative structures regarding their occupation and community, restrict street-level bureaucrats. As Lipsky (1980, p.14) states, all those measurements influence the street-level policy and put high pressure on the bureaucrats to act according to their professional discretion. Sometimes legal rules could be a burden to the bureaucrats' decisions, so they need to act critically regarding their interventions and the tools they have in their disposal. Street-level bureaucrats need to find a balance between the clients' rights and the obligations they need to follow, imposed by the organizational indications.

5.1.2 Organizational culture approach

Lincoln and Guillot (2006, p.89) discuss how culture affects the 'collective representations' and influences the cohesive and moral aspects of the organizational culture. Other scholars relate the organizational culture with the values, beliefs, knowledge, moral, and law, to mention few of them, derived from the fact of being member of a community (Lincoln and Guillot, 2006, p.91; Hatch & Cunliffe, 2013, p.158). Culture is widely defined as a "normative way of acting according to natural collectivity...cultural patterns shape management action and employee motivation and behavior" (Lincoln and Guillot, 2006, p.89-92). Lincoln and Guillot (2006, p.97) observe that grouping people in a particular way of acting and behaving can produce collective ideas and actions that have the ability to remain the same as long as the conditions remain the same. Hence, culture is shaped in "macrocausal mechanisms" of human behaviors rather than of personal and individual beliefs (Lincoln and Guillot, 2006, p.109).

Organizational culture has a dual influence within the organizational workplace. On the one hand employees of an organization always bring with them knowledge and experience derived from cultural institutions that have come across during their lives, such as family, school, religion. These exogenous shocks have an impact on how professionals (social workers, etc.) tend to behave along the assessment process, and how do they interpret child's emotional and sociological state. On the other hand, the organization itself influences the society in which they contribute with their work (Hatch and Cunliffe, 2013, p.163). However, there could be cultural clashes between the local culture and an imported organization or an organization that has created their own ways of intervention within a society (Hatch and Cunliffe, 2013, p.163). For instance, the impact and influence on social workers to act according to legal and ethical bounds.

Hofstede (in Hatch and Cunliffe, 2013, p.164) presents the outcomes of his intercultural research regarding the organizational culture. He finds four main different aspects that characterize an organizational culture: 1) power distance, 2) uncertainty avoidance, 3) individualism vs. collectivism, and 4) masculinity vs. femininity.

The power distance represents “the extent to which the members of a culture are willing to accept an unequal distribution of power, wealth and prestige” (Hatch and Cunliffe, 2013, p.164). Organizations that belong to high power distance cultures (e.g., Arabic countries) are characterized by a hierarchical order with strict guidelines regarding the decision-making process. On the contrary, the low power distance cultures where there is inequality in power but weaker in nature, comfort and flexibility is observed in the decision making process.

Uncertainty avoidance refers to the willingness of the employees to take risks. Each society is different in the eligibility of tolerating risk taking. In high uncertainty avoidance cultures, rules and regulations control the extent to which risk-taking occurs (e.g., Greece, Portugal and Japan); while in low uncertainty avoidance cultures rules and formalization are most likely to be partially *neglected* (e.g., Sweden and Singapore) (Hatch and Cunliffe, 2013).

Individualism vs. collectivism is also a categorization between the cultures affecting the way that individuals can act either independently, take care of themselves and have no concrete relationships, or collectively in groups (like extended families) which create a sense of identity for the individual but expect inclusion and devotion in return.

Hofstede found also that cultures could have feminine or masculine orientations, which means that the roles and expectations between men and women either differ creating gender inequalities (such as in Japan and Venezuela) or their roles are supplemental and equal (in Hatch & Cunliffe, 2013, p.166-167).

Bearing in mind Hofstede’s four aspects of organizational culture, it would be easier to understand how a decision making process of an organization takes place. As Eriksson- Zetterquist et al. (2011, p.175) argue; decision-making is a social procedure that gives out information about organization’s involvement and functioning, and its main objectives and goals. They also claim that “the event of decision- making is what brings an open- ended system to a closure” and gives a special target and focus to an organization (Eriksson- Zetterquist et al, 2011, p.175).

5.2 The sociology of childhood

Childhood as a research field has been introduced recently in the discipline of sociology. Qvortrup (1993a in Corsaro, 2005, p. 8) asserts that this was not due to the fact that children had been ignored, but because they had been marginalized within the society due to their inferior position. The sociology of childhood studies how the child socializes and internalizes society (Corsaro, 2005, p.9).

Children have been seen as potential adults, so one can say that adults view children as the persons that will become in the near future. Children’s needs, desires and wills are often seen as social problems that requires further concern (Corsaro, 2005, p.8). Children have their own way to interpret and act within the adult world. The relations children make with the world around them are products of social constructions and can be studied as a process of social action. On the one hand social constructivists

argue that both children and adults are seen as active participants in the social construction of the childhood, on the other hand, the deterministic approach treats children as passive purchasers in a society created by adults. The deterministic and constructivist models are described below, respectively.

5.2.1 The deterministic model

According to the deterministic model, society undertakes to train children how to properly socialize and become competent members of the society. It is called a deterministic model due to the fact that children are passive in their socialization process since their socialization strategies are already decided by the society. Two main approaches dominate the deterministic model: the functionalist and the reproductive approaches.

The functionalist method focuses on what the child has to internalize by training so as to become a competent and contributing member of the society. Talcott Parsons is the main representative of the functionalist model (see, Corsaro, 2005, p.10). Parsons and Bales (1955, in Corsaro, 2005) argue that a child is a threat to the society until he or she becomes adequately socialized. Coping with difficulties and following a proper training are two forms of adopting the societal norms and integrate into the social system. The reproductive approach on the other hand, is seen as a societal control mechanism, since according to it the society reproduces the class inequalities. In consonance to the reproductive model, the access to cultural and educational resources differs between the different social statuses. Both approaches have been criticized because they turn their focus on the outcomes of the socialization of the children. Also, they deprive the children from having an active role in their socialization.

5.2.2 The constructivist model

Under the constructivist model, the inspiring point of the sociologists to study childhood was the developmental psychology (Corsaro, 2005, p.12). Jean Piaget is considered to be the main spokesman of the constructivist approach. Piaget (1968 cited in Corsaro, 2005) stated that children, since they are newborn, have the ability to understand and construct interpretations of the world around them in a different way than adults do. In consonance with his theory, all children go through qualitative stages of intellectual development. In order to interpret correctly and explain children's understanding, adults should always take into consideration the child's level of cognitive development. Piaget introduces the *equilibrium process*, which refers to children's actions when dealing with problems in their environment as a part of their intellectual development (Corsaro, 2005, p.13). While for Piaget human development is an individualistic process, for Lev Vygotsky is a collective process. He stated that children acquire new skills and knowledge when they actively interact with others (Vygotsky, 1978 cited in Corsaro, 2005). Language is the main tool for the individuals to internalize the culture. In contradiction to Piaget, Vygotsky claims

that children in order to deal with everyday problems do interact with each-others. Thus, the human development for him is collective. However, constructivist model has been criticized as weak due to its individualistic focus since it is build around child's activities and child's development.

5.2.3 *The interpretive reproduction*

Interpretive reproduction is another concept of the sociological perspective of socialization, which gives emphasis to the collective activity. The central point in this approach is that socialization does not only define the process how children adapt and internalize culture, but it rather defines the process of appropriation, reinvention and reproduction of culture by actively contributing to cultural production and change within the society (Corsaro, 2005, p.20). With the interpretive reproduction children participate by interpreting the adult world taking information from it to address their own problems and concerns. The term of peer cultures is used to define the activities, routines and problems children create and share in an interactive mode with their peers. Language and the child's participation cultural routines are two main tools to interpretive reproduction. Ochs (1988, p.210 cited in Corsaro, 2005, p.21) defines the importance of language in the children participation in their culture as a "symbolic system that encodes local, social, and cultural structure and as a tool of establishing social and psychological realities". By participating in cultural routines, children acquire sociocultural knowledge of the society they live in, and assist them to be able to deal with unexpected and problematic situations within their environments. Participating in cultural routines starts from an early stage of children's lives with the *peekaboo game* with their parents, to a problematic and confusing situation a child has in his or her mind regarding the world. Children, according to the interpretive reproduction lens, participate in two cultures: children's culture and adults' culture (Corsaro, 2005, p.29).

5.3 Human rights-based approach (HRBA)

Human rights are the core value of the social work practice. In line with the IASSW and IFSW, the international definition of social work profession is the following: «the social work profession promotes social change, problem solving in human relationships and the empowerment and liberation of people to enhance well being. Utilizing theories of human behavior and social systems, social work intervenes at the points where people interact with their environments. Principles of human rights and social justice are fundamental to social work» (Straub-Bernasconi, 2012, p.30).

Wronka (2012, p.442) argues that the application of the human rights is the core stone of the United Nations. The implementation and spread of the human rights is strongly related to the political will of the people prevailing through human choices and concluding promoting rights. The first attempt to inspect the development and application of the human rights was in 1993 by the Office of the High Commissioner

for the human rights, reporting the findings to the Secretary-General (Wronka, 2012, p.442). In 2001, the committee of Ministers of the Council of Europe suggested that human rights should not be just a complementary part of social workers' training, but rather a way of thinking about how human rights should be applied in the everyday practice (Straub- Bernasconi, 2012, p.30). This relatively new document has become a new standard in social work practice by the IFSW European Region.

The Program of Action of the International Conference on Population and Development (ICPD) is built on the promotion of dignity and equality between human beings (UNFPA, 2015). The UN discussed reformative efforts regarding the implementation of human rights since 1997. Before 1997 there was a 'basic-needs approach' used by the development agencies. In 2003 the UNFPA, a UN agency that works protectively towards women and young people, was the first agency that adopted the UN Common Understanding on a "human rights-based approach" (UNFPA, 2015). Elements for an effective "human rights-based approach" can be found in the webpage of UNFPA. They acknowledge the importance of human rights as the core stone of development, people are recognized as autonomous and free for self-determination, and participation and empowering strategies should be promoted. In addition, a situation analysis program should be put in practice in order to detect the cause of the developmental dysfunction including all kinds of stakeholders and other state and non-state representatives. Finally, the idea is to strengthen the national accountability systems to safeguard independent governance and also to support strategic partnerships to acquire a healthy development (see, UNFPA, 2015).

Social work can protect the human rights in various ways such as resource mobilization, raise of awareness, mediation and empowerment (Straub-Bernasconi, 2012, p.31). Two are though the main monitoring committees (Wronka, 2012, p.442). The first one includes the committees for each of the areas of human rights concern who monitor the applications of the conventions in the involved governments (States). The second monitoring body is the Universal Periodic Review (UPR) initiated by the Human Rights Council and its duty is to monitor all the 192 member States' implementation of the human rights.

The most important tool to spread awareness regarding the human rights is by sharing information. Wronka (2012, p.443) views information as power. Education about the human rights and world conferences could be essential to this purpose. As trying to introduce new values to a society could be difficult, it could be considered vital to work primarily with children and youth. An interesting example is Norway, which introduces the CRC to children through children's cartoons as a main way for the children to access information to the human rights (Wronka, 2012, p.443).

In Sweden, the human rights concept started to appear since 1990s as a main focus for the developmental plan of the country. As Frankovits and Earle stated in a Workshop conducted in Stockholm in 2000, "human rights had been so much integrated into the very concept of a 'welfare state or system' that we no longer recognized its true character" (2000, p.7). They continue by saying that Sweden follows a European model of welfare state, which conveys the social development of the country and the individual's participation, and achieve of maximum well-being, independent of discrimination of any kind. In 2000, Swedish government authorized a Parliamentary committee to review the development of the Swedish Policy of Global Development, and among others to investigate whether various policy documents and White Papers

were integrated into the domestic developmental plan. The “human rights-based approach” should be central for a concrete cooperation between human rights and the development programming of the country (Frankovits and Earle, 2000, p.12).

Chapter 6

6. Methodology

This chapter presents the methods used to extract the data and prepares the ground for the discussion and analysis sector to come. We explain the sample methodology, the analysis approach, ethical issues that should be taken into account, and we conclude elaborating on the concepts of reliability, validity and generalizability and their application to our project.

6.1 Research method

It is widely accepted that social sciences focus on aspects of human society and people's expectations and interpretations of the world (Bryman, 2012, p.399). In order to understand, study, analyze, and derive conclusions and interpretations about people's behavior and cosmo-theory, social researchers have to use different means of thinking and powerful social tools and lenses (Ibid, p.380). One such dynamic research tool is the qualitative approach to research. Qualitative research does mainly focus on the study of the use of words in order to express views, expectations, and interpretations of phenomena, social concerns, and other topics of interest within a certain setting (Ibid, p.399). One may also argue that qualitative research focuses on the reflective information shared by the subjects under study (Ibid, p.401). Qualitative studies as subjective interpretations of the problem under investigation are designed to be flexible and adaptable enough in order to cover an as broad as possible realistic and fair interpretation of the information extracted by the participants (Ibid, p.403). The aim of the present study is to examine how the CRC and the Swedish welfare system co-exist and apply in the social work assessments. The qualitative approach is judged to be the most suitable tool to extract and analyze responses and available information used to address the aim of the research project.

The main reason of employing qualitative analysis is the flexibility required to treat the data collected during the interviews and research discussions. The researcher observes and analyzes behaviors, opinions, trends, and other information without initially knowing the proper interpretation so as to derive conclusions regarding the topic of interest. The researcher extracts information using a portfolio of questions addressed to numerous participants in order to figure out any implicit trends that can guide the study towards the fulfillment of its objective. Last but not least, as qualitative research does not allow for any statistical analysis and inferences, careful judgment of the data should be applied keeping in mind that the qualitative research process is an ongoing approach towards finding the scientific truth.

6.2 Data collection

A semi-standardized interview would be considered as the most suitable method to extract the information that is needed for this research. This type of interview allows the interviewee to express his or her interpretation of the world. Researchers could approach the interviewee's perspective by adjusting the level of vocabulary into the fixed questions they have prepared for the interview. It also allows the flexibility to ask additional questions and to make comparisons between the interviewees (Berg, 2009, p.109). Moreover, the research questions are of the open-ended type, thus the interviewee is flexible to reply according to his beliefs and views. Hence, we expect the answers to be pure products of participants' own experience, behavior and emotions (Bryman, 2012, p.246).

The data collected for the present research come from interviews conducted face to face with five social workers that make home investigations by applying semi-structured questions.²⁰ Because the interviews were conducted in English, clarifications, simplification, and further elaboration of some questions were needed. Vignette questions in addition to the original question were also used as means of clarification (Bryman, 2008, p.246-248)

6.3 Sampling

An adequate sampling to use for this research project is one where participants have close connection with the main research questions under investigation, therefore, a «purposive» sampling have been selected (see, also, Bryman, 2012, p.416). Rather than requesting from Gothenburg social services to interview social workers that conduct home investigations, we selected the participants according to their relevance with our area of interest. Additionally, snowball sampling aspects can be found in our study as well. Snowball sampling is a technique where the researcher firstly interviews a small group of people relevant to his/hers research questions, and in turn, the participants suggest other people who might prove to be knowledgeable and relevant to the purpose of the research. The sample contains participants that have been suggested by the initial participants to undertake the interview process.

6.3.1 Profiles of the participants

In this study, five social workers that are directly engaged in the assessments process were interviewed. The participants' profiles will be shortly presented in regards to their position in the offices, the municipalities they work with, and the years of experience in the area of child protection. To preserve anonymity, a random letter of the alphabet will denote the participants. The official Swedish term *socialesekreterare*

²⁰ The questionnaire is available in appendix-A.

will be used solely in this part of the study to describe the social workers that conduct assessments.

Participant A.: Socialsekreterare at the acute offices of Gothenburg, with ten years of experience, but not specifically with children.

Participant B.: Socialsekreterare working at the family-care office, dealing mostly with people who intend to be foster parents in the area of Majorna-Linné municipality. Socialsekreterare B. has a general experience of 25 full years in the area of child-care. Last six years of the career devoted to work with potential foster parents.

Participant C.: Socialsekreterare at the acute offices of Gothenburg, with an experience of eight years of work in the social services.

Participant D.: Socialsekreterare working at the domestic violence office of Angered, Hjärbo. Socialsekreterare D. has an experience of four years in the violence office.

Participant E.: Socialsekreterare working at the youth office of Norra Hisingen, (*Barn och Familj* is the exact reference about her office) with a four years of experience with youth between 12-20 years old.

At this point it is worth noting the most concrete differences between the participants working at the acute offices and the common social service offices. The acute offices do not work with a specific target of people since they receive any kind of people in crisis, such as children, battered women, homeless and other similar but with the exception of elderly. Also, their assessments are of a short period, for example just for one night or for the weekend. After that, the service users are referred to the concerning social offices. Whereas, social workers who are working in several department of social services have a more specific target group that they work with and their assessments are of a long term of four or even more months.

6.4 Data Analysis

As Kvale (1996, p.181) argues there is not a specific method to analyze a social research data set because of the depth, uniqueness, complexity, and the social nature of the extracted information. The analysis of a social data set could be extended to as many different interpretations as the numbers of the researchers who analyze the data. For this study, an inductive way of deriving conclusions fits the data that is collected by the five interviews. The induction approach, according to May (2001, p.32), refers to studies designed not to prove or dispute a theory, but mostly to analyze specific aspects of the social life beginning from observations, then trying to indicate potential patterns and regularities, thereafter, indicating research problems to be explored further, and finally, deriving some general concluding remarks.

Firstly, we design the interviews so as to cover an as wide as possible area within our topic of interest given a very broad research problem to analyze. Then, according to the information extracted and initial brief analyses of the data, we try to narrow down the scope of the research question with the aim of formulating the exact purpose of

the study. Transcribing the interviews, organizing the essential information, and highlighting the most interesting point worthwhile to discuss further, we start building up the research model and its objectives. Thereafter, detecting patterns and having a research question in place, we end up developing some general inferences and interpretations about the problem under consideration.

To analyze the available information, Kvale (1996, p.192-193) uses the concepts of meaning condensation, meaning categorization, meaning interpretation and generating meaning through ad hoc methods. In an empirical phenomenological analysis, there are five steps to minimize the data and guide the researcher to potential findings (Kvale, 1996, p.194). Firstly, the collected information is read in order to understand the big picture. Secondly, “meaning units” are identified and put aside in order to be coded further in the analysis. The third step is the grouping of the dominant meaning units in themes. The next step consists of critical discussion and analysis to figure out whether the themes produced do address the research question. In the last step, the produced information is tightened together in a pictorial statement.

In this study, each of the transcriptions was read thoroughly as a whole twice. Then a minimization of the data was used, so that the least relevant information was omitted. Next, each of the interview-texts was read again, and each of the answers was separated creating several meaning units. It was found that part of the meaning units were central, while another part were considered to be not very significant to address the research problem. In turn, the relevant meaning units were categorized to broader groupings in order of dominance. Thereby, we were in a position to study the degree of relevance and how each unit contributes and explains the problem at hand. After repeating the same process to all of the respondents’ transcriptions, a constant comparison was used as the main way to achieve a theoretical saturation. In this way, it was easier to find the extend of convergence or divergence of the respondents’ answers from each other, and if shared value was created through new ideas coming from the respondents’ replies.

6.5 Ethical considerations

Kvale (1996, p.112) in his book suggests the distribution of information and the consent of their participation regarding the research as two crucial aspects of conducting a research. One can say that there are ethical considerations through the whole process of conducting a research. According to Bryman (2012, p.135), ethical considerations in social research cover four main areas, whether the research is harmful for the participants, whether the research is conducted without the informed consent of the participants, whether the researcher respects the privacy of the participants, and finally whether deception is taking place. In order to cover all those areas, a letter of consent was created and provided to the interviewees before the conduction of the interview, informing them about the reason of the research, the usage of the data that would be collected and the eradication of the data after the end of the project.²¹ Furthermore, their rights regarding the information expected to be

²¹ The questionnaire is available in appendix-B.

shared were referred, such as confidentiality, their right to take back information in case they change their minds and their right to have a copy of the thesis when it will be done (Bryman, 2012, p.140-143). Before starting the interview process, the participants were orally informed that the English language was the second language not only for them but also for the researcher and maybe some clarifications and simplifications of the interview questions should be applied, but the main meaning of the question would be always the same. They were also informed that the researcher is very much interested in their experiences and their knowledge and that by asking the interview questions or further clarifying information should not be taken as interrogation. By using all the above information about the interviewees, transparency, self-determination, confidentiality and autonomy concepts are secured.

6.6 Reliability, validity and generalizability

According to Bryman (2008, p.389) «reliability, validity and generalizability “are different kinds of measures of the quality, rigor and wider potential of research, which are achieved according to certain methodological and disciplinary conventions and principles”».

Validity is trying to verify that actually you are «observing, identifying or “measuring” what you say you are» (Bryman, 2008, p.389). Validity is testing if the researcher is measuring the right concepts. It is a process that goes all the way from the beginning of the research to the end of it. As Kvale (1996, p.236) argues, validity is a way to control the quality of the research during all the seven stages (thematizing, designing, interviewing, transcribing, analyzing, validating and reporting).

In the present study, an appropriate research area was chosen, after having reviewed the available literature regarding the topic of interest. An appropriate tool to conduct the interview was chosen and the questionnaire that was used to conduct the interviews was designed in such a way that was in consonance to the literature review and to the aspects of it that the principal investigator would like to get in depth. Moreover, the questions were formulated so that could be understandable to the social workers. Reflections on previous researches were used to support some of the research questions, whereas in some other questions the theoretical framework regarding the human rights based approach was used for the same reason. While transcribing, the transcriptions were as close to the exact words of the interviewees as possible. While analyzing the pure data, objectivity was always bared in mind and the actual words of the respondents were followed without prejudice and without trying to guess what they mean behind their words and without any influence by the present investigator.

Reliability has a close relationship to the possibility of repetition of the research (Bryman, 2012, p.46). The term is also similar to the truth. When we are talking about reliability, we mean whether we could take the statements of the interviewees' for example as the pure truth. Reliability is occurred during the whole of the research process as well (Kvale, 1996, p.235). The reliability could depend on the researcher's capability not to guide the interviewees in a specific way but to let the interviewees reply to the questions as they think and be impartial. The place and time that the

interviews were conducted were made in accordance to the interviewees' availability, and it could be at their homes after work or at their offices, so they could feel comfortable opening up. A friendly approach to the interviewees was held in the beginning and follow up questions regarding the main research questions were held not only to extract more information regarding the research but also to keep the friendly environment. While transcribing, an attempt to be as close to the words of the interviewee as possible was made so to achieve reliability in the text.

The reliability is closely linked to the replication of the study. If all the steps of a study would be presented in details and reproduced, regarding same research questions, same interviewees and same environment, the outcomes should be the same (Bryman, 2012, p.46). However, in a social research of similar nature the results can hardly be the same. Note also that originality is more appreciated in social research than the replication and verification of findings derived via older studies (Bryman, 2012, p.47).

Generalizing is maybe one of the most spontaneous reactions of our mind. Kvale (1996, p.232) categorizes generalizability in three different forms, the naturalistic generalization deriving from our personal experience, the statistical generalization, where the sample used for the interview is coming from a random population and produces the same results and lastly, the analytical generalization which refers to generalization under specific conditions, for example to the extent that the results of a specific research could be occurred in another situation as well. As Bryman (2012, p.406) argues, "the findings of qualitative research are to generalize to theory rather than to populations" and that of course is not possible to generalize the outcomes of a research study over a restricted number of participants to other settings.

In the present study, the generalizability is low, since the number of the interviewees is not representative for the social workers in total who work with home investigation in the whole Gothenburg. Also, the fields of the social workers who took part in the research were not all of them in the same specific field of intervention, and almost each of them had another focus to serve.

Chapter 7

7. Findings

In this part, the outcomes of the research will be presented without any subjective involvement or interpretation of the author. The answers given by the respondents for each interview questions were analyzed separately one by one. During the second time of reading, omitting the irrelevant information and curtailing the mass information into shorter thematic units was attempted. Later, the answers from the participants were combined and compared so as to create a broader theme that covers the participants' answers as a whole for each of the interview questions. The full interview questionnaire that was used as a tool to extract information from the participants is available in the Appendix-A. Under each of the interview questions following up below in this part, will be shortly presented how the main themes were created and why they were named after those particular themes. Quotation marks within the text contain the exact words of the interviewees and they are used to justify and support the choice of the name of the themes given. In order to be easier for the reader to follow the presentation of the research, the main themes will be firstly mentioned in headlines so that the reader could get a main idea what the findings of the research are.

7.1 Social workers' familiarity with the Convention on the Rights of the Child

Analyzing the data, we come to a conclusion that all of the participants in the research are in a way familiar to the Convention. Participants C. and D. have come across with the Convention because they had to read about it during their education in the school but no later in the University. Even though the principles of the CRC are the main guidelines of the domestic law and basics for the BBIC, participants A., B., C. and D. stated that they do not have the Convention's indications in mind while they are working in daily basis. Moreover, participants A., B., C. and E. referred to the domestic law as their main guide tool. Participant E. used the motive "*we have to work according to the law*" to define that they are following some rules that the law indicates. Also, same participant added that "*it is not a law yet*" to justify why she does not have to think whether she are applying the Convention or not in daily basis. Finally, E. mentioned that Sweden has very good laws for children and that is why the Convention is barely mentioned. As A. called it, "*it (the Convention) is the silent knowledge*".

7.2 How is the right of privacy secured while investigating?

1. Everything is private
2. Establish relationship
3. Following the law
4. Get satisfactory information
5. Consent for children over 18

7.2.1 *Everything is private*

Respondents B. and C. mentioned a couple of times that “*everything is private*” regarding the life of somebody else, so they should be very careful when investigating and should be a balance between the information that should be extracted and boundaries of not intruding into private family matters. As reported by respondent B., the social workers know how they have to work and they know their rights regarding the protection of the privacy matters. B. precisely said that “*I worked in investigating young people and I know what rights I have as investigator*”.

7.2.2 *Establish relationship*

Participant D. narrates the importance of creating a basic relationship with the clients before she arranges a home investigation. “*Before I go to someone’s home, I usually have a couple of meetings in the office and I try to get a nice connection and relationship with them (clients) so that it would be like inviting not a friend but not a stranger either*”. This creates a trustworthy and friendly environment for both social worker and the client so both can feel comfortable. When, on the other hand, the parents are not cooperative and they do not respond to the social worker’s notifications, then the social worker has to investigate by force and no chance to create relationship was granted. Participant D. distinctively said that “*sometimes when we receive a report and we send letters (to the family) and they do not answer, we have to go and knock on the door and see if they are there (...) and since they don’t answer we don’t get the chance to build on a relationship, the first thing we do is we stand and knock on the door and introduce ourselves*”.

7.2.3 *Following the law*

All of the respondents argued that the information they extract have to be focused on what the report indicates. Especially regarding the short investigations, respondent A. replied that “*(...) we talk about what the report and the application says. (...). Our role is to assess the situation that is going on right here right now*”, so no information regarding the broader network of the family is needed. A “solution focused” intervention is the main focus of the short investigation. In addition, very concerned

investigation should be held regarding the depth of the information extracted during investigation because as C. mentioned maybe the police's investigation will be ruined or maybe the police have to talk to the family or the child before the social workers, so they have to be very careful to what information they ask for. However, same respondent said that maybe this time when the child comes to apply for help or the social worker makes the investigation, the child is vulnerable at that moment and is the only chance to speak up about its fears and problems, and sometimes social workers do not give that chance to the child due to doubt of extreme intervention.

Participants A., D. and E. referred that they are following the law as much as possible. Most of them reiterated what the law said about the investigation process. *"The law says that we should not go deeper than needed"* and *"we have a rule that we don't investigate more than we have to"* were the exact words of A. and E. respectively.

7.2.4 Get satisfactory information

While respecting the idea of not going deeper than needed, an added aspect came up, introducing the extract of information in that level that is satisfactory for the social worker to make a clear estimation about the case. Respondents A. and D. stated that if some more investigation in private- family matters is required for a clear investigation, they have to go deeper into the family affairs. Respondent D. supported her opinion by giving the following example: *"if we talk to somebody on the phone for example and we are not really satisfied (with the information we get) we say that 'oh we can come home to you and talk to you' ..."*

Respondents A. and D. also replied that it is important to investigate also the background of the family, so they can have a broader picture of what is going on in the family and explain several attitudes. *"We also want to know the background as well, how long they have been living like this and if the parents have had parents that have abused each other in a way and stuff like that so that we could get a picture to know in what way we can help"* said A.. Respondent B. said that the most important areas that a social worker should investigate anyways are the ones regarding the child's health and development.

7.2.5 Consent for children over 18

Respondent E. mentioned that after or during the intervention, when working with children around 18 years old, she ask them whether they want the social worker to inform their parents regarding their meeting or not, and if the children say no, then the social worker keeps the information confidential.

7.3 How was the self-determination and integrity promoted while investigating a case?

This question, while interviewing, was guided more towards the parents' self-determination and whether their opinions and their sayings could affect the agenda of the social worker that makes the investigation. The main themes created are namely as such:

1. Parents as first source of information
2. Self-determination as a matter of cooperation
3. Self-determination as a matter of parental competence

7.3.1 *Parents as first source of information*

Regarding this question, all the respondents replied in this question is that all social workers have to talk and listen to what the parents have to say about the case. Respondent B. reported that *"I know it says in the instructions (of the law) that you must listen to the parents what is their point of view"*. When it comes to short investigations, where the social workers are meeting the parents or children for a first time and very shortly, they are not familiar with the case and have not any intervention plan prepared beforehand. A. stated that *"I would say that we listen (to the parents) a lot actually, because most of the cases that we receive are unknown to us"*. Listening to the parents is a very important aspect to get to know what is happening in the family so social workers can make estimation as clear as possible and create an acute intervention plan right at the moment.

7.3.2 *Self-determination as a matter of cooperation*

The cooperation between the parents and social workers and the agreement between those two regarding the intervention plan is a very important aspect making them two cooperatives. As mentioned by C., when the parents are positive to the intervention plan of the social workers, they have more chances to collaborate adequately so they have more chances to keep their children at home and they can compromise to what the social worker advices. When, on the contrary, parents do not cooperate, the social worker has to apply an LVU and the parents have no right to disagree or not cooperate. Participant A. focused on the law saying that *"They (parents) always have a choice. Sometimes you can also express that this is so serious so it's an LVU situation. But you can also choose to agree (with the social worker's suggestions) and in this case it won't be an LVU (forced intervention). It's more like a SoL (voluntarily) under threat, you can call it"*. Parents know what is the best choice for them to keep their children at home even if the situation is very bad. If they follow the social worker's indications 'voluntarily', there will not be any forced intervention plan.

7.3.3 Self-determination as a matter of parental competence

Participant B. stated that parents can make choices regarding their children only when they prove that they are competent parents and that they can take care of their children adequately. *“We put a lot of responsibility back to the parents”* said E. regarding the raising of the children. Also, in consonance with C. and E. social workers have an empowering role towards the parents. C. talked about her experience in the office: *“Parents are calling us or want us to come to their home or calling us to have advices and the of curse is up to me to be more ask questions to deliberate their own abilities in some way (...) I try to work in a more empowerment way of thinking how you have been dealing with this before and what can be done and how is the network”*. Respondent B. added that *“they (parents) can get help from the hospital or from the social workers; we have all different kinds of professionals so parents can have the help they want”*. Social workers and other hospital programs let’s say for drug users, are available to help parents to get over their problems indicate them on how to take care of their children properly, as a result social workers focus on the parental competency so that parents focus on the care of their children.

7.4 Is the Right to Family contradictory to the Right of Protection?

1. Loosen power of parental status
2. Parental VS Children’s rights
3. Foster families as alternative families
4. Voluntary breakdown of family life
5. Keep contact with biological family

7.4.1 Loosen power of parental status

Respondent B. turned the focus on the institution of family stating that nowadays it is loosen nowadays. *“(...) in the law and in the culture and in the historical times the parents have always owned the child. (...)But nowadays the law is looking more at the children’s rights; the children have more rights so the parents have to behave if they want to keep them (the children)”*. Moreover, nowadays you have the possibility to be a parent without having given birth to the child. Children can be placed in an out-of-home placement yet from a very young age, even months old, so who the parents are, is not so clear at the end of the day. Respondent B. stated that *“you can still be a parent even if you are not the birth parent”* declared one of the participants. Foster parents can be considered as parents as well as any other custodians who take care of children can be considered as parents.

7.4.2 Parental VS Children's rights

Respondent A., talked about the right to family and the right of child protection while social worker's intervention the parental rights are coming against the children's rights. She continued that *"the child's right to a safe environment is more important to the parents' right to children"* and the one that is going to win in this kind of 'battle' is the protection of the children, so the children's rights, even if it means that the family rights should be 'violated'. Same participant stated that *"because if a child needs protection that's like above everything"*.

7.4.3 Foster families as alternative families

Respondents E. and B. replied in this question that in order to maintain a child within a family, they choose the most used way of intervention and child protection in Sweden, the placement in foster families. E. and B. agreed that a child being in foster family means that he or she keeps being a member of a family and being raised in a family environment and not in an institution. What is more, C. and E. stated that the foster family is a temporary solution until the child can return to its biological family, the placement *"should be for a short time and then back"* so it comes at ease with the children in an out-of-home placement. In short interventions, the child is removed from its family *"just for one night or two"*, so it cannot be considered as a vast change, unless it comes to an out-of-home placement regulated by the long investigation process, C. said.

However, in consonance with respondent E., putting a child in a foster family just to maintain a child into a family environment could be *"contra productive"* for the child. A child could have many problems and the foster family maybe could not deal with it, so the child has to move again. This failure of foster family matching could be taken for the child as a personal failure. The same respondent continues saying that *"sometimes you need to put them (children) in an institution and then do things short time. Then put them in a family"*. So sometimes it would be better if the child could stay in an institution for a short period, so to work with itself and then being able to stay in a foster family until it return to its biological family.

7.4.4 Voluntary breakdown of family life

In agreement with respondents A. and C., sometimes parents are self-conscious and they realize on their own that they are not capable of taking care of their children. So, they visit the social services or make applications and ask for their children to be removed from home for one night or more. In addition, even when the parents do not want to give their children away and the social workers apply an LVU (forced intervention) for their case and children are taken away by force, the parents may even feel relieved that somebody else took the initiative to take care of their children.

The parents are not always brave enough to accept their situation and incompetency as parents and give their children away, even if they know they are not able to take care of them adequately. As C. stressed out, *“I think it can be a relief for some parents as well that someone says no this is not... because no parent will say here is my child take it”*. So, when a social worker intervenes and puts the child in an out-of-home placement, parents do not like this idea but yet they understand and feel alleviation.

7.4.5 Keep contact with biological family

Two of the participants, B. and D. brought up the importance of a child maintaining contact with the family as a way of not violating the family right. D. said that *“what we do is that they (children) get to meet their parents regularly. They can still have contact; they can still meet their parents and staff”*. It is very important to keep contact with the biological family, while the children are placed in an out-of-home placement. Having regular phone calls or meetings with their parents maintains the family bond between parents and children and helps the children to be ready for a family reunification, D. mentioned that *“when we place someone in foster home, (...) we just want them to be there for a while and during this process it is necessary for the kid to have contact with the parents because otherwise it would be like we haven’t spoken for two years but now you are going to move back”*. Respondent C. set the idea that parents are also important in children’s lives as a matter of their identity. Who are their parents and how do they look like and information about them creates the children’s identity about themselves.

7.5 What is the child’s best interest?

1. What the child wants
2. What the child wants in combination with other aspects
3. Parental capabilities
4. Education and health

7.5.1 What does the child want?

Respondents E. and A. replied to the question regarding the best interest of the child is to listen to what the child wants. E. stated that *“what is best for a child is what a child wants... we always have to listen to the child and what it wants but it’s not always possible and it’s not always the right thing (what the child wants)”*. It would mean that the social worker should talk to the child and listen to it before they decide what kind of intervention will apply, but it is known that sometimes what a child wants is not feasible.

7.5.2 What does the child want in combination with other aspects?

Participants A. and C. declared that the best interest of the child is not only what the children themselves want regarding their case, but also in association to what the network around the child thinks about the case. School, parents and general network of the child are mentioned. C. argues that *“the child have the right to express its experiences and what the child wants and talk to other people around the child as well... parents, school or the network and then judge or assess different..”* were the exact words of a participant regarding the social worker’s estimation process over a case. The social worker plays a particular role in this since she has to estimate the gravity of the case and take into account the child’s will, to make the right decision regarding the child’s protection. When the social workers estimation ends up being the same to the child’s will, then that is the ideal intervention. Respondent A. claimed that sometimes what the child wants is not compatible to what the social worker estimates as the ideal intervention in order to protect the child so most of the times when such incidents happen, the social worker has to take the *“adult responsibility”*. They have to take the case to the court and apply for an LVU (forced intervention) to continue with the intervention plan. But surely the social worker has to consult the child first anyways.

7.5.3 Parental capabilities

Respondents B. and D. argued that the child needs to receive everything he or she needs for a normal development. There are some basic needs that must be fulfilled so as we can speak about the best interest of the child safely. D. said that *“it’s like that a child gets everything they need in a way of love, food, house, have caring parents, parents who can guide them in life”* were the exact words of a participant trying to express why a parent plays a predominant role in providing the basic needs a child needs and safeguarding the best interest of the child. The best interest is closely linked to the parental capabilities. Whether parents are *“able to provide the basic needs to their children, guide their children, and help them being a good person and a good student”* defines the parental contribution to achieve the child’s best interest, according to D.

7.5.4 Education and health

B. focused her response on theories stating that children need to meet their needs. The best interest of the child is the education and health of the children. In consonance with her actual words, *“it’s common that children who have been in foster families they have not so good health and their school education is not the best”* comparing to children raised in regular families. Lower status regarding education is due to the teacher’s low expectations on foster children and their feeling of pity towards those children. So the NBHW has established a project where social workers in cooperation

with the teachers and maybe psychologists regularly check children's attribution to school.

7.6 Why there is no specific definition of the best interest of the child?

1. All people are unique
2. Cultural relevance
3. Basic standards

7.6.1 All people are unique

The unanimous first response regarding the non-particular definition of the best interest of the child was that all people and all cases are unique and different from each other. Respondent E. defined that *"it is always individual and we need always to have individual assessments"* for each of the cases.

Due to the fact that every case and families are different from each other, no comparisons are feasible. According to A., one of her clients, after narrating his story, asked for the same help as one of their family friends got, which was not possible since the case was completely different. Respondent C. mentioned, *"You can never compare because it's human relations and it's people working with people"*.

7.6.2 Cultural relevance

Each country has its own laws and indications regarding the child protection system. Participants B. and A. argued that whatever means the best interest of the child in one country and culture does not mean that has to be also in another. Respondent B. argued that *"the Convention says what is best for the child but it's also culture, perhaps it's a cultural thinking what's the best interest of the child. (...) Perhaps the adults in Greece think in another way"*. So the cultural relativity deter from giving a specific definition of the best interest of the child.

7.6.3 Basic standards

Respondents E., C. and D. stressed that despite the fact that every child is different from each other and every case is unique. Respondent D. stated that *"when it comes like to basic staff it's the same"*. She continues by saying that there are some basic needs that every child should meet. That could be food, shelter, love, care and protection. Also, although the best interest of the child sounds a little bit relative, some specific attitudes and actions involving children are not accepted. E. argued that *"(...)but then you have certain things that of course when it's a child abuse, sexual*

abuse, of course we have to say no, we don't make individual solutions then". Some kinds of attitudes as referred above have become unwanted and make the exception of the order.

7.7 How is child participation encouraged?

1. All children are entitled to participate according to the law
2. Participation criteria
3. Sharing information
4. Reasons for children's exclusion

7.7.1 All children are entitled to participate according to the law

The idea that before any action taken, the social worker has always the obligation to follow the law was respected both by B. and E. The later stated that *"it's also says in the instructions (law) when you make an investigation that you have to talk to the child what the child think about everything"*. E. says that even if a social worker has a different opinion and go to the court to apply for an LVU (forced intervention), the judges will ask the social worker *"have you asked her (the child) what she wants?"*. In all cases, even if it is a voluntary cooperation with the social services or not, the child should always be asked beforehand.

7.7.2 Participation criteria

Several participants (B., D. and E.) stated that children have the right to participate according to criteria such as the age and maturity of the child. Participant D. stated that *"we try to involve them as much as we can, according to their age"*. Participant E. said that *"the child has lot to say, especially if it's a teenager"*. However, in any ways, the social worker has to write down what the child says and what the child thinks.

7.7.3 Sharing information

Participants A., C., B. and D. replied that the actual participation is due to the information shared between the child and the social worker. Participant C. commented that *"sometimes I don't know why the child is here so it has to tell me"*. The social worker takes information by listening to what the child has to say and always have to take it into account before she makes a final decision of intervention. The social worker has to share information with the child according to their case. B. said that *"(...) I have to have a meeting with the kids on my own and you know I*

always tell them why they are meeting with me and why I speak with their parents and what I have seen during that time that I have been spoken to them and If they feel like they need help in some kind of way and staff like that". For greater participation, as stated by B., social workers separate into those who talk with the parents and those who talk with the children. In that way, the child has the ability to talk freely and open up in private.

7.7.4 Reasons for children's exclusion

Respondent C. gave some interesting points on why children are excluded from the assessing process. She stated that in the short investigations, social workers should be discreet and their *"presence should not be so important to the child"* because the child may not see the social worker ever again, since the intervention could be just for one night. Moreover, in the some cases, if a social worker tries to build a relationship with the child and the child gives disclosed information and then the social worker will never see the child again, it perhaps could be considered as a matter of betraying the trust of the child. Same respondent puts it as *"(...) it can also feel like we are abandoning the child"*. Another matter for not letting the children participate in the short investigation process is due to fear of ruining the police's investigation. *"We don't talk to the child because the police investigation wants to talk to it first"* (Ibid). If the social worker starts to ask information from the child she could ruin the police's investigation, so there are very thin lines between the participation of the child and the information going and coming at the social service offices. *"We can always give information but it's a balance on how much information we want to have from the children"*.

In consonance with C., although all social workers should work like this, some social workers have not enough time in their disposal to build a relationship with the children and consult them. When it comes to short investigations and the social workers have to find a solution right at the moment, they have not enough time to communicate with the children. C. claimed regarding the short investigation that *"sometimes we could be better; I think we are like focused on 'we have to solve it fast'"*. Also, there are times where social workers do not explain things to the children because they cooperate with the parents more and they expect from the parents to talk about the situation to their children. Moreover, participant A. underlined that a better job could be achieved with the younger children. She insisted that *"we should be much better, maybe we are not talking so much in emergency situations"*. Younger children also know what is going on around them and what has happened but sometimes they do not, because it is not very easy to talk to the children. Lastly, children should participate in any kind of intervention, because they are directly affected by adult problems (social, financial etc.). She continues saying *"we could also be better on observing the child or talk to the child and no only focus on maybe the mom or the woman that the child comes along"*. In most of the respondents' replies, the child has not very much participation.

7.8 How much the child can affect the social worker's agenda?

1. "Not much."
2. "It depends."
3. Best interest of the child as a matter to consider

7.8.1 "Not much"

More than half of the respondents (A., E. and C.), after having a small pause after the question, they replied "*not much*". They explained that making an intervention plan is an adult job, where the professionals could take the responsibility of their decisions over the child and the whole family. Respondent E. declared that "*we can't give them (children) the options and sometimes I've been like I'm the adult and sometimes I have to make the decision because maybe sometimes shouldn't let a 14 year old girl make those hard decisions*". Moreover, D. stated that "*sometimes you have to plan with their (children's) parents*". Finally, E. concluded that deciding over a case is an adult job.

7.8.2 "It depends"

Respondents A., E. and C. stated that the child's influence on the social worker's agenda "*depends on the age or the circumstances*". In short investigations that work solely on emergency cases, the social worker's intervention plan depends on the child's position in the case and the emergency of saving him or her. Respondent C. gave an example stating that if there is report regarding a teenager that has to take care of the mother who is alcoholic, for the emergency offices, it depends on the child's opinion whether she or he can bare the situation or not. If she or he can, then the investigation will not be opened in the emergency office but will be sent to the social services for the long investigation.

7.8.3 Best interest of the child as a matter to consider

Respondent B. introduces the idea of the best interest of the child as the main aspect that could affect the social workers' decision making. Children have always the chance to choose between safe choices that the social worker proposes. Participant E. pointed out that "*I don't have to decide if they (children) are going to mom or dad or grandma or friend it doesn't matter to me if it's safe in all these places*". If the child does not consent the intervention, then the social worker has to decide for the child by applying an LVU (forced intervention), even if it is against the child's will. As A. stated, "*I won't let a child go back to alternatives or options that I don't feel safe, even if the child wants*". Sometimes it happens that even if a child, maybe teenager,

does not like the social worker's decision and has to follow it by force, after some time they understand on their own that it was the best solution for their case.

7.9 Is there any specific training of method that indicates how the social workers should approach the children?

1. Special training on how to talk with children
2. Social work techniques used
3. Visualize of out-of-home placement

7.9.1 Special training on how to talk with children

Respondents B. and D., in this question replied that they have been under a specific training on how to talk to children. Respondent B. stated, "*the socialsekretererna that work with children they have gone to courses to speak with children, they have methods, barnsamtal, children's talks so they can reach a child*". By using easy words they achieve the deeper understanding of the child. Participant D. explained that "*we use those small figures that they can explain the family situations (...) because usually it is easier when you have small dolls or cards with a teddy bear on, a happy, a sad, angry, scared and staff like that*". Different methods are used that help the social workers to interpret what the child wants to show while playing. The cooperation with psychologists is a potential option when the social workers estimate that they need assistance while approaching a child. According to statements of participants C. and D., it is very difficult to talk with children, especially with the younger ones.

7.9.2 Social work techniques used

Participant C. described a broader combination of social work techniques that she uses to talk with children of various ages. Social workers let the child talk and say what they have to say. While the communication process between the child and the social worker is the predominant idea between all the social workers, one of the participants added that she uses open questions letting the child express their views. She continues by saying that she shows empathy by saying that "*I know you are sad or I see that this is upsetting you and staff like that*" to the child and she is reflexive by "*making a short story about what has been said*" expecting that the child will verify or not the social worker's 'invitation' to open up. They show self-confidence that they know what they are doing and they often use some vignette stories about other people's experiences with the same problems to show the child that they understand what the child is going through and that the social worker is familiar with such situations so the child could open up and express themselves. What is more, participant C. continues that the social worker is flexible to follow up the child's

thoughts, since *“some people start talk in the middle of the story and not in the beginning, so you have to be there and jump back and forwards”*.

7.9.3 Visualize of out-of-home placement

While in short investigations a child needs to be moved in an out-of-home placement, the social worker show the child pictures of the institution and their room so that the child will not create scary stories with their mind and in and feel safer. Participant A. distinctively declared that the children *“visualize it before they get there (...) so they can recognize it when they get there”*.

7.10 Is the idea that the social workers are the professionals and they are responsible for taking decisions over a child supported?

1. Patronizing unanimity
2. Evidence based job
3. Normative work

7.10.1 Patronizing unanimity

All the respondents in this question responded that they agree with the findings from previous studies that the social worker is considered to be the professional and have to decide over the child. All of them continue that the adult has to take the responsibility over a case while A. distinctively points out that *“for a child to decide 100% over their case is way too much responsibility”*. Many of the children could have already many responsibilities, that is to take care of their parents or of themselves or siblings etc. and deciding over themselves would be an extra one. Same respondent continues by saying that *“an adult or a social worker should say that this is not your responsibility and take the child out of the situation”*. A. concluded that social workers have to release the children from their heavy duties and make them feel safe under the professionals' decisions.

7.10.2 Evidence based job

Respondent E. points out that the social worker makes evidence based decisions, by investigating the case and trying to find the most suitable intervention plan for the family and children whereas children are more guided by their feelings and their will for example to live with their abusive parents because they love them. Participant C. said that *“it shouldn't be that the child wants something and the social worker wants something and then it sounds like two children wanting different things”*. She also

continues by referring to Lipsky's discretion to define how she needs to act "on the spot" within her daily routine. She continues by saying that when a social worker suggests several options to the child regarding his or her case and the child does not consent any of them and do not cooperate, the social worker's opinion is more powerful over the child's and this is because the social worker can see the whole picture around the child and assess what is the best solution to help the child and she comes to an agreement with A. that both social worker and the child should feel safe at the end with their own choices.

7.10.3 Normative work

The society creates the criteria when the social worker has to intervene and provide assistance to families and children when parents are incapable of taking responsibilities over their families. As B. stated, normative behaviors are judged as accepted and unaccepted considering parenting actions and the society with the laws guides the social work intervention when a family environment is witnessed to limp. Adopting B.'s answer involving the parental decision making as adult responsibility over children, she claimed that *"even if you live in a normal family with no contact with social workers, the parents, I think the majority of parents know that when they have to say no, when no is a no, even if a child says yes I want... some issues you just can't discuss"*. She also continues, *"if parents think that the best for a child is to say yes to everything, the parents have wrong ideas"*.

7.11 Do you think that there is a discrimination against a certain age of human beings, like childhood?

1. Not discrimination at all
2. "Healthy" way of discrimination

7.11.1 Not discrimination at all

Respondents B., C., D. and E. answered that they don't see any discrimination in them taking the decision over a child's case. E. argued that the children have indeed the chance to participate by expressing their feelings and share their opinion about what kind of intervention they would choose for themselves. Additionally, participant B. added that *"a child is not mature enough to make some decisions"*. Also, depending on the age, parents have more or less responsibilities over the child. Respondent D. claimed that when a child is for example a teenager the responsibilities of the parents over the child are less and the child is more independent regarding basic needs, so their saying is taken more into consideration than those of the younger children. In short investigations, there is a hierarchy of importance between the rights of the child. Respondent C. supported this idea by saying that *"it's like dealing with different interests and different rights (...) to get those who you think are the most important right now, something like ethical principles (...) like putting them in some order and*

this is what you need to do right now to protect the child from being hurt and then you have to sacrifice some other principles”.

7.11.2 “Healthy” way of discrimination

Respondent A. stressed out that maybe deciding over a child could seem like discrimination, yes, but in a healthy way. She continued saying that *“I don’t think that they (children) have the same rights but they don’t have the same obligations either. (...) it goes hand in hand I think”*. The child should not have more obligations that necessary and less rights, although, not many rights and no obligations. She concludes that when the children are older and they get more responsibilities and obligations over their lives, they have more rights over themselves too.

Chapter 8

8. Analysis and discussion

In this chapter the main observations and findings of the study will be presented and the relation to the earlier literature on the area will be discussed. Previous chapters presented the main themes that were created for each of the interview questions without any subject interference or reflection. In this chapter, after a broader grouping of the themes regarding all the interview questions, the dominant findings will be presented. The main findings related to CRC's implementation by the social workers, the integration of the CRC within the domestic law, and the social worker's professional involvement under discretion will try to answer whether the social workers in Sweden that conduct assessments function according to the Convention on the Rights of the Child. Moreover, the weaknesses and the strengths of the research will be discussed. Separately, the implication of the present research and the reasons why the outcomes of the study are useful for the social work field will be also discussed.

8.1 How the integrated in the domestic law CRC is applied in the child assessment process in Sweden

The first observations and insights that appeared during the data analysis regard the application of the CRC in the social workers' assessment process and intervention planning. Worthwhile to mention is that there are basic principles from the CRC that social workers follow in their daily work. It should always be bore in mind that "principles of human rights and social justice are fundamental to social work" as is stated in the international definition of social work (Straub-Bernasconi, 2012, p.30). Social work profession is by definition a representative of the human rights and in this case, of the children's rights. While analyzing the data, it was clear that all participants, social workers in the profession, are aware of CRC and its main focus as well as its impact on the domestic law's principles. Participants B., and D. said that they are informed about the convention from their primary education at school, while C. had heard about it and then explore it further through the UN's webpage. Participant B. referred also to the BBIC as a main tool that explains the CRC's principles. Such information reassures Frankovits and Earle's (2000) presentation regarding the attempts of Swedish policy to integrate legal international papers and legislations, such as CRC, into the domestic law.

The inspiration on creating the interview questions was based on the Convention on the Rights of the Child with the aim to study how the social workers apply the most concrete articles of the Convention in their work. The participants of the survey tried to explain their approach on children's rights while they are making assessments and planning social interventions. When the interview questions had to do with specific CRC articles, for example the right to privacy (article 16) and the right to a family life

(articles 9 and 10), the respondents explained how they work in order to secure the children's rights and in some cases gave examples of their daily work.

Regarding the question on how the social workers would secure the right to privacy, participant D. raised the importance of building a relationship with the family before social workers arrange a home visit. Respondents B. and C. argued that they should be very careful because everything regarding somebody else's life is a matter of privacy. Participant D. argued that it is very important for their work to establish relationships with the clients before they initiate an assessment, as a matter of respecting the privacy of the family life. The CRC's right to privacy (article 16) is respected and social workers try to invent ways not to intrude into their clients' lives. Applying street-level bureaucracy's principles, social workers professional character and discretion allows them to invent flexible interventions "under human dimensions of situations" respecting the human rights of the service users (Lipsky, 1980, p.15).

Participants A., D., and E. pointed out that while they are making investigations, they have to follow the law's indications and focus their research on what the report states and not go further the line (Socialstyrelsen, Utredabarn och unga, 2015, p.72). The law plays a concrete role in the social workers' interventions and assessment, since it guides and monitors their work. Interpreting Hofstede's characteristics about organizational culture, Swedish welfare performs high uncertainty avoidance, since all social workers' actions are guided by the law's indications. Surprisingly, Hofstede, in his own research found exactly the opposite results, as he placed Sweden among those countries with low uncertainty avoidance.

However, respondents A. and D. reported that when social workers estimate that the information they have collected is not satisfactory they have the ability to dig deeper, or when a parent is not cooperating they have the right to investigate by force. As Lipsky (1980) stated, street-level bureaucrats such as social workers, are guided by their competence to "sensitive observation and judgment". Lipsky's discretion describes adequately the social workers competence of critical thinking and wise performances. However, when facts show that parents do not cooperate with the social workers, the latter have the authority under the Family Law (chapter 21(1)) to impose their intervention plan. This fact could be regarded as violation of privacy of the self-determination of the parents, but acceptable by the law. The strong impact of the law over the social workers management could be described by the culture of the social services in charge. Lincoln and Guillot (2006) describe social workers' normative way of acting under unfavorable situations and stress the ultimate need of enforcing their intervention plan.

Respondents A. and B. replied that of course the parents have a strong saying about the case, since parents are the first source of information for the social workers. Moreover, as participant C. stated, parents cooperate with the social workers while forming the intervention planning and together they work on the problem and find solutions. Vamstad (2012) argument could be applied in this case describing the cooperation between the social workers and the service users as co-production for the final product of their peaceful collaboration. He also argued that when there is co-production between the service provider and the service user, then the final product is of higher quality than if the intervention was unilateral. Nevertheless, social workers when estimate that parents have not the adequate skills to raise their children or they cannot cooperate in a satisfactory level, impose their intervention plan by calling the

law using a forced intervention (CYPA). Social worker under the Family Law (chapter 21(2)) should wear out all the other ways of voluntary cooperation with the family before an intervention should be imposed by force. In SSA, under chapters 1(1) and 3(5) is stated that the social workers have the authority to imply a forced intervention when they estimate that an intervention plan is suitable for the case, even if it is neither supported by the parents nor the child (Socialstyrelsen, *Utreda barn och unga*, 2015, p.24). Participant A. interpreted the unwilling social work intervention with the term “SoL by threat” (meaning by forced “voluntarily”). Lipsky’s (1980) discretion of street-level bureaucrats is used in this example to define the social workers’ critical view in order to estimate the case and use their ability to apply for a forced intervention in order to impose their intervention. The guidance of the law in social workers’ actions starts to appear in all their actions, becoming their cultural element (Lincoln and Guinllot, 2006).

Social workers who participated in the study were asked whether they think that, trying to protect a child, they could possibly violate the right to a family life or whether they think that those two ideas are contradictory, the participants replied in several ways. The CRC via the article 16 safeguards children’s right to privacy, family right and correspondence (OHCHR, 2015). Presenting their way of safeguarding the CRC’s indications in their assessments and interventions, respondents B. and E. expressed the importance of placing children in foster families as a way to safeguard the right to family. Children will maintain being members of a family, even if it is another family and not their biological. A human rights-based approach is applied here since social workers indeed try to safeguard children’s right to be member of a family. Participant C. explains that when a child needs protection and by trying to protect the child the later need to be extracted from the family (voluntary or by force), then the right to child protection is stronger than the right to family life. According to article 2(1,2) of CRC, the State has the responsibility to protect the child without any discrimination (Socialstyrelsen, *Utreda barn och unga*, 2015, p.18). Lansdown (2005) stated that it is not acceptable that by applying one or more of the children’s rights should be set aside others. Nevertheless, according to participant C., the protection of the child is always more important than anything else, and if social workers assess the need to sacrifice any other right, the family right in this case, they will act as such. Such behavior can be interpreted by the social workers’ discretion and their ability to critically judge their interventions in combination with the organizational cultures that entitle social workers to obey structural and legislation rules (Lincoln and Guillot, 2006). As Eriksson- Zetterquist (2011) argues, the decision-making process gives information about the organization’s main objective, which is clearly to protect the children.

To conclude, Swedish child welfare is working according to the human rights based approach and in line with CRC. Social workers in the municipality of Gothenburg understand the concept of human rights, they are aware of international legislature and how it does affect their domestic procedures and traditions. However, often the implementation of the CRC in social worker’s daily work is not feasible due to other legal indications from the domestic law. One could say that the child welfare system has adopted the human rights-based approach by integrating the CRC in the Swedish policy however the CRC is applied under the domestic law’s indications and allowances.

8.2 Children participation degree in their own welfare assessment process

The right of the child to participate is of central concern in the Swedish social services. The BBIC itself highlights the fact that children are no longer passive recipients of the child welfare system (Socialstyrelsen, BBIC, 2013). As participant E. argued, the social worker is obliged by law to consult the child before they take any legal action. The international legislation through the CRC by articles 12 and 13 grants freedom of speech and right of participation to the children, highlighting the importance of children's participation in their own affairs (Smith, 2012). Respectively, CRC's articles 3 and 12 have predominantly influenced the Swedish domestic legislation in many respects (Cocozza and Hort, 2011).

Children, under domestic law of SSA chapter 11(10), always have to participate and get involved into the process of intervention into their family and express their views and their feelings (Socialstyrelsen, *Utreda barn och unga*, 2015). As Vamstad (2012) assures, when there is co-production between the social services and the clients, the quality of the product is higher than when the decisions taken are unilateral. Participants C. and D. though, find it difficult to work with children especially when they are of a younger age. Participants A., C. and E. point out the special circumstances under which children could affect the agenda of social workers such as the age and maturity of the child. What is more, participants B. and D. have been extra educated on how to talk with children but they still find it quite difficult to talk to the children. Piaget (1968, cited in Corsaro, 2005) argues that children have the ability to understand the world around them from a very young age. Children's cognitive development should be taken into consideration if adults want to interpret children's understanding, and so is the purpose of the complimentary education for the social workers.

Participation, as A., B., C., and D. stated, could be also limited within the exchange of information. Participant C. argued that "sometimes I don't know why the child is here so it has to tell me", whereas participant B. explains its role to give information to the children regarding their cases and speak with the children in order to find out what kind of intervention is the most suitable. Vamstad's (2012) term of co-production would be suitable in this case where social workers and the children cooperate in order to find the most suitable intervention possible in order to achieve high quality of services.

According to respondent C., children are partially excluded of the assessing and intervening processes due to reasons such as the social workers do not talk to the children so much, especially when children are younger. Other reasons could be the lack of time, expecting that the parents will inform the child about what is going on, and so on. Ofsted (2011, cited in Welbourne, 2012) in his article referred that neglecting child's voice and participation in the assessing process could end up with serious impact on child's life.

Participation in combination with empowerment, are two concepts of the human rights-based approach as a matter of social development (UNFPA, 2015). However, as respondents A., D. and E. stated, children have not so much power to affect the social worker's agenda. Sharing information could be described with Arnstein's (1969, p216) ladder of citizen's participation. Children's participation could vary

between the first two pillars of manipulation and therapy, where children are seen as nonparticipant members of the society. The status of the child could be interpreted with James' (1995, cited in Welbourne, 2012) developing child, by which concept the child is described as a person who is lacking competence and as a consequence, active participation.

After narrating Närvänen and Näsman's (2007) findings regarding social workers who due to their professionalization and competency deny letting children participate into their decision-making processes, all of the participants respected this idea. Participant A. stated that letting a child decide over the case is way too much responsibility for a child to handle, while B. argued that it is an adult responsibility to decide for a child. Participant E. stressed that social workers make evidence-based decisions and as C. claimed "shouldn't be that the child wants something and the social worker wants something and then it sounds like two children wanting different things". Both participants answers could be analyzed under the street-level bureaucracy approach, regarding the professionalization and competency of the social worker for critical thinking (Lipsky, 1980). Participant C. actually referred to Lipsky's discretion to describe her everyday agenda needing to make decisions "on the spot" (1980, p.5).

According to E. children do participate while they are expressing their feelings and points of view regarding their case. Participant D. mentioned again the age and maturity the child as conditions for their participation. Vygotsky (1978, cited in Corsaro, 2005) claimed that children's socialization process and problem solving is when they collectively interact with the others around them. Letting children participate is a way showing them different ways to deal with their daily uncertainties and develop their social skills. Social workers should allow children participate not only for them to hear what their will is but also as a means assisting in their mental and emotional development. Nevertheless, according to Johansson (2013), competent social workers have the adequate knowledge on how to let children participate into their decision-making process.

8.3 Weaknesses and strengths

Even though the present research reached its goal, there were some delimitations and difficulties that did not make the whole process easy. During the conduct of the present research, it was not easy to find social workers to participate. Among the number of social workers that received the request to participate in the research, only five people responded positively. This means that the loss of further information and broader knowledge over the topic did not allow the research to flourish.

However, in the beginning of the interview and in some cases even during the whole process of the interview, the participants were concerned that they will not manage to speak English adequately. There were sometimes that the social workers wanted to express their point of view but they could not use English words to express their thoughts so in many cases the answer was just disappeared or altered into another one. Some other social workers, while they were reached and requested to participate, they denied participating in the survey claiming that they do not speak English.

English as the interviewing language was also a barrier on the way which the research questions were presented to the interviewees. Some of the interview questions were not asked in formal way as they were created but should be modified in the level of the participants' knowledge of English and understanding. The language barrier could be seen as the major problem of the present study in several ways and it was also difficult and stressful for the author to understand the participants' answers and try to extract more and more information by explaining the questions.

The rest of the negative responses regarding the social workers' participation in the survey were due to lack of available time and loads of work at the office. In addition, another limitation of this research was the shortage of time. The deadline of the project was too close so there was not plenty of time to the social workers' disposal to participate when they would have more free time but also neither the author had enough time to be able to spend waiting for the respondents' availability.

Furthermore, those five social workers that participated in the survey had different fields of interest, for example two of them were at the child care protection, two others were working at the emergency office and one of them was working with the foster families. This lack of homogeneity in social work interest made the whole analyzing process difficult, especially in the last part of grouping the themes in broader findings, since participants from different focuses had to reply to the same interview questions and sometimes their approaches were different, causing the author dilemmas on whether should blend all those answers from different aspects of social work into one integrated theme. In the end though, the project reached positively to an end and gave answers to the interview questions as well as replied to the main research question of the present survey.

As referred in the weaknesses' part above, the social workers that took part in the survey were coming from different social work focuses. This diversity in the social work interest caused some dilemmas to the author on how to analyze and generalize the participants' answers under one theme or even in a broader grouping of final findings. However, on the other hand, this could be considered as the strong part of the present survey, since the participants coming from different social work focus had to respond to the same interview questions. It was interesting while coding and analyzing the data how each social work focus approaches the same matter. The two main differences among the participants is that some of them were working with the long-term investigation which comprises of three stages of investigation before the intervention plan is decided and applied, whereas some others were working with the short-term investigation, where social workers perform an acute intervention, having a short period of time in their disposal to investigate and act, say like one night or so. This diversity on the focus of the social workers made the present research richer in quality and could be seen as a way of investigating an overall social work approach regarding the childcare system.

8.4 Implications

The contribution of the present study could be considered as an indicator on how the Swedish social services regarding the child care function. The outcomes of the study

and the survey itself could be seen as a way of surveillance on whether the social workers who make investigations are working according to the CRC. The survey's outcomes could be helpful to the social workers working in the field as an indicative factor of how they work and how they apply the laws' instructions and it could be seen as a way to show them where they deviate from the indications. Sometimes when professionals are directly involved into their work, they may not realize under what rules they work or how they apply the rules and knowledge they have in their daily work. It could be easier for the professionals to understand how they work when somebody else outside of the field investigates, observes and notes their behavior within their work environment and presents them the outcomes. This study could also help the upcoming social workers to be more versed on how the social workers work on the field and which guidelines and rules they follow and how they put them in practice.

The outcomes of the present study not only answered the research question adequately but also opened another chapter on how the Swedish law affects the implementation of the CRC in the social work practice and how the power dynamics within social work practice are formed. It is interesting to conceive how the domestic law, the social work power and the CRC are complimentary to each other and also how this collaboration between those three parts creates the Swedish social services' structure regarding the child care system.

To conclude, note that the present study cannot be considered as representative for all the social workers in Sweden working in the child care protection system, since the number of the participants is very small. Additional research and projects using enlarged data sets are required in order to verify the outcomes of this study and try to partially generalize its findings in a regional or national level.

Chapter 9

9. Remarks and conclusions

Sweden has a strong and fruitful child care system and that is why it is among the best child care systems all over the world. The fact that CRC's principles are adopted and integrated within the domestic legislature makes the system even stronger. Social workers who participated in the present study appear to closely follow the legislation in their work, but that should not be interpreted as lack of personal judgment and spontaneous decision-making. Some of the CRC's principles are complimentary to the domestic law whereas some other articles are applied in terms of the domestic law. The child participation is of the predominant principles within the CRC as well as in the SSA and BBIC. Nevertheless, the law gives power to the social workers to be the representative of the State and enforce fundamental principles, but the social worker is also the spokesman and guardian of the powerless, including children, who by age their voice is not as loud as the other older groups with respect to their maturity and age.

The domestic law can decide to what extent the CRC's articles will be applied in the social work investigations and how. Moreover, the domestic law will decide to what extent the social worker has power over the service users and the children and how they should act and affect the stakeholders. Social workers are applying the domestic law in every aspect of their work and they consult it so it is obvious that they are legally acting.

In conclusion, it would be interesting to further investigate how the social workers use their power given to them by the law indications and to whether and to what extent they may abuse their power. In this way it would be easier to be investigated the degree to which practical social work diverges from the CRC's indications and to what extent the domestic law supports this kind of attitude. Furthermore, it is significant to know what is the *top-level social worker* stand about the Convention, and how do they perceive all the pre-mentioned concerns. For instance, how do they see the last-resort intervention plans, and how do they try to promote the CRC from their power position? Social work in practice is an interesting area to investigate due to its links with a broader network and a blend of obligations and legislations to consult and follow.

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Appendixes

Appendix-A: Interview questions

Research questions

- 1) To what extent does the domestic Swedish Child Protection setting favor CRC functioning?
- 2) How do the social workers in Sweden implement the CRC in the child assessment process?
- 3) To what degree do children actively participate in their own welfare assessment?

Introductory questions:

How long have you been working here?

Which office you work at? Which municipality?

What do you do as a social worker at your department?

Interview questions:

- 1) To what extent are you familiar with the Convention on the Rights of the Child and how? How and why?
- 2) How do you secure the Right to Privacy (art16 of CRC) while you are (investigating) intervening into the family life of a child?
- 3) How the self -determination and integrity of the family is promoted during the intervention plan?
- 4) How do you try not to violate the Right to a Family life (art 9&10) when you need to place a child in an out of home placement as a State's responsibility to protect the child? Do you think those two ideas are controversial? Why?
- 5) How do you assess the concept of the best interest of the child (art3)?
- 6) How do you explain that there is not any specific definition, neither in CRC nor in BBIC and Social Services Act?
- 7) According to art 12, CRC, the child should be encouraged to participate regarding choices affecting his/her life. How do you encourage the children's participation in the decision making?
- 8) To what extent a child can participate? To what extent the child's maturity and age could affect the decision of intervention?

9) Within Social Services Act (SoL), Chapter 11(10), the children have the right to access information in order to actively participate in their case. In what way professions approach and inform them (adequate language, extracting info methods, children's drawings etc.)? Do you receive any specific training to approach children?

(Ett barn är alltid part i ett ärende som rör honom eller henne. Ett barn som fyllt 15 år är processbehörigt och har alltså rätt att själv föra sin talan i mål och ärenden som rör honom eller henne. Detta framgår av 11 kap. 10 § SoL och 36 § LVU.)

10) According to research, children in practice have not as much participatory role in the process of intervention as is indicated by theory. The reasons are because the professionals acquire the adequate knowledge to decide for the best interest of the children and because they are adults, so granted to take responsibilities, statuses that children could not have. To what extent do you agree/ disagree and why?

11) Do you think that such actions could be considered as discrimination against a certain age of human beings (children)?

Appendix -B: Letter of consent



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Letter of consent

I would like to thank you in advance for your contribution to my research study. This informative sheet is an agreement between the participants of the research and the researcher.

The purpose of this research is to examine whether the child care protection system in Gothenburg is working in accordance to the United Nations Convention on the Rights of the Child. The research will be conducted by Eirini Galanou, a master's student in Social Work and Human Rights of the University of Gothenburg and is addressed to social workers who work as socialsekreterare in the child care within the municipalities of Gothenburg.

The interview will be audio recorded. The information provided by you in the interview and workplace will be used for research purposes and will be confidential. The information will be used in a way that will not allow any identification of your individual responses. After the end of the project, the data will be destroyed. Anytime you do not feel comfortable with your answers you have the right to withdraw information you have shared.

If you need to ask any questions, please contact with me:

Eirini Galanou

reneegal88@gmail.com

Name of Participant: _____ Date:

Researcher Signature: _____ Date: