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## Social Workers Linking Together Family Norms and Child Protection Norms

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# PART III

## Norms and Actors



# Chapter 10

## Social Workers Linking Together Family Norms and Child Protection Norms

Eva Friis

### Introduction

Legislation exists everywhere in the West which, in varying ways, regulates when and how society should protect and support abused children (Sundell et al., 2007). Notwithstanding the variations, two positions may be seen: either legislation is of a preventive nature, and aims to prevent children from being subjected to serious abuse and neglect; or it is more reactive in nature, and aims to protect children where there are indications of abuse (Gilbert, 1997). Swedish legislation is based on the preventive model, meaning that problem families should be identified and supported at an early stage so as to avoid future harm or injury to the children (Wiklund, 2006). This family service-oriented model (Gilbert, 1997) is based on collaboration between the social authority and parents, and aims to resolve the family's problems voluntarily (Friis, 2003). The model also contains elements directed towards child protection, which are of a more controlling and coercive nature (Coccozza, 2007; Olsson Hort, 1997; Sundell et al., 2007; Wiklund, 2006; Östberg, 2010). There is a trend towards the expansion of the protective elements in the legislation (Wiklund, 2006), which creates a tension in practical social work. From a sociology of law perspective, this can be explained as a tension between two different ways for the legal system to intervene in the family: according to the service-oriented model, the aim of the intervention is to help the family get back to a functional life, but the law cannot accomplish this through its own means. The aim of the intervention under the protective model is to 'save the child' (Gilbert, 1997), which the law can achieve by its own means, for instance, through the power of legislation on compulsory care of children.

The question whether an intervention in a family in accordance with the service-oriented model will be successful is basically a question of whether the intervention will be accepted by the family or not. There may be many reasons why a family might accept an offer of support, or refuses to participate in the social authority's investigation into the child and the family. Among these reasons are expectations of (and attitudes towards) the social authority, which are related to social and legal norms concerning the family's autonomy and independence versus the state and its agencies. Underlying this is the ideology of liberty, which expresses the idea of the individual's right to freedom from interference by the state and the law (see Cotterrell, 1996).

There is, thus, a tension between legal and social norms in the family service-oriented model, which indicates the need of a mediating actor. From this point of view, the task for the social authority's representative is to mediate between two groups of norms: one group consists of legal norms that aim for child protection, while the other consists of both social and legal norms which aim to protect the family's integrity and self-determination. In accordance with the logic of the family service-oriented model, the mediation is performed through collaboration with the family. Such mediation through collaboration will not occur if an intervention in the family is made strictly in accordance with the child protection-oriented model, where the law operates solely in the power of its legal status.

In the family service-oriented model, the tension between the integrity-norms and the norms on child protection is evident in cases where children are exposed to violence and abuse within the family. At the same time, in such situations the ability of the social authorities to link together legal and social norms through collaboration with the family will be put to the test. The questions to be dealt with in this chapter are, first, how this mediation is performed in cases where the parents are suspected of having maltreated their children, and, secondly, what outcomes this mediation is leading to: will it lead to a change in the parents' priorities between norms on family integrity and norms on child protection? Since the aim of the mediation in the end is to improve the situation for the children concerned, a follow-up question is how the change (or lack of change, as applicable) in the parents' normative priorities affects the conditions for a change for the better in the children's situation?

In the next sections, there follows, first, a description of the norm-theoretical points of departure, and then a description of the part of the legal norm system that is relevant to the mediation. After this follows a section in which problems and aims are developed.

### **Norm-theoretical points of departure**

The term 'norm' can be defined and analysed in many different ways, as discussed by Baier in the introduction to this book. This chapter will be based on an ontological definition of norms. A norm has 'essences' of the following kind: it expresses an imperative, it is socially reproduced, and it is related to expectations. A norm is also connected to accidental attributes, which in turn are related to factors such as its background and context, including the presence of sanctions, the origin of the norm, and the arena in which the norm is socially reproduced (Baier & Svensson, 2009; Hydén & Svensson, 2008; Svensson, 2008).

In this case, there are two normative arenas of specific interest for the mediation. One arena is localized to a micro level of civil society, namely the family. This part of society can be described as a 'self-regulating' system, where the individuals are regulating their obligations and rights through contracts (Cotterrell, 1992; Hydén, 2002). The other arena is related to the social authority, which is a part of the

public administration or, if seen from a system perspective, the ‘planned’ system (Hydén, 2002). This part of the society is localized at the political-administrative level of society (ibid.). As will be described in the section below, the task of the social authority is to perform the state’s obligations towards children and their families, in accordance with the legal norms that regulate this area in society.

The family’s norm system consists of social norms, which it shares with other people and families in the society. Compared to legal norms, which have been formalized in a juridical and political process, and are therefore relatively easy to identify as ‘written’ law (Hydén, 2002; compare with Cotterrell, 1992), it may generally be more problematic to find out what the social norms are, since they have a more informal character than legal norms. In this case, however, it is a question of a social norm that is of great importance for the understanding of parents’ reactions to interventions by social authorities in the family sphere; and that social norm is protected by legal norms. It is well known from sociological research that parents want to be treated with respect for their own (and the family’s) integrity and self-determination (see, for instance, Drake, 1994; Dumbrill, 2006). Such research indicates both that the conception of the family’s autonomy is deeply anchored in society, and also that there actually are social norms on the family’s integrity. These social integrity-norms are defended by legal norms, as will be illuminated in the next section. It should, however, be noted here that it is well known within the social and family-related political arena that the legislation on child protection must be balanced with both the social and legal norms on the family’s right to privacy (Socialdepartementet, 1986; see also Lundström, 2000).

This takes us to the relationship between social and legal norms, which can be explained in terms of a distinction between ‘living law’ and ‘state law’ (Cotterrell, 1992, with reference to Ehrlich, 1936). ‘Living law’ consists of social norms, which emerge from the core of society and which people spontaneously follow, and these norms regulate social relations by means of people experiencing (from within) that they have certain moral rights and obligations. Meanwhile, ‘state law’ is a political control instrument for those in power (the political state), which controls social relations from ‘the outside’. As described in the literature (see, for example, Cotterrell, 1992; Habermas, 1987; Hydén, 2002), the modern legal development can be characterized as a juridification process, meaning that, increasingly, more types of social relations are subjected to legal regulation. There are, however, certain limitations on the relations and areas of society that ‘state law’ can direct. One example is the relationships in a family: the social agencies have a responsibility for welfare of the children and the family, but they are ‘incapable of substituting for or enforcing natural ties and moral duties of family life’ (Cotterrell, 1992: 52). This incapacity to substitute or repair social relationships also means a limitation on the effectiveness of the law.

When this perspective is applied to social child welfare, it means that the legal norms cannot by their own force keep children and parents together – that is, repair damaged relations (if this is best for the child). The state can only, by its own force, carry out actions which are of a coercive character. This limitation on what the

law itself can do in the family's sphere justifies the model on which the Swedish social welfare legislation is based (namely, the family service-oriented model), which aims to accomplish voluntary solutions in collaboration between the authority and parents. It is in this collaboration that we can find the prerequisites for the authority's mediation between social norms on integrity, which are being reinforced by legal norms, and the legal norms on child protection.

### **Legal norms in the field of social child welfare**

In Sweden, public services and social support for families and children in vulnerable situations are dealt with by the municipal social services agencies. The agencies' activities are regulated by the Social Services Act, which is a part of the special administrative law. This law is complemented by a law on compulsory care of young people (Act on the Care of Young Persons). Legal norms within this field have two target groups: children who fare badly or are at risk of faring badly, either because of shortcomings in parental care, on the one hand, or because of the children's own behaviour, on the other. It is legal norms concerning the first group of children that are of interest in the following sections. The legal norms within this area can be divided into two groups.

First, there are norms that can be defined as 'norms for norms' (Baier & Svensson, 2009). These are norms which regulate the power balance between the state/public authorities and individuals, and therefore they can also be defined as 'power-norms'. They are related to a higher level within the public legal norm system, such as the constitution and, hierarchically above this, the conventions on human rights and the rights of the child respectively. For instance, the European Convention for the Protection of Human Rights and Fundamental Freedoms contains norms on the state's actions towards individuals – for example, that the state shall respect the individual's right to privacy and family life. This kind of 'power-norm' can be said to be based on the idea of the right to freedom, which is closely related to the idea of 'individualism – as an assertion of the sanctity of the autonomy and dignity of the individual and of tolerance of individual diversity' (Cotterrell, 1996: 233). This 'power-norm' is also mirrored in one of the norms in the Social Services Act, according to which the authority's activity is founded on respect for the individual's self-determination and integrity. In conformity with this 'integrity-norm', the basic norm for the social services' interaction with the family is cooperation.

However, the state also has obligations towards the child, such as the child's right to have its needs met, which give legitimacy to a group of 'child protection-norms'. According to the 'norm for norms' within this group, which is the norm regulating the power relationship between the state and the child, the child's interests, if they collide with those of the parents, shall be given precedence. In the first place, it is the parents who are responsible for the child and its wellbeing (according to the civil legal norms in the Parental Code); but, if the parents cannot

fulfil their responsibilities, and if this means that the child might be harmed, the state takes over the responsibility for the child's protection and security. These obligations of the state are carried out by the social services.

Secondly, there are norms that can be said to be 'norms for acts and decisions' (Baier & Svensson, 2009), which regulate the authority's actual and decision-making activities.

This category contains two types of norms: one group concerns aid and support to families based on voluntariness, and the other group concerns coercive measures. The latter includes norms which aim to control the families. The first group of legal norms is, thus, related to the family service-oriented model, while the second group is related to the child protection-oriented model. Each group of norms is supported by its 'power-norms' at a higher level, but the child protection-oriented norms have the highest priority. This indicates an imbalance in the power relationship between the social authority and the parents.

An example of this imbalance is the norm on compulsory care, which means that, if the social services assess that it is in the child's best interest to receive care and upbringing in a foster home, this can be arranged without the parents' consent. Another example is the legal norms on mandatory reporting for certain occupational groups, in cases where they have reason to believe that the social services may need to provide protection for the child. This can activate another legal norm, whereby the social services, if they have reason to believe that intervention is required for a child's protection, shall open and carry out an investigation. In such a case, the social services do not need the parents' consent to start and complete an investigation. These legal norms, which aim to protect the child, do not exclude the norm on collaboration, which aims to find a voluntary solution to the family's problem.

The social services' mediation activities, which are related to the norms on collaboration, are carried out by public servants, usually professional social workers (see, for instance, Friis, 2003). They use a method which 'ideally involves workers and parents formulating goals in a partnership process' (Dumbrill, 2006: 36). This partnership process can also be defined as a 'cooperation between client and social worker for problem solving', which aims to improve the conditions for the client in accordance with the goals for social welfare (Socialdepartementet, 1974: 350, my translation). As a method for mediation, it presupposes a willingness of the client/parents to cooperate. However, as shown in research, many parents whose families are the subject of social interventions do not feel any confidence in the social authorities. This can be related to the legal imbalance in the power relationship between the parents and the social worker (Dumbrill, 2006), which in turn can explain why most parents do not call on social services voluntarily, but are referred to them (Sundell et al., 2007; Wiklund, 2006). It is also related to circumstances such as parents often being anxious and under stress regarding the report, and that they seldom have a positive attitude towards the investigation (Andersson, 1995; Drake, 1994; Dumbrill, 2006; Lindell, 2005; Rasmusson, 2008; Sundell et al., 2007). This is a problem, since the parents' attitudes towards



the social authority influence their willingness to collaborate with the authority's representatives in the investigations (Drake, 1994; Dumbrell, 2006). Thus, research indicates that the imbalance in the power relationship, which is founded on legal norms that aim to protect the child, may have a hindering effect on the mediation. The trend towards the expansion of such norms within the field of social child welfare indicates that this imbalance is growing.

One example of the expansion is related to such cases where the social services suspect that the child has been subject to and/or witnessed violence in the home. This activates norms which belong to the authority's general guidelines, which do not have the status as legal norms but are binding on those to whom they relate. One of the guidelines is a recommendation to the social services to promptly report to the police any suspicion of crimes against children, if it is for the good of the child (Socialstyrelsen, 2006a and 2006b). This is an 'old' norm that has been reformulated into a more distinct imperative. A comparison between two studies made at different times (Friis, 2008; Socialdepartementet, 2001) shows that this norm has been applied in different ways, and that the social services nowadays are more inclined than previously to report suspicions about violence against children within the family to the police. This is an indication of a normative change in the field of social child welfare, which implies an increase in the power of the state/public authorities over the individuals/parents, and which might also have implications for the mediation processes at the individual level. This aspect has been taken into consideration in the coming analysis, as will be described in the next section.

### **Problem and aim**

The problem to be explored is related to the tension between the two groups of power norms in the legislation, which are supporting different interests – on the one hand, the family's right to privacy and integrity, and on the other, the child's right to protection and security. The first group of legal norms, the integrity-norms, are deeply anchored in people's conception of family autonomy and the right to self-determination in its own matters, as is mirrored by expressions such as 'my home is my castle'. This includes the idea that it is the parents' right to decide on matters concerning their children, because they know best what their children need and what is best for them. These conceptions are anchored in both social norms and civil legal norms (in family law). There are, however, also certain limits to the parents' freedom, which are defined by legal norms, such as the prohibition against using physical or mental violence against the child, which is supported by other child protection-norms in different areas of the legislation (in social welfare, family and criminal law).

The family service-oriented model in the Social Services Act can be seen as an attempt to balance these different interests against each other. The model offers opportunities for solving the family's problem in a voluntary way, through

collaboration between the authority and the parents. The success of this interaction is dependent on the authority's representative, the social worker, and the parents managing to establish an effective working relationship (Drake, 1994). If this is possible, the social worker can act as a mediator between social and legal norms – that is, between the integrity-norms and child protection-norms, and together with these, societal and legal norms for child upbringing.

It may be assumed that the mediation is carried out by means of the communication between the social worker and the parents. Through this, the social worker can influence and motivate the parents to change such forms of behaviour as contravene legal norms and related social norms, which define the good or acceptable methods of child upbringing, and to move closer to these norms. Such a normative change would also imply that the situation for the child is about to change in a positive direction.

The aim of this chapter is to find out how the social services mediate through collaboration in cases involving suspicions of child maltreatment, and if this leads to a normative change in the family's life, and with what implications for the family's children. The study will be restricted to cases where the suspicions of maltreatment are based on weak or vague information, which is reported to the police by the social services. A reason for this is that it highlights the tension between the integrity-norms and child protection-norms, at the same time as the social worker's ability to mediate is put to the test: a vague suspicion about a child being abused does not usually constitute enough grounds for coercive measures, which is why the social worker must try to encourage the parents to take active part in collaboration with the worker, since this is the central mechanism in the mediation.

The investigation in this chapter will be based on a previous study (Friis, 2008) of social investigations into abused children, which is described in the next section. This study and similar research are also of relevance for this chapter, since they illuminate some of the ways in which the legal norms on child protection are expanding within the field of social child welfare.

### **The expansion of legal norms on child protection**

The trend towards the expansion of the legal child-protection norms is apparent from, among other things, stricter rules on violent and sexual crimes against children (see, for instance, Kaldal, 2010), collaboration among agencies concerning children who fare badly or are at risk of faring badly, and mandatory reporting to the social services (see, for instance, Sosialdepartementet, 1997, 2001 and 2009). Recent research shows that there have also been changes in the practices of social child welfare, which are related to these legal changes.

The application of the new legal norms, on collaboration between authorities involved with children who fare badly or are at risk of faring badly, was studied in an evaluation of a pilot project concerning a new form of collaboration

between authorities regarding suspected crimes against children (physical and sexual abuse). Representatives of the social services, police, public prosecutor and healthcare and medical services are working together in Barnahus,<sup>1</sup> primarily during the initial stages of the preliminary police investigation and the social services' investigation. The aim of the collaboration in Barnahus is, among others, to improve the quality of the investigations and to provide a better overall basis for the judicial process (see Johansson, 2008 and 2011; Kaldal et al., 2010; Åström & Rejmer, 2008).

The evaluation contained several studies, one of which was a study of the social services' investigations into suspected crimes against children in 19 social services areas during 2006 and 2007. According to the study, the social services reported the majority of the cases to the police, even cases where the suspicions were weak or vaguely formulated (Friis, 2008). The result can be compared with an earlier study of the number of reported suspicions of child abuse to the social services in an administrative county (Östergötland) in 2000. Here, the social services did not report the majority of the cases to the police – for example, because the report was unfounded, or for the good of the child, or because the grounds were considered insufficient for various reasons (Socialdepartementet, 2001). Thus, the result indicates that the social services are more inclined nowadays to make reports to the police than previously.

The evaluation covered six Barnahus and two comparison locations without Barnahus. One of the other studies concerned the police's preliminary investigations (Rejmer & Hansen, 2008; Åström & Rejmer, 2008). The result indicates that the social services in Barnahus locations report suspected child abuse to the police more frequently than the social services in locations without Barnahus. However, the evaluation study did not find any difference between Barnahus and the comparison locations in terms of the number of cases reported to the police that had resulted in legal proceedings. Approximately 20 per cent of the cases reported to the police ended up in court (Åström & Rejmer, 2008). The result was about the same in a later evaluation study that covered eight Barnahus and four comparison locations during 2009 and 2010 (Kaldal et al., 2010). These results can be compared with a study of police reports regarding child physical abuse in one police district during 1986–1996, in which approximately 20 per cent of the cases went to court. It was only severely injured children, or children who had been subjected to severe violence, who had their cases prosecuted (Lindell, 2005).

The relatively wide gap between the number of cases reported to the police and the number of reports leading to prosecution is related to the function and logic of the norms in the criminal legal system. The task of the police and the court system is to deal with crimes, but legal proceedings against a suspected perpetrator can

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1 Barnahus is a Swedish version of a Children's Advocacy Centre (CAC), a number of which were established in the USA during the 1980s. In Sweden, the first Barnahus was established in 2004, and six years later there were 22 of them (Kaldal et al., 2010).

only be taken if the suspected criminal action has been made concrete (in terms of place, time, every element of the action, the effects of the crime, and so on), and a sentence of guilty can only be passed if there is evidence of each element of the deed description<sup>2</sup> (Kaldal, 2010). This logic is probably an important part of the explanation of the discrepancy between the number of cases reported to the police and reports which lead to prosecution.

Another part of the explanation is related to the function and logic of the norms in the social child welfare system. The task is to detect and give help to children in vulnerable situations as early as possible, in order to prevent the problems within the families from escalating to the detriment to the children. The system is built on mandatory reporting, and this leads to a large inflow of reports to the social services. Research shows that the most common reasons for a report to the social services regarding a child are vague and directed towards lack of care, which cannot be directly related to physical or sexual abuse or repeated neglect (Wiklund, 2006). This, in turn, influences the social services' investigations, which are, to a great extent, based on a tentative concern about the child's situation in relation to the parents' lack of care, and more seldom on suspicion of physical and sexual abuse (Sundell et al., 2007). According to the author's study (Friis, 2008), reports to the social services regarding suspected child abuse often concerned abuse that had occurred in the past, and therefore any signs of possible injuries had disappeared, or the reports were often vaguely formulated and/or concerned abuse which had not left any physical traces. As already mentioned, a majority of the cases reported to the social services was also reported to the police, but few of them ended up in court.

To sum up the research: it gives clear indications that, first, there is an on-going expansion of the legal norms aimed at child protection within the social child welfare system; and, secondly, the logic of the criminal law system is becoming ever more dominant in the work of social child welfare. This development raises many questions, above all, whether it might mean that mediation will come to lose its importance as a tool for preventive work in the family service-oriented social work in the future. At the end of this chapter, after the relevant mediation issues have been analysed, we will return to this question for a brief discussion.

## **Methods and material**

The foundation for this chapter is the author's study of the social services' investigations into child abuse within the family (Friis, 2008), which have been described in the section above.<sup>3</sup> The study was based on documentation from social

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2 What the prosecutor claims must 'be beyond reasonable doubts' (see Kaldal, 2010: 54, my translation).

3 The aim of Friis' (2008) study was to describe and compare the social services' target group, handling methods and measures, on the one hand, and the child perspective,

services' investigations into cases where it was suspected that a child had been subjected to physical or mental abuse or sexual abuse by an adult (thus not crimes against children committed by other children) and comprised 236 investigations.<sup>4</sup>

The initial study consisted of two parts: 1) a quantitative section with a compilation of statistics, and 2) a qualitative section in which a randomized sample, comprising 27 investigations, had been analysed in depth on the basis of formal regulations for handling (see method description in Friis, 2008: 25–9). This sample of investigations forms the foundation for this particular study, but a second sample has been made on the basis of the following considerations.

In the analysis of the 236 investigations, which in most cases had been initiated because of suspected child abuse within the family (but also, in some cases, sexual abuse), it was clear that many of the cases were based on vague or indistinct suspicions of excesses against the children. Another observation was that, in these cases, it often seemed as if the underlying reason why the families had been reported to the social services was related to conflicts and aggressions within the family (that is, between biological parents, or between parents and their partners). A further observation was that this kind of family problem is not limited to any special social group or category of people, nor is it typically related to a certain kind of personal problem (for instance, that the parents have drug problems or are unemployed, or are criminals). However, at that time it was not possible, for various reasons, to make a more in-depth investigation of these observations. The focus for this study will, therefore, be on families in conflict.

The sample of investigations is based on the first sample of 27 investigations (see above) which, in this study, has been reduced to five cases. These cases can be considered to be typical of families in conflict, and they also illustrate this kind of family problem in a clear way.

Further characteristics of these cases are that it is plain from the documentation that the social services have filed a report to the police, and that this report is based on weak or ambiguously worded suspicions of child abuse.

The documentation of the investigations in these cases has, thus, been examined for the purpose of shedding light on the mediation processes and their outcomes. The starting point for this has been the assumption that the authority must mediate between the family's social norms on integrity and the legal norms on child protection, for the purpose of encouraging the parents to pay more consideration to the latter group of norms. The underlying 'object' for the mediation – the conflicts and aggressions between the adults – can be described in terms of 'risk behaviours' in the families. The term 'risk', when used

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on the other, in investigations concerning suspected child abuse in the evaluation municipalities, to find out if there were qualitative differences in the investigations carried out in municipalities which practise or do not practise the collaboration model.

4 The case officers were asked to send in the investigations in cases related to suspected crimes against children under the third, fourth and sixth chapters of the Criminal Code, to the author at her workplace at Lund University.

in social child welfare work, refers to the probability that a child will fare badly in the future. 'Assessment of risk' is a central part of social child investigations, which is anchored in theories about risk factors in the environments of children growing up (see, for example, Lagerberg & Sundelin, 2000; Sundell et al., 2004 and 2007; Vinnerljung et al., 2007). According to these theories, certain kinds of behaviour in the family can be seen as indicators of a risk to the child's health and development. Such 'risk behaviour' in the families in question is related to conflicts and aggressions between the child's parents and, if applicable, their partners. It is known from research that children's well-being is affected negatively in families with high level of conflict (Lagerberg & Sundelin, 2000), and also that relationship problems between parents are one of the most common reasons for social interventions in families (Sundell et al., 2007). The cases in question here are, thus, not unique; rather, they belong to one of the most common client categories within the social child welfare system.

The mediation processes have been analysed on the basis of the descriptions in (the documentation of) the investigations.<sup>5</sup> The following three aspects of the mediation have been taken into consideration in the analysis.

One aspect is the parents' interactions with the mediator/social worker. As observed by research, parents can have a positive, neutral or negative attitude towards the social worker and, depending on the attitude, they can be more or less willing to cooperate in the investigation (Andersson, 1995; Drake, 1994; Dumbrill, 2006). The parents' attitudes towards the social worker should, however, also be understood in relation to the norms on integrity being challenged in these kinds of situations. To understand why some parents react in a more positive way and others in a negative way, it should be taken into consideration that these kinds of norms also regulate the power relationship between the parents and the authority. It has also been shown in research that it is of central importance how the parents perceive that the social worker uses his or her authority towards them (Dumbrill, 2006). For instance, parents can feel that the social worker is using his or her powers 'over' them or 'with' them, and they can react by 'fighting', 'playing the game' or 'collaborating' (ibid.). If they perceive that power is being used 'over' them, this tends to lead them to fight or play the game. If they experience that power is being used 'with' them, this tends to lead them to cooperate, and perhaps play the game at times.

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5 It should be mentioned that there might be shortcomings in the documentation of the investigations – for instance, that it does not describe the entire case handling, but merely reflects what the social services know or believe to be relevant to write down (Sundell et al., 2007). On the other hand, an investigation text should not be written from the text author's perspective, but from the perspective of the legislation and the authority (Hydén, 1995). This means that the documentation of the investigation is also directed by legal and administrative norms (see Socialstyrelsen, 2006b and 2006c). According to these norms, the documentation of an investigation must give such information as is of importance for the outcome of the investigation.

In the light of the integrity-norms, it is understandable why parents react in these ways. The parents' experiences of the social worker's powers as being used 'with' them is based on their perceptions that the worker, among others, is operating in their interests, encouraging and supporting them, and using the social authority's resources to help the family (Dumbrill, 2006). Conversely, if the parents experience that power is being used 'over' them, it may promote negative emotions, such as fear of the social worker, and feelings of powerlessness and frustration in the interaction with the worker (*ibid.*).

The second aspect is related to the interactions of the investigator/social worker with the parents during the investigations. Social workers are obliged to 'defend' the legal norms on child protection, but also to take the integrity-norms into consideration. This balancing necessitates certain competences, above all, that the social worker has an ability to establish an effective working relationship with the parents (Drake, 1994). Competences that promote such a relationship are, for instance, the ability to treat the parents with respect, and to let them take part in the problem definition (*ibid.*). Again, in the light of the integrity-norms, it is understandable why such acts are successful in the mediation. This and the above-mentioned study are used in the analysis as a frame of reference for understanding the outcomes of the interactions between social workers and parents.

In the third aspect of the mediation study, the outcomes have been analysed in relation to a normative change in the family: if there is a shift in the parents' priorities, between the integrity-norms and the legal norms on child protection, this change might affect the conditions for a change for the better (or, if applicable, for the worse, or for no change at all) in the child's situation. The analysis of the normative changes has been based on the information in the investigations, which contain descriptions of the parents' attitudes, acts and behaviour (and changes in these factors) during the investigation process. The basis for the assessment of how a normative change affects the conditions for a change in the child's situation is the research into the conditions of children growing up, which has identified favourable and less favourable living conditions for children (Lagerberg & Sundelin, 2000).

### **Mediations and outcomes**

The cases can briefly be described as follows: a common characteristic is that the children's parents are separated (but sharing custody of the child). It was evident from the descriptions in the investigations that the parents (and, if applicable, their new partners) were in conflict with each other, and that the families' everyday life seemed to have been permeated by the adults' quarrels and hostile communications. It was also clear from the descriptions in the investigations that the investigators and also the children concerned perceived the adults' quarrels and aggressive acts towards each other as being the main problem in the families. The parents' relationship problems also seemed, in a majority of cases, to have obstructed them

from collaborating about the child. These problems were, thus, the underlying causes for the mediations. The task for the mediations was therefore to make the parents aware of the legal demands on them – for instance, that they as parents should ensure the children's security and a good and close relationship to both of the parents (according to the Parental Code, which is backed up with socio-legal norms on child protection), which presupposes that the parents can collaborate with the child's best interest in mind.

In two of the cases (C1, C2), the children's parents had separated, and were living with new partners. It is evident from the investigation that the parents and their partners often quarrelled, and that the children's parents had very hostile relations towards each other, which influenced their collaboration in relation to the children in a negative way. It is also evident that the child in each family did not like the fact that the parents quarrelled with each other and with their partners, and that they wanted the situation to change. The children's situations were assessed by the social services' investigators as a risk to their health and well-being, and this gave rise to the decisions to start investigations.

Both cases had been brought to the attention of the social services through a report by one of the children's parents about suspected child maltreatment. This indicates that (at least) one parent from each family had a positive expectation of getting help from the authority. It may be related to the fact that both families had long-standing problems with their finances, in combination with alcohol abuse, and had earlier received assistance and support from the social services. This may also explain why the other parents, according to descriptions in the investigations, seem to have taken an active part in the investigations. So, this indicates that the parents had a positive attitude towards the social worker and were willing to cooperate.

In both cases, the social services' investigators formed the opinion that the families had initiated a process of change and that the home environment for the children had improved during the investigation. The children had previously moved between the parents, but, in connection with the investigation, lived full-time with one of the parents (the children's mothers). It also seemed that the parents had gained better control over their drinking habits. Both investigations ended with a forward-looking perspective, in that the parents and the social services' investigators agreed on continued contact. In the light of this, it seems as if the children achieved a more secure and peaceful existence than they had before the investigation started. This indicates that these investigations had promoted conditions for a positive change in the children's situation.

According to the theory on parents' reactions (Dumbrill, 2006), the key to understanding the outcomes of interventions is centred on the parents' perceptions of how the social workers use their powers in their interactions with the parents. It seems as if the parents in these cases have perceived that the social workers used their power 'with' them – and, because of this, they wanted to cooperate with the worker. According to the descriptions in the investigations, the social workers managed to establish an 'effective working relationship' (see Drake,



1994) with the parents, built on trust. In both of these cases, the investigator had a more intensive contact with the child's mother than with the father. In one of the cases (C1), it was the conversations between the social services' investigator and the mother which, according to the investigator, led the mother to the insight that the child was in need of peace and quiet, and stability in its home conditions. The mother realized, also, that both she and the child's father needed help. They and the child were offered a support family, which they also accepted. In the other case (C2), it was the mother's wish that the social services should make home visits at regular intervals, because she wanted to show that the child's home conditions had improved. The investigator affirmed this, and also that the mother had improved her capabilities as a parent and was able to take both initiative and responsibility. The ways in which the parents changed their actions and attitudes in the two cases can be seen as an indicator of a shift in the parents' normative priorities – that is, a shift away from the integrity-norm towards the norms on child protection.

The mediation is, thus, anchored in the way that the social worker interacts with the parents. In these two cases, the mediation seems to have caused a normative change. The descriptions of the families' situations in the final stage of the investigations indicate that the previous risk behaviours, the parents' aggressive interactions, which also hindered them from collaborating in relation to their children, had been replaced with a behaviour that conformed better to legal norms in family law. The success of the mediations can be explained by the methods that were used by the social workers leading to the establishment of an effective working relationship, built on trust. The workers supported the families through conversations, but also through other kinds of assistance, which the families were in need of in order to accomplish the necessary changes in their ways of living. The social worker monitored the families in their change processes and encouraged them (for instance, praising them when they were making progress). It can be assumed that these kinds of acts made the parents feel that the social workers cared about them and were operating in the interests of the whole family.

Among the other investigations is one case (C3) where the child's school had reported suspicions of child maltreatment to the social services. The parents had divorced and were living with new partners, and the child was living alternately with each parent. According to the child, the stepfather had been heavy-handed when they were wrestling for fun, and that had only happened once. The child considered it was much more troubling that the mother and stepfather frequently quarrelled. The investigator/social worker assessed that the situation for the child was insecure, and decided to open an investigation.

In contrast to the previous cases, the biological parents in this case did not seem to have had any problem in cooperating in relation to the child. It also seems as if these parents had a more neutral attitude towards the social worker, compared with the previously reported cases. The child's mother and stepfather had contacted the family counselling service to get help with their relationship problems, and wanted no further help from the social services. According to the information in the investigation, the parents had not previously been in contact

with the social services. This may explain the adults' reserved attitudes towards the social worker – it seems as if they would have preferred to solve the problems in the family on their own. However, they did take part in the investigation and had conversations with the social worker. According to the social worker's assessment, the investigation had been a turning-point for the family, which had resulted in a calmer home environment. So, this indicates that the investigation had promoted the conditions for a positive change in the child's situation.

To summarize the mediation in this case: it seems to have led to a change in the adults' behaviour that was better for the child, as well as conforming better to legal norms on children's upbringing. This might be seen as an indicator of a change in the parents' normative preferences – that is, a shift away from the integrity-norms towards the norms on child protection. However, the question is whether the change was the result of an honest collaboration or not. The parents' reserved stance toward the investigator/social worker might have been caused by the feeling that they had not asked for this contact with the authority, with the result that they had got into this situation involuntarily. This may indicate that they felt that the social worker was using power 'over' them. If so, it may also have been a hindrance to an effective working relationship (that is, a relationship that promotes honest communication). This could mean that the parents' and the stepfather's cooperation was not honest, indicating that they only 'played the game'.

On the other hand, the parents were, as it seems, sincerely concerned about the child, and the investigation gave them the opportunity to discuss the situation. The descriptions of the investigation indicate that the parents were treated with respect, and that their opinions and interpretations of the problem situation were taken seriously by the social worker. So, this indicates that the parents may have had the feeling that power was used 'with' them.

The remaining two cases also concern separated families, where the parents shared the custody of the children. All parents lived with new partners. In one of the cases (C4), the child was under review of the social services due to a report from the police that the child's parents had reported each other for threats. In the other case (C5), the father had reported to the social services that the mother had maltreated the child. The situation for the concerned children was assessed to be insecure, and the social services decided to open investigations. Both families had already experienced this kind of contact with the social services.

In both investigations, it was shown that the parents' relationships were characterized by deep-seated conflicts and difficulties in cooperation. According to the social workers, the children were deeply affected by the parents' conflicts, and they wished nothing more than that the parents would stop quarrelling. In both investigations, there also came a turning-point, where the parents realized that the children were suffering from the conflicts and that they must try to establish a neutral relationship between themselves and concentrate on the children's needs. Both investigations ended with the social worker's assessment that the child's home environment had altered for the better. This indicates that the investigations have promoted the possibilities for a positive change in the children's situations.

To summarize the mediation: at the beginning of the investigations, the parents in these two families seem to have been very occupied by their conflicts and aggressions. In light of this, it appears that the primary task for the social workers was to talk sense to the parents and get them to put their own problems aside and instead think about the children's well-being. The success of the mediation in these two cases can, therefore, be put down to the ability of the social worker to negotiate between the parents and help them to come to a shared understanding about the children's needs. This presupposes an effective working relationship built on trust. However, in situations like these, it can be difficult for the social worker to get both parents to trust her or him.

This problem was demonstrated in one of the cases (C4). The mother was critical towards the social worker, because she considered that the worker was on the other parent's side. However, the investigation led to a point where both the mother and the father could agree to the social worker's suggestions for arrangements that would improve the child's situation. So, this happened despite the mother having a critical attitude towards the social worker. The mother's attitude may have been related to a feeling that the social worker's power was used 'over' her. She cooperated with the worker, but it cannot be excluded that she simply 'played the game'. The father, on the other hand, seems to have had a more trustful attitude towards the social worker, which indicates that he felt that the worker used the power 'with' him. In this case, the social worker seems to have established an effective working relationship.

In the other case (C5), both parents had a more positive approach to the social worker. It seems as if there was no problem in the parent/social worker relationship, which is indicated by the parents telling the social worker about themselves and their problems in an open and direct way, for instance. This indicates that the parents experienced that the social worker was using her power 'with' them, which resulted in an effective working relationship.

At the end of each investigation, it seems as if the parents had changed their behaviour, and started to collaborate and communicate in a more constructive way with each other. So, this is an indication that the risk behaviours would change so as to conform better to legal norms in family law. It is also an indicator of a change in the parents' normative preferences, meaning a shift away from the integrity-norms towards the norms on child protection.

## **Conclusions**

The analysis has illustrated the mediation process in five cases concerning families in conflict, which can be considered to give a typical picture of this kind of family problem. The result of the analysis cannot, however, be treated as valid for all kinds of mediations which are performed by the social authority in cases like these. What it is possible to say is, rather, that the analysis has shown a pattern for successful mediation in typical cases concerning families in conflict.

The starting point for the analysis of the social workers' mediations was the assumption that the task of the mediator in these kinds of case is to accomplish a normative change in the family. This means that the parents should become more inclined to accept and (perhaps even more important) to apply norms that promote the child's interest of a safe and peaceful home environment. A successful change is indicated by a shift in the parents' normative priorities, from social norms that shield their own and the family's integrity towards legal norms that aim to protect the child. On the basis of the information in the documentation of the investigations, such normative alterations can be observed as a change in the parents' attitudes and/or behaviour, which indicates that their new priority conforms better to legal norms that promote the child's interest. Such a change also promotes the conditions for an improvement in the child's situation. One conclusion from the analysis is that these mediations have contributed to such normative changes. A second conclusion is that this success may be explained by the fact that the social workers have used methods which are in harmony with the integrity-norms.

A pattern of conversations and dialogues between parents and social workers was evident in the documentation of the investigations. In each investigation, there was a description of the parents' perspectives and opinions about the family's problems, as well as the assessment by the investigator/social worker of the children's needs and the family's situation. These descriptions also indicated changes in the parents' attitudes, opinions and behaviour during the investigation process. In this way, the descriptions created a picture of a dialogue between the social workers and parents. The characteristics of these dialogues correspond to the criteria for effective communication (Drake, 1994). For instance, the social worker must show the parents respect, allow the parents to define the situation as they see it, and try to see the situation from the parents' point of views. It is apparent that such methods are in harmony with the integrity-norms.

The fact that some of the parents did not seem to have reacted in a positive way, despite being treated with respect, indicates that there might also be other factors that influence the parents' interactions with the social workers. In the cases in question, such a factor could be that the social worker had reported the parents to the police (which happened in all five cases, because of the initial suspicion of child abuse). Some of the parents might have experienced this as a repressive and insulting action, which could have influenced their interactions with the social worker in a negative way. Despite this, in most of the cases in question, there were clear indications that the parents, as a result of the mediations, had changed or were about to change their normative priorities.

A third conclusion of the analysis is that these normative changes were positive in terms of the children's situation. It is an empirical question whether the situation for those children actually did change for the better. One may at least assume that the mediations in question have contributed to prevent, or reduce, the risk that the child would develop in a disadvantageous direction. This is in clear conformity with the legal intentions of the family service-oriented model.

This chapter has focused on the normative changes in the field of social child welfare, which indicates that child protection-norms are gradually achieving an ever more prominent position. This can be seen as an expression of the juridification process – that is, ‘the intrusion of law into fields that are ill-fitted to regulate’ (Cotterrell, 1992: 52), such as social relations within the family. A final question to be discussed is how this process will influence the prerequisites for mediation in the future.

The activities in the field of social child welfare are regulated by two models for family services and child protection respectively, which are both products of ‘state law’, and, as such, aim towards social control and change. However, they perform this task in different ways, and according to different logic. Family service-oriented norms are working in a proactive way, to avoid problems occurring in the future. Mediation is an important tool in this work. Child protection-norms are functioning in the opposite direction, as a reaction to something that has happened in the past. This group of norms is connected with repressive sanctions and, related to this, with the assessment of guilt and punishment. This kind of consideration has no relevance to the first group of norms. On the contrary, if the mediator presents a judgmental attitude, this would be a hindrance to the aim. This kind of thinking does not have the same relevance for the child protection-norms. One conclusion of this reasoning is that, if the logic of the child protection-norms takes over in the work with cases that concern children who fare badly or are at risk of faring badly because of failings in the parents’ care, it will impair the prerequisites of the mediation.

There are, however, also reasons that speak against such a development. They are based on the integrity-norms, and the fact that informal social relations are controlled by social norms, which have been internalized by people, through what people perceive as their moral duties and rights. The law cannot substitute the natural relationships within the family, but it does offer the possibility of repairing damaged relationships through informal interactions (collaborations) between social workers and parents, which is the basis of mediation. As indicated by the analysis in this chapter, this presupposes that the social worker can establish a situation of ‘effective communication’, which in turn presupposes that the worker can treat the parents as equals and meet them with respect for their integrity. If this condition is fulfilled, the social worker and parents can meet in a dialogue about the child’s situation and needs, and in this way the worker can appeal to the parents’ moral commitment to the child and, through this, promote a change in their normative priorities which is to the benefit of the child.

Ultimately, this is a question of the effectiveness of the two models. As indicated by this study and related research, the effectiveness of child welfare work that focuses on the logic of criminal legal norms may be questioned. It can be compared with the effectiveness of child welfare work that focuses on the logic of family service-oriented legal norms, which can adapt to and cooperate with social norms. As indicated by this study, mediation can be an effective tool to accomplish normative changes.

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