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“We have so much power and still, we feel completely powerless almost all the time.”

A study of the legal consciousness of Swedish social workers

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Abstract

The aim of this thesis is to study how social workers experience and understand the laws they are regulated by, and if they perceive that the laws give them the right conditions to fulfil their purpose(s). Social Services have the important task of protecting society's vulnerable groups, one of them being children, which entails huge power over other people's lives, which is why social workers are heavily regulated by law. In Sweden examples of those laws are the Social Services Act (Socialtjänstlagen) and the Parental Code (Föräldrabalken). By conducting semi-structured interviews with eight social workers in Skåne county, Sweden, and thematically analysing their answers with Ewick & Silbey's (1998) theory on legal narratives and four dimensions of legal consciousness, the thesis finds that the social workers have a complex perspective on the law. They continuously describe problems and obstacles that it creates, while still defending its shape and moral starting point. The application of Ewick & Silbey's (1998) before the law narrative shows tendencies of two of those narratives: before the law and with the law, which emphasises the complex and sometimes contradicting statements of the participants' perspective on the law.

Keywords: *Legal consciousness, Ewick & Silbey, Before the law, Social workers, Sweden*

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Abbreviations List

CAC – Child Advocacy Centre

CRC – Convention on Rights of the Child

HR – Human Relations

LVU – Act on special provisions for the care of young people [*Lag om särskilda bestämmelser vid vård av unga*] (SFS)

PTSD – Post-Traumatic Stress Disorder

RQ – Research Question

SoL – Social Services Act [*Socialtjänstlagen*] (SFS)

TA – Thematic Analysis

1 Introduction

1.1 Research Problem

Several legal changes and proposals regulating the job of social workers have recently been made in Sweden (Frenker 2021; SKR 2021), a country internationally known for being a forerunner of children's rights. These changes have partly come from recent criticism of cases where the Social Services, or administrative courts which make decisions that Social Services must follow, have made mistakes (P4 Dalarna 2021). Mistakes that sometimes even have resulted in the death of children, due to violence or maltreatment (Pernheim & Södergren 2019; Sköld & Hansen 2020). These propositions are politicians' reactions and attempts to prevent future tragedies (Socialdepartementet 2022). The question which I am interested in, however, is what the people who use these laws in practice think of them. What are the social workers', that encounter these children each day, perceptions of the laws regulating their work?

1.2 Background

Sweden and Social Services

Sweden is internationally perceived as progressive regarding children's rights with being the first country to implement a total ban on child battering in 1979 (Sveriges Radio 2015) and ratifying the Convention on the Rights of the Child (CRC) (1989) as early as 1990. The CRC became part of the Swedish legislation in January 2020, to further strengthen the perspective of children as rights bearers and the importance of always considering *barnets bästa* [the best interest of the child] (Regeringskansliet n.d.).

The best interest of the child is a concept regularly used in official documents to describe the approach of only making decisions that benefits the child (Barnombudsmannen 2018). It is, for example, mentioned in Articles 3 and 8 of the CRC and in the first paragraph of *Socialtjänstlagen* (SoL) [Social Services Act] (SFS 2001:453). It is, however, left for the adults to decide what is in the best interest of the child, and the child's opportunities to express their wishes are preconditioned, with CRC stating in Article 12 that "the views of the child [should be] given due weight in accordance with the age and maturity of the child" (1989).

In Sweden, it is the legal guardian who has the main responsibility for protecting their child's rights (SFS 1949:381 6th chap. 2§) since minors up to the age of 18 years have limited opportunities to do so themselves. A child, therefore, needs to trust that adults, and especially

their guardian(s), will protect them. Sweden does also provide a municipal authority, *Socialtjänsten* [Social Services] for situations where a guardian cannot care for their child(ren) without support (Lunds kommun 2021). Their purpose is to support individuals who, for different reasons, need welfare interventions such as those having disabilities or substance abuse (ibid.). The social workers whose clients mainly are children and families¹ are regulated by several laws such as the SoL legislation, some chapters of the Parental Rights (SFS 1949:381) and the guidelines of the National Board of Health and Welfare (Socialstyrelsen 2013). The SoL legislation gives scope for individual interpretation and adjusting interventions in ways that the social worker sees appropriate for their clients (SFS 2001:453, 3rd chap, 6a§).

Social Services get involved when an *orosanmälan* [a report of concern] is filed, which can be done by either a private citizen or an employee who is legally obligated to report any suspicions of child maltreatment (Socialstyrelsen 2019). A social worker is assigned to the case and contacts the child and guardian(s) to assess if an investigation is needed, a process which should be carried out in collaboration with the guardian(s) according to the national guidelines (Socialstyrelsen 2013). The aim of collaboration, in combination with the strong protection of the parent's right to be involved in decisions concerning one's child (SFS 1949:381, 6th chap. 11§) further means that most Social Services' interventions are voluntary (SFS 2001:453, 1st chap. 1§). The LVU (SFS 1990:43)² legislation does, however, give Social Services authority to place a child in medical or foster care using force if it can be proven that there is a severe risk for the child's life and health to stay with their guardian(s).

Child Advocacy Centres

Sometimes social workers assess that a received report of concern also needs to be reported to the police, and a crime investigation process is initiated. This process must according to The National Police Board (Rikspolisstyrelsen 2009) prioritise the child's wellbeing, which has led to the implementation of *barnahus* [Child Advocacy Centres (CAC)] in several Swedish municipalities, where different authorities such as police, prosecutors, medical staff, and social workers collaborate under the same physical roof (Rädda Barnen 2013). The practical design varies but the main purpose is to provide premises that are adapted to the needs of children, such as performing all hearings and (if needed) medical examinations in the same building. The

¹ Social worker is a broad occupation and who their clients are depends on which unit they work at. Different titles are used in Sweden to make this distinction clearer, but these titles do not have any direct English equivalences, and the broader term is therefore used.

² LVU is an abbreviation for *Lag med särskilda bestämmelser om vård av unga*.

CAC model has given several positive effects in Sweden, such as improved communication between involved authorities and decreased levels of trauma among the affected children (Rädda Barnen 2013).

Legal Consciousness

The SoL legislation's scope for interpretation allows the social worker to make their own evaluation of a case and I hypothesise that legal consciousness is one factor that affects their evaluation. Legal consciousness is a concept which describes an individual or a group's interpretation and attitude towards the legal system (Chua & Engel 2019; Nielsen 2000). This definition is, however, not set in stone and differences can be seen both in its description and the components it consists of. European research, for example, views the shaping of one's legal consciousness as a dynamic process, meaning that it is not only knowledge or experience that can affect individuals' perception of law, but also factors such as culture or norms (Hertogh 2004; Nielsen 2000).

Law is often located "on a distant horizon of our lives" (Ewick & Silbey 1998:15), but most citizens still obey it. Three different schools – identity, hegemony, and mobilisation – use legal consciousness to explain the reason for this (Chua & Engel 2019), and hegemony is the school of interest for this study. The focus here is on the hegemony of law, the power and pervasiveness of official law that "shapes the worldviews, perceptions, and decisions of individuals, even when it is not applied directly or instrumentally" (ibid.:339). Scholars, Ewick & Silbey being one example, who belong to this school study how laws affect ordinary people's actions and thoughts in invisible ways, but also how some people resist these effects.

1.3 Aim

The purpose of this thesis is to study the legal consciousness of social workers in the context of children's rights. Their practices are regulated by specific laws, but legal education is not required, like that of prosecutors, judges, or lawyers. Despite this fact, they are expected to both have knowledge of and act according to the law. This thesis hopes to generate a greater understanding and knowledge of how these workers experience laws regulating them and to what extent they perceive those laws to fulfil their purpose, protecting children, one of society's most vulnerable groups. This thesis hopefully offers a glimpse of how well current legislation enables social workers to do their job efficiently, how the current laws are perceived to function in practice and potential improvements that could be made. Another aim of the study is that the

research will contribute to an increased understanding among the public of the conditions social workers have to consider when making decisions that will affect the lives of individuals and families.

1.4 Research Question

The following research question, from here on referred to as RQ, is formulated to achieve all mentioned aims of the study:

How do social workers understand and experience the rules that affect their roles and work with child victims and witnesses of crime?

The concept of legal consciousness is used for answering the RQ since the term includes knowledge and interpretation of, as well as attitude towards the law, which affects a person's perception. The rules of interest are those which affect the participant's occupation and work with children. The thesis is furthermore only interested in the social workers' view on their role within the units of Social Services that have a focus on children or minors, only examining certain parts of their legal consciousness.

1.5 Limitations

The thesis has a qualitative approach with no ambitions to make any wider claims or draw any general conclusions. The interest lies in exploring what aspects of the legal consciousness of a few social workers are expressed, described, and motivated, meaning that the thesis is limited by what the participants want to share. No attempts are therefore made to explain the whole legal consciousness of social workers, only glimpses and aspects of it.

1.6 Research Relevance

Sociology of law is a broad field, with the common aim to study and understand how and when (parts of) the social world interact with the law (Deflem 2008). Exploring the legal consciousness has a vital role in this ambition, with its focus on people's perception and understanding of the legal systems, which are shaped by several factors other than law such as personal experiences, norms, or culture (Hertogh 2004). Legal consciousness is further reflected in one's values, speech, and actions. The actions and decisions of some people have bigger

consequences than others', such as those taken by bureaucrats, which Michael Lipsky (1980) was early to examine in his study on welfare workers in the US. His study has no equivalent in the Swedish context, even though our social workers have similar levels of authority and power. Their power is further only regulated by law to a certain extent since the SoL legislation does give scope for individual interpretation (SFS 2001:453 3rd chap, 6a§), meaning that some amount of power can be used as the worker sees fit. This scope has the purpose of letting the worker adjust their interventions to suit their client and I hypothesis that they are influenced by their legal consciousness as social workers when making these adjustments. Just like Lipsky, I believe it is important to have knowledge of those who make life-changing decisions for others, partly to understand the law in action, partly because of the vulnerable people who are affected by those decisions.

Social Services' regulations have, as mentioned in *Research Problem*, received much attention in recent years, such as when CRC was implemented (Regeringskansliet n.d.) and proposals of reviewing the SoL and LVU legislations (Frenker 2022; SKR 2021). A disinformation campaign was further spread by Arabic-speaking news media during the winter of 2021-2022, where Social Services were accused of using LVU to kidnap and assimilate Muslim children (Studio Ett 2022; Törnquist & Al-Khameesi 2022). These events show that it is relevant to conduct this thesis now, to give a voice to the experiences of social workers and how they perceive the current laws and what changes they think are necessary.

1.7 Disposition

The disposition of the thesis is presented here, to aid the reading. As covered above, the thesis begins with the introduction describing relevant background information, followed by its aim, RQ, limitations and relevance in the academic field and contemporary society.

Starting below the literature review is presented, where the topic and RQ of the thesis are motivated by the identified gap in the literature. Next is a description of Ewick & Silbey's (1998) theory on three narratives that reflects an individual's legal consciousness and why this theory is deemed appropriate. Then follows the choices for data collection and analysis, a presentation of the results and an analysis using theory. The thesis ends with a discussion chapter and conclusions. An appendix is also attached, consisting of relevant material related to the data collection.

2 Literature Review

A literature review was conducted to create an overview of the current knowledge of social workers' legal consciousness and the need for such a study in a Swedish context. The collection of previous studies was not restricted to the socio-legal field since I prioritised the opportunity to gain a comprehensive picture of the previous research. The socio-legal field is, furthermore, interdisciplinary (Deflem 2008) and benefits from this approach. The initial collection was meagre, and I therefore decided to divide the review into two parts: one with a focus on children's rights and occupations that encounter children; and the other zooming in on the legal consciousness of different workers and sources with a clear starting point in Ewick & Silbey's (1998) narrative.

The sources were systematically collected through *LUBsearch*, a database accessible through Lund university. Several criteria were used, requiring the sources to have been published between 2000-2021, written in English, passed a peer review and contain all selected keywords in its abstract.

Six sources were gathered by skimming the bibliographies of articles that were already collected. Reading through these six sources' abstracts showed that they fulfilled all criteria, except the requirement of peer-review, which instead was checked using LUBsearch with the 'peer reviewed' filter activated.

The reviews' two parts are presented separately down below. First comes a summary of the used keywords, followed by method and theory choices of the authors, geographical spread, and their findings. This chapter is then finalised by concluding the main findings and gaps in the literature

2.1 Part One

The used keywords for this part of the literature review are "children's rights", "child protective services", "protecting children", "protect*", "victims of crime" and "child victims" in combination with "protection", "professionals", "workers", "Legal consciousness", "attitude", "social worker*", "welfare worker*" and "Sweden". A total of 61 articles were collected and after a first review of the sources' relevance, and elimination of duplicates, 25 articles remained.

Most of the articles are written in an American (Barnert et al. 2016; Davis et al. 2002; Herman-Smith 2009) or Swedish context (Bruno, 2015; Hultman et al., 2020; Talsma et al.,

2015). Some studies also collected data from several countries (Berrick et al. 2015; Križ & Skivenes, 2012; Martinho et al. 2020). Surveys were the most common method (e.g. Herman-Smith 2009; Rodriguez 2002) followed by interviews (e.g. Davies et al. 2008; Rasho et al. 2019) and document analysis (e.g. Björk Eydal & Satka 2006; M. Heimer et al. 2018). Only two studies used mixed methods (Masson 2002; Munro & Ward 2008), and three used a clear theoretical framework (M. Heimer & Palme 2016; M. Heimer et al. 2018; Križ & Skivenes 2012). The studies are categorised according to their focus on either children and parents or (social) workers encountering children.

A Focus on Children

This theme contains the studies with a focus on children, such as their possibilities to participate in court, their different needs, and children's experiences with Social Services. The last paragraph also contains the experiences of parents who received support from Social Services regarding their children.

Two European studies measured the occurrence of child abuse, one on the Danish national level (Christoffersen et al. 2013) and one in Argeş, Romania (Constantiescu et al. 2017). Both found that the most common form of abuse was neglect.

Four articles studied to what extent children were allowed to participate in court proceedings and found age to be a significant factor regarding both receiving information and making their voices heard (Berrick et al. 2015; Bruno 2015; Hultman et al. 2020; Tisdall 2016). This is interesting when comparing to the findings of M. Heimer et al. (2018), whose study shows a positive correlation between letting the child be involved and the effectiveness of used interventions. One study also found gender to be a factor, where testimonies from girls were believed to a greater extent than those of boys (Bruno 2015). Children's opportunities to make their voices heard by different authorities seem to be conditioned, and my thesis might show if this also is the case within Swedish Social Services.

Three studies examined the needs of specific groups of children, children who had been trafficked (Martinho et al. 2020), sexually abused (Rasho et al. 2019) or belonged to an ethnic minority group in the country where they lived (Križ & Skivenes 2012). All studies emphasised the different needs and preconditions of these children, compared to other minors that social workers encounter, such as special medical needs or strong feelings of guilt and shame in trafficked children (Martinho et al. 2020); needing extra support in school and when communicating with society for ethnic minority children whose parents have language

barriers (Križ & Skivenes 2012); and wanting to be surrounded by family or people that the child trusts and not having to repeat their testimony to several – for them – unknown workers (Rasho et al. 2019). Martinho et al. (2020) also found that a lack of resources within the Social Services obstructed the children from getting adequate help.

Two articles studied children and parents' experiences with Social Services. O'Brien (2011) used Canadian surveys answered by families who had received at-home interventions, and Davies et al. (2001) interviewed children and parents in New Zealand. Both studies overall found positive results regarding the interventions and interactions with the Social Services, especially the results from the children who had gained a better sense of self (O'Brien 2011) and had felt safe with the social worker(s) (Davies et al. 2001). Some of the parents, however, expressed a "lack of prompt action by social workers" (ibid.:46) and support. It would, for my thesis, be interesting to see if the participants have noticed similar experiences among the parents they encounter.

A Focus on Workers

This theme contains the studies with a focus on the workers, their opinions and perceptions on policy, programmes and reporting suspected abuse. Certain studies include other occupations than social workers, such as healthcare workers.

Several studies evaluated policies in different countries. Munro & Ward (2008) studied the effect of the *Human Rights Act* implemented in the UK in 1998, and M. Heimer & Palme (2016) the use of CRC in Swedish law. Both found that parental rights often were prioritized over children's rights, and the UK study also noticed a low status of Social Services' evaluations within the legal system (ibid.; Munro & Ward 2008). An evaluation of nine American states' different *Safe Harbour* laws, done by Barnert et al. (2016) also noticed a lack of consideration for the rights of the child. The law's main purpose is to give sexually exploited minors the status of victims instead of criminals, a status which is obstructed by many states' criminalisation of prostitution (ibid.). Katz & Cohen (2021) studied the regulations of Social Services during quarantine in Israel, where no mentions of child abuse or maltreatment were found in the Israeli policy documents published during the first month of quarantine, indicating child welfare to not be a priority. Lastly, Björk Eydahl & Satka (2006) compared Nordic children's right to participate by analysing legal policies and statistics. A "common ideology that the care of young children is the joint responsibility of parents and the

state” (ibid.:311) was found, but prominent shortcomings regarding the child’s right to participation was also noticed.

Five articles studied the opinions of social workers, and other occupations, regarding different matters, from their attitudes on child abuse prevention programs (Davis et al. 2002) and the communication between healthcare and the Social Services (Campbell et al. 2020), to their beliefs on how domestic violence can intersect with child abuse (Postmus & Merritt 2010) and opinions on specific laws (Masson 2002 Herman-Smith 2009). The social workers in both Masson (2002) and Herman-Smith’s (2009) studies had a positive view of the laws but expressed concern regarding lack of resources. This was emphasised more by Masson’s (2002) participants, who described an “overuse” of the *Police Protection*³ law resulting in extra work for the Social Services that they do not have resources for. The effects of having to cooperate or handle the consequences of another authority’s law could be of relevance for this study since Swedish social workers sometimes collaborate with police and prosecutors.

Studies on reporting suspected child abuse focused either on the factors that affected the decisions to report (Alvarez et al. 2004; Talsma et al. 2015) or correlations between being able to correctly assess if a case needed to be reported and attitude towards implementing national obligation to report law (Rodriguez 2002). 20% of the respondents admitted to not having reported suspected cases of abuse at least once (Talsma et al. 2015), and reasons for not reporting were low trust in Social Services and fear of the negative consequences a report would have for the child and themselves (Alvarez et al. 2004; Talsma et al. 2015).

2.2 Part Two

“Legal consciousness”, “attitude” and “legal awareness” in combination with “with the law”, “law OR regulation”, “Ewick & Silbey”, “profession(al)*”, “worker*”, “practitioner*” “Scandinavia” and “Sweden” were the keywords used during the second part of the literature review. The words “lawyer” and “civilian*” have been actively filtered away. 74 sources were collected, but a considerable number were duplets and only 21 of them were assessed to be relevant.

³ The *Police Protection* law allows a police officer to remove or detain children who are, or might, suffer significant harm, and move them to a suitable accommodation.

The sources have a great geographical spread with studies of African (e.g. Footman et al. 2021; Kulk & De Hart 2013), Asian (e.g. Boittin 2013; Chung & Kwon 2020; Kumar et al. 2013), European (e.g. Kirk 2021; Lejeune & Oriane 2014; Levy & Jakobsson 2014) and North American contexts (e.g. Headworth, 2020; Smith, 2006), and comparisons of two or more countries (Cuttini et al., 2006; C.A. Heimer and Tolman, 2021; Miranda and Lange, 2020).

Mixed methods ethnography was most commonly used, consisting of observations in combination with interviews or surveys (e.g. Ranasinghe 2014; Welsh & Leyva 2020; Young 2011). Quantitative studies were characterised by the use of questionnaires (e.g. Kumar et al. 2013; Patil & Bengal 2020) and one study used net scraping to collect comments from web pages of newspapers and chat forums (Zaia 2019).

The sources in *Part Two* mainly focus on legal awareness and what that awareness should consist of. Three studies do, however, examine sex workers' perception of laws regulating their job. To include this group of workers might seem unexpected because of prostitution's controversy, but I choose to include these sources since they go deeper than merely examining awareness of the law. Two studies that examine the legal consciousness of private citizens are also included, and I motivate this by their use of Ewick & Silbey (1998) as a theoretical framework, making them still relevant for this thesis.

Shaping Legal Consciousness

The sources in this theme do not consider the legal consciousness of workers but do, however, focus on the shaping of legal consciousness and three articles approach this phenomenon with the narratives of Ewick & Silbey.

Pandit & Pandit (2009), as well as Yezhokina (2019) studied the shaping of legal awareness among Indian healthcare staff and Ukrainian seafarers, respectively; two occupations with few similarities, but a need for legal awareness to be able to carry out their tasks adequately (ibid.).

Ewick & Silbey's (1998) three narratives were used when studying the Dutch community in Egypt (Kulk & De Hart 2013) and Canadian's perception of increased surveillance (Zaia 2019). Zaia found that the most common reaction within *before the law* narrative was not caring about increased surveillance, while expressed distrust towards police and their use of surveillance was the clearest found example of *against the law* (2019). Kulk & De Hart (2013) found evidence that the shaping of legal consciousness is a dynamic process and highlighted the importance of continuity, which was performed within the Dutch community by continuously advising against

marriage between Dutch women and Egyptian men, because of the Islamic family law. They also found playing *with the law* tendencies where marriage stipulations were used in mixed marriages to ensure the Dutch women (and their children) rights that the law otherwise would deny them (ibid.). These two studies show the adjustability of Ewick & Silbey's theory to different contexts, indicating that I can use it for my thesis as well.

Legal Awareness and Healthcare

Several studies focus on the legal awareness of healthcare staff. Two studies of nurses showed a generally low and uneven level of legal awareness regarding their responsibility towards patients (Kim et al. 2007; Kumar et al. 2013), while a study on obstetrician students instead found "sufficient awareness regarding medico-legal issues" (Patil & Bengal 2020:43). A European cross-country comparison by Cuttini et al. (2006) showed a clear north-south divide among obstetricians regarding accepting a patient's autonomy to refuse a C-section, where participants practising in France, Italy and Spain to a greater extent would ignore a patient's wishes and seek a court order to perform the procedure.

A study on access to medical abortion substances in Zambia, where abortion is legal but heavily restricted, shows that pharmacists provide the substances arbitrarily because of feeling the duty to provide care and for financial interests, while simultaneously expressing fear of legal sanctions (Footman et al. 2021). Financial interests were also something found in C.A. Heimer & Tolman's (2021) study on caregivers' attitudes at HIV clinics in Africa, Asia, and the US, where the norm that you must give to receive was strong, especially at the American clinics. Ranasinghe (2014), on the other hand, found results regarding arbitrariness, in his study of the maintenance at Canadian emergency shelters. The staff appreciated and performed an inconsistent and spontaneous interpretation of ethics of care, despite it causing complications (ibid.).

A study on the legal consciousness and perception of domestic abuse among Norwegian and Brazilian healthcare and criminal justice occupations (Miranda & Lange 2020) found that the reasons for workers to not report suspected domestic violence differed. In Norway, the main reason was prioritising the confidentiality between patient and medical worker, while in Brazil the decision not to report was fear of having to testify in court and retaliation from the perpetrator (ibid.). Similar results were also found in studies described in *Part One* (Alvarez et al. 2004; Talsma et al. 2015) and are relevant to this study since the Swedish Social Services are dependent on the reports of concern from the healthcare system to be able to perform their job (Socialstyrelsen 2019).

Vulnerable Workers

Three studies looked at the attitudes of sex workers in three countries, which all have their own distinct prostitution laws. In Sweden and UK, it is legal to sell (Klaumbauer & Cserne 2019), but Sweden has criminalised buying sexual services (Levy & Jakobsson 2014), while both actions are illegal in China (Boittin 2013). The respondents in China and Sweden were fully aware of their legal situation (ibid.; Levy & Jakobsson 2014), while the British respondents who work outdoors were uncertain of prostitution's legal status (Klaumbauer & Cserne 2019). The laws regulating them have huge effects on the sex workers' encounters with law enforcement, healthcare staff and clients. Sex workers from all studies describe the vulnerable position the seller is in relation to the buyer and the risk of getting raped (Levy & Jakobsson 2014), but their reactions to their situation differed, from taking the blame upon themselves to demanding respect as human beings (Boittin 2013) and perceiving the law as infringing on their sexual freedom and right to work in a safe environment (Klaumbauer & Cserne 2019). All studies have, to different extents, used interviews to collect their data, a decision which I intend to use as well to enable my material to show a similar level of richness.

Smith (2006) studies the legal consciousness of seasonal agricultural workers in Canada and criticises the "legal knowledge is power"-narrative. His results show that the respondents are only partly covered by the different labour laws in Canada and are not protected from increased workload without higher pay. Few respondents were willing to discuss if they performed any resistance against these conditions because of fear of their employers and stress over having to support their families (ibid.).

Workers and Clients

This theme includes sources where respondents, in their work role, represent workers in their own or other occupations. One article also studies how one occupation perceives a specific group that they encounter in their job.

Chung & Kwon (2020) studied how a unionisation process shaped the legal consciousness of the employees and union representatives. With the use of Kelly's (1998) mobilization theory, they found that the participants' realisation that their poor working conditions were caused by their employers had great effects on enhancing their legal consciousness (ibid.). Lejeune & Oriane (2014) studied employees' experiences of worker discrimination that had led to litigation processes with the union. These processes were part of shaping the employees' legal consciousness and perception of the law's power. Both these studies suggests that the shaping

of one's perception of the legal system is an interactive process between people and institutions and will help me be aware of the different factors that potentially have affected the legal consciousness of social workers in this thesis.

Kirk (2021) studied the legal consciousness of HR-employees with a focus on their dual roles representing both the employer and employees which sometimes put them in difficult situations. Another finding was that the respondents saw themselves as being quasi-legal since they were expected to have both legal expertise and authority to legitimise “a managerial paradigm of what is ‘right’, ‘fair’ and justifiable” (ibid.:583).

Welsh & Leyva's (2020) ethnographic study of how welfare workers manage criminalised clients shows a high level of performed invisible work to help their clients, even when it would put their own job at risk. Headworth (2020) also examined welfare workers with vulnerable clients and their second legal consciousness⁴. Despite the clients generally belonging to a legally disempowered group, the participants described them as immoral loophole seekers, a perception which the scholar connects to the overall negative view on welfare clients (ibid.).

2.3 Summary

The literature reviews shows that there are several articles both on workers encountering children and the legal awareness or consciousness of different occupations, but few studies combine the two different subjects. The exception are the evaluations of social worker's opinions on specific laws by Herman-Smith (2009) and Masson (2002), but their focus is not on legal consciousness. There is, therefore, an existing gap within the field of legal consciousness, which this thesis can fill.

The literature review has given me valuable information for this thesis, despite most studies' focus on other occupations than social workers. Some studies, for example, show that children's right to speak and receive information is conditioned within the legal system (Berrick et al. 2015; Bruno 2015; Hultman et al. 2020; Tisdall 2016); that social workers have a low status among other workers and private citizens (Davies et al. 2008; Munro & Ward 2008; Talsma et al. 2015); that there is a resource shortage (Herman-Smith 2009, Martinho et al. 2020); and that

⁴ *Second legal consciousness* refers to an individual's perception of another person's legal consciousness.

the practice of certain laws have negative consequences for social workers (Herman-Smith 2009, Masson 2002). I can use this information when creating my research design.

Studies on workers' experiences of the laws affecting their jobs mainly focus on legal awareness but show that the shaping of one's perception is a dynamic process (Chung & Kwon 2020; Kulk & De Hart 2013; Lejeune & Oriane 2014), which is something I must consider when writing my thesis. The studies of Boittin (2013), Klaumbauser & Cserne (2019) and Levy & Jakobsson (2014) furthermore show the advantage of using interviews to get rich data. Lastly, the sources with a starting point in Ewick & Silbey's (1998) narratives have given me examples of the theory's applicability in different contexts (Kulk & De Hart 2013; Zaia 2019), which is helpful for my research.

3 Theory

The study's theoretical framework consists of Ewick & Silbey's (1998) three narratives *before the law*, *with the law* and *against the law*, which describe the individual's perception, knowledge and attitude towards the law; their legal consciousness (Chua & Engel 2019). The research on legal consciousness has emerged rather rapidly since the mid-1980s (ibid.) with Lipsky's *Street-level Bureaucracy* (1980) often regarded as the steppingstone for the other scholars to come, such as Ewick & Silbey. The theoretical utility of legal consciousness was questioned at the beginning of the 2000s, even by Silbey herself (2005). Research on the topic has, however, only increased since then, with especially the focus on marginalised groups and their perception and use of law (Chua & Engel 2019; Halliday 2019), indicating that the original perception of legal consciousness may have been restricted compared to the use of the concept today. This makes me confident to use the theory.

3.1 Four Dimensions of Legal Consciousness

Ewick & Silbey's (1998) theory also consists of four dimensions of legal consciousness which are *normativity*, *constraint*, *capacity* and *time and space*.

Normativity refers to what the individual perceives as the moral basis of legality. This can, according to Ewick & Silbey, be seen through the "individual's decisions to mobilize the law" (1998:83). How this is expressed in practice will be explained when describing the narratives. *Constraint* is the limitations of the legal system, including tasks that it cannot carry out. The

individual's perception of constraints can be positive or negative. The third dimension, *capacity*, includes the productive side of legality and "people's understanding of the locus of legality", the sources of legal actions and outcomes (ibid.:204). The opinion of these capacities can, just like the dimension of constraint, be positive or negative, but it is more often seen as negative if the legal system's capacity complicates or denies the individual something. Lastly, the legal consciousness is affected by *time and space*, which refers to how the law organises and occupies space and the use of time. (Ewick & Silbey 1998)

3.2 Narratives

Before the Law

Ewick & Silbey's (1998) first narrative *before the law*, is characterised by a perception of law as disconnected and almost essentially different from ordinary life. This view creates an aversion to having contact with the legal system, except in emergency cases. While the legal system is seen as completely secluded from ordinary life it has the power to affect and restrict it. This perception means that a positive experience of the legal system is dependent on if it took one's own side. Negative experiences, such as police or lawyers acting biased or corrupt, do however not affect the individual's perception of the law as fair and equal, because no person can represent the law, only exercise it. This view on the legal system's power resonates well with the image that liberal law wants to uphold. (Ewick & Silbey 1998)

Regarding the four dimensions is *normativity*, according to the *before the law* narrative, founded on a view of legality as impartial and objective to the social world (Ewick & Silbey 1998). It is not historically anchored in society and does not reflect any(one's) interests, which the legal actors however do. The individuals perceive the law's *constraints* as what makes it predictable, which leaves very little room for interpretations. The hierarchical role distribution is here identified as legality's *capacity* since it creates "relays of effect beyond any individual decision-maker" (ibid.:150), but it is not seen as something positive. Lastly, the law is experienced as dislocated from everyday life in terms of both *time and space*. The impartiality of law contributes to this dislocation since it is not anchored in human history. The law further has the capacity to control both the present and the past and is physically secluded from ordinary life by using specific buildings, such as court houses. (Ewick & Silbey 1998)

With the Law

The *with the law* narrative views the law as socially constructed, which can be used for one's own gain (Ewick & Silbey 1998). The law is, for them, very present in the everyday life and used for communication or claiming one's rights. The individual's experience of the legal system is not dependent on whether they 'won' or 'lost', but rather if the legal rules were played correctly and their own performance. Individuals' who have this perspective do not view the law as equal for all or even equally available. Their use of the law is "a vision of legality as engagement and conflict, resources and process" (ibid.:131), namely as a game. These conditions also mean that the law "has no determined result[s]" (ibid.:135), since it is not only the legal text that decides a case. (Ewick & Silbey 1998)

The first dimension of legal consciousness, the *normativity* of legality, is characterised in this narrative as partial and the law can be used as a commodity, an arena where one can act upon one's own interests to a certain degree (Ewick & Silbey 1998). "Rules can constrain what can be done legally" (ibid.:146) but knowing that the law is socially and historically constructed means that it is fragile and can be questioned, changed, or manipulated. Law's *constraints* are therefore not seen as restrictions, but as creating space. The *capacity* of legality lies in the legal knowledge and skills of the individual, enabling several interpretations of the law, and an organisation not as hierarchical as claimed by the *before the law* narrative. Agency is instead squarely located between different legal players, where skills give capacity for interpreting and sometimes even creating new laws. Lastly, their perception of *time and space* views the legality of law as different but coexisting with everyday life. Time is seen as a resource and the weight that the law applies to written text is used for one's own gain. (Ewick & Silbey 1998)

Against the Law

Lastly, some individuals are *against the law*. They, according to Ewick & Silbey (1998) neither experience the law as disconnected from everyday life or as an arena where one gladly interacts, but instead as a powerful, foreign system entrapping people. The system does not serve them, and they, therefore, use strategies to resist it. To classify an act as resistance, it must fulfil three criteria: the individual must be aware that they have less power compared to another in the specific context; must be aware that they are using their limited opportunities for their own gain; and that they think that the limited access to opportunities is created by unbalanced power relations. Actions of resistance can be hard to identify since the individual generally wants to both make a point and easily retreat if their resistance fails. (Ewick & Silbey 1998)

The narrative views legality's *normativity* as a product of power, meaning that it is the law's great power that has enabled its role as a moral compass, not the other way around (Ewick & Silbey 1998). The purpose of letting the law shape the normative foundation of society is mainly to gain more power. The authors further write that the law is experienced as arbitrary and unable to consider contexts or effectively handle disputes and answer to injustice, *constraints* which make it dangerous for the ordinary man. The *capacity* of law, however, lies in its clear hierarchical structure, which can be deliberately overlooked by going straight to the top to get what you want. Ewick & Silbey also mention how individuals can take advantage of the law's often vague or fuzzy formulations, which "briefly stun[s] the power" (ibid.:185). The perspective on *time and space* is that the law has the authority to hijack one's time and space, by forcing the individual to show up at a certain location at a certain time. The narrative also, to a certain extent, view written law as timeless. Time can, however, also be used to show resistance, such as foot-dragging and claiming or erasing space (Ewick & Silbey 1998).

3.3 Use of Theory

Ewick & Silbey's (1998) theory consists of two major parts, the first being the four dimensions of legal consciousness, and the second the three narratives. In their famous study, the authors combine the different dimensions of their research participants to create the narratives, and I am therefore using the same technique. My aim, however, is not to apply a whole narrative to each participant, but to point out the tendencies that align with any of the narratives since people are too complex to fully belong to any narrative.

Since Ewick & Silbey (1998) build their theory on private citizens, there are natural restrictions on how well one can apply the three narratives on workers. It is, for example, highly unlikely that a social worker who regularly encounters the legal system would describe the law as disconnected from the rest of society. I am aware of this limitation, and my goal is therefore not to categorise the participants of this study within the narratives, but to see which aspects of the narratives are applicable. The theory is further developed within an American context (Hertogh 2004), which significantly differs from the Swedish one and therefore will affect how clear the results are. The theory will thus mainly be used as a tool to study the legal consciousness of this occupation.

The decision to still use the theory despite its limitations is motivated by the fact that Ewick & Silbey's (1998) four dimensions of legal consciousness are deemed relevant to a worker,

especially how the law can make them either capable or constrained when performing their occupation. This will hopefully add depth to answering the RQ and fulfilling the thesis's aims of contributing to the understanding of social workers' experiences and perceptions of the laws and conditions regulating their job. The literature review also shows a very limited number of studies that have used this theory when examining the legal consciousness of workers, and this thesis can therefore be an excellent opportunity to study its relevance both to workers and outside of North America.

4 Method

The methods that were chosen for data generation and analysis are presented in this chapter, together with a description of the thesis' sample and participants and lastly reflections regarding validity, reliability, and generalisability.

4.1 Qualitative Approach

The study uses a qualitative approach to answer the RQ, which allows for creating a flexible methodology with the ability to be changed or reshaped if found necessary (Mason 2018). The possibility to combine qualitative methods with my deductive approach of using an already established theory to collect and analyse data is another advantage of this approach, which suits this thesis.

Regarding epistemology and ontology, they must match the underlying assumptions of the RQ's formulation (Bryman 2016:30; Mason 2018), for this specific study meaning accepting individual interpretations and expressed thoughts as data or knowledge on which one can understand the legal consciousness of individuals. Interpretivism is an epistemology with a focus on the interpretation of human actions, with influences of hermeneutics and phenomenology, which study how people make sense of the world (Bryman 2016:26). An ontology that goes well in hand with this is constructionism, which "challenges the suggestion that categories (...) are pre-given" (ibid.:30) and instead suggests that they are shaped by those participating.

4.2 Data Generation

Semi-Structured Interviews

Semi-structured interviews are used to generate data, a choice motivated by the method's high level of flexibility and compliance towards the participants (Bryman 2016:482-483), something that is essential for catching the many aspects of legal consciousness, such as their experiences of the law. Two of the method's strengths are giving the participants space to express their thoughts and reasonings, which can generate the rich and detailed data, and allowing follow-up questions to minimise misunderstandings (Denscombe 2017); two aspects which are essential to help fulfil the thesis's aims of understanding social workers' experiences with the laws regulating their job and how they perceive that these laws fulfil their purpose(s).

The choice to use semi-structured interviews comes partly from its advantages already mentioned, partly since I assess the method to be the most suitable for the thesis' aims and RQ. Interviews give the opportunity to grasp the participants' understanding on a deeper level since it allows space for elaboration on one's thoughts, compared to surveys. Interviews further give me the opportunity to gather data that does either not exist or is available to the public (SFS 2009:400 chap 26th 1§) in form of documents. Methods such as ethnography and focus group interviews could be relevant, but due to the risk of new Covid-19 restrictions and my inexperience in conducting interviews, they were deemed less suitable.

Methods also have their disadvantages, which for qualitative interviews mainly is that they are time-consuming, an aspect that is very difficult to affect. One strategy used to facilitate the process was doing the data generation and transcription processes in parallel (Bryman 2016; Magnusson & Marecek 2015). Another disadvantage is the effect I, the researcher, have either consciously or unconsciously, on the participant which can contaminate the data (Bryman 2016:472). There is no way to eliminate this disadvantage completely, but I tried to minimise my level of influence by giving a neutral impression of myself, avoiding heavy makeup or clothing with text or prints (Magnusson & Marecek 2015), and having a non-judgemental approach to their answers (Denscombe 2017). The transcription process also always affects the data in some way (Ochs 1979 in Magnusson & Marecek 2015), which is not a disadvantage per se, but I acknowledged and considered it during the analysis.

An interview guide was used, which both created a clear framework and enabled the "characteristically exploratory, fluid and flexible, data-driven and context-sensitive" that is qualitative research (Mason 2018:31). It consists of five themes with question batteries and a

few demographical questions (see *Appendix 1 & 2*) and was influenced by both Ewick & Silbey's (1998) theory and the findings from the literature review. The review steered the choices of themes, while theory shaped the formulation of questions. The guide mainly contains open-ended questions, with a few precise or exploratory follow-up questions (Bryman 2016:472-473). The guide was reviewed by my contact *L* and my supervisor before starting the interviews, to ensure that the language of the guide would match the potential participants' (ibid.).

Sample

Purposive sampling, with the aim to gather data that will be useful for answering the RQ (Bryman 2016:4010) have been the approach for locating relevant participants for the thesis. A few criteria have been used for selecting participants, which are that their occupation is social worker, they have experiences of working with children and collaborating with the legal system in cases involving minors, and that they are currently employed by a municipality in Skåne county. 15 municipalities were contacted, either via email, telephone or through my contact *L*. Certain boundaries have also been used when sampling, such as only trying to establish contact with municipalities closer to Lund university. This decision was made due to the restricted economic budget for the thesis, and a reliance on public transportation.

I decided to conduct eight interviews, a decision that initially was a compromise between the need to generate enough data and the time and economic limitations of this thesis. Eight participants were also considered sufficient to capture any variation between the responses. It was, however, noted early in the process that the participants generated similar data, despite differences regarding years of experiences or current employer. All eight interviews were nevertheless conducted, although data saturation (Rubin & Rubin 2005) had been reached well before, to give me a rich material and ensure that saturation had been achieved.

The eight participants in this study have been given the names Anita, Caroline, Emma, Helene, Ingrid, Marianne, Petra, and Veronica. All are women and have between 4 to over 25 years of experience working within Social Services. All are currently employed by Social Services, except for Ingrid who works at a Child Advocacy Centre (CAC). She is also the participant with the most experience. Caroline and Petra are the two participants whose interviews could not be recorded correctly, and fewer of their direct quotes are therefore used in the analysis.

I have chosen to use aliases for each participant to make them more real and alive for the readers (Lavery 2017) while still keeping the data confidential. The names are chosen to reflect their

age and years of experience, information that are relevant aspects within the context of the thesis. The qualitative approach of the thesis, with the focus on each individual participant, also makes the use of names more appropriate than for example “Participant A”.

Conduct

The data was gathered by conducting interviews with eight social workers, two by phone and the rest at their respective workplaces. Each interview lasted approximately one to almost one and a half hours. Contact had been established via email beforehand, where all participants were handed a document, consisting of information about the purpose and aim of the study, their rights as voluntary participants and contact information (see *Appendix 3*). That document was also available in physical form during six of the interviews. Consent was obtained either verbally or by signing a consent form.

The interview guide was used during the whole process to keep a straight course, but compliance with the participant was at the same time the main approach (Bryman 2016:467). I sometimes actively steered the conversation to ensure that all themes from the interview guide got covered. Interpretive questions were used to ensure that I had understood the participant correctly (ibid.:475) and to show that I was actively listening (Ortiz 2019). I also tried to adjust my language and expression to match the participants’ (Magnusson & Marecek 2015).

All participants approved to be audio recorded, which were later transcribed. There were, however, technical malfunctions with recording during the telephone interviews, where only my voice got recorded, and not the participants’. These interviews were therefore not transcribed in the traditional sense, but notes taken during the interview were instead used in combination with listening to the recordings to get context for some of the answers. The transcription process started when the first interview was conducted, which enabled more active reflections on my performance as an interviewer. Transcribing while still having the interview fresh in my mind also enabled adding details such as body language.

The focus while transcribing was on *what* the participants said rather than how they said it. Certain things are therefore not part of the transcripts, such as long passages of the participant mumbling, or accidentally saying the same word twice. Each recording has been listened to twice, once when transcribing and once while reading through the script to check for any major errors.

4.3 Analysis Method

Thematic Analysis

Thematic Analysis (TA) is a widespread method for analysing and interpreting data, consisting of several different types of approaches. I have chosen to use the six-step guideline developed by Braun & Clarke (2012) in combination with an experiential orientation, which approaches language as a reflection of reality (Terry et al. 2017).

The main advantage of TA is its flexibility, enabling an analysis that is conducted in parallel with the data generation (Braun & Clarke 2012). This allowed me to check how well the interview guide generated data and correct any potential flaws. It does, further, not restrict me to only focus on specific aspects of the data compared to other methods such as narrative analysis with its focus on how people construct their identities using speech, or the aim of discourse analysis to study the exercise of power through speech (Denscombe 2017). Power is of course an essential aspect of the work of Social Services, but I wanted to analyse other factors as well.

The method is, furthermore, suitable for finding "meaning across a data set (...) [and] to see and make sense of collective or shared meanings and experiences" (Braun & Clarke 2012:57), which I assume to be of relevance since all participants belong to the same occupation and probably share similar experiences. To be able to find meaning, however, demands active involvement with the data, causing the method to always be deductive to some extent, where the researcher affects the analysis with their own thoughts or conceptions (Terry et al. 2017), especially when creating codes and themes (Braun & Clarke 2012). The application of Ewick & Silbey's (1998) theory further adds to the level of deductibility since its content and concepts influence my analysis.

The method of TA is perceived as unclear (Terry et al. 2017), which in combination with poor descriptions can create a lack of continuity and problems with the reliability and replicability of the study (Nowell et al. 2017). Braun & Clarke's (2012) description of their six steps for conducting a TA is therefore used, to counterbalance the historical fuzziness with clear guidelines. Another risk of the method is its flexibility, which can cause an uneven generation of codes and themes if the researcher is not careful (Nowell et al. 2017). The analysis has been carried out with this in mind, and reviews of the codes and coded material have been done several times to detect any continuity problems. Another important aspect to consider is the potential difficulties of following the organic process if the researcher does not motivate and

document their thoughts and decisions. I have therefore written an academic journal during the process, which has been used while writing the report, to better motivate my decisions and findings.

Conduct

The starting point for the analysis is the six steps of Braun & Clarke (2012), the first step entailing familiarisation with the data, a process which started during the transcription. All interviews had been thoroughly listened to and read-through before step two, generating initial codes (ibid.). The software programme NVivo was used, which created a helpful overview of the number of codes and to what extent the codes occurred in each interview. The initial thought was to create codes successively, but this strategy produced too many too specific codes. Step two was therefore restarted with several parent codes such as “opinions on the laws” and “cooperation with other authorities”. This strategy was more suitable since 33 codes were created and some basic form of categorisation was needed to make the coding effective.

The third and fourth step consists of searching for and reviewing themes (Braun & Clarke 2012). Several themes could already be perceived while coding, but the decision of where to put which code was not as clear-cut. The scholars further describe a theme as distinct and able to stand alone (ibid.), which complicated the analysis of this rather complex topic. Some re-coding was therefore also conducted during these steps, where the already coded material was categorised according to Ewick & Silbey’s (1998) four dimensions of legal consciousness. This made it clear that a code did not distinctively only belong to one theme since its snippets of text could be categorised into their own themes as well. A decision was therefore made to not restrict the codes to only one theme.

The themes were defined and named during the fifth step of the analysis process, which Braun & Clarke (2012) describe as seemingly trivial but important decisions which will signal information. The final names of the themes were therefore made prudently.

The sixth and last step of Braun & Clarke’s (2012) strategy is to produce a report, which can be read in the chapter *Result and Analysis*.

4.4 Validity, Reliability & Generalisability

Several different criteria have been developed for evaluating a study’s quality, where validity, reliability and generalisability are among the most common ones used (Bryman 2016; Mason

2018). The content of these criteria has historically been adapted to assess quantitative, not qualitative, research, but they still serve an important purpose within qualitative research since they can guide the researcher in the quest of generating relevant knowledge for their field. I have used Jennifer Mason's (2018) more qualitative descriptions of validity, reliability, and generalisability to guide each step of the research process.

Validity refers to how accurate the researcher's choices are in relation to the aim of their study (Mason 2018). I have used a straightforward approach by performing qualitative interviews with social workers, using an interview guide based on the theory of Ewick & Silbey (1998), to generate data relevant to my aim to increase the knowledge of social workers' legal consciousness and how well they perceive that Swedish legislation work in practice. The level of individual validity of each interview does, obviously, vary since some interviews have generated more relevant data to answer the RQ than others. Motivating the conclusions drawn from my analysis process by being transparent and referring to the dataset has been used to ensure the validity of the analysis process. (Bryman 2016:399-400).

Reliability within science means accuracy of chosen methods and techniques, which have a distinct foundation in quantitative research, where the concept mainly refers to measurement tools (Mason 2018). Such instruments are rarely used within qualitative research, but it is nevertheless important to discuss how trustworthy one's data is (Bryman 2016:384). Studying an individual's thoughts or opinions always entails difficulties since *no* one can know another person's thoughts or feelings. An interview situation can also create risks and barriers in form of influencing the participant's answers (Denscombe 2017). These risks cannot, as mentioned earlier, be eliminated, and a researcher instead needs to acknowledge these facts when designing the research. I have, however, assessed each interview's relevance and authenticity in relation to the RQ (Mason 2018).

Generalisability refers to what extent a study can make a broader claim based on its finding (Mason 2018), a concept which in some respects are not purposeful for this study. The aim is to study the experiences and understanding of social workers by interpreting the components of their legal consciousness, without the ambition to draw any wider conclusions about the whole occupation. Theoretical generalisability is, however, a concept of relevance for this study, where "the common thread is that [the study's] explanation throws light on processes or issues which are pivotal or central to some wider body of explanation or knowledge" (Mason 2018:244). The use of Ewick & Silbey's (1998) theory is not only to guide the process of

conducting and analysing interviews, but also to evaluate to what level the theory is generalisable in different contexts or if applicable to different social groups or occupations.

5 Ethical considerations

All studies demand reflecting on ethical considerations one might encounter during the process. One of those considerations must always be the research participants, who, to start with, need to be well informed about the purpose and methods of the study to be able to give informed consent (Mason 2018). This was done by both emailing the participants an information document and give them opportunities to ask question before and after the interview. The information document described the aim of the study and the rights of participators, such as right to withdraw consent and have their information handled confidentially.

Confidentiality was in this study handled by storing the raw data on an external hard drive without an internet connection, and the deidentified transcriptions on a device that only I use. Deidentification of the material have consisted in systematically changing, or deleting, information that could identify the participant, such as geographical locations. Participants have further been collected from different municipalities in Skåne, to obstruct the identification of the participants to a further extent.

Another ethical consideration is the treatment of the participants, which should be respectful and honest (Mason 2018). Partaking in a study generally creates an unbalanced power relation between the participant and scholar who sets the agenda. I have, therefore, in every interview, tried to balance out the power between me and the participant, by early on taking a step back and establishing that they are the party with more relevant knowledge in this specific context.

6 Results and Analysis

The analysed material is presented in this chapter, divided into four themes. Each theme begins with a quote that captures something essential of it, followed by a short summary of its content and a detailed analysis of parts of the interviews. Each theme ends with an analysis of the four dimensions of legal consciousness according to Ewick & Silbey (1998) and an analysis according to the scholars' three narratives is presented at the end of this chapter, where data from all four themes are combined.

Longer quotes are presented in Swedish, the original language of all interviews, followed by my own translation in English. Shorter quotes that are part of a paragraph are translated into English, followed by the original quote in brackets. This decision is motivated by the potential loss of meaning that occurs during translation (Prior 2003) and enables the readers, who know Swedish, to review the quality of my interpretations. This increases the thesis' validity (Mason 2018). The analysis is solemnly based on data in the original language and the translations are made to facilitate for non-Swedish readers.

6.1 Theme 1: The Requirement of Consent

“Samtycke [är] färskvaror och kan ju tas tillbaka när som.”

[“Consent is a perishable and can be withdrawn whenever.”] (Marianne)

The most recurrent theme among the participants is the requirement of consent from the parent(s) or guardian(s) to perform most Social Services' interventions. A minor can from the age of 15, however, also consent to certain interventions. This fact stands in stark contrast to society's perception of Social Services as mainly using coercive methods (Emma; Helene).

This theme describes the participants' thoughts on Social Services' stipulations, their consequences, how social workers navigate around them and suggested improvements.

Voluntary Interventions

”[M]an får jobba utifrån samtycke från föräldrar och jag tycker den grunden är bra (skrattar) så, och dessutom är det svårt att jobba med förändring så om man ska försöka göra någonting mot någons vilja sådär. Men det är klart att det också kan bli en begränsning av det när man kan se att barn skulle kunna... behöva få så mycket mer än vad man kan få till ett samtycke till.”

[“Our starting point is the parents' consent and I agree with that condition (laughs) and it is furthermore hard to make a change or do something against someone's will like that. But it of course also has its limitations when you see that a child... needs much more than what the parents will consent to.”] (Ingrid)

Similar statements are made by Helene, Marianne, and Veronica, expressing the difficulties of having to balance parental rights with the perceived need of children, two things that the participants often view as in conflict with each other. The participant can take the child's side but cannot ignore the requirement of consent which has negative consequences, especially for younger children, who cannot accept any interventions for themselves, and therefore must continue to live under harmful conditions. This is described as the biggest limitation of the Social Services Act (SoL) (e.g. Ingrid; Marianne), which sometimes prohibits children from

getting medical care (Helene) or counselling (Anita), to mention two examples. The requirement of consent often creates feelings of frustration and exhaustion among the participants, making Emma feel like: "I could just as well stay home" ["som att jag lika gärna hade kunnat stanna hemma."]. Anita, Petra, and Veronica describe how some parents refuse help to revenge Social Services, a decision which only harms their children. This choice does further not let the parent escape contact with Social Services since they probably will receive new reports, entailing new investigations (Petra). The consequences are instead that time and resources are spent on investigating and offering interventions that continuously are declined, while the situation gets worse for the child(ren).

Factors Affecting Voluntariness

The participants all express deep empathy for the parents who do not cooperate, despite all the problems that they create. Some even excuse the parents' behaviours, like Petra who speculates that their reluctance could be a reaction to feelings of powerlessness, and an attempt to take control of the situation. Helene, and others, also point out that questioning one's parenthood can be a sensitive or shameful issue (Marianne; Veronica).

Another factor affecting the parents' willingness to cooperate is a fear of losing custody, which often obstructs the social worker's ability to help the family since the parent might not dare to admit possible shortcomings (Caroline; Emma; Ingrid). The social workers also need to set aside time to address these unnecessary fears of the parents since taking children is not their primary purpose (Emma; Veronica). One factor that seems to affect parents' fear is media reporting on the Social Services, which the participants describe as unnuanced and in need of more balance and giving attention to the good examples as well (Caroline; Anita; Ingrid; Marianne). They do however not describe the media's representation of Social Services as false or completely unfair since mistakes are made by the authority (Anita; Emma; Veronica). They do, however, think that it is unfair that Social Services generally are the only authority that gets blamed for the mistakes, even though administrative courts are those who approve all decisions regarding forced placement (Anita; Ingrid; Veronica).

Methods Used

Social workers have limited opportunities to use their laws as leverage if a parent does not cooperate. One of the reasons for this, apart from the requirement of consent, is the huge gap between the voluntary legislation, SoL, and the coercive LVU legislation (Petra). The social worker can only use coercive interventions if the case meets the criteria of LVU, resulting in

children having to live in very bad conditions before the Social Services can go against a parent's will:

”[D]et som blir svårt är (...) de familjer där man balanserar kanske på gränsen kring att det liksom är väldigt dåligt för barnen men det är kanske inte riktigt så pass att man är inne och liksom... ska ansöka om... liksom vård med stöd av LVU.”

[”Something that is difficult are (...) the families where we are balancing on the edge, where the situation is really bad for the children but it is not bad enough for us to go in and apply for care with the support of LVU”] (Emma)

The social workers instead must do motivational work, using their social skills such as negotiating, and creating relationships and trust, to obtain consent from reluctant parents (Helene; Ingrid; Marianne; Veronica).

Some of the participants also describe alternative strategies that can be used if one or both parents deny voluntary interventions. Anita and Caroline mention how one can use a child's school or the youth clinic to give a child access to counselling even if the parents have denied the intervention. This strategy makes counselling available for the child without the parents' knowledge since a school or youth clinic counsellor does not have any obligation to inform the parents that the child is receiving conversational therapy. Another method used if parents deny support is to have a two-month follow-up after the investigation is closed, which allows the social worker to continue their contact with the family. Caroline describes this as a “lifeline” giving her more time to talk and try to convince the parents, but Marianne emphasises that this method only should be used in extraordinary cases since Social Services must respect the parent's right to decline help. Ingrid mentions how she sometimes only obtains one parent's consent, like in cases where the child needs quick help and the other parent is hard to reach because they are in prison or do not have any contact with their child. She is, at the same time, aware of the fact that she and her colleagues “probably are stretching the boundaries of the law a little” [“känner egentligen att vi tänjer lite på lagens gränser”]. It is rather bold to confess that you break your job's rules of conduct and undermine the authority of a parent or legal guardian, showing a side of Ingrid that may prioritise results over ideals. She does state that she agrees with the law's foundation on obtaining consent (see p. 26), but there are situations where her perception of the law seems to be more pragmatic.

Preferring Consent

All express a belief of consent as the most suitable approach for Social Services, which is motivated by higher efficiency when the clients themselves also want help (Helene; Ingrid). This is illustrated by Veronica: "We always get so happy when parents consent... then the whole corridor will cheer" ["Vi blir alltid så glada när vi får med föräldrarna på tåget, alltså... Då jublar hela korridoren"]. Another strength of voluntariness is that it gives older children the ability to accept some interventions despite parents' refusal (Anita; Emma).

Statements on the importance and function of voluntariness are worth noticing since they in many senses contradicts the descriptions of the harm the requirement of consent causes the children. They do, further, not explain where this belief in voluntariness comes from, if it is part of their work role or something they are personally convinced of. It might be part of Social Services' culture which a worker integrates into when working or a strategy used by the participants to cope with the stipulations of being a social worker, where you must accept a client's refusal of help.

Changes

This belief in voluntariness as the most suitable method is also reflected in their suggestions for changing the conditions for obtaining consent. Several participants for example propose that one parent's consent should be enough for certain interventions, compared to the current law which requires both parents' approval, if both are guardians. Situations where this suggestion would be useful are if one parent is hard to reach, the child has two guardians but only contact with one of them (Ingrid) or that one of the parents are the child's perpetrator and therefore declines any interventions to avoid getting charged (Helene). Only obtaining consent from one parent could in those cases be helpful for both Social Services and the children, where early and quick interventions could prevent the child from getting severe psychological issues, such as PTSD⁵ (Ingrid). Petra asks for a type of "medium-coercion" to decrease the gap between SoL and LVU, such as participation in parental treatment despite refusal.

Dimensions of Legal Consciousness

The participants' view on consent as the most suitable method, despite all the problems the requirement causes, can be connected to the dimension *normativity* in Ewick & Silbey's (1998) theory on legal consciousness. They claim the law's starting point in voluntariness, rather than

⁵ Post-Traumatic Stress Disorder

Social Services' authority, as legitimate, a legitimacy that probably rests upon the belief that the individual should have the right to decide over their own life. The consequence of this is that children must continue to live in harmful environments since their parents decline any interventions, which the participants acknowledge (Ingrid; Emma; Marianne; Veronica). The legitimacy of consent is, simultaneously, contrasted by the participants different strategies to get around this requirement (Anita; Emma; Helene). Ingrid even goes as far as, partly at least, admitting to breaking the laws, indicating that the law is not legitimate in all situations, or that they sometimes disregard it.

Their suggestions regarding changing the laws do however show that they generally believe in the importance of giving consent since no one wants to completely remove the requirement or describes it as something that should be disregarded. This normative view on the function of the law is also reflected in their positive perception of consent, where voluntariness is described as a strength which makes the law *capable* to create change for an individual who is motivated. Another capability of the law is that it gives older children the mandate to consent as well, entailing them to receive help against their parents' will – but this capability is also a *constraint* of the law since a child's decline is prioritised over the parents' consent, provided that the criteria for LVU are not fulfilled (Emma).

The participants do not shy away from the fact that consent creates problems and limitations, repeatedly pointing out the harm it causes for many children and how it *constrains* them from doing their job. They are, however, concerned regarding how to eliminate this problem without creating new ones (Emma; Helene). Their approval of consent could therefore also be interpreted as them preferring a system that they already know over new conditions that might cause other obstacles.

The requirement of consent also affects the dimension *time and space* since a lot of time is used trying to convince and motivate the parents to receive help since the participants lack authority. This further limits their access to the children since a parent can deny them meeting the child or visiting their home (Anita; Ingrid).

6.2 Theme 2: Lack of Child Perspective

”[J]ag tänker att det är vuxna som styr och ställer och pratar i samhället och då är det lättare att lyssna på andra vuxna.”

[“I think that it is the adults that control and talk in society, and it is therefore easier to listen to other adults.”] (Anita)

Another generated theme covers the child perspective, which mainly refers to the lack of such a perspective in both society and authorities. This theme contains mainly two of Ewick & Silbey’s (1998) four dimensions: normativity and constraint. It is common among the participants to have a negative view of the law’s prioritisation of the adult perspective, which obstructs them from doing their job properly.

Meaning of the Child Perspective and Children’s Rights

The participants describe having a child perspective as essential for the work of Social Services, and it means, according to Anita, to “prioritize the child’s voice” [“föra fram barnets röst”], which should be done continuously during an investigation (Caroline). This also enables the social worker to look past the wishes of the parent(s) that the participants perceive to not benefit the child (Emma).

Another concept that regularly is used to describe a similar working strategy is the best interest of the child. This term adds another dimension to their work according to Anita, which is that one should look to the needs and opportunities of the individual child. All participants agree that it is a suitable approach, but the opinions on what the term contains varies. Helene says:

”[Jag] tycker det är ett svårt begrepp över lag faktiskt, måste jag säga, för hur definierar man det och var är det liksom som styr- vad är barnets bästa (mumlar)? Ja det är nog min spontana reaktion att jag tycker det är ett ganska svårt och komplicerat begrepp att hitta rätt i vad som faktiskt är barnets bästa.”

[“I must say that I find the concept hard to grasp, how should it be defined and what it is that guides- what is the best interest of the child (mumbles)? Yes, that is probably my spontaneous reaction, that it is a pretty difficult and complex concept to actually grasp what is the best interest of the child.”]

One aspect of having a child perspective that almost none of the participants mention is what it means to use a child perspective when you are an adult. Although social workers do go out of their way when evaluating a child’s needs, their assessments are based on what *they* perceive to be the best for the child. Marianne mentions that they often work in pairs on different cases, and sometimes she and her colleague do not agree on what types of interventions should be used. It is therefore clear that the evaluation of what is needed also can differ among social workers, questioning if an adult actually can estimate what is in the best interest of the child; and if there even is one way that is the best? Few of the participants do bring up the difficulties when a child wants something that does not match their own assessment, but they are quick to

say that this is not a problem since it is up to them, as adults, to make the final decision (Anita; Petra, Veronica).

Adult Perspective

The participants claim that Social Services' child perspective is rather unique compared to the rest of society, including both the population and the legal text, which has a clear parental perspective (Anita), something that was found in previous studies as well (e.g. Bruno 2015; Tisdall et al. 2016). They therefore feel rather alone in their approach, which affects both themselves and the children they encounter. Veronica says:

”[D]et är en kliché, men det är så, [svenskt rättssystem] är anpassat efter att föräldrarna har rätt till sina barn. Inte utifrån att barnen har rätt till... det bästa.”

[“It is a cliché but [the Swedish legislation] is adjusted to the parents' right to their child. Not the child's right to... the best.”]

One example of the consequences of the adult perspective is the high requirements of testimony in cases of crime, requirements that generally are the same for both adults and children, regardless of age or cognitive development.

”Särskilt för ett litet barn, [är det] väldigt svårt att berätta på ett sånt sätt som lagen kräver. Särskilt om ett barn, kanske som är utsatt mycket, det blir väldigt svårt att kunna liksom beskriva: Var hände det? Hur många slag var det? Om det händer, liksom, flera gånger i veckan så kan det var jättesvårt ju.”

[“It is especially hard for a smaller child to retell in a way that the law requires. Especially if the child is very abused, that makes it very hard for them to describe: Where did it happen? How many blows? If it, like, happens several times a week then it can of course be very hard.”] (Helene)

The participants express comprehension of the arguments for such high requirements, which is that legal certainty⁶ should be prioritised in Sweden (Anita; Ingrid), but they have noticed shortcomings regarding others' knowledge and consideration of children during crime investigation processes (Ingrid); shortcomings that, in the end, mainly benefits the perpetrators (Petra). One requirement is to tell the police everything during a hearing, even though children often must go home with their offender afterwards since the requirements for LVU and forced placement of the child generally are not fulfilled yet (Helene; Marianne). This creates a risk for the child which the legal system disregards, according to the participants, especially since crimes committed against children rarely lead to convictions, or even charges (Anita; Helene;

⁶ *Rättssäkerhet* is the concept the participants use.

Ingrid). Veronica says that the only thing that generally happens when child abuse is reported to the police is that the child will be heard several times and then the police will close the case.

Children who, for different reasons, are placed in foster homes are more often affected by the law's adult perspective. Anita and Petra mention, among other things, that there are no restrictions for how often a biological parent can apply for termination of the LVU placement. A parent can theoretically make a new application the next day after a court has decided that the placement should remain, which causes anxiety and stress for the child (Anita) since they are obstructed from settling down in their foster home (Petra). The participants also mention the increased work burden for the Social Services (Anita) since they need to start a new investigation on a case that just was closed, but it is the negative effects on the children that they emphasise.

"[F]öräldrar... får väldigt många chanser på sig att vara föräldrar, barn kan lägga en hel barndom på att vänta att de ska bli *good enough*-föräldrar, och sen så fort de blir det så ska barnen stå där i givakt och... bara fortsätta som om de senaste fem åren aldrig hade hänt."

["Parents... get numerous chances to be parents, children can spend a whole childhood waiting for them to become good enough parents and then, when that suddenly happens, the child is supposed to be ready and... continue like the last five years never happened."] (Veronica)

Children who are placed in foster homes at an early age or live there for a long time often get attached to their foster parents and regard them as their source of safety (Anita; Veronica). This is rarely considered when custody or access cases are brought to an administrative court, where the biological parents' wishes instead are prioritised (Anita; Caroline; Ingrid; Veronica). This forces many children to spend time with their biological parents, even if it harms them (Anita; Emma; Veronica). Caroline speculates that the reason for this prioritisation could be because employees in court generally do not meet the children, while Anita thinks that the judges sympathise with the parent(s) because they probably are parents themselves. In cases where the involved workers, such as police or prosecutors, do try to have a child perspective (Ingrid; Veronica), they are often limited by the law's adult focus (Anita). It is interesting to note that their speculations differ depending on the other worker's occupation since they all are regulated by the same laws. A judge is therefore as restricted by law's adult focus as a prosecutor but is instead described as being biased towards parents for other reasons. One reason for these speculations could be that they have considerably more interaction with police and prosecutors giving them more opportunities to exchange thoughts and gain a better understanding of their conditions, compared to judges' conditions.

Some participants also admit having trouble with steering the investigation in what they perceive to be the best interest of the child. This generally happens if a deep professional relationship is formed between the social worker and the parent, while the child is an infant:

”[E]fteråt kan man känna bara så: ”Men vänta nu lite. Jag tycker så mycket om den här mamman, hon är så fin och snäll och jag vill henne så väl. Tappade jag barnet i detta nu?””

[“Afterwards you may feel that: ‘But wait a minute. I really like this mother; she is so sweet, and kind and I care so much for her. Did I lose the child in this [case]?’” (Veronica)

This connects to a comment Ingrid made regarding Social Services’ ability to protect children, saying that there are the smaller children that are more vulnerable since they do not have the language to tell anyone. Even if a parent does have the best intentions for their child, those intentions may be selfish or harmful for the child, which can be hard to determine when the child’s ability to express their own opinions is limited.

The Effect of the Convention on the Right of the Child (CRC)

There has been an ongoing debate in Sweden regarding how administrative courts handle LVU cases, a discussion which began in the 2010s (Pernheim & Södergren 2019) and has, among other things, resulted in the implementation of CRC as legislation in 2020. What effects this implementation has had varies, however, among the participants. Caroline views the implementation as positive since CRC is “the children’s law” [“barnens lag”], and Emma thinks that the law has strengthened the child’s right to information regarding their situation. Ingrid and Petra, furthermore, think that the implementation has helped spread the view of children as rights holders to other authorities and society. They have, however, not noticed any major effects within the legal system since CRC does not challenge the strength of the parental right, which was also noted by M. Heimer & Palme (2016).

"Nä.. nä (...) Den är ju väldigt... nämen det är ju så den är ju stark, alltså föräldrarätt[en], oavsett även om det är jättebra detta med barnkonvention och så, men det- fortfarande finns ju föräldrarätten där och... och kan ställa till det (...). De tar ju inte ut varandra, liksom."

[“No (...). It is very... but it is strong, the parental right regardless of the CRC, even if it is great that we have it, but the parental right is still there and can cause trouble (...). They do not cancel each other out.”] (Anita)

Changes and Opinions

Several legal proposals have been presented recently, with suggestions mainly affecting the LVU legislation and custody (Socialdepartementet 2022), which foremost is a consequence of the infamous case *Lilla Hjärtat*⁷ which occurred 2020 (Brantemo 2021b). Anita says that:

”[S]en kommer det en del tillägg och ändringar nu med *Lex Lilla Hjärtat* osv, och de är ju väldigt kopplade just till det fallet (...) och det är bra grejer och det kanske hade varit bra i det ärendet, men det finns andra saker kring LVU som man också hade kunnat titta på lite mer övergripande, det kan ju vi som jobbar i det tycka liksom.”

[“Certain changes are made now in regard to the *Little Sweetheart Law*, which are specifically connected to that case (...) and there are good changes, and it would perhaps have been good in that case, but there are other things regarding LVU that one also could look into on a more general level, that is something that we, who work with it, think.”] (Anita)

A change that she herself would like to see is a restriction of how often a biological parent can apply for termination of a LVU placement, to give the child time to settle in at their new home, without having social workers come knocking on the door constantly. She also wants more consideration and respect from the administrative court regarding Social Services’ assessments since they are the only authority that has an outspoken child perspective-approach when investigating. Studies of M. Heimer & Palme (2016) and Munro & Ward (2008) show that Social Services’ evaluations have low status within the legal system, indicating that this is not only Anita’s personal experience but part of the legal culture, in some senses, both in Sweden and other countries.

Another change in the legal system is *barnfridsbrott* [the violation of a child’s integrity] (SFS 2021:397), a law that classifies children, who have witnessed violence against their parent or guardian, as crime victims. The legislation is in many senses unique compared to the more common perception of what it means to be a victim of crime, but several of the participants express uncertainty regarding what effects it will have, and if it will be helpful for children experiencing violence (Petra). Ingrid thinks that the law gives a clear signal that children do take harm from having to see their parent get physically assaulted, but that no one can be convicted of violation of a child’s integrity if the parent does not dare to file a police report.

⁷ *Lilla Hjärtat* refers to the case of three-year-old Esmeralda who lived in foster care, according to the LVU legislation, from when she was just a few weeks old until three weeks before her third birthday. In 2019, the Court of Appeal decided the termination of the LVU care, and she was placed in the care of her biological parents, despite Social Services recommendations. Esmeralda was dead within a year and her biological mother later was sentenced for *dråp* [manslaughter] in 2021. (Brantemo 2021a; 2021b)

”Då indirekt sviker [föräldern] ju sitt barn, samtidigt som jag förstår att det kan vara oerhört svårt. I bästa fall kan det här med barnfridsbrottet hjälpa att man kanske som förälder orkar tänka att: ’Ja, men jag måste stå upp för det här och berätta vad som händer med mig för att [förövaren] har inte bara utsatt mig, [förövaren] har utsatt våra barn också.’”

[Indirectly [the parent] lets their child down, while I understand that it must be extremely difficult. The violation of a child’s integrity law can, in best case scenario, help parents, and make them think that: ‘Yes, but I must stand up for this and tell them what is happening to me because [the perpetrator] has not only abused me but our children as well.’”] (Ingrid)

Marianne points out the fact that the law potentially forces the child to testify against their other parent, which can cause a loyalty conflict for the child, and wonders if it really is in the best interest of the child to be put through such trials.

Dimensions of Legal Consciousness

The two most prominent dimensions in this theme are *constraint* and *normativity* (Ewick & Silbey 1998). The law is created and adjusted according to adult abilities, ideals, and interests, which constrain both the social workers and the children they encounter. Ingrid, for example mentions the importance of having access to a language to speak for oneself, something younger children generally lack, because of their cognitive development process. These children are therefore denied space to speak on their own terms, and their parents are expected to speak for them, an assumption that in cases of maltreatment or abuse could obstruct the Social Services from helping the child.

A concept that some participants mention is legal certainty which indicates that they accept the laws, even though they do not appreciate their effects (Anita; Ingrid). This reflects the normativity of the legal system, that they agree that an adult perspective is needed to ensure legal certainty. The participants do accept that it is their role as adults to collect information and decide what they deem most suitable for the individual child. Anita, Caroline, Petra, and Veronica all point out that the children are asked what they want, but their will can only affect the decision to a certain limit. ”We must listen to the children, but that does not mean that the children should decide (...) it is not good for children to have such responsibility put on them” [”vi ska ju lyssna på barn, men det innebär inte att barn ska bestämma (...) det blir inte bra för barn att lägga det ansvaret på dem.”] (Anita). There are a few statements that problematise this conception as well (Veronica), but they do on a general level agree that such decisions should be made by adults.

No statements that reflect the dimension *capability* have been noted within this theme and the participants make it clear that they consider the dominant adult perspective an obstacle, for example when the administrative court prioritises the stipulations of access according to the parents' wishes over Social Services' assessment of what type of access that would be best for the child. The dimension of *time and space* can be applied to the dominance of the adult perspective in the legal space since the participants express that little room is left for them to adjust to the perceived needs of children.

These findings indicate experiences of loneliness among the participants when comparing themselves to other authorities who, to different extents, encounter children, and tendencies of a we-against-them-narrative, where the participants see themselves as using the correct perspective. This does, however, not make the participants reluctant to cooperating with other authorities, which can be seen in the *Theme 3*.

6.3 Theme 3: Cooperation in Practice

"vi är slasktratten⁸ på alla sätt och vis och vi är vana vid det, tänker jag, att förhålla oss till det."

[“We are the slush funnel in every way and I think we are used to that, to relate to that.”](Veronica)

This theme contains participants' experiences of cooperation with other authorities and overlapping of or compromising their different regulations. Several different authorities and institutions, such as schools or healthcare systems, are obliged by law to cooperate with the Social Services in certain cases, but the focus will mainly be on collaboration with police and prosecutors since these situations affect the participants' possibilities to conduct their work, the most.

Hierarchy of Regulations

One notes a hierarchy among the laws that regulate different authorities, and the position of Social Services' laws is high, with the right to obtain confidential information from schools or healthcare, a power that only goes one way (Emma; Marianne; Petra). Some participants do however express problems with the conditions of confidentiality. Certain information that

⁸ *Slasktratt* has no English equivalence. The word refers to the strainer function in a sink that catches residual waste. It is in this context used to describe something that catches everything that is superfluous or does not fit anywhere else.

Social Services have could, for example, be useful for the school or healthcare to know, but confidentiality prohibits them from sharing such information (Marianne). Anita says:

"[V]i kan inte alltid då berätta, men det finns också inom skolans värld och förskolans värld många som är väldigt frustrerande och som inte riktigt vet hur det funkar och som har en uppfattning att 'Det är inte lönt [att anmäla].'"

["We cannot always tell them, and there are many people within school and pre-school who are very frustrated and do not really understand how it works and who has an opinion that 'It is not worth [to report] it.'"]

The law that prohibits them from informing after having received a report also reinforces the assumption that they do not do anything (Caroline; Emma; Helene), which is a belief among parents as well according to Davies et al. (2008). The participants think that educating the other authorities could improve their perception of Social Services.

The participants do, despite the high rank of Social Services' laws, describe themselves and their job as being underdogs, which is unexpected. It is only laws regulating police and prosecutors that have a higher position in the hierarchy, but some participants still describe that the laws of "everyone else" ["alla andra"] get prioritised (Veronica). That is not the reality, with Social Services' authority to collect confidential information from schools as one example. The participants' descriptions could be coloured by their experiences of having a job with low status among other workers (Caroline; Emma; Marianne; Veronica), something that other studies show as well (Munro & Ward 2008; Talsma et al. 2015), but the opinions of other workers do not affect their ability to perform their authority.

When a criminal investigation is initiated and Social Services need to collaborate with the legal system, it is the laws of police and prosecutors that are prioritised. This hierarchy is, however, not stipulated by law, only by practice (Emma). One example of how this restricts the participants is the pre-trial secrecy⁹, which obstructs them from conducting their own investigation regarding the child's situation in the home since the police wants the child and parent(s) to be unaffected before their first hearing. It can however take weeks until this first hearing occurs, due to police's limited resources, which in turn affects the Social Services since they, according to their own laws, only have four months to investigate (Marianne). Another

⁹ *Förundersökningssekretess* in Swedish. It is up to the prosecutor to decide what type of information that is covered by the confidentiality, who is allowed to take part of that information, and when any confidential information can be revealed to anyone outside of the investigation.

restriction, that heavily affects their ability to do their job is that they often must withhold important information from the family, such as the fact that a police report has been filed:

"[D]är handlar det ju t.ex om förundersökningssekretessen där [åklagaren] säger att "Nej ni får inte lov att berätta detta", men vi måste ändå gå in och göra en skyddsbedömning och (...) man kan inte säga hela sanningen till familjen utan man får börja med att gå in och lura familjen på något sätt och då har du inga förutsättningar att jobba bra där efter när de väl- när polisen väl lägger ned sitt ärenden då ska jag göra någonting i det. Då har jag redan bränt mina broar. Det är väldigt frustrerande."

["For example it is the pre-trial secrecy where [the prosecutor] says that 'No, you cannot say this', but we still need to make our protection evaluation and (...) you cannot tell the family the whole truth and instead have to trick the family in different ways already from the beginning and then you have no opportunities to continue your job or do anything once the police have closed the case. I will already have burned my bridges. That is very frustrating."] (Veronica)

Other participants also express frustration over the prioritising of the criminal law, and that Social Services must "fall in line" ["rätta sig i ledet"] (Marianne) and pick up the leftover pieces when the prosecutor closes their investigations without filing charges (Caroline). Social workers in Masson's (2002) study expressed similar feelings when having to deal with the consequences of police's use of *Police Protection*. One strategy mentioned to handle this problem is to wait with reporting suspected violence to the police:

"Jag ska inte säga att vi har gjort en fuling för det har vi inte gjort. Men vi... om det kommer in en orosanmälan till oss gällande ett barn som har blivit utsatt för brott, så inleder vi utredning direkt (...) Och då träffar vi barnet först och vårdnadshavarna och (...) vi gör ändå en liten övergripande koll. Om vi då får mer information om brott eller våld eller så då gör vi en polisanmälan. Innan gjorde vi polisanmälan på allt som kom in som gällde våld..."

["I will not say that we have done a dirty trick because we have not. But we... if a report is filed regarding a child who is a victim of crime, we start an investigation straight away (...). First, we meet the child and the guardians and (...) we do a general check. If we get more information regarding any crime or violence or anything like that, we file a police report. We reported everything to the police before if it concerned violence..."] (Emma)

Helene also mentions this strategy as a method for the Social Services to start their investigation without the restrictions of police and prosecutors.

The participants' experiences of collaborating with other authorities are, however, generally positive, and other workers are described as being considerate and understanding of the Social Services' restrictions regarding confidentiality (Anita; Ingrid). Almost all authorities are also

open to discussions and compromises when a legal conflict occurs, where the most common ‘conflict’ regards getting the prosecutor to approve sharing confidential information. Most workers are described as wanting to consider the best interest of the child as far as their laws allow it (Ingrid). This do, however, contradict some participants’ description of other occupations as being parent-centred and lacking essential knowledge on child development (Anita; Ingrid; Veronica) which was described in *Theme 2*. Marianne and Petra talk about certain situations where they have not managed to reach a common ground with the other authorities, but where collaboration still has been carried out. In those cases, each authority will act separately, but still, respect the other’s legal boundaries.

Social Services’ collaboration with the police and prosecutors generally occurs at a Child Advocacy Centre (CAC), a facility which is designed to suit children’s needs during police hearings (Rikspolisstyrelsen 2019). Other participants also express that CACs and the employees that work there have a child perspective, but that their approach does not affect the law’s hierarchy. Veronica thinks that ”CAC mainly means that Social Services serve the police, we have- I do not think we have anything to gain from a CAC” [“barnahus, det går ju mest ut på att Socialtjänsten servar polisen, vi har ju ingenting- jag tycker inte att Socialtjänsten har något att vinna på ett barnahus.”].

Obligation To Report

The duty to report any suspected maltreatment of children mainly includes other occupations and not social workers, but the law is nevertheless essential for the Social Services since they do not have an outreach programme. They cannot help or improve a child’s situation if they have no knowledge of it. Many individual workers are obliged to report (Socialstyrelsen 2019), and a few do (Ingrid; Veronica). The reasons why a worker chooses not to report their concern varies according to the participants, it can be out of fear of retaliation from the child’s parent(s), or a fear that the family will move from the municipality if they are reported (Veronica). Similar reasons were found by Alvarez et al. (2004) and Talsma et al. (2015). It is therefore highly likely that ”all too few children get to speak up” [”alltför få barn som får komma till tals”] about their situation (Ingrid). When talking about the LVU disinformation campaign, which got attention during the winter of 2021-2022 (Törnquist & Al-Khameesi 2022), Veronica stated:

“[J]ag tänker att det är helt tvärtom. Det är precis som att man- har man en invandrabakgrund och flyktningbakgrund så har vi lägre förväntningar på de föräldrarna (...). [V]i får nästan aldrig in

anmälningar från de skolorna och förskolorna [i invandrartäta områden] trots att vi vet att barnen har det sämre för förskolepersonalen är så hårdad: 'Det finns ändå ingen unge som pratar här så vad gör det att barnet inte kan prata när det är fem och ett halvt?'"

["I think that it is completely the opposite. If a parent has an immigrant or refugee background, we have lower expectations of them (...). We get almost no report from those schools or pre-schools [in immigrant-dense areas] even though we know that these children have it worse because the staff is so hardened: 'No child here can talk so what does it matter if this child cannot speak, even though they are five and a half years old?'" (Veronica)

The reports also serve another purpose, apart from drawing attention to a family that might need help, which is that several reports can give weight to the social worker's evaluation of the need for interventions. Repeated reports of families who have denied help before, can be used as leverage by the social worker (Anita). The participants emphasise that it is important to continue to report if one notices that the problems still remain (Helene), even if it can be frustrating for the worker who files a report to not receive any follow-up information. Anita mentions the case of Yara, where both the school and police made several reports, the last one being filed not even two weeks before she was killed (Pernheim & Södergren 2019), and Anita understands that the trust in the Social Services is low since they sometimes do make mistakes, which the media regularly reports (ibid.).

Dimensions of Legal Consciousness

The dimensions that are most prominent in this theme are *constraint* and *time and space*. The participants express that the hierarchy of the law heavily restricts their ability to do their job since the criminal law and regulations of police and prosecutors are prioritised. One notices that they, unlike how they express their thoughts on the voluntary requirement of SoL or the importance of legal certainty in the legal system, do not accept the prioritisation of other's regulations before their own. These conditions are therefore not as normatively strong and are not seen as morally legitimate, which is likely due to the lack of advantages or capabilities that outweigh the limitations. They do not get better results because they must wait and withhold information from a parent because of pre-trial secrecy, a parent that they must continue to cooperate with after the prosecutor closes the legal case.

The hierarchy of the laws has, however, led the participants to explore the *capacities* of their own laws, where both Emma and Helene mention the strategy to make their own evaluation first and then file a police report. The constraints have therefore encouraged testing the law's

limits, leading to more efficient use of time and resources for the Social Services, and hopefully quicker help for the children and families.

The dimension *time and space* is very clear in this theme, where the laws of police and prosecutors occupy some of the time that the Social Services need for their own investigation. Social Services can, however, with the help of CAC's facilities use the same time and space as the police since it is possible to follow a police hearing on a monitor and some of that information can later be used in their own investigation (Ingrid).

6.4 Theme 4: Other Thoughts on the Law

”[V]i har så sinnessjukt mycket makt, och så känner man sig ändå så maktlös nästan jämt.”

[”We have so much power, and still we feel completely powerless almost all the time.”] (Veronica)

This theme contains statements and comments from the participants regarding the laws that regulate them, that do not fit into any of the other three themes. There are therefore bigger variations within this theme, but its content still offers an important piece for understanding the legal consciousness of these workers.

The Purpose of the Law

The participants agree that the purpose of the laws regulating them is to make support available for people in need of help (Emma; Helene). The laws entitle everyone to have a “reasonable standard of living” [”skälig levnadsnivå”] (Marianne; Veronica) and enable the social workers to help others (Ingrid). Another purpose of the laws is to ensure legal certainty, one example being that the Social Services cannot take away parent's custody of their children without an order from the administrative court (Emma), which is to protect their parental rights (Ingrid). There are also laws that should ensure that the outcome of an investigation is not dependent on the social worker that evaluates the case (Caroline; Marianne). Emma has, however, noticed differences in outcome between similar cases and describes it as being potentially “legally uncertain” [“orättssäkert (sic!)”]. She speculates that it is the scope for interpretation provided by SoL that causes this situation, but she still appreciates the opportunity to help more people and adjust the support which the scope gives her. It is worth noting that no other participant has mentioned this aspect of SoL's scope, but only focused on the advantages of making individual assessments. I cannot tell if this is due to a lack of reflection or if they think that the advantages

outbalance the drawbacks. This, nevertheless, means that arbitrary evaluations are made within Social Services, which can have huge consequences for children and their families, the cases of *Lilla Hjärtat* and Yara being two examples brought up by the participants themselves (Anita; Marianne). Anita also mentions that municipal politics and resource distribution in the municipality affect their ability to fulfil the law's purpose(s).

The laws also create a framework for the social workers (Marianne), guiding them through the different steps in the investigation process. The laws can also, at rare occasions, be used during conflict between social workers and clients. Anita explains:

”Är det LVU så är det ju mer liksom jag som bara bestämmer hur det ska se ut (...). Det håller jag nu på med en förälder och tjuvfar om. Där hon vill träffa mycket mer och då visar jag att det är två timmar i månaden, punkt.”

[”If it is LVU, then it is I that make a decision on how it should look like (...). That is something that me and a parent are arguing about right now. She wants to meet her child much often and I show her that the law says two hours a month, period.”]

Despite all the problems that the laws create, such as the requirement of consent from a guardian (see *Theme 1*), the participants do think they are provided with the right qualifications to fulfil their purpose(s) (Caroline; Emma; Helene). This is an interesting finding that illustrates the complexity and, in some senses, also contradictory statements of the participants and their perceptions of the laws regulating their job. As in *Theme 1*, they do think that the laws, on a general level, are correctly designed, regardless of all their examples of situations when the laws are not enough, such as cases that “fall between the chairs” [faller mellan stolarna] (Emma; Helene).

Agreeing with Law but Not with Practice

When the participants express disagreement, it is generally against the practice of the law, not the law itself (Anita; Helene; Marianne). The law is perceived as having bigger potential than the administrative court allows, indicating that it is court that limits the law:

”[O]ch även kanske bristande kunskap i Tingsrätten om barns utveckling och... att man drar lite konstiga slutsatser från olika berättelser- när man läser domarna att ibland är det... men det är kanske inte lagen utan snarare hur man tillämpar dem som ger mig frustration då att det...”

[“[A]nd also maybe lack of knowledge on children’s development in court and... when you read the verdicts you can sometimes notice quite odd conclusions based on different stories... but it might not be the law but rather how it is applied that makes me frustrated...”] (Ingrid)

Veronica points out that she often encourages clients who feel that they have been mistreated to file a complaint, which suggests an awareness that their own laws have flaws or can be misinterpreting, something that Anita and Marianne agree with.

When the participants are asked if they would like to make any adaptations to the laws Anita and Veronica admit that they never have reflected on that question before. Anita describes it as “you get so blind or- the law says this and that is that, then you do that and adjust, but the law could also be wrong, of course” [”man blir så hemmablind eller- jo men lagen säger så och då är det så och så anpassar man sig efter det, men det är naturligtvis så att det kan ju vara fel på en lag också”]. Veronica’s thoughts regarding her own lack of reflection are that she “works with what I have got” [jobbar med det jag har] and do not spend time or energy on philosophising since it does not help her do her job. These quotes could, to some extent, explain their contradicting statements where they on one hand agree with the premise of, for example, the consent requirement, while on the other hand expressing frustration over the same requirement. If one has not actively reflected upon the rules of conduct, then one might not notice the dissonance between those statements. It might, further, not be fruitful for the social worker to reflect because it, as Veronica says, will not make any difference.

Knowing Law, not Paragraphs

Another thing that was noted was a generally good knowledge of the law among the participants, while not knowing the legal text. Marianne mentions several times that: “I do not walk around thinking about which paragraphs I use.” [“jag går ju inte omkring och tänker vilka paragrafer jag använder.”]. The same goes for Ingrid and Veronica. A possible explanation for this could be the recent changes in the laws that have not had any effect on the basic preconditions of their work (Ingrid). Their answers could also be interpreted as having a practical knowledge of law instead of a theoretical one, which could explain their disinterest in the legal text’s phrasing. One participant, Caroline, does however express clear uncertainty regarding the laws, and therefore highly appreciates that her employer offers legal counselling in situations when one is unsure regarding a law’s applicability in a specific case.

Feeling Confident

All participants were asked if their view on their role is affected by society's and other authorities' opinions. Even though all participants spoke about the very negative perception of Social Services that exist in society, like them having "toothless" legislation (Anita) or being "paralyzed" ["handlingsförlamade"] (Caroline), they all express confidence in their role. This confidence mainly stems from them knowing that they follow their regulations (Anita; Emma, Veronica), and any mistakes made are therefore rather small. They are further assured by the fact that Social Services cannot perform any coercive interventions without approval from the social welfare board or administrative court. Any coercive measures that are used on a family have therefore been reviewed by others, which Veronica thinks is important because they as an authority should not have the power to make such decisions by themselves.

Dimensions of Legal Consciousness

All Ewick & Silbey's (1998) four dimensions of legal consciousness are reflected in the participants' statements. They clearly have a *normative* perception of the law, that also is not affected by inaccurate use of it. This is noticed when the participants express disagreement with a court ruling but simultaneously stand by that the law's purpose is good. The consequence of this is, just as in *Theme 1*, that children must continue living in unsafe environments.

The participants also experience that the law generally gives them the needed opportunities to fulfil its purpose(s), by for example providing a framework for both themselves (Caroline; Marianne) and their clients (Anita). The law is therefore *capable* to be used in real situations, but they know that this capability is neither stable nor fixed. This instead creates the *constraints* of law, which is that it cannot ensure to always benefit the children or its own purpose. Another limitation is that the scope of interpretation can blur the social worker's legal boundaries in a specific case (Caroline). This is however more often viewed as a capability by the participants since it gives them the ability to adjust interventions to the clients' needs (Emma; Veronica).

The dimension *time and space* is shown in this theme by how the laws regulate when the participants have a mandate to do certain things. The SoL legislation, for example, gives them a time window of four months to investigate, and after those months does the social worker no longer have the same authority to collect information.

6.5 Ewick & Silbey's Three Narratives

This part of the analysis uses the noticed dimensions of legal consciousness among the participants by combining them with the descriptions of Ewick & Silbey's (1998) three narratives *before the law*, *with the law* or *against the law*. It is mainly the first two narratives that have been interpreted among the participants, but each narrative is still presented and discussed.

Before the Law

One of the criteria for belonging to the *before the law* narrative is to perceive the law as disconnected and essentially different from one's life (Ewick & Silbey 1998). This is a rather difficult requirement for any heavily regulated occupation. One other criterion though, which has been noted, is to view the law as unaffected by those exercising and practising it. This was noted when asking the participants if they did not agree with the law, or the decisions made using it. Almost everyone answered that they did agree with the law, or specifically stated that they did not agree with the law's practice. Such answers reflect the idea of law as impartial and morally correct (ibid.), and any shortcomings it is due to human error. This is seen in quotes such as:

”[J]ag inte håller med lagarna ibland- men jag vet inte om det är lagen eller praxis, alltså jag kan ju ibland bli jättefrustrerad över... (suckar) det här vad som krävs av ett barn (Intervjuare: Mm) för att det ska bli en fällande dom.”

[“I sometimes do not agree with the laws- but I do not know if it is the law or the practice, I mean I can sometimes become very frustrated over... (sighs) what is required of a child (Interviewer: Mm) for a conviction.”] (Ingrid)

The normative dimension of the participants' legal consciousness does to some extent comply with the *before the law* narrative, while simultaneously disagreeing with it. The scenario where the participants' statements do fit into the narrative is when talking about the voluntary foundation of SoL, where they all state that consent is the most suitable method to help people, despite the problems it creates. Some, such as Anita, even suggests that the law maybe must be this way and that changes would not solve any problems. Another aspect of these *before the law* tendencies is the participants' passivity, their acceptance of the law as it is and only suggesting minor changes. The reason for this approach is unclear, but answers could lie in the comments made by Anita and Veronica (*Theme 4*) regarding not reflecting on the laws, suggesting that there is a norm of not questioning among the participants. They are however not shy about the fact that the law does serve one group's interests, namely adults, which goes against the narrative's description of how laws have been constructed (Ewick & Silbey 1998).

This narrative is therefore present among the participants, but certain dimensions conflict with others.

With the Law

The *with the law* narrative is characterised by the view of law as something fluid, flexible, and interpretable (Ewick& Silbey 1998). The participants do not stretch it that far, but they do show appreciation for these aspects. The clearest examples are shown in *Theme 1* and *3*, where several of the participants describe their strategies to bend the law to perform their job. The tendencies of this narrative are, compared to *before the law*, signs of having agency in a specific case. The participants further speak freely of their strategies, indicating that this is, to some extent, a common practice. The motivation for the participants to play with the law and make their own interpretations are however not for their own gain – at least not directly – but to help others, mainly children. Anita and Caroline’s use of other institutions to give children access to counselling (*Theme 1*) are very clear examples of playing with the scope of interpretation to help someone else. The same goes for Ingrid who sometimes only obtains consent from one parent to be able to offer a child and family crisis support in case of a suspected crime. Emma and Helene also manifest such tendencies when describing how they wait to report suspected abuse to the police until they themselves have had time to do an initial evaluation. This strategy aids their ability to conduct their work on time according to their regulations, but the reason they do it is mainly, if not only, to help the child.

Marianne is the only one who expresses some level of objection regarding playing with the law when mentioning the ability to have a follow-up on families who decline support. Unlike Caroline, who describes this strategy as a “lifeline”, Marianne firmly states that it should not be used flippantly or as a go-to-method. She does, however, just like all the participants, appreciate the scope for interpretation and adjustment for the client that the SoL legislation offer.

Although not all participants mention situations or strategies where they play with the boundaries of specific laws, they all actively use the scope of interpretation offered by SoL, allowing them to investigate and suggest interventions they see fit. Even though there are not enough examples of using these strategies to determine that the participants are playing with the law one can still note such tendencies.

Against the Law

The narrative that has been most difficult to notice or perceive is *against the law*, which does not come as a surprise. The requirements for belonging in this narrative go, in many ways, directly against the conditions of working within an authority. A social worker who openly expresses disagreement with the laws and who performs resistance by disturbing or breaking the rules will probably have difficulties keeping their employment. It is therefore very logical that no such tendencies were showcased during the interviews, although the participants might still have them.

Another reason for the lack of *against the law* tendencies among the participants could be because they, in their role, lack an essential requirement for this narrative: powerlessness. Ewick & Silbey (1998) states that action only can be perceived as resistance if the performer is the 'weaker' party in an unbalanced power relationship. Some participants, such as Veronica, do express a feeling of powerlessness, but she is still very aware that she, in her role, has enormous amounts of power over other individuals' lives. Such statements do, therefore, not contain any *against the law* tendencies, but they still contain important information on the participants' perception of their laws regulating them and their job, namely that they have enormous power that is heavily restricted. Those restrictions further open the question of how much power the Social Services actually have in most of the cases that they investigate, where the criteria for forced placement are not fulfilled.

Summary

The legal consciousness of an individual is, as mentioned before, too complex to be categorised into a narrative, but certain tendencies of *before the law* and *with the law* have been perceived among the participants. The tendencies connected to *before the law* regard their view of the law, as it is written now, as generally the only way the law can be constructed, and any flaws as being caused by human error or poor practice. This view of the law is however contradictory to the narrative's view as impartial (Ewick & Silbey 1998) since they admit that the law does serve the interests of adults over children. The *with the law* narrative is expressed through the different strategies used by the participants to help children when their parents decline help or when the police and prosecutor's regulations obstruct their investigation process. No *against the law* tendencies were identified, partly because social workers have too much power to be able to perform resistance according to Ewick & Silbey's (1998) requirements.

6.6 Summary of Analysis

The thematic analysis generated four themes from the data, being: *The requirement of consent*, *Lack of child perspective*, *Cooperation in practice* and *Other thoughts on the law*. The first theme focuses on the relationship between the social workers and the families they encounter, and the effects of the requirement of obtaining consent from those families. This is the more complex theme, where the participants express frustration over their dependence on families' voluntariness, while simultaneously defending this requirement and excusing the families' reluctance to cooperate. The second theme presents the difficulties the participants experience being the only authority in Sweden who, they perceive, have a clear child perspective while having to follow laws and regulations designed for the interests of adults. Collaboration with other authorities is analysed in *Theme 3*, where the participants describe the hierarchies of different legislations. Their own regulations have a rather high position compared to the laws of schools and health care, but criminal law always gets prioritised, which obstructs the participants' ability to conduct their job. The final theme contains other opinions and reflections regarding the law that do not fit into the other three themes, but still are of importance to gain a sense of the participants' experiences of the law, which is one of this thesis' aims.

Using the three narratives of Ewick & Silbey (1998) to analyse all themes, found tendencies of both *before the law* and *with the law*. The *before the law* narrative tendencies are characterised by a belief in the law, despite its flaws and the misuse of regulation and being rather passive when applying it, while also performing different strategies of playing *with the law*. No participant or data fulfilled the criteria of the *against the law* narrative, which is mainly due to their power position compared to their clients.

7 Discussion

In this chapter I discuss the analysis in relation to this thesis's RQ:

How do social workers understand and experience the rules that affect their roles and work with child victims and witnesses of crime?

One notices in the analysis that the participants experience a lot of obstacles when conducting their job, but they still manage to understand and describe the laws as mainly helpful both for themselves and their clients. Their strategies for making sense of their role and work tasks are very similar, where all express a belief in the requirement of consent over forced interventions

(*Theme 1*) and describe Social Services as being a counterweight for the adult focus of other authorities (*Theme 2*). The requirement of consent does however inevitably lead to children being harmed since they do not receive help, which makes me question how much of a child focus the Social Services can have. Their child perspective further entails that an adult decides what they perceive to be in the best interest of the child, and even though the participants admit that their knowledge of the child can be insufficient, they still agree with this stipulation. The acceptance of the requirement of consent is further contradicted by the different strategies they use to work around the lack of consent, such as referring a child to a counsellor at school. The analysis does not show how the participants understand these contradictions or if they are even aware of them but based on how freely they express their strategies I suggest that there might be a culture within Social Services to stretch the law when it is found necessary. This, however, needs deeper examination.

Certain aspects or topics that were found in the literature review reoccurred in my own data such as the low status of social workers (Davies et al. 2008; Munro & Ward 2008; Talsma et al. 2015) and the prioritisation of parental rights over children's right (e.g. Bruno 2015; Tisdall et al. 2016). Another similarity is the different needs of different children (Križ & Skivenes 2012; Martinho et al. 2020), an approach that my participants perceive as natural, which probably is caused by the quite long tradition of having a child perspective in Sweden, as mentioned in the study by Björk Eydahl & Satka (2006).

The lack of *against the law* narrative, despite the complex and contradictory feelings Veronica describes as having so much power and still feeling powerless, is an aspect of the social worker's legal consciousness that could not be explored further in this thesis, but it is instead an opportunity for future research. The discrepancy between the amount of power one has and what one can actually achieve with it is a topic that is in need of a deeper examination. This research could either focus on social workers or on the clients and families who receive interventions from Social Services since the participants have described a dissonance between the client's perception of the power of Social Services and their own powerlessness.

8 Conclusions

The job of a social worker is to make help and support available for the vulnerable people of society, where one of the most vulnerable groups are children. Children have a limited ability to promote and guard their own interests, and must therefore rely on parents, guardians, and

other adults to ensure their well-being. When those groups fail, it is left for to the social workers to protect those children, and they, therefore, need adequate laws that aid this purpose. The aim of the study is to examine how social workers understand and experience the laws that regulate their work and their possibilities to protect and help children, generating knowledge that can be of importance for future laws and regulations of the Social Services. By interviewing social workers and analysing their statements using the three narratives of Ewick & Silbey (1998), the study shows that the participants have a complex relation to their laws, expressing tendencies of both *before the law* and *with the law* narratives. They continuously describe problems that their regulations cause, such as children continuing to be harmed because of the requirement of obtaining parents' consent for interventions, while still defending the importance of the right to decline help. While stating the importance of respecting this choice, they also retell strategies used when parents refuse, for the well-being of the child.

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Appendix

Disclaimer: The attached documents are written in Swedish, since they all have been used in contact with the participants.

Appendix 1: *Interview Guide, first version*

DEMOGRAFISK INFORMATION

- Hur länge har du arbetat hos din nuvarande arbetsgivare?
- Vilka erfarenheter har du inom socialtjänsten (tidigare anställningar etc.)?
- Utbildning?

REGELVERKET (förkortas RV)

- Hur ser du på regelverket (RV)?
- Vilka möjligheter ger RV dig i ditt arbete?
- Vilka begränsningar skapar RV i ditt arbete?
- Anser du att det fattas någonting i dagens RV?
 - Borde något tas bort?
- Vem/vilken grupp anser du att RV är utformat efter (socialarbetare, vårdnadshavare, barnen, rättsväsendet, någon annan)
- Tycker du att regelverket är välförankrat i de praktiska möjligheter som ni arbetar utifrån?
- Vad anser du är syftet med ert RV?
 - Kan det syftet uppfyllas med de förutsättningar som existerar idag? Varför/varför inte?

BARNETS BÄSTA

- Vad betyder 'barnets bästa' enligt RV?
 - Håller du med? Varför/varför inte?
 - Vad betyder 'barnets bästa' enligt dig?
- Förekommer det andra former av betydelser av begreppet 'barnets bästa' i samverkan med andra myndigheter?
 - Hur hanteras det?
- Hur har implementeringen av barnkonventionen 2020 påverkat synen på 'barnets bästa' enligt dig själv och din yrkeskår?
- Möjliggör begreppet 'barnets bästa' någonting i ditt arbete?
- Begränsar begreppet 'barnets bästa' någonting i arbetet?
- Anser du att barnets bästa eftersträvas i praktiken? Överensstämmer det med RV's mål angående 'barnets bästa'?

SYN PÅ SIN ROLL

- Vad innebär din arbetsroll?
 - Hur ser du på det? (är ditt jobb viktigt, tillfredsställande, uttröttande etc)
- Vilken effekt upplever du att ditt arbete har (på klienter, samhället etc)?
- Eftersträvar du 'barnets bästa' i ditt arbete?
 - Hur gör du får att kunna ta hänsyn till 'barnet bästa'?
- Hur möjliggör regelverket ditt arbete?
 - Hindrar RV dig att utföra ditt arbete på något sätt?
- Upplever du att din arbetsroll tas på allvar av andra (såväl individer som samhället i stort)?
- Upplever du att ditt yrke och dina yrkeskunskaper värdesätts?

KONFLIKTER

- Finns det tillfällen då du inte håller med RV?
 - Hur reagerar du då?
- Händer det att ert RV krockar med andra yrkesgrupper som ni samverkar med (t.ex polis eller sjukvård)?
 - Vems regelverk prioriteras då?
- Hur hanteras konflikter som uppstår mellan vårdnadshavare och dig?
 - Kan ert RV användas om en sådan konflikt uppstår?
- Hur hanteras konflikter mellan barnets rättigheter och t.ex föräldrarnas rättigheter (föräldrarätten)?

FÖRÄLDRARÄTTEN

- Hur upplever du att många av socialtjänstens insatser är frivilliga, även när barn är inblandade, påverkar ditt arbete?
- Påverkar den höga graden av frivillighet och samarbete din auktoritet som tjänsteman gentemot en förälder/vårdnadshavare?
 - Om så är fallet, hur hanterar du det?
- Vilka för- och nackdelar ser du att föräldrarätten har för ditt arbete?
- Anser du att synen på föräldrarätten har förändrats sedan barnkonventionen blev lag?
 - Om ja, på vilket sätt?
- Har du upplevt situationer då föräldrarätten hindrat dig/er att sträva efter 'barnets bästa'?
 - Hur hanterades den situationen?

Appendix 2: Interview Guide, second version

DEMOGRAFISK INFORMATION

- Din utbildning och dina erfarenheter inom socialtjänsten.
 - Hur många år i yrket?
 - Hur många år hos nuvarande arbetsgivare?

REGELVERKET (förkortas RV)

- Vilka möjligheter och begränsningar ger RV dig i ditt arbete?
- Borde något läggas till eller tas bort i dagens regelverk?
- Vem/vilken grupp anser du att RV är utformat efter (socialarbetare, vårdnadshavare, barnen, rättsväsendet, någon annan)
- Vad anser du är syftet med ert RV?
 - Kan det syftet uppfyllas med de förutsättningar som existerar idag? Varför/varför inte?

BARNETS BÄSTA

- Vad betyder 'barnets bästa' enligt socialtjänstens RV?
 - Hur används det i praktiken?
 - Vad anser du angående hur begreppet används?
- Förekommer det andra former av betydelser av begreppet 'barnets bästa' i samverkan med andra myndigheter?
 - Hur hanteras det?
- Hur har implementeringen av barnkonventionen 2020 påverkat synen på 'barnets bästa' enligt dig själv och din yrkeskår?
 - Har det fått större utrymme?
- Möjligheter och begränsningar har 'barnets bästa' (och barnkonventionen) medfört?

SYN PÅ SIN ROLL

- Hur upplever du din arbetsroll och det du gör i ditt arbete?
 - Vilken effekt har det på dig men även andra?
- Eftersträvar du 'barnets bästa' i ditt arbete?
 - Hur gör du får att kunna ta hänsyn till 'barnet bästa'?
- Hur upplever du andras syn på din yrkesroll? Även dina yrkeskunskaper
 - Hur påverkar det dig?
 - Är denna syn rättvis?

KONFLIKTER

- Finns det tillfällen då du inte håller med RV?
 - Hur reagerar du då?
- Händer det att ert RV krockar med andra yrkesgrupper som ni samverkar med (t.ex polis eller sjukvård)?
 - Vems regelverk prioriteras då?
- Hur hanteras konflikter som uppstår mellan vårdnadshavare och dig?
 - Kan ert RV användas om en sådan konflikt uppstår?
- Hur hanteras konflikter mellan barnets rättigheter och t.ex föräldrarnas rättigheter (föräldrarätten)?

FÖRÄLDRARÄTTEN

- Många av socialtjänstens insatser är frivilliga. Vad har det för effekter/konsekvenser för dig och klienterna och barnen?
 - Hur hanteras dessa konsekvenser?
- Vilka för- och nackdelar ser du att föräldrarätten har för ditt arbete?
- Anser du att synen på föräldrarätten har förändrats sedan barnkonventionen blev lag?
 - Om ja, på vilket sätt?
- Har du upplevt situationer då föräldrarätten hindrat dig/er att sträva efter 'barnets bästa'?
 - Hur hanterades den situationen?

Appendix 3: *Information Document*

This document was sent out to all potential participants of this study, including those who for different reasons did not partake in my thesis



LUNDS UNIVERSITET
Samhällsvetenskapliga fakulteten

Information om deltagande i studie om socialtjänstarbetares rättsmedvetande (the legal consciousness of social workers)

Studiens ämne och syfte

Studiens syfte och metoder för genomförande har blivit godkända av ansvarig handledare på Lunds universitet, Michael Molavi.

Studiens fokus är rättsmedvetandet hos anställda inom socialtjänsten som kommer i kontakt med barn som antas vara offer eller vittnen för brott. Med rättsmedvetande avses vad en individ tycker och tänker om rättsväsendet baserat på såväl kunskap och utbildning som praktiska erfarenheter. Studien kommer enbart studera en liten del av individens rättsmedvetande, den del som rör dennes professionella roll i yrkeslivet. Detta begränsar även vilken del av rättsväsendet som studien omfattar, nämligen de lagar som reglerar socialtjänstens verksamhet och de delar av rättsväsendet som de kommer i kontakt med under arbetstid.

Syftet med studien är att få förståelse för hur de lagar och regleringar som styr socialtjänsten och deras anställdas arbete fungerar i praktiken. Bland annat hoppas studien kunna samla in kunskap om hur yrkesutövare inom socialtjänst ser på lagarnas utformning funktion när det kommer till att utföra sina arbetsuppgifter så det uppfyller socialtjänstens syfte (att stötta och hjälpa). Vidare önskas det även samlas in information om hur enskilda yrkesutövare ser på sitt eget arbete.

Intervjun innehåller fem olika teman: socialtjänstens regelverk¹⁰, 'barnets bästa', synen på din yrkesroll, konflikter och föräldrarätten. Det beräknas att genomförandet kommer ta mellan 30-60 minuter.

När alla frågor för samtliga teman har gått igenom kommer det även finnas möjlighet för dig som deltagare att göra tillägg eller ta upp viktiga ämnen som du bedömer inte har avhandlats i frågorna.

Dina rättigheter

Som deltagare i en vetenskaplig studie har du som individ ett flertal olika rättigheter, såsom att ditt deltagande är helt frivilligt. Du har rätt att när som helst under processen, såväl under som efter intervjutillfället, välja att dra tillbaka ditt samtycke till deltagande. Ingen anledning behöver uppges vid beslutet att dra tillbaka ditt samtycke. Du har även rätt att ta del av den slutliga rapporten innan publicering.

Vidare har du rätt att själv avgöra om intervjun får spelas in. Du har också rätt att dra tillbaka ditt samtycke närhelst under genomförandet av intervjun.

Förvaring av material

Det inspelade materialet kommer efter intervjun att transkriberas och därefter sparas på en extern hårddisk utan uppkoppling till internet. Det transkriberade materialet kommer att genomgå en avidentifiering i form av korrigerings/censurering av känsliga uppgifter. Med känsliga uppgifter räknas namn på dig eller andra individer du nämner (dock undantag för offentliga personer), platser eller annan form av information som skulle kunna leda till eventuell identifiering av dig.

¹⁰ Regelverk avser de olika lagar och riktlinjer som reglerar arbetet inom socialtjänsten. Begreppet bedöms inte användas regelbundet inom yrkesgruppen, men ger ändå möjlighet i intervjusituationen att enkelt referera till alla de lagar som arbetet omfattas av. Begränsar heller inte möjligheten för deltagaren att gå närmare in på en lag mer specifikt om så önskas.

Ljudfiler från intervjutillfället och transkriberingsmaterial kommer att raderas efter att uppsatsen slutförts och blivit godkänd av kursansvarig.

Vid frågor om studien, dina rättigheter eller dylikt kan du kontakta studenten alternativt handledaren.

Kontaktuppgifter, student:

Jennie Jansson – jeXXXXja-s@student.lu.se – 07XXXXXXXXXX

Kontaktuppgifter, handledare:

Michael Molavi – michael.molavi@soclaw.lu.se