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Domestic Violence and Child Welfare

**Dilemmas and Challenges for Child Welfare Services when
Involving the Police Department**

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Abstract

The aim of this thesis is to illustrate some of the challenges and dilemmas the Child Welfare Services (CWS) face when involving the Police Department, specifically in domestic violence cases. Exploring the considerations of child welfare workers when deciding to report or not report domestic violence cases proved to be an interesting topic.

By conducting six interviews with social workers in CWS I have explored how their previous experiences and preconceptions with domestic violence cases play a role in their considerations. I have used Polanyi's (1966) term "tacit knowledge" as a means to define the knowledge that social workers have gained from experience. This is linked to Schön's (1987) theory of action. In addition, I have explored how discretion is a major part of decision-making in social work. There I have used Lipsky's (2010) theory of street level bureaucrats and how discretion plays a vital role. Furthermore, Grimen and Molander's (2008) theory of profession in regards to discretion is also used. Both of these are discussed in tandem with my main research question.

The three main aspects of the considerations of reporting domestic violence that emerged from my study is grading violence, cooperation between the Child Welfare Services and the police and the social worker's experience when involving the Police Department. I have analyzed the material using a hermeneutics perspective, therefore emphasizing the experiences and preconceptions of the social workers. The analyses suggest that if the social worker deems the violence to be less serious, they do not report it. Thusly, in those cases cooperation with the parents is more important. That is because if they have judged the violence to be less serious, forced measures are likely not an option. Their previous experience with the police, and the process of investigative interviews also seem to influence the social workers decision-making process, since they believe it to be extensive and damaging for the child.

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1. Introduction

1.1. The Area of Research

Children are vulnerable and dependent on adults to secure their rights, for instance their right to a life without violence that is stated in article 19 in the United Nations Convention on the Rights of the Child (hereinafter: UNCRC). Each member state has an obligation to protect children from physical and mental violence. Methods for identification, investigation, referral, reporting, follow up, and treatment are a part of this responsibility. The Child Welfare Services (CWS) and the Police Department (PD) are two authorities that can secure childrens' right to a life without violence, in different ways. What happens when these two authorities have to cooperate, considering their different mandates, laws and goals?

This thesis is a social research paper about the Child Welfare Services (CWS) in Oslo, Norway and their consideration process when deciding to report or not report domestic violence cases to the Police Department (PD). Domestic violence, which involves family violence, physical abuse, mental abuse, child abuse, and spousal abuse, all have major consequences for a family and the children in the family. Dilemmas may arise for the social workers when they have to combine the criminal aspect of a case and the child welfare aspect. The dilemma for the social worker is if he/she should consider the child and family's best interest, or the best interest of society. This is a difficult decision, which involves many different aspects involving. These will be presented in this thesis. For the CWS the criminal aspect of a domestic violence case will be to consider if the incident was serious enough to cause the need to protect the society from the perpetrator. There is generally a deterrent effect when one is convicted and punished for subjecting children to violence. However, in the child welfare aspect the focus is mainly on the best interest of the child and aiding the child and family. Which asks one to question: are these two views compatible? Øverlien (2012, 216-217) argues that we need a holistic view of domestic violence, and cooperation is necessary. Violence cannot, for instance, be isolated to a health problem or a social problem because it has major implications on multiple levels for the child. A holistic view would include for instance a child welfare view, and a criminal view of violence.

According to the Official Norwegian Report *The Right to Freedom From Violence* (my translation) (ONR 2003: 31) there is a shortage of documentation and knowledge about how CWS works with cases regarding domestic violence. Consistency does not exist in the child

welfare system as it is up to each individual social worker, their knowledge, and their experience as to how discretionary considerations are addressed in these cases. However, each family presents different needs, and, therefore, there might not be an ambition to have a 'standard working method' for domestic violence victims and their families. A standard working method would involve strict guidelines and routines for what to do in each domestic violence case, for instance that the CWS is required to report every domestic violence case to the Police Department (PD). Guidelines, however, could be useful if they allow a certain extent of discretion.

Culture and ethnicity of the parents that subjects their children to violence will not be addressed in this thesis. That is because the parents are not the focus of the thesis, but on the social workers in the CWS and their considerations when reporting domestic violence cases to the PD. Even though it would have been interesting to see if differences existed in reporting violence to the police based on the ethnicity of the family. In addition to the CWS and their considerations, their experience with cooperation with the PD is another a theme that will also be addressed.

1.2. Research Questions

It is interesting to see how the social workers in my study explain their considerations in regards to working with the Police Department. Especially what reasons they state when deciding to involve or not involve the PD in their case. The social workers at the CWS have to use discretion when considering the best interest of the child, however, in what way is this in accordance with involving the PD? What experience do the social workers have when cooperating with the police, and how does this influence their decision to involve them? Based on these contemplations my main research question is:

What considerations are made when Child Welfare Services (CWS) decides to report or not report a domestic violence case to the police?

By looking at this issue from a micro perspective, and interviewing 6 social workers, I have discovered different challenges and dilemmas the social workers in the CWS are facing in working with domestic violence cases. My sub-research questions are based on these discoveries.

In what way is the seriousness of the violence a consideration when reporting a domestic violence case?

In what ways does parental cooperation affect the social worker's consideration process when deciding to report domestic violence to the PD?

How have instances of cooperation with the police in the past influenced the way social workers consider reporting domestic violence cases?

This study has contributed to the understanding of the specific dilemmas and challenges in regards to social workers in the CWS working with domestic violence.

1.3. Concepts

1.3.1. Perpetrator/Assaulter/Parent/Family member

The person or persons who subjects a child to violence, either by direct physical violence or mental violence, will in this study be referred to as 'parent' or 'parents'. That is because the type of violence that is the focus of this thesis is domestic violence. I acknowledge that family members other than parents also subject children to violence, however, in this paper I refer to the perpetrators as parent or parents.

1.3.2. Children

In accordance with the first article of the UNCRC the term 'children', is used and is defined as all human beings under the age of 18.

1.3.3. Social Worker

Social worker is used as a term to describe the employees at CWS. While social workers may have many different roles and jobs, and even different educational backgrounds, in this thesis, the term is strictly used to refer to caseworkers for CWS.

1.3.4. Considerations

When someone is considering something it means that one is contemplating, thinking, or deliberating. For instance, taking multiple aspects of a case and reflecting upon them to reach a decision. In this thesis the topic of 'considerations' is important because it will explore the

CWS employee's deliberations, contemplations and thought processes when it comes to the consequences of reporting a case. Considerations is linked to discretion, since discretion is used to make decisions in CWS.

1.4. Personal Motivation

I chose to study this topic because I have a bachelor degree in Child Care and Welfare. In addition, my husband works in the Police Department with domestic violence. I wanted to write a thesis on the cooperation between the PD and the CWS, but I needed to narrow my focus. One of the incidents that lead me onto this path was a conversation at my job.

I work at a youth institution with children between the ages of 13-18 years old. One day, one of the children asked me why we had to obtain a police certificate in order to be allowed to work there. I told her that we were required to do so, so that the employer can be positive that we have not mistreated children in the past. She continued to ask me why her father was allowed to work with children? She knew that I knew that her father had physically abused her. I asked her if she ever talked to the police about what happened to her? She said no. Then I told her that the CWS probably decided to not report it to the police for some reason, and that is why her father's employer does not know what he has exposed his daughter to, and I am not sure if the girl would have wanted her dad to go to jail for what he had done. The reason this conversation motivated me was because I found it a little disturbing that her father is allowed to work with children when he subjected his daughter to violence. There could be a risk that this man subjects other children to violence. In addition, it is natural to assume that this girl has not been included in the CWS decision-making process of reporting the violence at all.

In addition, I wanted to see if there was consistency in the considerations for reporting or not reporting domestic violence, or if the decisions were up to each individual social worker and their knowledge and preconceptions. This is why I chose to study the CWS discretionary considerations when they decide to report or not report domestic violence to the Police Department.

1.5. Child Welfare Services

To illustrate how Child Welfare Services uses considerations in their work, it is first important to present what the organization of CWS is in Norway.

Child Welfare Services is often referred to as Child Protective Services. However, the term Child Welfare Services is chosen since the law in Norway is called *Act of 17 of July 1992 no 100 relating to Child Welfare Services, the Child Welfare Act*. According to the Child Welfare Act § 1-1 the purpose of the Norwegian CWS is to ensure that children who live in families that are harmful to their health and development receive the support that they need at the right time, and to ensure that they grow up in an environment that is secure. As such, the CWS has an obligation by law to protect children from harmful home environments. The CWS must base their decisions on the best interest of the child (cf. UNCRC article 3, 1. and the Child Welfare Act § 4-1).

When the CWS receives a notification about a child, they have to assess the notification within a week and decide if they should start an investigation, cf. Child Welfare Act § 4-2 and 4-3. The CWS has a three-month limit to their investigation. Furthermore, “The investigation shall be carried out in such a way as to minimize the harm it causes to anyone affected, and it shall not have a wider scope than is justified by its purpose” cf. Child Welfare Act § 4-3. This is in relation to the *Principle of Proportionately*, which will be elaborated on in the legislation section of this paper.

The CWS discretionary consideration is based upon the social worker’s academic knowledge, their practical knowledge, legislation, and regulations. In turn, these multiple aspects influence their decision-making process. For the purpose of this paper, one aspect of their academic knowledge, theory of trauma, is presented in chapter 3, and legislation is presented in chapter 4.

1.5.1. The Dialogical Communication Method (DCM)

This method can be used in the CWS for different types of conversations with children, for instance during CWS investigation, or to help the child process difficult issues.

Gamst (2011, 115) states that there are five important perspectives in the DCM that leads to good communication with children. These are (1) to have a child’s perspective, (2) use

dialogue as a communication pattern, (3) be goal oriented, thematic and open, (4) flexible and adjusted to the specific child, and (5) split between legal obligations and a child welfare academic consideration.

This method can also be tied to the phases of the Investigatory Interview of Children, which are: (1) preparation phase, (2) contacting phase, (3) preliminary procedures, (4) introduction to the theme, (5) free narrative, (6) explore, (7) finalization, and (8) follow up. However, these will not be elaborated on in this thesis due to space limitations.

This method will not be elaborated since it is only important to mention what it is, and it is not necessary in this thesis to present an extensive review.

1.5.2. Procedure for the CWS for Cases Involving Violence

The CWS offices in Oslo have a procedure when working with cases regarding domestic violence. This procedure is based on Klemetsrudmodellen (*Arnesen and Diesen 2008*) and involves the social worker speaking with the child, using the Dialogical Communication Method, before informing the parents. Later that day the parents are called into a meeting, and the parents are separated into two meetings. Further CWS action depends on what the child and parents say. However, they often have a meeting with the parents and the child together to bring closure to the day. In the evening the Child Welfare Emergency Team (my translation) visits the family to check how the child and family are. Finally, the CWS calls the school or kindergarten the next day, to make sure the child is there. How the CWS proceeds depends on the information they have obtained.

1.6. The Police Department

To be able to show how cooperation with the PD can be a factor in the decision-making process in regards to reporting domestic violence cases, it is important to present the mandate of the PD in Norway.

The term police, Police Department (PD) and investigators are used to refer to the police investigators at the domestic violence department. The Police Department has many responsibilities and mandates in our society. The Act no. 53 of 4 August 1995 relating to the Police (The Police Act) Section 1 states the Police's responsibility and purpose:

The state shall provide the police service needed by the community. Police duties shall be performed by the police (...).

The police shall through preventive, enforcing and helping activities contribute to society's overall effort to promote and consolidate the citizens' security under the law, safety and welfare in general.

In addition, The Police Act section 2 mentions seven main functions of the police including: (1) upholding security in society, and protecting persons, and property, (2) maintaining a preventative focus against crimes, public order and security, (3) working to reveal illegal actions and prosecute in accordance with the law, (4) aiding citizens who are in danger, (5) assisting other public authorities when it is mandated by law or when it is usual practice, (6) cooperating with other authorities and organizations, (7) and lastly the police shall execute other tasks as stated by law.

Moreover, in the Criminal Procedure Act §226 part A-C it states that the purpose of the investigation is to obtain necessary information so that the police can decide if they want to (A) pursue a prosecution, (B) prepare a case for the courts to decide the question of guilt and punishment and (C) prevent or stop criminal acts.

The Criminal Procedure Act § 226 E states that the purpose of an investigation could also be to obtain the necessary information required to aid the CWS in their decision making process, and determine which initiatives are needed to aid the child in accordance to the Child Welfare Act of 17 of July 1992 nr. 100. This does not necessarily mean criminal information, but that the Police can share information with the CWS when they uncover information that is relevant. This also applies to domestic violence cases, so the PD should give significant information to the CWS. This information can also be used by the CWS in their case with the County Social Welfare Board. Thusly, the information can be an incentive to involve the PD.

This law states that the task of the police is both to aid the CWS with information, and to obtain the necessary information to prosecute the guilty person.

1.6.1. The Children's Houses

The Children's Houses is based upon related establishments in Sweden, Iceland and the USA, and was established in 2007 in Norway (Stefansen, Gundersen, and Bakketeig 2012, 15-16).

The goal was to gather all the authorities that are involved in cases of sexual abuse or domestic violence in one place so that the child did not have to go to multiple places. In addition, they would all be present at the investigatory interview of the child (see chapter 1.6.2.). The Children's Houses are organized under their local Police Districts (Stefansen, Gundersen, and Bakketeig 2012, 8). Each Children's House has a leader, a team of advisers and a team of mercantile employers.

Stefansen, Gundersen, and Bakketeig (2012, 15) express that the main purpose of the Children's House is to create a safe place for children that are under suspicion of being subjected to sexual abuse or domestic violence. A condition for children who is going to an investigatory interview is that the case is reported to the PD. In addition, the investigatory interview is recorded so that the child does not have to testify in court. Furthermore, the Children's House represents a collective offer of help to children; they offer medical examination, Investigatory Interviews, follow-up and, treatment all at the same place.

Stefansen, Gundersen, and Bakketeig (2012, 17) state that children under the age of 16 and mentally disabled adults and children are the primary target group. There has been a change in the way the Investigatory Interview is conducted in the Children's House. Earlier, a judge had to be present at the Investigative Interviews of the children. Now, a prosecutor has the responsibility of the interviews. This is a measure to prevent the issue of a long waiting period taken place from the report to the police, to the actual investigative interview of the child¹ (Forskrift om avhør av barn og andre særlig sårbare fornærmede og vitner (tilrettelagte avhør)).

1.6.2. Investigative Interviews of Children

There are different terms in English that describe the Norwegian method of *tilrettelagt avhør*; one can refer to this method as either *Forensic Interviews of Children* or *Investigative Interviews of Children*. However, the term *Investigative Interviews of Children* will be used in this paper. In my experience, confirmed by my informants, the process of the interview takes place at the Children's House where the child is lead into a room with a police officer who is specially trained in *Investigatory Interview of Children*. There is a camera in the room, and the child is informed that there are people in a room watching them on a TV. In the room

¹ <https://lovdata.no/dokument/SF/forskrift/2015-09-24-1098> (Accessed 05.10.16)

there is usually a social worker from the CWS, a police investigator, a prosecutor, and lawyers present.

Myklebust (2009, 7) expresses “the aim of any investigative interview is to elicit the most accurate and detailed account of the alleged offence in a manner that does not place undue stress on the interviewee.” Since children can be easily influenced, it is important to have training in how to obtain accurate and trustworthy information. Edvardsen and Mevik (2014, 320) state that the legal aspect, or the evidence, in an Investigative Interview is central.

1.7. Structure of the Thesis

In chapter 2 the literature review will be presented starting with some child welfare academic aspects on reporting domestic violence. Furthermore, previous research that is related to the topic is a focus. All of these aspects are important to address, to illustrate what literature and research that already exist. The theoretical framework is presented in chapter 3, with the important concepts cooperation and violence. Furthermore, the theories on the topics discretion, tacit knowledge and trauma are presented. In chapter 4 the framework of the legislation is addressed. The methodology and methods is the focus in chapter 5. In chapter 6 my findings is presented. Moreover, chapter 7 addresses the discussion including existing literature, the theoretical framework and the framework of legislation. Lastly, the conclusion is presented in chapter 8.

2. Existing Literature

This chapter will start with presenting perspectives on reporting violence from the child welfare Academic literature. Furthermore, previous research is offered, starting with Brottveit’s (2007) study on the ways in which CWS handles cases involving sexual abuse. Moreover, Kjær and Mossige’s (2008) research on how the CWS regards the criminal aspect of the case when working with domestic violence. Lastly, Rød’s (2014) research about the social workers decision-making process is also presented.

2.1. Perspectives on Reporting Violence

Bunkholdt and Sandbæk (2008, 81) state that, according to the Government adviser on *Sharing Information and Cooperation When Children are Subjected to Domestic Violence (2005)*, when the CWS receives a notification about domestic violence they have to make a

consideration at once about whether or not to report the incident to the police. In addition, the CWS is required to consider how the report will aid the child, and if it will prevent future exposure to violence. Sommerfeldt and Øverlien (2016, 191) express that if reporting is necessary to stop the violence it could be appropriate for CWS to consider reporting. This is especially important if the CWS does not prevent the violence with other measures. Furthermore, they should only report if it is in the best interest of the child. Moreover, Bunkholdt and Sandbæk (2008,81) state that there is a routine of discussing domestic violence cases with the PD, especially if CWS is unsure of reporting it.

Edwardsen and Mevik (2014, 330) described that one of their informants, a leader in a CWS office, stated that she wanted the CWS to investigate a case because she was skeptical to report domestic violence cases to the police. That is because the trust and cooperation with the parents will suffer. If the parents deny help from the CWS they are not able to do anything, except forced measures if the case is really serious. In those cases, children will not get the help they need. She also expressed that the process of the criminal trial takes a long time, and that it often ends with the police dismissing the case, or the parent is found not guilty. Then the child has to live with the parent that exposed them to violence. The leader thinks that it is important to consider that the best interest of the child can be cooperation with the parents.

Edwardsen and Mevik (2014, 328) state that to get the assaulter convicted is important because it is a clear statement that society does not accept violence against children. Furthermore, it could protect the child. It is also natural to assume that by convicting the parent the CWS might protect siblings, and other children against violence. Since the parent would have a criminal record, he/she would not be allowed to work with children.

For a child it is not necessarily important to convict the parent who subjected them or family members to violence (Grøvdal 2012, quoted from Edwardsen and Mevik 2014, 328). It is more important to get the violence to stop because they need a safe home. She problematizes that the child would have to have a relationship with the parent if the case is dismissed or found not guilty. This is why it is important that the CWS also conducts a parallel investigation, so that they can help the child and family no matter the result of the criminal case.

Heltne and Steinsvåg (2011b, 248) address another issue that is apparent in domestic violence cases, that the child will often have a long-term relationship with the parent or parents who

subjected him/her to violence. Sometimes, if the family has received help from the CWS, the violence is no longer an issue. The child, has to be a primary concern. According to this perspective, reporting the case to the PD would not be in the best interest of the child, but rather on aiding the family with their issues.

Edvardsen and Mevik (2014, 320) state that the professional's knowledge has crucial influence on decisions that are made when it comes to children who are subjected to or experience violence. The decisions are based on their knowledge about children, violence, and how violence affects children.

2.2. Previous Research

2.2.1. Challenges for CWS involving the PD in Cases Regarding Sexual Abuse

Brottveit (2007) conducted interviews with social workers in the CWS in the late 1990's. Based on these interviews she wrote a PHD entitled *Sexual Abuse Against Children – an interpretation of social workers comprehension* (my translation) (2007) and an article called *A Case for the Child Welfare Services or the Police Department* (my translation) (Brottveit 2014). One of the themes Brottveit (2007, 13) explored in her PHD was how the CWS considerations of the criminal aspect of sexual abuse affected the consideration of the best interest of the child. Furthermore, she explores the dilemma of reporting a case to the police in regards to sexual abuse (Brottveit 2007,14).

Even though Brottveit (2007) focuses on sexual abuse in her research, and my focus is on domestic violence, much of her research is related to mine. That is because CWS considerations when reporting a case are the same if it is in regard to violence or sexual abuse. However, it might be that sexual abuse is viewed as a more serious offence against children, and as a result the inclination to report it to the police is greater.

Several of Brottveit's (2007, 124) informants stated that in society today sexual abuse is a crime, and that cannot be ignored. However, Brottveit (2007, 231) points out that some of her informants have a conflicting view of the criminal aspects of cases involving sexual abuse. Brottveit (2007) conveys that since cases involving sexual abuse against children touches upon several authorities, and different considerations they are very complicated.

Brottveit (2007,14) conveys that the CWS often has to choose between aiding the family and child, or obey the police investigation looking for evidence. The social workers in Brottveit's (2007, 218) study point out the child's need for help can be neglected in regards to the fact that CWS has to be considerate of the risk of destructing evidence. However, some of the social workers stated that their job is to help the child and family, and therefore they need to take the risk of destructing evidence. This shows how the social workers have different thoughts in regarding their role to help secure evidence for the PD. If the social workers think that securing evidence would be in the best interest of the child, then obeying the PD should be a consideration. Cooperation between the CWS and the PD is necessary in these cases.

Furthermore, Brottveit (2007, 225) addresses the issue that if the police and CWS are involved in the same case, then the family is exposed to a severe control of two different governmental authorities. In addition, they often investigate in parallel. Brottveit (2007) points out that the CWS investigation could be overshadowed by the criminal investigation, which could influence the child and family's need for help. However, the CWS could use the result of the criminal investigation to support their documentation when it comes to implementing assistance measures in the family. The documentation could be an incentive for the CWS to be involved in the penal process (Brottveit 2007, 225). This shows that there are some advantages and disadvantages for the CWS involving the PD. The CWS has to consider how involving the PD would affect the child since the process of being involved in a CWS investigation and a PD investigation can be overwhelming, as was indicated by another informant, who stated that the child could be traumatized when meeting the police and the legal system. This is because of the extensive process with the parent taken into custody, police interviews, investigative interviews, and splitting the family (Brottveit 2007, 234).

Brottveit's (2014, 201) research points out that some of her informants expressed that it is difficult in cases regarding sexual abuse to hold oneself between the child welfare academic aspect and the criminal aspect because they are difficult to combine.

The CWS should always consider the best interest of the child in every decision. Half of Brottveit's (2007, 226) informants thought that reporting a case based on suspicion of sexual abuse was in the best interest of the child. They argued that the child is better off by having a court decide the questions of guilt and punishment. Furthermore, they emphasized the child's need for protection, compensation and retribution. The other half of the informants raised questions about whether the child has anything to gain by the CWS reporting as a way of

contributing to the penal investigation. They conveyed that the CWS should consider it if it is in the best interest of the child that the case becomes a criminal investigation, this is because of the major consequences associated with a criminal case. The CWS should deliberate on whether or not the child and family can be taken care of in other ways.

Brottveit (2014, 202) states that even though a statutory obligation to report sexual abuse to the police does not exist, several of her informants thought that the CWS has an obligation to report it. Furthermore, she states that in the Public Administration Act § 13 b. nr 6 it states that the CWS has legal authority to provide information to the prosecution, however the Child Welfare Act § 6- 7 limits the information to when it is necessary to promote the CWS work, or prevent serious harm or death. The General Civil Penal Code has been updated since Brottveit did her research; the change is addressed in the legislation part, 'duty to prevent'.

2.2.2. *The CWS and the Civil Penal Code*

Kjær and Mossige (2008, 37) analyzed cases in the project *Child Welfare Services Handling of Cases Involving Violence and Sexual Abuse* and focused on the CWS relationship with the PD. More specifically, part of their study investigated the cooperation between the PD and the CWS, and under which conditions the CWS should report cases to the Police Department. The cases they analyzed regarded families with ethnic minority backgrounds, and cases regarding violence.

Kjær and Mossige (2008, 37) address the fact that the CWS and the PD have different goals, roles, mandates and laws, and that these overlap in cases regarding sexual abuse and violence. The crime and criminal is the main focus of the PD, while protection of the child, is the main focus of the CWS. The findings of Kjær and Mossige's (2008) study are presented here.

One of their informants stated that there should be better routines for reporting violence and that the regard of the parents should not be a consideration in these cases (Kjær and Mossige 2008, 39). Another informant stated that as a main rule they should report all sexual abuse and violence cases to the PD. Furthermore, Kjær and Mossige (2008, 39) address the fact that neither of these informants expressed that the CWS should make a consideration based on the best interest of the child. In addition, the informants did not mention that they considered if they had an obligation by law to report. It does not appear that these two informants have

made a discretionary decision based on their academic knowledge or based in a legal authority. Rather, both of these informants seek routines.

Moreover, by reporting a violence case to the PD, the CWS shows the child that this is a serious offence, and which could be supportive for the child. In addition, Kjær and Mossige (2008, 42) state that the risk for the child and the seriousness of the offence should be a part of the social workers' consideration. This is in accordance with the Child Welfare Academic aspect and the legal aspect. However, they also assert one should consider that a report to the PD can damage the relationships in the family. The best interest of the child should be viewed from multiple perspectives. If the CWS believes that they can protect the child from violence by assistance measures, a report to the police should not be necessary (Kjær and Mossige 2008, 42).

Kjær and Mossige (2008, 46) state that another consideration the social workers make when reporting is the time the legal process takes, and how that affects the child and family. One of the informants stated that while the father waited to serve his sentence, the CWS worked with the family through the implementation of assistance measures. Therefore, the father served his sentence after he already changed and received help for his problems. This changes the focus from the child to the family as a whole, Kjær and Mossige (2008) ask if this is the way the social workers understand the Child Welfare Academic aspect or if this is a result of the influence of the justice system?

To be able to analyze the considerations of the CWS, it is important to know the laws and regulations they have to follow. Kjær and Mossige (2008, 37) state that the legislation is the framework for the work of the CWS, and therefore also a framework for the use of discretion.

Kjær and Mossige (2008, 49) conclude by stating that it is not necessarily problematic for the CWS to involve the PD because the authority of the CWS is strengthened by the PD's participation. On the other hand, the involvement of the PD can make the cooperation between CWS and the parents more difficult.

2.2.3. The Decision-making Process in the CWS

In Rød's (2014) article he analyzed social workers in the CWS and how they use discretion in their decision-making process. This analysis is based on the research of Rød and Heggdalsvik (2014). According to Rød (2014, 14), discretion is a part of every decision a social worker at

the CWS has to make. It is an essential principle in the Child Welfare Act. Therefore, it is also interesting to examine the decision-making process and what the social workers base their discretionary decisions on.

Rød (2014, 21) studied the patterns of the decision-making process in the CWS during their investigatory phase. Furthermore, Rød (2014) conveys that in his experience as a specialist member of the County Social Welfare Board, many social workers do not concretize the considerations they have employed to reach a decision. In his study he states that the social workers' reasoning lacks a foundation in academic theory. The structure for decision-making is non-existent (Rød 2014, 25). He states that there is a lack of terms and reasoning that concretize the concern, even though the arguments for stating the concern for a child's wellbeing is present. The academic reasoning and the decision that is made, has a gap between them. He reasons that this is because of the lack of structure when it comes to describing factors such as the analyzing and the decision making process. The CWS has a foundation in child welfare academics when they make decisions for a child, however, they can make improvements in establishing their reasons based on theory. The social workers also use their experience as knowledge, and that it is not always simple to connect their experience with theory.

Rød (2014, 29) conveys that since the process of consideration is a difficult one, he would expect that social workers use academic research as a foundation for their decisions. However, he states that in the process of decision-making the CWS does not have a tradition to use academics as a support or to problematize decisions. He claims that the goal for the CWS is to clarify the reasons for decisions that are made. Therefore, the practice of not using research and academic text makes the process less legitimate. The CWS should use sources when arguing for their decisions (Rød 2014, 30). To strengthen the CWS legitimacy and analysis and decision-making process, they need a more deliberate use of research and academic sources (Rød 2014, 34). Furthermore, he asks the question: are discretionary considerations based on academic practices or on private opinions and experiences? Knowing could aid in legitimizing the CWS decisions by basing them on academic theories and concepts.

2.3. Summary

In this chapter some perspectives on reporting domestic violence were illustrated, with the challenges and dilemmas involved. To review, they are parent cooperation, the regard of society, and the difficulty for the child to have their parents imprisoned. Furthermore, Brottveit's (2007) and Kjær and Mossige's (2008) studies demonstrated some challenges and dilemmas when deciding to involve the police department. Among them were the best interests of the child, the process of the criminal investigation among others. Positive aspects of involving the police include the possibility for CWS to use their documentation to aid their case, and that the child feels like it is taken seriously.

3. Theoretical Framework

In the theoretical framework section of this paper the important concepts of cooperation and violence are presented. Cooperation is split into cooperation between CWS and the parents and cross-departmental cooperation. It is important to clarify what cooperation with parents means in social work, as it is not an equal relationship. Cross-departmental cooperation with the PD can be an issue in the considerations involved with a domestic violence case. It is important to explain these forms of cooperation to be able to answer two of my research questions: cooperation with the parents and CWS experiences with cooperation with the PD. The theories are: theory of trauma, theories of discretion, and tacit knowledge. All of these will aid in the discussion chapter.

3.1. Cooperation

In the dictionary² the term cooperation is defined as *collaborate, work together, work side-by-side, unite, make common cause, and coordinate with each other*. I have mainly used cooperation in conjunction with either the Police and CWS working together, or the CWS and the parents working together.

3.1.2. CWS Cooperation with the Parents

When cooperating one must work together, preferably towards a common goal. The cooperation in CWS cannot be as open as in other situations because the CWS works under

² <https://www-ordnett-no.ezproxy.hioa.no/search?search=cooperate&lang=en> (Accessed: 05.11.16)

the principle of ‘the best interest of the child’, cf. The Child Welfare Act § 4-1 and the UNCRC article 3. It is important to mention that the CWS’ upholding of The Child Welfare Act and the UNCRC makes cooperation with the parents challenging, but cooperation between the CWS and parents is important because the CWS will have a better opportunity to implement *assistance measures* and thusly help the family. The CWS can implement assistance measures by force if they make a case and go to the County Social Welfare Board. Then the parents are not able to reject assistance measures from the CWS, cf. Child Welfare Act § 4-4-3.

In CWS cooperation with the parents can sometimes be misunderstood by the social workers as meaning that the parents agree with CWS (Bunkholdt and Sandbæk 2008, 74). Rather, a respect for each other’s different thoughts is important in cooperation and is necessary in order to work towards the common goal, the best interest of the child. They state that if the parents feel included, then cooperation may be easier.

Cooperation with clients in social work is different than other cooperation relationships. That is because the cooperation has to fall in line according to the social worker’s conditions. The relationship is not equal, the social worker makes the rules the client has to obey by (Shulman 1981, quoted from Engebretsen 2007, 42). In addition, the rules the social workers make have to have authority in law or child welfare academics.

The parent’s right to involvement in the CWS case is also an important aspect (Bunkholdt and Sandbæk 2008, 26-27). However, if the CWS is respectful of the police investigation this cannot apply in the consideration of reporting domestic violence, since the parents are not allowed to know about the police report.

3.1.3. CWS Cooperation with the PD

Kinge (2012, 33) defines cross-departmental cooperation as cooperation between different government authorities, or departments, for instance the CWS and the Police department. They work by different laws, rules and regulations. Interdisciplinary cooperation is between professionals with different academic education. It can be difficult to separate them, however, I will use cross-departmental cooperation as the term for the cooperation between the CWS and the PD.

Heltne and Steinsvåg (2011b, 238) point out several studies that illustrate the importance of routines and organization in regards to cooperation between different authorities. Moreover, a lack of resources and knowledge about each other's work complicates the cooperation between different authorities, such as the PD and CWS. Glavin and Erdal (2000, quoted from Heltne and Steinsvåg 2011,239) state that a mutual goal and understanding is important in cooperation between different authorities. One of the issues in regards to cooperation between the CWS and the PD is that they do not have a mutual goal. The CWS's goal is to secure the child's safety and wellbeing, while the PD's focus is on the criminal act that has happened. However, both the CWS and the PD have a mutual goal of ending the violence against the child.

Edvardsen and Mevik (2014, 318) state that since the CWS and the police have different laws to work by, there could be implications for the best interest of the child. On the one hand, according to the police mandate they should concentrate on investigation of criminal proceeding. On the other hand, the CWS mandate states that the best interest of the child is the primary focus, which is not necessary in accordance with the police's focus. Edvardsen and Mevik (2014, 328) mention that when it comes to cases involving violence against children, the law has a major position. This might cause other authorities back off. The respect of each other's mandates and autonomy is the key to good cooperation between the CWS and the PD (Heltne and Steinsvåg 2011b, 248).

Furthermore, Heltne and Steinsvåg (2011b, 247) state that different CWS social workers work differently with cases regarding domestic violence when the police are involved. Some of the social workers think that consistent rules are important, for instance always report cases to the PD. While others believe that it is important that social workers should consider each individual case by using the law, their experience and academic knowledge.

In Oslo, a Cooperation Procedure, *Collaboration Routine – Violence and Sexual Abuse Against Children* (my translation) exists between the Police Departments and the CWS³. The purpose of the procedure is to make cooperation better between PD and CWS in cases

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<https://www.oslo.kommune.no/getfile.php/Innhold/Politikk%20og%20administrasjon/Prosjekter/Salto%20-%20sammen%20lager%20vi%20et%20trygt%20Oslo/2%20Unge%20gjengangere,%20ran,%20vold%20-%20oppfølging%20og%20forebygging/Samhandlingsrutine%20-%20vold%20og%20seksuelle%20overgrep%20mot%20barn.pdf> (Accessed 15.10.16).

regarding physical and sexual abuse. Furthermore, it asserts that a mutual plan for collaboration on each case is essential in order to take better care of the children and family. A basic understanding of each other's laws and responsibilities aids in the cooperation. The procedure further states that the CWS has a duty to report physical or sexual abuse, if after careful consideration, it is within in the best interest of the child (Rundskriv Q-24/2005). If the CWS decides not to report, their considerations must be written down and explained thoroughly. The CWS is allowed to share information with the PD when it aids them in their work. The CWS social workers and the police investigators should start their investigations in parallel.

3.2. Violence

There is not one sole definition of violence, therefore it is important to clarify how violence is defined in this thesis. Isdal (2000, quoted from ONR 2003:31, 34) broadly defines violence as actions that hurt, damage, frighten or offend another person. Furthermore, he also includes in the definition that violence is forcing a person to stop doing something they want to do, or make someone do something against their will. This will be the definition of violence in this thesis. More specific definitions regarding mental, physical and domestic violence are stated below.

A definition of sexual violence/ sexual abuse will not be included because it is not a focus in the thesis. I do acknowledge that the UNCRC article 19 definition of violence includes sexual violence. However, because sexual violence is a large undertaking and too expansive for the purpose of this study I have chosen to exclude it.

3.2.1. Mental Violence

The Committee on the Rights of the Child's (UNCRC) article 19's General Comment no. 13 *The Right of the Child to Freedom from all Forms of Violence* mental violence is defined as verbal abuse, emotional abuse, psychological maltreatment, neglect and mental abuse (UNCRC, GC no. 13, para. 21).

3.2.2. *Physical Violence*

In the General Comment no. 13 *physical violence* is defined as torture, cruel and inhumane treatment and punishment, and all forms of corporal punishment. In addition, hazing or physical bullying are also included in the definition (UNCRC, GC no 13, para. 22).

3.2.3. *Domestic Violence*

One definition of domestic violence does not exist, and therefore, it is important to elaborate on what the term means in this paper. Many definitions of domestic violence only include spousal abuse, while family violence is the term used when children are involved. However, in this paper *domestic violence* is used to define violence as anything that includes children, whether they are directly subjected to violence, or experience violence as a witness as a witness to violence between a parent and other family members.

Indeed, the Norwegian Police Department⁴ states that if you live in a family-like environment for instance with a spouse, former spouse, children, siblings, parents or grandparents, and if they are subjected to violence or threats by another member of the family then that is considered domestic violence. They also define domestic violence to include children who are witnesses to violence.⁵ This definition of domestic violence is used in this paper.

3.2.4. *Children who are Witness to Violence or Experience Violence*

There is no distinguishing between being a witness or being exposed to violence in the Norwegian laws. This is due to the fact that both are equally destructive to the child (Gamst 2011, ONR 2003:31, quoted from Aas 2014,102). The term ‘witness to violence’ is problematic since a child feels violence with every sense he/she has. Therefore, the concept of being a ‘witness to violence’ is also problematized in the literature. Øverlien and Hydén (2007, 21-22) expressed that the term experience or exposure to violence is more suited, since it is more including. The term that I find most suitable is ‘children who experience violence’, therefore, this concept is used in this thesis.

⁴ https://www.politi.no/rad_fra_politiet/vold_i_nare_relasjoner/definisjon_pa_vold_i_nare_relasjoner/ (Accessed 09.09.16)

⁵ <http://www.hvorlite.no/hva-er-vold/> (Accessed 09.09.16)

Aas (2014, 16) states that the whole family is affected by domestic violence. Furthermore, he states that when children experience violence between parents, it is viewed as mental violence against the child (Aas 2014, 99).

3.2.5. Violence Used as a Form of Discipline/ Corporal Punishment⁶

Violence used as discipline means that parents use physical force as a tool to discipline their children and correct unwanted behavior, it can also be called corporal punishment. In some cultures it is more common and accepted to use physical discipline as a means to correct unwanted behavior than in others.

Furthermore, the UNCRC General Comment no. 8, *The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment* defines corporal punishment as punishment by physical force, regardless how 'light' the pain is because of the intention to cause agony (UNCRC, GC no. 8, para. 11).

Van der Weele, Ansar, and Castro (2011, 122) separate between instrumental and impulsive violence to explain the difference of 'violence used as a form of discipline' and other forms of child abuse. Furthermore, they express that the instrumental violence, which is 'violence used to discipline' often has a specific purpose and is more controlled. On the other hand, impulsive violence is uncontrolled, spontaneous and often more brutal since it is influenced by anger, and frustration.

3.2.6. The Extent of Violence

It is difficult to know the exact number of children that are exposed to violence in Norway due to the number of unrecorded cases. Mossige and Stefansen (2007, 9) did a study where high school students in Norway had to answer a questionnaire about being subjected to violence, or sexual abuse from parents or experiencing violence between parents. Their main conclusion was that the majority of the 7033 students did not experience any of the forms of violence that were asked.

However, twenty-five percent of the students had experience with at least one incident where one of their parents used physical violence against them (Mossige and Stefansen 2007, 10). Furthermore, eight percent had experienced serious physical violence from one of their

⁶ In Norwegian: oppdragervold

parents, and ten percent had experienced violence between the parents. This shows that domestic violence is a serious issue in Norway, which needs authorities working with children to collaborate together.

3.2.7. The Grade of Violence

Mossige, Stefansen, and Smette (2016, 21-22) write about different levels of violence, and how it can be problematic to separate between less serious and “serious/gross” violence, and, they point out that issues do arise when attempting to separate violence in that way. That is because the person who is subjected to violence might have a different experience than the level of violence indicates. Still, they convey that a separation is useful. They separate violence that results in physical damage and violence that does not cause physical harm. Moreover, when parents subject their children to violence, it is different than violence directed towards adults. This is because the child often is dependent on the person subjecting them to violence, and the parent is stronger and more powerful. This leads to a situation where the child has no escape (Mossige, Stefansen, and Smette 2016, 21).

Furthermore, Mossige, Stefansen, and Smette (2016, 22) state that gross violence is an expression of a variety of serious issues in the families. They claim the opposite when it comes to milder forms of violence; that it often means that the family does not have serious issues.

Even though there are many concerns when dividing violence into ‘serious’ and ‘less serious’ it could be useful for the CWS to a certain extent. They could use it to see how harmful different types of violence are to the child, and use them to decide between different interventions and different assistance measures. However, there are usually consequences of violence no matter the type.

3.2.8 Consequences of Violence

There are several major consequences when a child is subjected to or experiences domestic violence. It will affect them for the rest of their lives in different ways. Øverlien (2012, 33) states that violence is damaging to a child, no matter how old the child is.

Nevertheless, younger children are especially vulnerable when one parent subjects the other to violence, since the child is heavily dependent on their parents (Øverlien 2012, 33).

Accordingly, violence towards younger children might be more harmful since the child has no escape, and less possibility to protect him/her self.

Edvardsen and Mevik (2014, 318) state that mental violence is extremely harmful to the child's development and consequently it should be a greater focus on it (Baldry 2003, Heltne and Steinsvåg 2011a, Kirkengen 2005, quoted from Edvardsen and Mevik 2014, 318). Furthermore, just focusing on the physical violence makes the totality of violence hidden and it is important to understand how all types of violence affect children.

Health, developmental, and behavioral consequences are the consequences of violence that are stated in General Comment (GC) no. 13. Psychiatric disorders such as eating disorders, anxiety, self-injurious behavior, depression, bipolar disorder, and drug abuse are common health consequences. In addition, the physical health problems that can occur are lung and heart disease and failure to thrive. Furthermore, self-destructing behavior such as failure to go to school, aggressive and anti-social behaviors are the developmental and behavioral consequences connected to experiencing violence. This shows that there are major implications for a child that is exposed to violence.

Being exposed to violence as a child affects an individual throughout their whole lives. Indeed Øverlien (2012, 33) states that different behavioral issues increase when the child is subjected to violence. Furthermore, this might lead to the child having difficulties in social relationships with other children, as well as functioning in school in general. When children do not have social codes and are unable to make friends, it could be natural to believe that their lives at school are more challenging. In addition, one can expect that when they grow up without learning the important 'friendship codes', their socializing with colleagues and others might be affected.

The GC no. 13 conveys that a vicious circle of violence might be created if children are exposed, meaning that there is a higher probability for them in turn to discipline their own children using violence (UNCRC, GC no 13, para. 15). On the other hand, a positive circle is created when a child does not experience violence. That is because they are less likely to use violence as an adult. As a result, preventing violence in one generation decreases the likelihood of violence in the next (UNCRC, GC no. 13, para. 14).

The consequences of violence against children are severe, both to the child and also society. For example, one huge cost for society when children are subjected to violence is that the child will not be able to finish their education, and therefore might be reliant on welfare services (UNCRC, GC no 13, para. 16).

One variable to consider is the fact that children are born with different sensitivities and resilience. Therefore, a child's ability to cope with a violent upbringing is influenced by these factors. These factors will not be a focus in this thesis, but the 'theory of trauma' section will briefly elaborate on some.

One dilemma is whether or not all violence is harmful towards children. However, as stated previously, it is difficult to separate violence into less serious and serious, or less harmful and harmful because every child experiences violence differently. Even if a child does not experience severe consequences or harm from violence, does it then follow that it is acceptable to subject this child to violence?

3.3. Theory of Trauma

As a part of the child welfare academics I will present a theory of trauma here. Child welfare academics consist of subjects such as sociology, psychology, and the study of laws. However, since my focus is on the decisions the CWS makes, I found it helpful to introduce the psychological theory of trauma to illustrate how difficult it is to comprehend the harmfulness of violence towards children.

Firstly, it is important to distinguish between different definitions of trauma, since the term has several meanings. According to Terr (1991, quoted from Dyregrov 2010, 14), trauma can be one separated incident, such as natural disaster, rape, and violence, this is called *type 1 trauma*. Furthermore, *type 2 trauma* is when a person experiences traumatic incidents over time, such as sexual abuse, war, and domestic violence. This also includes children who are experiencing violence between their parents (Dyregrov 2010, 15). Moreover, Dyregrov (2010, 13-14) conveys that trauma promotes tremendous psychological strain on a person. He uses the term as a description for children who are subjected to overwhelming incidents that consist of extraordinary psychological impact. He addresses the fact that how a child experiences traumatic incidents is individual and depends on several factors.

Dyregrov (2010, 14-15) states that these factors are: the individual child's temperament, the level of development, the meaning the child adds to the incident, earlier experiences, and the context around the incident. Nevertheless, it is difficult to know how a traumatic incident is going to affect a child. Firstly, it depends whether it is a *type 1* or *type 2 trauma*. If it is a natural disaster, *type 1 trauma*, and the child is with their parents who are able to remain calm, this affects the child in a positive manner. In addition, if the parents are good caregivers, then it is easier for the child to cope after a *type 1 trauma*. *Type 2 traumas* are usually more harmful, since it is extended over a period of time with multiple traumatic exposures. In addition, in certain instances such as domestic violence, it is the parent or parents who are subjecting the child to the traumatic incidents. To cope with this, the child develops various defensive mechanisms, these will however not be elaborated (Dyregrov 2010, 15-16).

Factors that determine how harmful domestic violence is to children are the relationship with the parent, if the incidents involved threats, the durability of the violence, and brutality, and if there was physical coercion (Pynoos 1993, Kitzmann et al. 2003, Dyregrov 2010). Furthermore, Dyregrov (2010, 88) states that it is important to find out how the child was exposed to violence.

It is important to know that children cope with traumas in different ways and there are many factors that can impact this. It is natural to assume that *type 2 traumas* have a serious impact on children's lives, since it occurs over a period of time. Dyregrov (2010) claims that *type 1 trauma* is not necessarily as harmful, if the parent's subjects the child to violence in just one incident, and are usually good caregivers.

I have already touched upon this topic in the part on violence, where Mossige, Stefansen, and Smette (2016) conveyed some issues in regards to grade of violence. One of these was that each child experience violence differently, and therefore it is difficult to state something about the harm the serious or less serious violence causes to a child. This is in accordance with Dyregrov (2010), who states that there are several factors that determine this.

To conclude traumatic incidents are almost always harmful to a child, however individual factors such as temperament and sensitivity and parental factors such as how they are as caregivers have an impact on the harmfulness of the incident. In addition to the brutality, and durability of the violence.

3.4. Theories of Discretion

In this section, firstly the concept of discretion is addressed. Furthermore, Lipsky's (2010) use of discretion in street level bureaucracy is presented. Lastly, discretion in professions theory is conveyed, with emphasis on Grimen and Molander's (2008) writings.

3.4.1. The Concept of Discretion

The word discretion has several meanings, in this thesis the term is used in accordance with professional discretion in welfare services. Discretion is closely linked to considerations. Heum (2014, 12) states that discretion is about finding the best alternative by considering different ones. The social workers have to consider different options that can lead to different outcomes. Furthermore, he states that by valuing the different options, for instance pros and cons, the professional can make good discretionary decisions (Heum 2014, 13). He conveys that making decisions by using discretion is a part of being able to think. The professionals' competence in their area, in addition to laws, regulations, and organization is what discretion is directed by (Heum 2014, 14).

3.4.2. Discretion in Street-Level Bureaucracy

Lipsky (2010) wrote in his book, *Street-Level Bureaucracy Dilemmas of the Individual In Public Services*, about the use of discretion in street-level bureaucracy. Lipsky (2010, 3) defines street-level bureaucrats as: "Public service workers who interact directly with citizens in the course of their jobs, and who have substantial discretion in the execution of their work (...)". This includes both social workers and police officers.

Furthermore, Lipsky (2010) asserts that discretion is a significant part of the work social workers and other street-level bureaucrats do. Lipsky (2010, 13) states that when the street-level workers make decisions about clientele, they exercise discretion. Furthermore, Lipsky (2010, 15) states that the concept of discretion is relative. Reduced discretion in the work of street-level bureaucrats is nearly impossible because of the characteristics of the job. For instance, a social worker in the CWS has to deal with a variety of children and families with different issues. There is no single solution to their problem, and therefore the social worker has to use their knowledge, regulations and legislation to make a discretionary decision in each case so that each family and child obtains the help that they need.

Furthermore, Lipsky (2010) claims that the decisions street-level workers make are not to the best of their ability. Lipsky (2010) believes that resource problems make factors such as time pressure, and lack of information an obstacle. To manage this, Lipsky (2010) states that the street-level bureaucrats simplify their work by making routines. It is natural to assume that this would have a huge impact on the way CWS handles clients. If the decisions they have to make in domestic violence cases always is pressured by time, and a lack of information it is likely that the decisions they make is not always in the best interest of the child.

Lipsky (2010) states that the work of street-level bureaucrats seeks to achieve policy goals. However, they have to ensure that discretion and improvisation is used on each case. This means that the CWS always has to follow the current policy objective in the society. However, they have to, at the same time, be flexible and use their knowledge to make the best decisions in each case. As Lipsky (2010, 15) states, the work of street level bureaucrats also includes a dialectic requirement. Indeed, they must be compassionate and flexible but also follow strict laws and rules.

Lipsky (2010) illustrates the many challenges in street-level bureaucracy, especially in the use of discretion. He also points out how important the concept of discretion is, and how it cannot be reduced. Since the concept of discretion is relative, it can be used in different ways by social workers, for instance, when social workers use discretionary consideration when determining what is in the best interest of the child. They emphasize different aspects that are important for a child's wellbeing. In regards to reporting a case of domestic violence to the PD different social workers might emphasize different aspects of this. There are many reasons why it could be in the child's best interest to involve or not involve the PD.

3.4.3. Theory of Professions – Focus on Discretion

Abbott (1988, 8) states: "(...) the very loose definition that professions are exclusive occupational groups applying somewhat abstract knowledge to particular cases." The professions must use their knowledge in the way they work. Molander and Terum (2008, 19) states that praxis is formalized knowledge, and discretion has to be combined in the work of professions to be able to do the work in the best way possible. Furthermore, Molander and Grimen (2010, 167) state "Discretionary powers are often considered to be the hallmark of a profession". By using these perspectives, social work is a profession.

Grimen and Molander (2008, 179) address the importance of discretion in different professions. They state that without discretion, or ambiguity, anyone could do the work of certain professions, for instance social work. That it because it would be mechanic and everyone would do exactly the same. At the same time, they convey that it is important that the knowledge of certain professions is systemized and can be transferable through communication.

Molander (2013, 44-45) states the same as Lipsky (2010), discretion has to be used to promote an individual's needs through flexibility and adaptation. It is not possible to remove discretion. Furthermore, he states that it is important for the person in power to use discretion, and account for how and why it is used. He asks if it is possible to secure that the use of discretion is not arbitrary but instead well considered.

Grimen and Molander (2008, 179) state that one theory about discretion does not exist. They split discretion into a structural understanding and an epistemic understanding. A structural understanding of discretion means that the government allows the social worker to choose from alternative courses of action that he/she finds acceptable and can choose from. An epistemic understanding is a process of reasoning in a single instance that leads to a conclusion and decision (Grimen and Molander 2008, 181-183). The Child Welfare Act, among other rules of action, binds the professional's discretion with the process of reasoning (Aadnesen 2014, 105).

Furthermore, Grimen and Molander (2008, 188) state that the context of normative expectations is another way discretion is constrained. The social workers decide on action by looking at the situation and the norms, while the discretion takes on the form of an evaluation institution. The norm justifies the actions because it guides the right decision in a situation.

This shows how discretion is a crucial part of the practical work of the profession of social work, in addition, to an important part of deciding to report or not report domestic violence. The discretionary considerations are guided by legislation, academic knowledge and practical knowledge, also known as tacit knowledge.

3.5. Tacit Knowledge

Tacit knowledge is a term that can describe practical knowledge, which is knowledge one has appropriated and integrated through experience. The social worker has this kind of

knowledge, and uses it in their decision-making process. The knowledge is often difficult to explain. The social workers also have academic and theoretical knowledge, which is used in their decision making process. However, this will not be further elaborated here. In this section a theoretical perspective of tacit knowledge is presented. This will be used to discuss the findings in chapter 8. First the definition of tacit knowledge is given using Polanyi's book "The Tacit Dimension" from 1966. Later the tacit knowledge in Schön's theory of action is presented.

3.5.1. Polanyi

Polanyi (1966, 4-5) states, "we can know more than we can tell." He explains this by using an example of recognizing faces we know, but it is difficult to describe how we know. Furthermore, he states that practical knowledge is challenging to put into words. Polanyi (1966, 7) addresses that both practical and theoretical knowledge is in 'knowing'. Furthermore, he states that practical and theoretical knowledge are linked, and one does not exist without the other.

3.5.2. Schön – Theories of Action

To explain how social workers make discretionary considerations I found it helpful to use Donald Schön's theory of 'knowledge in action' and 'reflection in action'. These show how social workers integrate knowledge and use that integrated knowledge. This knowledge is a part of the tacit knowledge.

Schön (1987, 24.25) states that 'knowing-in-action' is a knowledge that is difficult to put into words. It is the knowledge of riding a bicycle, it can be observed but the knowledge of riding a bike is hard to explain. This is similar to what Polanyi (1966) expressed, that recognizing a face is hard to explain. One way this can be related to a social worker is that they have integrated their knowledge, and therefore do not explicitly state it in their discretionary considerations. It is linked to tacit knowledge. Theories of actions are reflections that lead to descriptions of the tacit knowledge. The descriptions depend on factors such as purpose and language, and can also include rules we follow, values, strategies and assumptions.

Schön (1991, 138) states that a practitioner uses both his/her experience with similar situations, examples, interpretations and actions, in addition to their life experiences. One way to interpret this is that the practitioner also uses his/her preconceptions when making

decisions. Hermeneutics is linked to interpreting experience by looking at the preconceptions, but I will wait to elaborate on this until the methodology chapter, as I have used a hermeneutic perspective to analyze the findings.

Schön (1991, 49) relates this to how different professions work:

When we go about the spontaneous, intuitive performance of the actions of everyday life, we show ourselves to be knowledgeable in a special way. Often we cannot say what it is that we know. When we try to describe it we find ourselves a loss, or we produce descriptions that are obviously inappropriate. Our knowing is ordinarily tacit, implicit in our patterns of action and in our feel for the stuff with which we are dealing. It seems right to say that our knowing is *in* our action.

This can be linked to social work, since the social worker has integrated the knowledge and therefore does not always explain it. Their knowledge is tacit, since it builds on their experience.

3.6. Summary

This chapter presented two different cooperation relationships the CWS has to be a part of and their challenges. Cooperation with the parents can be challenging due to the fact that the CWS has an obligation to aid children in dysfunctional families, however, they are in some cases dependent on the parents' acceptance of the assistance measures. Therefore, the social workers have to follow their rules and regulations and at the same time try to create cooperation with the parents. Cooperation between the CWS and the PD is challenging due to the fact that they have different goals, mandates and laws to oblige to. Furthermore, the concept of violence was addressed, starting with different definitions and ending with the consequences of violence. It is important to clarify what the concept of violence means in this thesis, and why domestic violence is an important topic.

Theory of trauma states how traumatic domestic violence is and how it can be damaging to a child. It also states that there are several factors that decide how harmful the violence can be to a child. Two theories of discretion were also addressed, Lipsky's theory on Street-Level Bureaucrats and how they use discretion as a part of their work. Professions theory with focus on discretion, which states how important discretion is in professions such as social work. The chapter ended with the concept and theory of tacit knowledge, which is knowledge I assume

the social worker uses without necessarily being able to state it. Tacit knowledge is the knowledge gained from experience, it is integrated. Schöns theory of action is presented, which further states that experience knowledge is an important part of social work.

4. Legislation

In order to study the CWS decision-making process it is important to know the laws, principles and regulations they have to follow to in their work because social workers must base their decisions on legal authority.

Elisabeth Gording Stang (2011, 163) states that in 1972 the right for parents to reprimand their children was abolished. However, a prohibition by law to use physical punishment as a means of discipline was not explicitly introduced. Furthermore, she states that the prohibition by law to use violence against children was established in 1987 in The Children Act No. 7 of 8 April 1981 relating to Children and Parents § 30. The paragraph has been amended several times since 1987 and now it states that harm or endangering the child's mental or physical health should be something the child does not have to endure. It clearly states, "This shall also apply when violence is carried out in connection with upbringing of the child", cf. The Children Act § 30. So it is clear that no matter the form of violence, it is against the law.

The UNCRC was approved in 1989, and was ratified by Norway in 1991 and incorporated in Norwegian law in 2003 (Stang 2011, 165). The instituting of the UNCRC showed that there was a change of paradigms in the world when it came to how children were viewed. Earlier, the children were seen as solely a part of their parents, while now they are autonomous individuals with their own legal rights (Seim, Slettbø 2007, 24).

4.1. The Best Interest of the Child

The Best Interest of the Child Principle is stated in the UNCRC article 3 and in § 4-1 in the Act of 17 July 1992 no 100 relating to Child Welfare Services (the Child Welfare Act). The UNCRC states that The Best Interest Principle is especially important, and it is a primary consideration when it comes to children who are victims of violence (UNCRC, GC no. 13, para.3). Furthermore, article 3 part 2 conveys that the state has a responsibility to make sure children are secured "protection and care as is necessary for his or her well-being." (UNCRC article 3).

Lindboe (2012, 47) states that in the Child Welfare Act the best interest principle should be crucial in the exercise of discretion. Furthermore, he states that often the experience and knowledge of children will be the basis for the consideration of the best interest of the child. This experiential knowledge is based upon subjects such as psychology and academics of law.

In General Comment number 13, 2013, *On the Right of the Child to Have His or Her Best Interests Taken as a Primary Consideration* by the UNCRC it is stated that the best interest of the child need an valuation to the context since it is a dynamic concept (UNCRC, GC no. 13, 2013 para. 1). Furthermore, the concept is split into three, a substantive right, a fundamental interpretative legal principle and a rule of procedure. In this thesis the latter concept will be used:

A rule of procedure: Whenever a decision is to be made that will affect a specific child, an identified group of children or children in general, the decision-making process must include an evaluation of the possible impact (positive or negative) of the decision on the child or children concerned. Assessing and determining the best interests of the child require procedural guarantees. Furthermore, the justification of a decision must show that the right has been explicitly taken into account. In this regard, States parties shall explain how the right has been respected in the decision, that is, what has been considered to be in the child's best interests; what criteria it is based on; and how the child's interests have been weighed against other considerations, be they broad issues of policy or individual cases (UNCRC, GC no. 13, 2013 para. 6 c).

This is to clarify that in this thesis the best interest child is used as a rule of procedure in social work. Social workers should always consider the best interest of the child in their decision making process. The Best Interest Principle can in some degree mean different things to different people due to its normative nature. However, it is also a legal principle that should be guided from by law, the UNCRC, and child welfare academic aspects.

4.2. Principle of Proportionately

The *Principle of Proportionately* is one of the superior principles the CWS must to work by. This means in short that the assistance measures the CWS implements in the family should not be more extensive than which the purpose advocates.

The European Human Rights Convention (ECHR) article 8 *Right to Respect for Private and Family Life* states:

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Lindboe (2012, 24) states that the CWS should only use measures that are not more comprehensive than the situation requires because it would go against the accordance with the law. If the family needs measures from the CWS, they have to consider milder forms of *assistance measures* before serious measures can be taken.

This is important in domestic violence cases because it expresses something about the assistance measures the CWS implements depending on the seriousness of the notification. CWS should always start with the least comprehensive assistance measure that they believe will achieve their mandate of aiding the child and family.

4.3. The Right to Express an Opinion

The child's right to express an opinion is stated in the UNCRC article 12, in the Child Welfare Act § 6-3 and in the Children Act § 31-33. Article 12 paragraph 1 states that in matters concerning the child, when the child is able to form an opinion, they should be allowed to express it freely. However, the age and maturity of the child are factors that decide how much weight is put on the child's view, this is also explicit in the Child Welfare Act § 6-3.

Furthermore, it sets the age limit at 7 years to express an opinion, but also younger children have the right if they are able to form an opinion cf. Child Welfare Act § 6-3. Under these circumstances, the child has a right to express their views on matters that affects him or her. In the proposal to the new Child Welfare Act there is suggestion of removing the age limit of

7 years so that the children's right to express an opinion will be secured no matter how old he or she is (ONR 2016:16, 57).

Skogen, Tellefsen, and Slåtten (2008, 80) express the importance to delineate between the fact that the child has a right to his/her opinion and the fact that the child has no duty to have an opinion or express it. This is to prevent the child from being forced to have an opinion or to state it, and is used as an effort to protect the child. However, this creates a conflict of balance between the right to protection and right to participation (Øvreeide 2006, quoted from Bunkholdt og Sandbæk 2008, 77).

In a domestic violence case it is important that the CWS secures the child's right to have an opinion by speaking with the child. In that way, the children are able to express their opinions about their own situation and their right to participation is secured. It depends on the age and maturity of the child if he/she should be asked their opinion about reporting their parent or parents to the PD. However, the child should not necessarily be given the power to make the decision of reporting or not since it depends on multiple factors.

4.4. The Norwegian Constitution

The Constitution, as laid down on 17 May 1814 by the Constituent Assembly at Eidsvoll and subsequently amended, most recently in May 2016, article 104 states:

Children have the right to respect for their human dignity. They have the right to be heard in questions that concern them, and due weight shall be attached to their views in accordance with their age and development.

For actions and decisions that affect children, the best interests of the child shall be a fundamental consideration.

Children have the right to protection of their personal integrity. The authorities of the state shall create conditions that facilitate the child's development, including ensuring that the child is provided with the necessary economic, social and health security, preferably within their own family.

By having the children's right to be heard, the best interest of the child and the protection of the child's personal integrity in the Norwegian Constitution children's rights are more protected. That is

because the Constitution is the superior source of law. This means that if other laws oppose the Constitution, those laws have to yield⁷.

4.5. Duty of Secrecy

In the *Norwegian Act of 10 February 1967 Relating to Procedure in Cases Concerning the Public Administration as Subsequently Amended, Most Recently by Act of 1 August 2003 No.86 (short: The Public Administrative Act)* § 13 states that everyone who works for an administrative agency has a duty of secrecy. This duty involves preventing others from finding out personal information about clients. This means that the CWS has a duty of secrecy and cannot share information with other authorities without consent or legal authority.

4.6. Right to Share Information

However, there is an exception to The Public Administrative Act § 13, which is § 13 b parts 5 and 6. These state that an administrative agency can provide other agencies with information if certain factors are present. Part 5 expresses that they can give information if the information promotes the work of the agency. For instance if the CWS decides to involve the PD in their work with a domestic violence case because they consider that this is in the best interest of the child, and therefore promotes their work. Part 6 states that an administrative agency can provide information if it concerns “violations of the law to the prosecuting authorities or the supervising authority concerned if this is deemed desirable in the public interest or if prosecution of the offence falls naturally within the scope of the functions of the said agency” cf. The Public Administrative Act § 13b part 6. This could mean that for instance if the CWS receives a notification about domestic violence, which is a violation of the law, they can give information to the PD.

Stang (2013, 70) states that the duty of secrecy must always be a consideration even when there is legal authority since it is the disclosure of private information. To get consent from the persons involved can be one option. Furthermore, Stang (2013) expresses that the CWS can provide information even though it is not contributing to their work, for example, to prevent serious harm or danger to a person’s health, cf. the Child Welfare Act § 6-7 part 3.

⁷ <https://snl.no/Grunnloven> (Accessed 10.08.16).

4.7. Duty to Provide Information

Stang (2013, 80) states that in some situations the duty to provide information should apply before the duty of secrecy. This is when the terms for the duty to provide information are fulfilled. The duty to provide information is stated in several laws, but only The Child Welfare Act § 3-2 and the *The General Civil Penal Code with Subsequent Amendments, the Latest made by Act of 21 December 2005 no. 131 Norwegian Ministry of Justice (Hereinafter: The General Civil Penal Code)* will be given focus.

The duty to provide information applies before the duty of secrecy when one must provide information to the police and correctional services, CWS and social services (Stang 2013, 80). There are also some exceptions from the laws such as when mandated officials could provide information to other authorities without consent.

The Child Welfare Act § 3-2 is one of the general rules that instructs different authorities to cooperate (Stang 2013, 80). Moreover, Stang (2013, 80) expresses the divergence between the laws that obligates the authorities to cooperate, cf. the Child Welfare Act § 3-2., and the laws that limit cooperation in form of duty of secrecy, cf. the public administrative act § 13. In the Child Welfare Act (CWA) §3-2 it is stated, “The child welfare service shall contribute to ensure that children's interests are also safeguarded by other government agencies.” This can be interpreted as, if it is in the best interest of the child, then CWS is obligated to cooperate with the police for instance by reporting a domestic violence case. In that way the PD is able to safeguard the child’s best interest by making the parent or parents accountable for the violence.

4.8. Duty to Prevent

Stang (2013, 81) addresses that the General Civil Penal Code § 196 (former § 139) is where the duty to prevent is stated. Furthermore, she conveys that the duty to prevent is the most important aspect of the *Duty to Provide Information*. It states that failure to try to prevent a criminal act is punishable with a fine or one year of prison time.

According to the Government Plan of Action *A Life Without Violence* (my translation) (2013, 27) Earlier, this law only applied if one had secure information about criminal acts that could be prevented, and did not apply if it the act had already happened and had no likelihood of happening again. However, after the change of law from § 139 to §196 the law now applies if

it is most likely or probable that the punishable act will occur. This new law makes it easier to understand when the duty to prevent applies and it is clearer in the new law that the duty of secrecy shall not hinder the duty to prevent. However, according to the government adviser, *Sharing Information and Cooperation When Children are Subjected to Domestic Violence* (2005, 24) CWS is only obligated to report it to the police if they are not able to avert the violence with other measures.

In cases regarding domestic violence in the CWS it is important for the social workers to know when they have a duty of secrecy, and when they have the right to share information, the duty to provide information and the duty to prevent applies. These rights help guide the social workers on sharing information on, for instance, domestic violence cases with the PD.

4.9. The General Civil Penal Code

The law that prohibits violence in a family household is The General Civil Penal Code § 282 and § 283. In addition, by punishing people for domestic violence it can have a preventative effect on society. This is because other people see that domestic violence is a serious offence that one can be convicted for.

In the General Civil Penal Code § 282 it states that if a person uses force, threats, exercises violence, limits the freedom of movement or seriously or repeatedly harasses a person they are or have been in a relationship with, share relations with, a person in the household or someone in their care, then they could be punished with prison time up to 6 years. This is a clear declaration of how the society views the seriousness of domestic violence.

Furthermore, it is stated that if the abuse is of a serious nature and the offended is seriously injured or dies, then the punishment is up to 15 years of prison time. Three factors decide how serious the violence is: the extent of the violence, whether excruciating tactics were used or caused pain and if the person is especially vulnerable cf. The General Civil Penal Code § 283. In this law it plainly states that if a person is especially vulnerable the punishment should be more severe. Children are vulnerable since they are often dependent on the parent or parents that subjects them to violence, which makes domestic violence a serious offence.

5. Methodology

5.1. Research Design – Case Study

Bryman (2012, 66-67) explains that a case study is concerned with studying a single case, where a case can refer to a community or an organization. The case study I chose for my research design was the Child Welfare Services Organization and the social workers that work there. Even though I chose several Child Welfare Service offices, it can be viewed as a single organization since it has to work by the same laws, regulations and has the same social mandate.

Usually, in a case study the organization is the main focus (Bryman 2012, 69). However, I chose to study the workers in the organization and how they describe their decision making process when determining whether to involve the police or not in domestic violence cases. I narrowed the topic by focusing only on the social workers' considerations when reporting domestic violence cases.

By using a case study research design one may combine qualitative and quantitative methods. However, the time restrictions on the thesis limited me to use only qualitative methods, more specifically semi-structured interviews.

5.2. Reliability

Bryman (2012, 46) states that in order to establish reliability, the study must be repeatable. Reliability is easier to establish in a quantitative study rather than in a qualitative one. Similarly, the reliability of my study is limited due to its small sample size. As a result, obtaining the same results with another sample is highly unlikely. However, this does not diminish the importance of this study as evidence for the dilemmas and challenges CWS workers face when reporting domestic violence cases to the police is presented. Furthermore, Bryman (2012, 69) explains that most qualitative case studies are usually not concerned with either reliability or validity.

5.3. Validity

Bryman (2012, 47) states that validity is an important factor in research as it boosts the integrity of the research conclusions. He also presents the internal and external nature of

validity. Internal validity is concerned with causality, and whether or not the causal relationship found between variables is accurate. However, because I have a small sample of participants, the results of this study cannot suggest that a causal relationship exists.

External validity is concerned with whether the study is, beyond the specific research context, generalizable (Bryman 2012, 47). Since a single case is used in a case study design, case studies are not generalizable (Bryman 2012, 69-70).

Larsen (2007, 80) states that using interviews in a qualitative method could contribute to more valid information than in quantitative methods due to the fact that the interviews are more flexible. One can change questions and adjust during the interview. Another aspect that contributes to the validity of qualitative interviews is to ask both the appropriate questions and enough questions to answer the research questions. I made an interview guide that contained topics and open questions to be able to get the information necessary to answer my research questions, in addition I followed the interviewee and did not follow the guide rigidly. However, this was not always easy. I will elaborate further under the 'interview' section.

My study is a mere representation of the few social workers' specific experiences. Even though it is not generalizable, it points out some of the dilemmas that arise when the CWS work with domestic violence cases. This knowledge can be used to illustrate how we need more research on these challenges, such as cooperation between the CWS and the PD, and the impact on cooperation with the parents when involving the PD.

5.4. Sampling

I used both purposive sampling and convenience sampling when I recruited social workers to my research. Purposive sampling allowed me to select units in accordance with my research questions (Bryman 2012, 416). I recruited social workers with experience with domestic violence. By using my network as a social worker to recruit informants, I used convenience sampling (Bryman 2012, 201). I used these sampling methods because it takes a lot of time to recruit social workers to this type of study.

Purposive sampling was significant in my research, since I needed information about the social workers' considerations when reporting domestic violence. However, by using convenience sampling and therefore knowing some of the social workers might have

influenced the responses. Subsequently one can assume that the interviewer influences the informant, and that is why a convenience sample could be ethically difficult.

The informants were former classmates, previous colleagues and a social worker I had met at a seminar. One of the informants recruited two more informants at the same CWS office, and therefore I have three informants from the same office. All the informants were sent a form in advance where information about the study and the topic was presented. I obtained their signature on this form before we continued the interview. This is in accordance with *The Norwegian Centre for Research Data* (NSD) rules for ethics regarding research.

Since I have used purpose sampling and convenience sampling, Bryman (2012, 416) states it is not possible to generalize to a population because the sampling is not random. As stated previously, it is also not generalizable because it is a case study.

5.5. Informants Characteristics

My initial plan was to recruit 5 or 6 social workers from different CWS offices in Oslo Norway, preferably both males and females. I ended up interviewing 5 females and 1 male. I have upheld the anonymity of the informants by using the most popular female names in the United States, and randomly assign them to my informants. The names are Zoe, Ava, Olivia, Emma, Lily and Sophia. The reason I chose to use female names on all informants was because there was only one male informant, and he was from the same office as two of the other informants. Consequently, his anonymity is secured.

The age of the informants varied from 27 years old to 41 years old. Their experience as CWS workers at the time varied, Sophie 7 months, Emma 1 year and 6 months, Lily 5 years, Olivia 7 years, Ava 8 years and Zoe 18 years. The informants have similar educational backgrounds, five of the six have a degree in Child Care and Welfare and one has a degree in Social Work. All of the informants work as social workers for CWS. Some of them have had different courses in addition to their bachelor degree.

5.6. Method

Hart (2005, 67) writes that it is important to determine if preexisting data for answering the research questions are available. Furthermore, he states that it is important to make it clear what kind of data is necessary. In my study I combined literature review and semi-structured

qualitative interviews to answer the research questions. That is because a literature review will aid in the knowledge about the field of study, which is important. I chose qualitative interviews since I wanted to hear the social workers describe their experiences firsthand.

I started the thesis by reviewing the existing literature on the topic. (Bryman 2012, 98) states that the reason for starting with a literature review is simply because you do not want to conduct research that someone has done before, Bryman calls it to 'reinvent the wheel'. However, conducting research no one has done before can also be difficult due to the lack of access to materials that could aid in guiding my research. The most relatable Norwegian studies I found was Brottveit (2007) who did her PHD on a similar subject, and Kjær and Mossige (2008) who also had a similar topic. Both of these were presented in the 'previous research' section. Furthermore, Bryman (2012, 98) states that in order to display knowledge in your field of study it is important to review the literature. I used Orii's search function with words like "cooperation", "domestic violence", "Police Department", "Child Welfare Services", "discretion", and "Cross departmental cooperation". I also received advice from my supervisor and others about relevant books and articles to review. I did not use many international sources and the reason for this is that this is a study of the Norwegian Child Welfare Services, and therefore I found it advantageous to use Norwegian research and literature.

Larsen (2007, 82) states that informants have the ability to freely express their answers in qualitative interviews. In quantitative interviews it is more common to have rigid alternatives of response. In addition, in the qualitative interview the questions are not always prepared, it is common that the interviewer has topics and not necessarily questions. This depends on how structured the interview is. The semi-structured interview is the most common qualitative method (Thagaard 2013, 98). (Bryman 2012, 213) states that semi-structured interviews are more loosely structured than a regular interview. The interviewer has a series of questions or themes, but can choose to go back and forth between these.

5.7. The Interviews

As said before, I have collected data through qualitative interviews, more specifically semi-structured interviews. This helped me focus more on following the interviewee and trying to follow up on the answers they gave. I chose the semi-structured interview because I wanted to

have the interview loosely structured, but still have some themes or questions to guide it in the right direction. I wanted the interview to be like a conversation.

5.7.1. The Process of the Interview

The structure in the interview started with information about the informant. Their age, experience, education, and if they had any experience with the topic. The second part of the interview was focused on how they conducted an investigation when they received a notification about domestic violence cf. Child Welfare Act § 4-3. The themes that were explored were their routines, general casework, dilemmas, their relationship with the General Civil Penal Code, and investigative interviewing of children. In the third part of the interview the themes were cooperation with the Police Department and the social worker's considerations in regards to reporting domestic violence to the PD. The last part I asked about was their view on reporting domestic violence cases to the PD. I asked for examples throughout the interviews. They also had an opportunity to say more at the end of the interview if they felt like they left something out.

The interviews took place in April and May of 2016. The first two interviews were at a school and the last four were at a café. In advance, I believed that the interviews would last from 30 minutes up to an hour. The first interview, that was too structured, took about 40 minutes. The second and third interview took approximately 20 minutes. The fourth interview lasted over 40 minutes. The fifth interview was around 30 minutes and the last one almost 40 minutes.

5.7.2. Thoughts About the Process

After the first interview I had to change the structure, because the interview was too rigid. The interview was mostly question and answer, and not the conversation interview I had planned. As Larsen (2007, 87) states, it is important to have a test interview beforehand to practice the method of interviewing. It allows the interviewer to feel more secure in the role, in addition to see what should be changed. I realized that I should have done a practice interview in advance, so that I could have changed the structure before the real interviews started.

The other interviews flowed better, and were more like a conversation. I changed some questions after interview number three because I realized that some of the questions were unnecessary, or unclear. In addition I tried to follow the informant by asking additional questions. In that way I also let the interviewee control the direction of the interview.

However, this was not always easy. It was sometimes difficult to only concentrate on the informants, since I wanted answers to my questions. I noticed this when I transcribed the interviews, that there were several times I should have asked questions regarding the theme the informant stated and not just proceed with my questions. This is not an uncommon concern as Thagaard (2013, 106) states it is sometimes difficult to choose to follow the interviewee or follow the interview guide.

The interviews that took place at a café were more difficult to transcribe because of the background noise. There were on some occasions where I could not hear what the informant was saying. That makes my interviews less credible because it could change the meaning of the sentence. However, this happened rarely and I did not interfere with important parts of the interviews.

According to Neumann and Neumann (2012, 13) the goal of an interview is not to remain silent and neutral, and no researcher is able to do it. On the other side, it is important that the opinion of the interviewer is not stated in the interviews, and the interviewer should not state if the answer is correct (Larsen 2007, 86-87). Furthermore, she states that it is important that without leading the informant or showing one's expectations, the interviewer should encourage the informant and show approval. I however found it really hard to respond in an objective way to what the interviewee was telling. Since the interview was supposed to be a conversation, it is unnatural to sit still and not respond in any way. On some occasions I confirmed the information by saying "good" or "yes", which could have influenced the informants. I realized that I should have practiced, and thought more about appropriate responses before I started the interviews. By doing this I may have influenced the informant's response.

Thagaard (2013, 106) writes about an interactionism perspective and how that it is relevant in today's methods literature. The informant and the interviewer have an interaction based on mutual exchange. This contributes to knowledge and understanding. The knowledge emerges through interaction in the interview, so it is natural to assume that the interviewer and the informants affect each other.

I was nervous before the interviews. I did ask leading questions a few times. A leading question is a question that leads the informant to the answer that I want. For instance, "you do not feel prohibited by the duty of confidentiality when you talk to the police". This was in

response to her telling me that they call the police to check the parent's criminal records. This made the information coming from the question less credible, because I basically put the words in her mouth. This is in accordance with Larsen (2007, 86), advice, she states that it is important that the questions do not influence the informants answers.

In some of the interviews I did not have to ask to many questions, as the interviewee spoke about the topics I had written down. These were in general the informants with most experience. The informants with less experience did not express as many examples to shed light on their considerations as the informants with multiple years of experience. This made it more difficult to analyze the interviews, since the examples illustrate their consideration processes.

The three last interviews were with the informants from the same CWS office. They wanted to meet me the same day at a café. So I did three interviews in a row. That was a bad decision, as I found it difficult to concentrate on the last one, and the information was probably less informative due to my exhaustion.

5.7.3. Registering data

I recorded the interviews by using a Dictaphone. I choose this method because I wanted to keep my attention on following the interviewee and be spared from taking notes during the interview. I transcribed the interviews afterwards, and learned a lot from hearing how I reacted and asked question in the interview. Furthermore, I used the transcripts to analyze the material. By using a Dictaphone, the information is more correct because it did not only exist in my memory. The informants had to give consent before I used the Dictaphone.

5.8. Thematic Analysis

Bryman (2012, 578) states that thematic analysis has no clear and precise standards of analyzing, but he suggests starting with coding the text and finding the core themes. Bryman (2012, 13) explains that themes and codes emerge from the data after careful and concise analysis. Furthermore, the analysis continues with searching for these coded themes in all the transcripts. This is to make sense of the data by reducing it.

Bryman (2012, 580) defines a theme as a category that is identified in the data, it should help the researcher understand his/her data in a theoretical matter, and it should be related to the

focus of the research. Ryan and Bernard (2003, quoted from Bryman 2012, 580) state that when searching for themes there are some factors to look at, these include repetitions in the transcripts, similarities and differences, missing data, and concepts from the theories.

When I started the analysis I printed the transcripts and made a preliminary sorting based on some themes I decided. Examples of the themes were “the best interest of the child”, “cooperation with parents”, “cooperation with the police”, “duty of confidentiality”, “extent and seriousness of violence”, “duty to prevent” and “investigative interviewing of children”. I had to figure out which themes could answer my research questions. I then cut all the transcripts into pieces and sorted them into the themes. The parts of the interviews that did not fit with the themes were disposed of, however, if there were interesting answers I kept them in a category “others”. Then I made a word document and cut and pasted the different answers into “theme boxes”. I ended up with 18 A3 pages worth of data. Then I examined the themes and made titles based on these themes and wrote them into the analysis chapter. I translated the examples and put them into the text to shed light on the social workers’ different considerations.

I then went through the different themes and compared them I was looking for repetitions and similarities and contrasts, just as Ryan and Bernard had recommended. I used examples from the informants to shed a light on different themes and the complex work of the CWS. I translated the examples from Norwegian, and tried to clarify them to make them understandable. Furthermore, I used the theories of cross-departmental cooperation and professional discretion to guide the analyzing process.

5.9. Hermeneutics

To broaden my understanding of the themes emerged in the thematic analysis; I have chosen to use hermeneutics. Hermeneutics is a science of interpretation (Aadland 2011, 174). The philosopher Wilhelm Dilthey created this methodology of understanding, and it consists of three elements, understanding, expression and experience.

Thagaard (2013, 41) describes hermeneutics as a means to understand the meaning of people’s actions through interpretation. One truth does not exist in hermeneutics, but rather multiple interpretations of a phenomenon. In hermeneutics it is important that the context is a frame for the meaning and interpretation, as you must see the whole picture. Earlier,

hermeneutics was used to interpret text, however it can also be used to interpret transcripts from interviews.

Moreover, Thagaard (2013, 41) uses Geertz's (1973) studies of culture as an example of how to use hermeneutics in research. Geertz (1973, quoted from Thagaard 2013, 41) states that an extensive description has to be the researcher's goal. Instead of the opposite, which is a thin description of what one observes, the extensive descriptions include adding meaning to the informants' statements, how they interpret their actions and how the researcher interprets the informants. As a result, an aspect of meaning is included in the extensive description. The preconception is always a basis when understanding something. Furthermore, Geertz (1973 quoted from Thagaard 2013, 42) states that in order to add meaning and interpret, for instance the informant's statements, the basis for the interpretations is important.

In short, hermeneutics is focuses on interpretation and understanding. I chose to use hermeneutics in my research to examine how the informants describe their considerations, either by examples or what they explicitly stated, which allowed me to determine how they added meaning to their actions. I have then added meaning to the statements. An extensive description was my goal. It is important to clarify that the meaning added to the informant's statements, is influenced by my own preconception. Hermeneutics is used in the analysis to illustrate the social workers understanding of why they do report or not report domestic violence cases to the PD. The social workers' decisions are based on their knowledge and preconceptions. Their preconceptions emerge from their interpretation of their experience.

5.10. Preconception

Preconception is an extensive part of hermeneutics, not only the social workers' preconception, but mine as well. When I added meaning to the experiences and interpreted the informant's statements, it was influenced by my preconceptions. I believe that my preconceptions were mostly influenced by my background in Child Care and Welfare, my experience as a social worker in a youth institution, where several of the children has experienced violence and my husband who works with domestic violence at the Police Department.

Neumann and Neumann (2012, 9) state that before conducting interviews, the researcher has to prepare by knowing one's preconceptions. Since my husband works at the domestic

violence section of the Police Department, he has clearly stated his opinion on this topic. Even though I try to have an open mind it might have affected me in some way. However, when I started this thesis I did not have a clear idea as to whether or not I thought the CWS should or should not report these cases.

I was curious about the considerations the CWS does in these cases, and what the different social workers emphasize when making the assessments. It is a difficult topic because it depends on many factors. I read Brottveit's (2007; 2014) book and article before the interviews, her topics helped me structure my interview and guide my research. However, since I knew the different considerations her informants had stated in her research, it could have influenced my preconceptions of the considerations social workers make. That is because I might have been looking for those answers.

5.11. Ethical considerations

Diener and Crandall (1978, quoted from Bryman 2012, 135) state four main areas of ethical principles researchers should be concerned about. Those are (1) harm to participants, (2) lack of informed consent, (3) invasion of privacy, and (4) deception.

Bryman (2012, 135) addresses the fact that harm can mean different things, such as physical harm and mental harm. Through the interviews the informants were not subjected to physical harm. Mental harm could be stress, or loss of self-esteem. I do not believe my informants were subjected to any harm. I clearly stated that they could chose to withdraw from the interview at any time, and refuse to answer questions they did not want to. However, to be asked questions about how one does one's job, could be cause for stress for the informants. Nevertheless, since they knew about the topic in advance, I did not experience this. I made sure that all my informants read the consent form in advance, and were offered to read it once more when meeting for the interviews, before signing it.

Since my study was about how the social workers conducted their jobs, I did not feel that this was an invasion of their privacy. Their anonymity is concealed in the thesis by changing their names and not revealing the names of the offices. The representation of my work with my informants was not deceptive, it was exactly what I stated it to be. Therefore I did not deceive my informants.

6. Findings

In this chapter my findings will be presented. I have divided the chapter into themes that evolved from the thematic analysis of the transcripts. The themes emerged out of my three sub research questions. The analysis is therefore split into three parts. The first question is *in what way is the seriousness of the violence a consideration when reporting a domestic violence case?* This part states why it may be helpful for the social worker to divide violence into less serious and serious, but also why this task may be difficult. Furthermore, the themes ‘violence used as a discipline’, and ‘violence between the parents’ is addressed. The next research question, *in what ways does parental cooperation affect the social workers’ consideration process when deciding to report domestic violence to the PD?* Here the informant’s experience with cooperation with the parents is explored. Lastly, the themes in the section on cross-departmental cooperation are ‘experience with the Police Department’, ‘the process of the criminal case’, and ‘Investigatory Interview’. The research question these themes are based upon is *how have instances of cooperation with the police in the past influenced the way social workers consider reporting domestic violence cases?* This chapter only presents the findings with reflection and comments, and the next chapter presents the discussion with my findings, theories and existing knowledge.

The focus of the findings is on the experience of the social worker, and how their experience might influence their future preconceptions. Therefore, a hermeneutics understanding of their experience is applied to the analysis and understanding of the informant’s statements.

6.1. The Seriousness, Extent and Type of violence

One of the social workers’ considerations was the seriousness of the violence. Thusly, the difficulties and importance of distinguishing between levels of seriousness is addressed. The informants’ experience with violence used as a discipline and violence between the parents is also explored.

6.1.1. The Separation of Serious and Less Serious Violence

As stated previously, it is not without difficulty to separate violence into serious and less serious categories. Some of the reasons for this are that the violence can be harmful to the child either way. It depends on several factors such as context, and individual factors in the

child such as sensitivity and temperament (Dyregrov 2010). Other factors are if the violence is structural or instrumental (Van der Weele, Ansar, and Castro 2011). Mental violence could also be present and is sometimes more difficult to uncover than physical violence. So why is it important for social workers to separate violence? The reason for this is that their job is to aid the child and family, and by stating the seriousness of the violence they can implement the proper measures or interventions. For instance, reporting the violence to the PD. This is an important consideration for the social workers.

Several of the informants stated that serious violence should be reported. In Ava's experience no interventions will work if the violence is serious, the parent must be removed and be subjected to penal sanctions. Zoe states that the CWS should report cases with gross violence and injurious violence because instances like these must be reported to prevent the child from being exposed to violence. Zoe and Ava's accounts illustrates the aspects of reporting serious violence, Ava states that the only sanctions that will work with these parents are penal sanctions, while Zoe states that a report is important to protect the child. Ava has a criminal aspect, while Zoe has the child's aspect. However, Ava probably considered the child when she stated that the parent must be removed. How will reporting the violence protect the child? As illustrated previously, the penal process takes a long time, and therefore the CWS has an obligation to protect the child regardless of the police involvement.

Ava expressed that if the child has reported violence, and the child has bruises, it must be reported. This shows that some social workers seem more prone to reporting physical violence than mental violence. However, I did not divide between these types of violence in my interviews so it is difficult to know.

Emma states that they are careful with grading violence, and that their definition includes anything that offends, scares, or forces someone to do something against their will. According to Emma, society grades violence into serious and less serious violence. Serious violence is violence that leaves bruises, wounds and permanent physical damage while a slap or smack is less serious violence in Emma's opinion of the way society view violence. In addition, even though society view may consider slap or smack as less serious violence, it is impossible to know how the individual child experience this type of violence, since it could be a traumatic incident for the child.

6.1.2. Violence Used as Discipline

Zoe addresses that they now know a lot more about the consequences of different types of violence. She states that predictable violence that is used to discipline children is not as damaging, as long as the violence is not serious and does not involve much pain. If the parents are capable of taking care of the child with love, stability, and routines, this type of violence is not as harmful according to Zoe. To claim that violence is not that harmful is a difficult position to take, since there are many factors that involved in this.

Zoe's describes an example of a case she chose not to report where a mother subjected her children to violence:

This was clearly violence used to discipline. The mother was from a culture where beating in an upbringing matter was considered normal. The mother admitted the violence at once, and was really sorry and wanted to change. We started guidance and helped the family. We were positive that these children were not subjected to violence anymore, and therefore chose not to report it. (My translation)

Zoe describes the violence as a means to discipline the child and she references the mother's culture as an explanation. Furthermore, she explained that the mother admitted the violence, and was motivated to change. It seems like some of the informants believe that violence, used as a means of discipline, are not serious violence, and is therefore not reported. It might be that the social workers understand that the parents need different tools than violence for disciplining their child. However, it seems to me like they take it for granted that violence used as a discipline cannot be serious violence, or it could be that they just call it 'violence used as discipline' in regards to less serious violence. This will be elaborated upon in the next chapter.

Olivia states that violence used as discipline is not necessary to report, since the family only needs assistance measures in the form of advice in order to learn other ways to discipline their children. This is especially true if the parents show remorse. However, if it is serious violence, and extends over several years they do report it. By stating this Olivia shows that in her experience assistance measures are able to prevent that the child is subjected to violence, by teaching the parents other tools to discipline their children. However, if the violence is in her opinion serious, the extent and seriousness of violence is important. One can assume that

Olivia has experience with trying assistance measures in serious violence cases, and that in her experience police involvement is necessary. This could be because CWS is not able to prevent it, or that she believes that it is important in a societal view to punish this person for subjecting their child to violence. In her experience, it is important that the parents show remorse, this can be linked to that the parents have to admit to the violence that seems like an important aspect in the social workers considerations. This will be elaborated upon in section 6.2., 'CWS cooperation with parents in the best interest of the child'.

Ava conveys that in some cases, for instance when it is a father who has slapped the child, which she calls violence used as a means of disciplining, it is important to wait reporting to the PD. She states that the social workers should not report every domestic violence case immediately, but in some cases it is best to wait and assess the situation further. By stating this Ava show that in her opinion a 'slap' is less serious violence. It could also mean that if the CWS get a notification of a child that has been slapped it is important to wait to report the violence until they perform their own investigation and obtain more information of the situation. For instance, it could be a one-time incident in an otherwise caring relationship between parent and child. In that case it could be type 1 trauma, and therefore might not be as harmful.

6.1.3. Violence Between the Parents

Olivia expressed that it does not matter if it is violence against the children, or violence between the parents. It is equally damaging to the child, therefore the cases are treated the same. However, Zoe states that if it is the woman who is subjected to violence in front of their children then CWS tries to persuade the women to report it to the police herself. So at the CWS office Zoe works, it seems like they view indirect violence towards children different than direct violence.

6.2. CWS Cooperation with Parents in the Best Interest of the Child

Several of my informants stated that as long as the parents cooperate by admitting the violence, and accepting assistance measures, and if the CWS are positive the child is not being subjected to violence anymore, it is not necessary to report it to the PD. There are different reasons why the social workers believe this. Zoe expresses that it is not necessarily in the best interest of the child that the parents serve a prison sentence. Such punishment may

lead to the children being without caregivers. Therefore, Zoe states, that reporting to the police has to be a consideration. In this there are two things I want to emphasize. Firstly, that the parents admitting the violence and accepting assistance measures seems to be a condition for good cooperation in the eyes of the social worker. Secondly, two of the informants stated that by punishing the parents, the children would be without caregivers.

It seems like the social workers see the value of cooperation with the parents, since it is more likely that they accept assistance measures. In addition, when the parents admit to using violence, then the implementation of assistance measures the social worker intervenes with can be better suited to that specific family's issues. However, if the parents deny using violence, then they will also probably deny acceptance of the assistance measures that would likely end the violence. One could argue that this is why social workers believe parental cooperation and admittance to the violence are so important.

Zoe clearly stresses the fact that parents can be punished and imprisoned for subjecting their children to domestic violence, but it seems like she does not think this would be in the best interest of the child. Sophia also problematizes if both of the parents are prisoned, the children have to be placed somewhere else, and that could be a problem especially if the family does not have an extended social network that could take care of the children. However, it is clear that losing the caregivers is a consideration. It could be that the social workers are concerned about the child's attachment with their parents, and that it would be harmful to the child to be separated from their parents for an extended period of time, as would happen in the case of a prison sentence.

Olivia also agrees with this view. She argues that if the violence is not serious, and the parents show remorse and only need guidance, the CWS sometimes does not report it. Again, it all depends on how cooperative and how open the parents are to counseling. However, in Olivia's opinion they do report most cases because the CWS must maintain a zero tolerance policy in domestic violence cases. Olivia was clear on the fact that reporting is important. However, she felt that this was highly dependent on how cooperative the parents are. It seems like cooperation to Olivia means that the parents must accept assistance. However, as stated previously, cooperation in CWS is challenging, but when parents cooperate, it makes it easier for the social worker to implement assistance measures and aid the family to work in the best interest of the child. Ultimately, making it easier for the social worker to do their job.

Lily also agrees with the consideration of cooperation with the parents. She addresses this in describing cases where CWS has the opportunity to cooperate and implement assistance measures to end the violence. However, Lily expressed that she thinks that it also depends on the seriousness of the incident. Moreover, she asserts that by reporting the case to the police the parents might not cooperate with CWS, and lose their trust. As a result, it would be more difficult to help the family, and the violence might not stop. Lily states it is more common to not report to the police, than to report. Lily argues that the relationship between the social worker and parent is so vital because it promotes cooperation, and could ultimately put an end to the violence. This is an important discretionary decision, as the CWS has no duty to report if they are able to prevent violence through the use of other measures.

Emma feels that it is sometimes difficult to be in the position to decide whether or not to report. She feels that this is a dilemma, cooperation with the parents and reporting violence creates an interesting dilemma. She states that a report could make it more difficult for the CWS to cooperate with the parents because they often feel betrayed. The Police Department has to give the CWS permission before they can inform the parents that they have been reported to the police. Therefore, it could take several months until the parents find out about the report. Emma's previous experience with reporting to the police makes her unsure if it is the right approach. There could be several reasons why Emma emphasizes the aspect of cooperation with the parents, but as stated previously it could be because Emma believes that the violence is less serious in this case and therefore cooperation with the parents is more important. The seriousness of violence decides what kind of interventions the CWS can apply, and if the violence is less serious they might not be able to implement forced measures. Therefore CWS are dependent on consent and cooperation from the parents to implement assistance measures.

Ava is the only one who mentioned the principle of proportionately, which means that the CWS investigation should not be more extensive than the purpose inclines. This is to secure the right to family life, and not make the process more extensive than it necessarily has to be. By involving the PD in domestic violence cases, the case becomes extensive and it creates stress for the child and family. Therefore this might also be a consideration. Ava uses her knowledge about the main principles in social work as a reason to not report to the PD. It seems like she understands that involving the PD could in some cases be a violation of the principle of proportionately.

Cooperation with the parents is clearly a consideration when it comes to reporting domestic violence to the PD. That is because through cooperation the CWS is better able to implement assistance measures to aid the family and child. The interviewees argue that this is in the best interest of the child. However, to what extent should the cooperation be a consideration? This will be discussed in the next chapter.

6.3. Cross Departmental Cooperation with the Police Department - Unit of Domestic Violence

When different authorities are working together on a case, and both have different mandates and tasks, difficulties may arise. I was interested to see how the social worker's experience with the PD could affect their considerations of involving them in domestic violence cases.

6.3.1. Experience with the Police Department

Emma says that they always call the PD to discuss if their case is something to report, and plan their cooperation. Furthermore, she states that sometimes she is uncertain if the notification they have received is clear enough to report, and in those cases an informal conversation with the police can be of help. Several of the informants also stated that they called the PD if they need advice on reporting or not. Making a phone call to the PD is the start of the organization of the cooperation between the social worker and the PD. None of the informants problematized the duty of secrecy when it came to sharing information.

Lily conveys that as long as it is in the best interest of the child to cooperate with other authorities, such as the police department, the duty of secrecy should not be an obstruction. Sophia states that there is never a problem regarding the duty of secrecy when it comes to getting information from the police. They talk on the phone, but sometimes they also get a formal request for information. In her experience it has never occurred where the police cannot give them information or that the CWS cannot give the police information. She does not base this on anything. The Public Administration Act § 13 mandates when the CWS is allowed to share information. In addition, the Child Welfare Act § 3-2 and the General Civil Penal Code § 196 also addresses the topic of sharing information. Their experience with sharing information with the PD shows that the social workers do not always explain that they use legal authority when working. It just seems like a common routine.

Some of the informants expressed their ‘duty to prevent’ cf. the General Civil Penal Code § 196. Zoe states that the CWS has a duty to report if it is necessary to prevent and secure the children from living with violence. Lily addresses the duty to prevent as the need report violence in certain instances. This applies if the child is in a danger and the violence will most likely happen again. However, she also points out that since the CWS does not have a duty to report, a consideration of the best interest of the child must be done beforehand.

Zoe conveys that they have to consider if they can obey the police when they ask them to wait to start their investigation so that the police can be in a position to secure evidence without interference. This shows that the CWS has to contemplate the best interest of the child before obeying the police. Zoe also raises the point that by involving the police, the child’s future could be secured, by making the parents take responsibility for the violence. Furthermore, the County Social Welfare Board might take the CWS more seriously when the police have evidence and have prosecuted the parents, which could lead to a prison sentence. Zoe thinks this is a difficult consideration. Earlier Zoe stated that imprisoning the parents could lead to the child being without caregivers. Through Zoe’s experience with both positive and negative aspects involving the police, it is natural to assume that this influence her considerations. Since she is able to reflect over both sides of the matter one would believe her discretionary consideration in deciding to report or not is well thought through. Her preconceptions that has emerged from her experience, guides the discretionary consideration she makes in each individual case.

Some of my informants had the experience that they have to oblige to the work of the PD and put their own work on hold. This state something about both what the PD and the CWS believe is most important in these cases, which are the police’s work. It is natural to assume that this experience influence the CWS future cooperation with the police. Since the social workers state that they feel that they have to obey the police’s investigation, and put their own investigation on hold.

Lily states that it is important to report serious cases so that the child does not lose confidence in the CWS, the legal system and the PD. She argues that it is important for the child to see that the parent is reprimanded for their behavior. By reporting the violence the child might feel that it is believed and taken seriously. The social worker validates the child’s experience, by holding the parents accountable for their actions.

Emma had an experience where the police did not investigate the case, and dismissed the report. She stated that the parents stated that no violence had happened and that the police had proved this by dismissing their case. This made it more difficult to cooperate. This experience might make Emma less inclined to report domestic violence to the PD since it complicated the cooperation.

6.3.2. Experience With the Process of the Criminal Case

Zoe discussed a difficult case she had where she chose to report. Both the parents subjected their children to violence. It was violence used to discipline the children, and the parents were from a culture where this was considered normal. The CWS worked with the family, implementing assistance measures and moved the children away for a while, since they were unsure if they were still being subjected to violence. The children then returned to the family, and two years later the criminal case was presented in court:

It became a difficult situation for the entire family and for the children. I think it is in court now so I do not know what the result is. This is an aspect that makes it extra difficult. (My translation)

In this case the CWS managed to work with the family on several levels, and the way Zoe portrays it the violence stopped. So during the time it takes for the criminal case to determine the parents' guilt or innocence, the CWS can do much for the family in the meantime. Will this experience affect Zoe's discretionary consideration the next time she has a case involving domestic violence? Will her preconceptions of the criminal justice system after this case, encourage her reporting domestic violence cases less often since, in her experience, she aided the family without the help of the PD?

Lily talked about an example regarding two young children, where the father subjected them to serious harm, beating, and kicking. The children also experienced the father's violence towards their mother. This was five years ago.

The father was convicted to two years of prison, and served two thirds of the punishment. But he was out (of jail) until he had to serve (his sentence) in 2014, and (he) met the children with supervision six times a year in the years (up) until he was imprisoned. (My translation)

It is natural to assume that Lily's experience with the justice system in this case is that it does little in aiding and protecting children since the father was allowed to go free for several years before the sentence and only was in jail for about 1,5 year. However, it might have helped the CWS in deciding how and how often he could meet his children. In this case Lily thinks:

We have to concentrate on the victims, who in this case are the children and the mother, and find the necessary measures for them. (My translation)

By stating this Lily conveys that the father is not the CWS focus, but the children and the mother are because they are the victims. Furthermore, this statement shows what Lily believes that this is important in domestic violence cases, it is the victims who should be given precedence. Children are especially vulnerable victims, since they are dependent on their caregivers. Her experience with this domestic violence case seems to be that the justice system works the way it works, and in the meantime CWS has a responsibility to aid the child and family.

Furthermore, Zoe states that some the parents in domestic violence cases are good at pretending that the violence has stopped. So sometimes when the police are involved, they finally grasp the seriousness of the situation. She states that the process with the police involvement has a preventative effect. At the same time, it could make the cooperation with the parents more difficult. Ava communicates that sometimes by reporting the case to the police, the parents are scared enough to agree to every assistance measure the CWS suggests and seem motivated to change. These factors carry along the preconception that sometimes involving the PD can make the CWS case easier because their fear opens the parents to being more receptive to the assistance measures. This is an ethical consideration; they cannot report it only to be able to implement assistance measures.

Emma also had some examples of dilemmas when deciding to involve the PD. Emma explains that she considers the pain a report causes in the family. Some of the consequences include the distress of both parents and children experience being questioned by the police, and the possible conviction the parent faces, which generates a criminal record. In return, the parent's new criminal record may affect them in their professional lives. The distress of the child is also an important consideration. Emma considers the family as a whole family when contemplating these consequences. In her experience, it seems negative to involve the police for the child, but especially for the parents. This is a clear statement of her preconceptions. It

does not seem as she shares the following opinion, that if the parents have a criminal record, then they cannot work with children in the future and thereby other children in society is protected from this person. In addition, reporting the case have a generally deterrent effect in society. Her view is only of the consequences for the family, not society in general.

Zoe is the only one who problematizes the responsibility to society by reporting domestic violence to the police, because when people do something illegal society expects that the individual should be criminally prosecuted. Zoe states that it could be important to report the case in order to prevent future violence. This shows how Zoe uses her knowledge and contemplates the consequences for society.

6.3.3. Experience with Investigatory Interview of Children

Several of the informants have experience with when the PD tells the CWS that they have to wait with their investigation or wait to talk to the child. Sophia states that at one time she experienced that the police asked the CWS to wait to perform their conversation technique, the Dialogical Communication Method, with the child because the police want to do their Investigatory Interview with the child first. As a result, the CWS waited to start their investigation. Eventually, after some time the police had to let Sophia start her investigation. Consequently, a long time passed between the first time the child spoke about the violence until the CWS got to speak with the child. However, Sophia states that she has only experienced this once. Lily states that they cannot do their routines in cases regarding domestic violence if the police tell them to wait with the DCM conversation. They have to wait until the PD is finished. This could take several weeks, because of the low capacity of the police.

Emma conveys that the police argue that the CWS should not have too many DCM conversations with a child because the child could be “drained” of information. A consequence of “draining” the child is that it does not speak about the violence when he/she eventually is called into an Investigatory Interview. However, Emma states that their work depends on whether the police are able to question the children quickly enough. If the police ask the CWS to wait to talk to the child, a dialogue with the police on what kind of “conversations” the CWS can have with the child is one option according to Emma. Olivia expresses that the Police instruct the CWS in what they can and cannot do because of their own investigation. However, she states that this creates a dilemma because they have to do

their job and they have requirements to fulfill such as speaking with the child using the DCM, as a part of the investigation.

Zoe has an example regarding investigatory interviews. The mother subjected her two children to violence and the CWS moved them away from their home. The mother did not admit the violence, and in addition, there was a major deficit of parental care in other areas as well. They had to go to an investigatory interview, and here is Zoe's experience with that:

I think that it is a very difficult situation for these children. Having to tell these things about their parents when they know the police are involved, there is probably a lot of guilt. I do not know if it is going to be a case they will investigate further. (My translation)

Zoe expresses how challenging she believes the process of investigatory interviews is for the children. In addition, she raises the question of whether there is going to be a further investigation from the PD. One can assume that Zoe thinks that this was overwhelming for the children, and that she hopes that it is not done in vain. Furthermore, she states the effect the investigatory interview has on the CWS:

It does have some consequences for the CWS, these investigatory interviews, because they are added as documentation in cases in the County Social Welfare Board when there is a care order. (My translation)

This could either be a positive or a negative matter. If the child tells a lot in the investigatory interview, it could make it easier for the CWS to take custody of the child. However, if the child says nothing in the investigatory interview, other social workers have experienced that this can be used as evidence that nothing had happened.

Emma has one experience when the investigatory interviews, were used by the parents in the County Social Welfare Board as evidence that the violence did not happen. The children had told the CWS about the violence, but when they were called into investigatory interviews with the police, they said almost nothing. The CWS did not get approval from the County Social Welfare Board for the care order to take custody of the children. However, that was not only because of the investigatory interview, but also because the interview was used to question the credibility of the children. One could assume that Emma's experience with investigatory interview could affect her negatively on her future reporting to the PD. This could influence

Emma's preconceptions since in her experience the negative outcome in the police investigation can influence the CWS case.

Ava had one example where the children had a lot of bruises. They were taken away from their parents. She was glad that she reported this, because the bruises were documented. The children did not say anything in the investigatory interview, but after a while in the emergency shelter they started to tell. Ava offers her opinion about investigatory interviews:

There is put too much weight on the investigatory interview. (...) It was, a wrong procedure in every way possible. If one should use that procedure the people should be competent. I do not know if they are just police and get a course in the DCM or something like that. That works maybe, but if you do not have those intuitions, I do not believe that you get a child to say anything in just one conversation with a stranger. That is obvious. All the more difficult the more shameful it is. You cannot get that person to just start telling, I do not think we get anything from the investigatory interviews. Only if the child has been placed away from the family, then they start telling. (My translation)

Ava seems to have a negative view of the investigative interview, and it is natural to believe that this affects her predisposition to report cases of domestic violence. In another example Ava stated that there is a pressure to report because it is important. However, she does not make the decision easily because she believes that the consequences regarding involving the PD with the investigatory interview are major. She believes that the process is traumatic for children. Furthermore, Ava states that she is unaware of the formal education of the police investigator conducting the interviews, and lacks trust in this method in general. She believes that the education does not matter, only the person performing it. This can indicate that the police have not given her any information regarding the education of these investigators.

To illustrate more dilemmas and challenges the social workers in the CWS face when working with domestic violence cases I will use Zoe's example of a family where the father subjected his daughters to violence. One of the girls had told a teacher at school. Zoe used the DCM method to speak to the girl.

She told in details about the violence she was exposed to. I considered her to be trustworthy and that the violence was of a serious manner. The violence was used as a

punishment. Both of the parents denied it, however, after a while we learned that the mother was also subjected to violence, especially mental violence. The case was reported and the police thought it was serious. They interviewed the father and had investigative interview of the children at the Children's House. I was surprised when the police dismissed the case, we cannot understand why. This illustrates the problem of speaking with the child using the DCM because then the child tells nothing new in the investigative interview, maybe the child even tells less. I do not remember the details, as this was several years ago. Often, when the child has told once they do not want to do it again. It is not easy for the children to talk about these difficult matters. One thing that was good in that specific case is that eventually we worked with the mother to make her take responsibility for her and her children. She ended up moving away from the father. In addition, there was a problem that we often face, it was the question of a residence permit. These women are afraid to be sent out of the country, so they stay with men who abuse them (my translation).

This shows how complex a domestic violence case can be, and in this example the PD eventually dismissed the case. The CWS has the issue of whether or not talk to the child using the DCM because that might influence the police's investigative interview. However, should CWS be considerate of the criminal process?

6.4. Summary

I will sum up the informants experience in regards to my research questions. This is to show an overview of the whole picture, which is important in hermeneutics.

In what way is the seriousness of the violence a consideration when reporting a domestic violence case?

All my informants state that it is important to consider the seriousness of violence when reporting domestic violence. In Ava's experience, no interventions will work in families with serious violence and therefore the police must be involved. Zoe, Olivia and Ava seem to agree upon the aspect of violence used as a form of discipline does not have to be reported. This could be because they correlate violence used as a discipline with less serious violence. However, if the violence is not serious, they seem more prone to consider cooperation with the parents more important than reporting.

In what ways does parental cooperation affect the social worker's consideration process when deciding to report domestic violence to the PD?

Several of my informants agree upon that if the parents admit the violence, and accept assistance measures it is not necessary to report it. However, they state that this also depend on the seriousness of the violence. In addition, most of them state that it could be in the best interest of the child to cooperate with the parents.

How have instances of cooperation with the police in the past influenced the way social workers consider reporting domestic violence cases?

Emma and Lily described that cooperation with parents worked well, and stated that they contacted the police to discuss cases. Other aspects the informants highlighted was that the process of the criminal case takes a long time, that is why it is important for the CWS to work with the family in parallel with the PD. Furthermore, investigatory interviews affect the CWS case since they have to wait to have DCM conversation. In addition, some of the informants are negative to the process in general and think that it is traumatic to the child.

7. Discussion

In this section the theories are discussed in relation to my findings and previous research. The research questions guide the structure.

7.1. What Considerations are Made when Child Welfare Services Decides to Report or not Report a Domestic Violence Case to the Police?

Social workers make decisions by using discretionary considerations, meaning they use their knowledge and experience to make a decision in each individual case. Their experiences and preconceptions might influence these decisions. As Heum (2014, 12) stated, good discretionary decisions comes from considering different options. Lipsky (2010) and Grimen and Molander (2008) agree that it is problematic and near impossible to reduce discretion in social work. That is because it can quickly become mechanic. That is one reason why reporting domestic violence to the PD has to be a discretionary consideration, and cannot be a routine that does not allow the use of discretion. One of the aspects Lipsky (2010) emphasize is that social workers have to follow the current policy objectives, and follow strict rules and guidelines while making decisions in each case, e.g. they have to be flexible.

Bunkholdt and Sandbæk (2008,81) state that it is important that social worker thoroughly considers their decision about whether or not to report domestic violence. It is clear that social workers make many considerations. As I mentioned before, discretion and knowledge are required for social workers to make thoughtful considerations. Indeed, Edvardsen and Mevik (2014, 320) state that social workers use their knowledge to determine how violence affects children. In my understanding they also use their experiences in the form of tacit knowledge.

Rød (2014) believes that the social workers in the CWS do not use academic knowledge as a basis for their decisions. At least, they are not good at concretizing their decision in regards to research. He argues that social workers found their decisions without the use of academic texts and research. I, however, believe that the social workers use all of their knowledge sources making decisions. They use their knowledge about the legislation, academics knowledge and their experiences, and I believe that the social worker has integrated all of these sources into their knowledge data banks, and has therefore transformed into their tacit knowledge. Recall that tacit knowledge is something that is there, but not necessary stated or written down. It is something that they know from experience, which could be difficult to explain. For instance why they trust that a family has stopped using violence. Schön's (1987) concept 'theories of actions' is evidence the social workers reflect and describe their tacit knowledge. Furthermore, Schön (1991) states that when practitioners make decisions they use all of their experience and knowledge resources. Therefore, it is natural to assume that their preconceptions play a major part in their decision-making process.

The most protruding consideration that is illustrated in my findings is the consideration of cooperation with the parents, the consideration of the seriousness of the violence, and the consideration of the process of the criminal case. The main consideration which most of the informants stated is the best interest of the child. This is in accordance with Bunkholdt and Sandbæk (2008, 81) who state that the social worker has to consider if a report will prevent future violence and how it will aid the child. One of the informants also mentioned the consideration of the generally deterrent effect it has on society to punish people who subject children to violence. There are probably many other considerations as well, but these were the main findings in my study, so these will be discussed here.

7.2. Why is the seriousness of the violence a consideration when reporting a domestic violence case?

As stated in the findings, it might be important for the social workers to grade violence since they have to decide what measures and interventions are appropriate for the family. This is a part of the principle of proportionately, which was stated in the legislation section. It is however, difficult to grade violence.

Almost all of my informants stated that the seriousness of the violence is a consideration when they decide to report. Kjær and Mossige (2008, 42) also express that the seriousness of the violence should be a consideration, since it coincides with the legal authority and the child welfare academic.

7.2.1. The Difficulty of Grading Violence

It is difficult for the social worker to know how serious a domestic violence case is. However, since all types of violence can be harmful to the child's development it should be taken seriously. Recall also that the harm the child experience from violence is individual and depends on several factors.

What is serious violence? How do the social workers grade this, and why is it important? One of the social workers stated that they are cautious with grading violence but stated how society would grade violence; serious violence is physical damage on the child, bruises, wounds etc., and less serious violence is slap or smack.

It is difficult to grade violence, stated previously by Mossige, Stefansen, and Smette (2016) because grading conveys that everyone experiences violence differently. Likewise, Dyregrov (2010) states that it is difficult to know what can be traumatic to a child, but since domestic violence happens over time, and is a type 2 trauma, it is likely that it is harmful to the child. However, the social workers have to grade the violence to be able to determine what kind of intervention is necessary. If it is serious, the CWS should consider removing the child from the home.

If the less serious smacks and slaps happen over time, could it still be a *type 2 trauma*? Remember that a type 2 trauma is defined as abuse over time (Terr 1991, quoted from Dyregrov 2010, 14). However, Dyregrov (2010, 88) states the several factors decide what

makes violence harmful, and brutality is a factor. Therefore, a smack and slap could be less harmful to the child. But it also depends on individual factors such as sensitivity, and temperament of the child.

Could it be that when the informants grade the violence as serious, that they believe that they are not able to do something about the violence and help the child, and therefore include the PD? This would be in accordance with the General Civil Penal Code §196, 'the duty to prevent'. In addition, this is what Sommerfeldt and Øverlien (2016, 191) also stated, it is important to report if it is necessary to end the violence. None of the informants stated this exactly, but they were clear on the fact that if it was serious violence the police had to be involved.

7.2.2. Violence Used to Discipline/ corporal punishment?

Violence used as a means to discipline the child, or corporal punishment seems to be viewed as less serious violence according to my informants. However, do they underestimate the fact that violence used as a discipline can be serious violence? Or do they just call it violence used as a discipline in less serious cases?

All of my informants who mentioned violence used as a means of discipline, stated it as less serious violence. Violence they would not report to the PD. As stated previously, Van der Weele, Ansar, and Castro (2011, 122) state that the instrumental violence, which is used to discipline, is often more controlled and has a specific purpose. This could make the violence more predictable for the children. However, it is still difficult to know how the specific child experiences this form for violence ((Mossige, Stefansen, and Smette 2016, 21). One aspect that is important to know is how the parents react after a traumatic incident, this is in accordance with Dyregrov's (2010) findings.

7.2.3. Violence Between the Parents

One of the informants stated that it does not matter if the child experience violence between the parents, or if it is directly subjected to violence as it is viewed as equally harmful. However, another informant stated that she often tried to encourage the women who were subjected to violence to report it themselves. With this in mind, why does she try to persuade the women to report the violence? If the social worker deemed it as necessary to involve the PD, should they not report it themselves?

Grading violence seems to be important since serious violence is likely more harmful to a child. However, the social worker should also take into account the individual factors of the child, how their sensitivity and temperament influence the way they experience the violence. The child's experiences are subjective, but it is more than likely that regardless the violence will harm the child in some way. In addition, it matters how the parents react after a violent episode, and if they try to repair the relationship. As stated previously, it is equally harmful to experience violence between the parents, as it is being subjected to violence (Gamst 2011, ONR 2003:31, quoted from Aas 2014,102).

7.3. In What Ways Does Parental Cooperation Affect the Social Worker's Consideration Process When Deciding to Report Domestic Violence to the PD?

Several of my informants conveyed different aspects of cooperation with the parents in domestic violence cases. This part emphasizes the sub-research question: *in what ways does parental cooperation affect the social worker's consideration process when deciding to report domestic violence to the PD?* In addition, I discuss in what ways the social worker considers the cooperation with the parents.

7.3.1. Cooperation with the Parents in The Best Interest of the Child?

As stated previously, the best interest of the child is a legal principle with normative connotations. It means that each social worker has to use their knowledge to make a discretionary consideration of what the best interest of the child is in each individual case. As stated before, Lipsky (2010) states that social workers have to consider multiple aspects when considering. They have to be adaptable and sympathetic, in addition to following the laws and regulations. This is not always easy as discretion is an important concept in social work (Grimen and Molander 2008, 179). That is because without discretion, everyone would make the exact same decisions every time, without the room for consideration. For instance, the CWS would report every domestic violence case to the PD. Different social workers might emphasize different aspects to decide what is in the best interest of the child. As stated before, they use their knowledge to execute discretionary considerations. One of these influencing aspects is cooperation with the parents. Several of my informants stated that cooperation with the parents is in the best interest of the child, and therefore needs to be a consideration when reporting domestic violence to the police. However, in what way is cooperation in the best interest of the child? The social workers use their tacit knowledge that is integrated through

their experiences to determine this. In this way they can be confident that it is in the best interest of the child to cooperate with the parents.

The purpose of the CWS is to aid children who live in dysfunctional families. This means that the child should be the primary focus. However, to aid children it is sometimes important to aid the family. In the cases where the family needs help with anger issues, different tools to discipline their children, and other similar assistance the CWS has an obligation to implement assistance measures in order to help the parents take care of their children. Therefore, sometimes aiding the family as a whole is helpful for the child. Since several of my informants stated that reporting domestic violence complicates cooperation, it could be natural to assume that the social workers consider their ability to aid the child and family as more important than reporting the violence. Their experience, through tacit knowledge, leads them to the discretionary consideration that to report the parents would complicate their cooperation. Furthermore, Edvardsen and Mevik's (2014, 330) informant states that sometimes the best interest of the child is to cooperate with the parents. That is because it will be easier to implement assistance measures.

If the parents deny help from the CWS, they do not have many options. They could use the County Social Welfare Board to perform a *care order*, e.g. moving the child away from home. Therefore, Bunkholdt and Sandbæk (2008,74) state that social workers need to focus more on working with the parents towards a common goal, such as the best interest of the child, instead of working to make the parents agree with the social workers.

One thing to be concerned about is the message the CWS sends to the child when their parents are not held responsible for their actions. Could this lead to the child feeling that the CWS does not believe them? Some of the informants stated that by reporting the violence, the child is believed and taken seriously, and that is important to the child. Could it be in the best interest of the child to report the violence in order to show that they are believed and taken seriously? Kjær and Mossige (2008, 42) state that reporting domestic violence could be supportive for the child. However, as stated previously Grøvdal (2012 quoted from Edvardsen and Mevik 2014, 328) expresses that it is not necessarily important for the child to report domestic violence since the child is most likely dependent on their relationship with the parent or parents for the rest of their lives (Heltne and Steinsvåg 2011, 248).

As stated earlier, Brottveit's (2007) informants were divided in their opinion of the best interest of the child. Some of them believed that reporting sexual abuse cases was in the best interest of the child. While other informants questioned if it benefitted the child in any way to report it.

When the CWS has to make a decision on what is the best interest of the child in domestic violence case, they have to consider whether reporting it to the police is in the best interest of the child, and to what extent cooperation also plays a role in the child's best interest.

7.3.2. The Right to Family Life

The principle of intervention is another focus for the social workers. Only one of the informants stated that it is not necessary to make the case greater than what is necessary. The right to a family life is a part of this, cf. ECHR article 8.

Article 8 clearly states that public authority shall not interfere in family life except when it is necessary and in accordance with law. In addition, "the prevention of disorder or crime" is mentioned. When the CWS involves the PD, the family is exposed to two investigations from two different governmental agencies. One can assume that it feels like an invasion of their family life. Brottveit (2007, 2014) also mentioned this aspect, and that these cases are complicated for social workers. However, both the CWS and the PD has an authority by law to intervene.

7.3.3. Cooperation on who's Terms?

As stated previously, the mandate of the CWS is to secure the welfare of children who live in unhealthy family environments Child Welfare Act § 1-1. Thusly, why is the confession of the parents important for the CWS as well as the way they cooperate with the family? Is it not the police's job to get the confession from the parent or parents? The informants did not state why admitting the violence was important, however most of them stated that if the parents admitted the violence, accepted assistance measures, and the social worker believed that the violence had stopped, they would not report it. Does that mean that the CWS believes that good cooperation is when the parents accept assistance measures? As stated previously, cooperation in social work is to a certain extent doing what the social worker deems best, they make the rules that the parents have to obey (Shulman 1981, quoted from Engebretsen 2007, 42). It could be that by admitting the violence, the CWS is allowed to implement assistance

measures directly linked to guiding the parents with other tools than violence to discipline their children. According to my informants, it seems that if the parents do not admit the violence, and does not accept assistance measures, then the CWS could be more inclined to report them.

The CWS can never be certain that the parents stop using violence against their children. Some of my informants stated that by using assistance measures, they were able to end the violence, and therefore did not need to involve the PD. One other informant expressed a concern that these parents are used to say what the CWS wants to hear, and thusly the CWS cannot be sure that the parents have stopped using violence. If the CWS then involves the PD who will conduct an investigation, then the CWS might end up with aided documentation for their case, and thusly, will be able to aid the child if it is still subjected to violence.

Some of my informants stated by imprisoning the parents the child would be without caregivers, and that is problematic, especially without an extended family to take care of them. If the parents are imprisoned for subjecting their child to violence, then it might not be in the child's best interest to live with those parents. Therefore, I found it concerning that this was a consideration the social workers make. As stated earlier, the social workers could be worried about the child's attachment with the parents. Grøvdal (2012, quoted from Edvardsen and Mevik 2014, 328) mentioned another aspect, that it is difficult for the child when the parents are imprisoned, since the child would most likely have a relationship with the parents for the rest of their life. It is especially difficult if the case is dismissed or the parent is found not guilty. Therefore, it is important, as Grøvdal (2012) states, that the CWS investigates in parallel with the PD, and that they implement the measures they see fit to protect the child.

As conveyed before, Kjær and Mossige (2008, 42) state that there are multiple aspect of the best interest of the child, and if the relationship with the family is damaged by reporting to the PD, then social workers should take this into consideration. The informants valued the cooperation with the parents, so they did not want to complicate it. As several of my informants stated, the parents often felt betrayed when the CWS reported cases. To what extent should this be a consideration? If the CWS regards it as necessary to involve the PD to end the violence, or protect society against the parent or parents, then cooperation should not be considered as important. However, if the CWS is dependent on implementing assistant measures to be able to aid the child, it might be more important to establish a cooperative relationship. One of the informants stated that by reporting the violence, the parents might be

difficult to cooperate with and thusly the CWS is not able to implement assistance measures as a means to aid the child and end the violence. As stated previously, if the parents deny assistance measures, it limits the aid that CWS is able to give. If they judge the case to be serious, then they can apply forced measures such as removing the child from the home in a care order. Nevertheless, because of the principle of proportionately, the County Social Welfare Board often demands that the CWS has to try less extensive measures before a care order can be executed cf. Child Welfare Act § 4-12. As stated previously, Heum (2014, 12) conveys that the CWS has to consider the different outcomes, and the options influencing it.

One of Kjær and Mossige's (2008, 39) informants stated that the parents should not be taken into consideration when reporting domestic violence. However, Kjær and Mossige criticize the informant for not doing any consideration of the best interest of the child.

It is natural to assume that the social workers deem it necessary to cooperate with parents if they judge the violence to be less serious. That is because the CWS does not have any other options than to cooperate. If the violence is serious then the social workers can implement forced measures to protect the child. It does not seem like social workers believe that forced measures are required when it is less serious violence, for instance, when violence is used as a means to discipline.

7.4. How have instances of cooperation with the police in the past influenced the way social workers consider reporting domestic violence cases?

7.4.1. Sharing Information

Some of my informants stated that the CWS and the PD shared information with each other, however, the informants did not give a reason for this statement and it seem liked it was common practice. How does this experience influence the social worker's inclination towards reporting domestic violence?

Is this a result of the time pressure and lack of resources as Lipsky (2010) stated? Could the fact be that their experience with sharing information works well, and therefore they do not bother to get consent or base it on the laws. Is it just a routine they have made? Bunkholdt and Sandbæk (2008, 81) state that there exist a routine for social workers that are unsure of reporting where they discuss the domestic violence case with the police. If this is a routine

without legal authority, this creates concern and may be an interesting direction for similar research in the future.

The fact is that the CWS cannot share information with the police without legal authority, or consent from the clients cf. The Public Administration Act § 13. The CWS has a legal authority to share information if it promotes their work, for instance if it is in the best interest of the child, cf. The Public Administration Act § 13 part 5. However, is in the best interest of the child to share information? It could be if it is important to secure the child wellbeing. However, CWS are often able to secure it without involving the PD.

The Public Administration Act part 6 states that if an illegal act has happened then it is in the public's best interest that information is given to the PD. Since domestic violence is illegal, the CWS can give information based on this law. Nevertheless, none of my informants stated anything about which law they based their actions on when they share information with the PD. There are some laws that state the CWS 'duty to provide information'. The Child Welfare Act § 3-2 states that CWS has an obligation to make sure other authorities protect the interest of the child. The General Civil Penal Code § 196 address the duty to prevent a crime.

However, the CWS does not have a duty to report it, if they can secure the child with other measures. If they cannot, then they have a duty to report, cf. The General Civil Penal Code § 196. Some of the informants knew that they did not have a duty to report while others did not mention it. Some of Brottveit's (2014,202) informants thought they had a duty to report sexual abuse cases to the PD.

The fact that social workers in the CWS and the PD have informal telephone conversations to share information can be both positive and negative. The positive aspect is that it makes the cooperation between the CWS and PD easier. As addressed earlier, Heltne and Stensvåg (2011, 238) state the importance of organization and routines in cooperation. It seems like the informal phone call is a routine in the CWS. Good systems for sharing information is also one of the points that makes cooperation easier (ONR 2009:22, 34), and it seem like these informants have this routine. This is a positive aspect of cooperation, as long as sharing of information is done with consent, legal authority, or perhaps by anonymize it. The negative aspect is when the CWS and the PD just share information as a part of their routine, without any regards to the child or parent's rights, or the law.

Sharing information is vital to the cooperation between the CWS and the PD; however, it should be done in accordance with the law to protect the child and parents' rights. On the other side, this routine of informal sharing of information can influence the social workers in a positive way so that they have a good experience with cooperation with the PD and therefore are inclined to call them if they are unsure and listen to the PD's advice.

7.4.2. The Process of the Criminal Case

There are several issues in regards to the process of the criminal case that seems to affect the social workers decision-making process. These issues will be presented and discussed here.

A number of my informants had experience with reporting a domestic violence case. In these instances, the social worker implemented assistance measures, and by the time the case had gone to trial, the CWS had aided the family so that the violence was no longer an issue. Likewise, this was also the experience of an informant in Kjær and Mossige's study (2008,46). This is one of the aspects with the criminal process that some of the informants problematized. If the CWS is able to aid the child and family, why should they involve the PD? In addition, some of my informants had experienced this after the parent or parents were sentenced to prison since it took several years until they had to serve their sentence. Since the whole process takes a good deal of time, it is confusing why some of the informants stated that they report to protect the child. In the cases where the CWS are able to protect the child by implementing assistance measures, it is not necessarily in the best interest of the child to report the case. Kjær and Mossige (2008, 42) informants also problematized the fact that the criminal process is extensive and they therefore have to consider how this affects the child and family. This is in accordance with Brottveit's (2007) informant's experience as well.

Another aspect the informants expressed was that often the cases in the PD were dismissed. One of the informants wondered on how they could come to the conclusion of dismissing a certain case she reported was working on. The PD obviously did not inform her of their decision. However, if the case is not dismissed, it could take several years for the criminal case to go to court, and then several more years until the parent or parents have to serve their sentence. The social workers emphasized this negative aspect. In addition, if they report and the case is dismissed, they wonder why it did not become a criminal case. In addition, one of the informants stated that when the police case was dismissed, the parents took this as an approval for their actions, and therefore did not accept assistance measures. This made it

harder to cooperate with the parents. So, whatever the PD chooses to do in a case, it seems problematic for the CWS. When the social workers have these experiences with involving the PD, either that the case takes several years or they dismiss it, it may influence their preconceptions for reporting, and thusly their tacit knowledge. With or without realizing this, it is natural to assume that they use this knowledge the next time they deal with a domestic violence case.

A positive aspect for CWS when involving the PD is that they can use the documentation from the police investigation in the County Social Welfare Board, in cases regarding forced measures, such as care orders, cf. Child Welfare Act § 4-12. This can aid CWS in their case. For instance, one of the social workers had this experience where the police had documented bruises. This is in accordance with Brottveits (2007, 225) study, that a motivation for the CWS to contribute to the penal process is the documentation from the criminal investigation.

Two of the informants stated that by involving the PD some of the parents became afraid, and thusly accepted every assistance measure the CWS suggested. The social workers who stated this, argued that this was something positive. However, there is a legal and ethical side to this. One can assume that if the consent the parents give is done because they are afraid, the consent should not be legally valid. Ethically speaking, the parents feel pressured by two government agencies, and therefore accept every measure out of fear of losing their children or being punished by a court.

Only one of the informants stated that convicting a parent for domestic violence is important for society, to see that this is illegal and that people are punished for it. In addition, she stated the fact that it can have a preventative effect. Edvardsen and Mevik (2014, 328) problematize this. They argue that it is a proclamation to society of the illegality of violence when people are convicted for domestic violence. It is natural to assume that this could have a deterrent effect as it could also affect other children both within and outside the family when the parent or parents receives a criminal record as they are not allowed to work with children.

As stated previously, Brottveits' (2007) informants state that the criminal investigation could overshadow the CWS investigation. Edvardsen and Mevik (2014) stated that in their study they learned that other authorities often retreated in cooperation with the PD because of the strong position of the law. My informants had a similar experience. The PD often instructs the CWS to wait with their routines, especially the routine of talking with the child using DCM.

This was because the child was required to do an investigative interview at the Children's House. One of the informants had experience with talking to the police and agreeing on what kind of conversations she could have with the child. In that way the social worker is considerate of the police's work but also states that it is important that she has a conversation with the child. Other informants have experienced waiting for the PD, sometimes weeks or months. In these instances, it is the child who suffers, so in these cases CWS should consider what is in the best interest of the child. The informants in Brottveits' (2007) study also stated that it was a difficult consideration to make between aiding the family or respecting the police investigation. Some of her informants were clear the fact that their mandate was to aid the child and family, and therefore they should not be considerate of the risk of destructing evidence.

7.4.3. The Process of Investigatory Interviews of Children

Investigative interviews of children in the Children's House are a procedure specialized for getting secure information from children. All of my informants had experience with investigative interviews, and it has been interesting to see how these experiences influence their consideration to report domestic violence.

One of the informants of this study was especially skeptical of the investigative interviews. She expressed that they never obtained any information from it at all, and that the whole process seemed to traumatize the children. Brottveit (2007) also shared the same experience. It is natural to assume that the way my informant feels about investigative interviews, that this has a major influence on her reporting. She was the informant that seemed most skeptical of involving the PD, and meant that the social workers had to dare to wait in some cases and not just report it. However, she also stated that in serious cases, especially if the parents had psychiatric disorders or used drugs, it was important to report because she felt like no other measures would work.

As stated in the previous section, CWS sometimes have to put a pause on their routines because of the criminal investigation. One of the main hindrances that the social workers in this study uttered was that they were not allowed to talk to the child using DCM because of the investigative interview.

Furthermore, the fact that the CWS can use evidence that police have gathered in the County Social Welfare Board to aid their casework works both ways. The parents involved in criminal cases have used the fact that the child did not report anything during the investigative interview as evidence that nothing happened. That is troubling, and could affect the social workers' preconception of reporting.

8. Conclusion

My goal has been to illustrate some of the dilemmas and challenges the CWS faces when they decide to involve or not involve the PD in a domestic violence case. Furthermore, by conducting this study, I have gained knowledge about different aspects of the decision-making process social workers use when deciding to report a domestic violence case.

It is difficult to come to the conclusion of my main research question, *what considerations are made when Child Welfare Services decides to report or not report a domestic violence case to the police?* That is because there are so many different considerations the social workers are required to consider. I believe that the social workers use their experience knowledge, and tacit knowledge, when making decision, in addition, to their academic knowledge and their knowledge about the laws and regulations. When they use these different types of knowledge they use discretion, to make a decision. Discretion is important in social work, since all cases require an individual assessment. There were three aspects of considerations that made themselves known in the interviews including: the difficult task of grading the violence, main dilemmas and challenges the regard of cooperation with the parents, the process of the criminal case e.g. cooperation between the CWS and the PD.

The answer to the research question, *in what way is the seriousness of the violence a consideration when reporting a domestic violence case?* Is that the seriousness of the violence is proved to be one of the main considerations in my study when the CWS decides to report or not report domestic violence cases. That is because it influences their intervention options. It could also be because when it is serious, they know that they have a duty to prevent and therefore report it.

To answer the sub-research question, *in what ways does parental cooperation affect the social worker's consideration process when deciding to report domestic violence to the PD?*, my

informants were clear that this was an important consideration to them, as long as they deemed the violence as not serious.

I have had focused on how the social workers' previous experiences might influence their future considerations, and thereby used hermeneutics to guide the analysis of the material. The last research question was, *how have instances of cooperation with the police in the past influenced the way social workers consider reporting domestic violence cases?* I found that some of the social workers seemed either more inclined to report or not report in regards to their previous experience with the police. The process of the investigative interview was especially influential as some of the informants believed it to be traumatic for the child.

The most interesting questions that this research raised in my opinion is how tacit knowledge is used in the decision-making process in CWS and how they legitimize it. It was difficult to get an answer to this from my small study, only using interviews. If I had access to case files, and could read what they wrote as a reason for reporting or not reporting domestic violence, it would have been easier to analyze their use of tacit knowledge.

Another aspect that is interesting is how the informal cooperation exists between the PD and CWS. It seems, according to my informants that they simply share information without the concern for their duty of confidentiality. However, it could be that they have legal authority to share information, but none of them stated this. Therefore, this would be interesting for a future study to investigate.

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