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

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

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

Investigations conducted at schools or during school hours

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

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