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Abuse, degradation and conflicts in school. A qualitative study of text documents in cases at the Swedish Schools Inspectorate

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ABSTRACT

In this study, 23 cases reported to the Swedish Schools Inspectorate are analysed using qualitative content analysis derived from a framework based on Swedish legislation. The results show that school staff and parents often expressed that those who had themselves behaved aggressively should not be viewed as victims of abuse. In most cases, there were divergent perceptions of what had happened as well as of social values and behavioural norms. The study highlights that the efficiency and the pros and cons of the broad and blurry distinction of the concept of degrading treatment in the Swedish Education Act should be discussed and that abusive actions should be counteracted regardless of relational contexts.

1. Introduction

Peer abuse in school is a complicated and well-publicised problem, which according to longitudinal studies can have severe consequences for the affected children (Bondü et al., 2016; McDougall and Vaillancourt, 2015; Olweus, 2011). Repeated negative actions, i.e. acts that cause injury or discomfort, count as bullying (Flygare et al., 2013; Lee, 2006; Taki et al., 2008; Yang and Salmivalli, 2013). The definition of bullying often also includes an imbalance of power (Cascardi et al., 2014).

The Swedish education legislation does not recognise bullying as a legal concept. Instead, duties and responsibility for damages are linked to degrading treatment, irrespective of extent and frequency. The Swedish Education Act (2010:800) states in relevant part that degrading treatment means behaviour that violates a child's dignity, which is a very broad definition. Normally, these violations involve a negative act, i.e. physical or verbal attack or passively excluding, shunning behaviour (Gustafsson, 2013). Often, there are common definitions within the school organisations but a poor degree of consensus about whether specific events really are abusive (Elvgren, 2014). This study of text documents aims to investigate interpretations of degrading treatment through cases brought before the Swedish Schools Inspectorate. The following questions are addressed: What circumstances form the basis of different actors' description of actions as degrading or not degrading treatment? In what ways are the descriptions distinguishable from each other?

2. The field of research and premises of the study

Peer aggression may be linked to criminality and violence in the school as well as to indirect aggression and use of power (Hymel and Swearer, 2015; Meyer-Adams and Conner, 2008; Reijntjes et al., 2013; Waasdorp et al., 2011). Whereas peer aggression and school violence concern all kinds of aggression, abuse implies that the attacker has a superior standing to a victim who is unable to withdraw from the harmful behaviour (Vaillancourt et al., 2008; Ybarra et al., 2014). Bullying can be seen as repeated acts that cause injury or discomfort or as repeated abuse, if imbalance of power is taken as part of the definition (Finkelhor et al., 2012; Hymel and

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Swearer, 2015; Vaillancourt et al., 2008). Conflicts in school can therefore occur as disputes between equals, as aggression between equals, as isolated moments of abuse or as repeated abuse, i.e. bullying. Degrading treatment in the Swedish Education Act, i.e. behaviour that violates a child's dignity, may cover many different types of aggressive or abusive actions. The classification of specific incidents tends to be guided by the eyes of the beholder, since there are no undisputable methods of measurement (Cascardi et al., 2014).

Values and norms prevalent in the school environment have influence on both the extent of conflict in the school and the occurrence of school violence and bullying (Malecki et al., 2015; Richard et al., 2012; Saarento et al., 2015; Waasdorp et al., 2017). Children diagnosed with cognitive disorders involving reduced social skills are notably overrepresented among victims of school bullying (Cappadocia et al., 2012; Carter, 2009). These children are also overrepresented among aggressors, since they sometimes do not have the social skills to get themselves out of conflict situations without aggression. Typically, they are however not socially capable of gathering followers to become classical bullies (Zablotsky et al., 2014).

The laws and policies on peer aggression, peer abuse and bullying in school are often fragmented and inconsistent (Cornell and Limber, 2015). To address aggression and abuse in schools in a judicial and legislative manner is a challenge due to the conceptual problems of distinction between different kinds of peer aggression. Assessments of aggression are based partly on interpretations of intentions, of the victim's experience and of social relations (Finkelhor et al., 2012; Taki et al., 2008; Teräsahjo and Salmivalli, 2003; Thornberg, 2011). Power imbalance is difficult to assess and is therefore a complicated measure. However, broad definitions, concentrating only on repetitive aggressive actions, might place undue cost and time burden on schools, which must report and investigate every aggressive transgression (Cascardi et al., 2014).

Psychologist, Dan Olweus, of Norway, is recognised as a pioneer of research on bullying and victimisation; moreover, his anti-bullying programme, the whole school approach, is nowadays well established (Hymel and Swearer, 2015; Olweus and Limber, 2010; Richard et al., 2012). Following in his footsteps, the Swedish field of research on peer aggression is extensive, albeit focusing on quantitative studies and on prevalence and prevention. Studies on bullying, peer abuse and aggression in schools from a legalistic perspective are scarce. Thus far, the only examination of crimes in schools among children younger than the Swedish age of criminal responsibility, 15 years, shows that Swedish schools lack specific regulations or action strategies to tackle school violence (Vainik, 2017).

Viewed from an international perspective, Swedish schools have consistently shown relatively low levels of abusive behaviour and bullying; nevertheless, the State continues to introduce initiatives aimed at preventing such acts. Peer abuse in Swedish schools can be handled pursuant to the Discrimination Act, the Work Environment Act and the Education Act (Refors Legge, 2016). The Education Act (Ch. 5, paragraphs 7, 10, 12 and 13) provides for sanctions such as written warning, relocation and exclusion if a child behaves in an unsuitable manner. The regulations of the Swedish National Agency for Education do not specifically address any requirements to report to the police, but state that school staff must in each individual case assess whether to report the matter to adequate authorities (Vainik, 2017).

Most research on the relationship between peer aggressions, bullying and crimes concern being a bully as a risk factor for later criminal offending (Fergusson et al., 2014; Olweus, 2011; Ttofi et al., 2014). In Sweden, there is however an increasing interest in how aggression in schools relates to criminal acts as well as in the relation between bullied children and crime victims (Lunneblad et al., 2017, 2016; Vainik, 2017). The Swedish police might interview children younger than 15 years, though such cases are normally referred directly to the social service authorities for further action. Swedish school staff define and categorise situations where aggression or abuse have occurred in different ways and might collaborate with the police, report cases of degrading treatment and harassment or prefer to emphasise on the importance of collaborating with parents (Lunneblad et al., 2016). The tendency is towards more and detailed legal regulations concerning when schools act and react in relation to violent behaviour (Odenbring et al., 2016). It might be seen as a problem that the management of conflict in schools is characterised by increasingly formalised routines, sanctions and reports to the police; such legalistic measures do not in themselves reduce peer abuse (Odenbring et al., 2016; Vainik, 2017). In practical terms, however, it appears that Swedish school employees are more likely to view the aggressors under a relational-pedagogical rather than a legalistic focus (Hammarén et al., 2015). Victims of bullying, on the other hand, are in many cases discussed not primarily as victims of abuse but with a focus on their medical diagnosis (Hammarén et al., 2015).

The Swedish Education Act (Ch. 6, paragraphs 3 and 10) requires schools to report, investigate and intervene upon awareness that a child feels that he or she has been exposed to degrading treatment, i.e. behaviour that violates a child's dignity. Schools must also have in place action plans for their work against degrading treatment. A so-called reduced burden of proof rule, included in the Education Act (Ch. 6, paragraph 14), stipulates that if a child points to circumstances that provide reasons to assume that he or she has been exposed to degrading treatment, it is incumbent upon the school to show that such treatment has not taken place. Cases involving damages under the Education Act are usually concluded through conciliation and therefore rarely come before a court of law (Gustafsson, 2013).

In the preparatory material for the Education Act, it is emphasised that it is not reasonable that every action experienced as abusive should lead to a formal complaint; rather, degrading treatment must have been noticeable and unmistakable (Gov. Bill, 2005/06:38). Psychological exclusion or shunning without any element of violence can nevertheless constitute noticeable and unmistakable abuse. However, it must have been clear to the active party that the behaviour is abusive, if this is not noticeable, and ordinary teasing should not be regarded the same as abusive treatment (Gov. Bill, 2005/06:38; Gov. Bill, 2007/08:95; Gov. Bill, 2009/10:165). Elvgren (2014), who has investigated both legally binding and advisory regulatory documentation within the school system, believes that the preparatory documentation's various derogations from the concept of abusive treatment are open-ended and unclear. She argues that the lack of clarity of the law and regulations constitutes, and also creates, acceptance of a view that abuse of various kinds will occur in schools and cannot be fully eliminated (Elvgren, 2014).

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