



# Legal Risk in School and Early Childhood Leadership

Balancing employment law, pedagogy, and relational trust



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## **The Research Question:**

**How do school and ECEC leaders handle legal risk when law, pedagogy, and relationships must be balanced at the same time?**



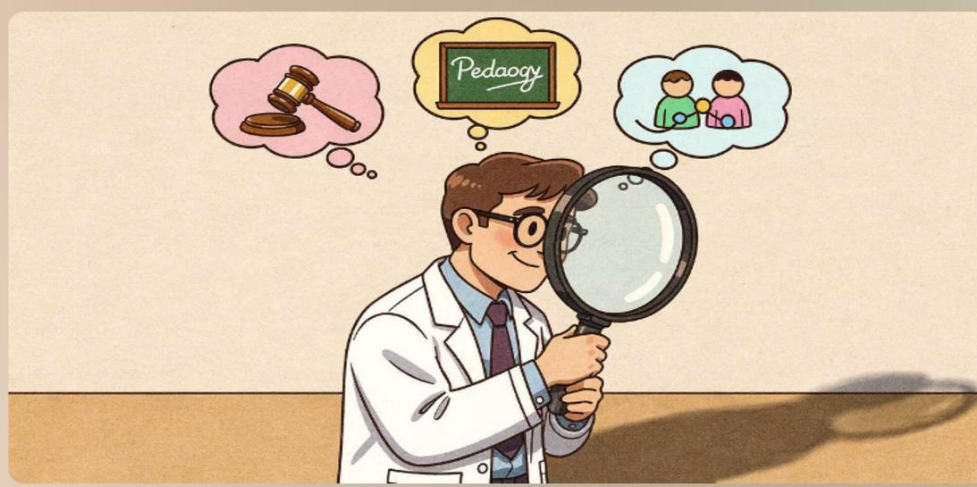
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# Methodology

- ☐ **Qualitative research design** — exploring leaders' own descriptions and reflections
- ☐ **Data source:** written evaluations from 92 school and ECEC leaders in continuing education
- ☐ **Participants** were practising leaders — with real, ongoing responsibility
- ☐ **Data collected** as part of a structured continuing education programme at Nord University
- ☐ **Thematic analysis** used to identify patterns across cases and contexts
- ☐ **Findings reflect leaders' self-reported experience** — not observed practice





## Three Theoretical Lenses



### **Legal risk is practice-near**

Arises in everyday  
interpretation of the law



### **Employment law is pedagogy**

Not a separate  
administrative task



### **Relational leadership**

Trust and ethics are central

# Legal Risk Is Not About Rules Alone

- **Rules** require **interpretation** — they are never **self-executing**
- More **rules** can create **MORE discretion**, not less
- **Leaders** must decide even when the **law** gives no clear answer
- **Organisations** are shaped by **people, interests, and negotiation**





## Employment Law as Pedagogical Practice

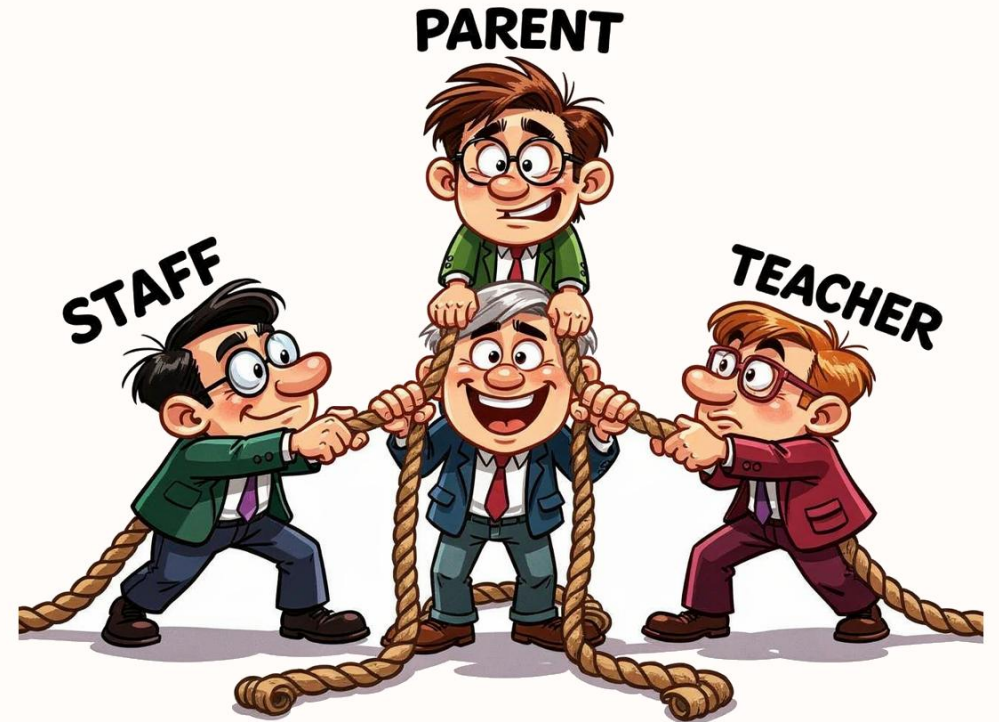
**Legal risk cases emerge at the intersection of staff rights, children's needs, and parental expectations.**

- **Sick leave, conflict, and dismissal** cannot be separated from **pedagogy**
- **Legal competence** leads to clearer communication and fairer processes
- Routine **staffing decisions** are simultaneously **legal decisions**

# The Three-Way Relationship

## Staff – Children- Parents

- This is where **employment law**, **pedagogy**, and **relational pressure** converge
- **Leaders** must hold the case together when parties pull in different directions
- Handling is an **ongoing leadership process** — not a one-time decision





## Children's Rights as an Intensifying Dimension

- **Bullying** and **exclusion** cases require **shared understanding** among staff
- Differences in interpretation **delay action**
- The child's right to **participate** depends on **relational conditions** leaders must create

*"In many cases, it is the **parents' voice** that is heard, and the child's experience is communicated through them."* — **School leader**

# Parents as Part of the Risk Landscape

- **Parental cooperation** is part of **legal handling** — not just pedagogy
- Leaders must balance **participation rights** against **confidentiality duties**
- One parental complaint can be a **personnel matter**, a **pedagogical issue**, and a **legal risk** — all at once



# Employment Law: The Largest Area of Risk



- **Sick leave, accommodation, poor performance,** and **dismissal** are the hardest areas
- **Hidden accommodation** by colleagues delays oversight and increases risk
- **Reorganisation** and **downsizing** affect **trust** far beyond the individual case
- Leaders spend enormous time on **substitutes, scheduling,** and **sick leave follow-up**

“Much time is spent on staff scheduling, recruitment of substitutes, and follow-up of employees on sick leave.”

— **Leader**

# Trust-Based Leadership as a Legal Resource

Legally challenging cases cannot be handled through procedures alone.

- **Trust** shapes the organisation's capacity to handle legal risk
- **Openness** and **ethical awareness** help handle hard cases without weakening the team
- **Dialogue** builds shared meaning and legitimate decisions



# Documentation, Time Pressure, and Relational Vulnerability



## **Documentation**

Essential for legal protection — built under incomplete information

## **Time Pressure**

Leaders must act before full clarity is available

## **Relational Risk**

Conflict and trust affect both assessment and action



# Key Conclusions

- Legal risk arises at the **intersection of law, organisation, and relationships**
- Handling legal risk is **everyday leadership** — not a specialist task
- Relational trust** and **ethical awareness** are organisational capacities
- Future research should examine **actual leadership interaction**

**Legal risk is not a legal  
problem.**

**It is a leadership  
challenge.**

*— Edvardsen & Kristensen, 2026*

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**Thank you — we welcome your questions and reflections.**