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AN EVALUATION OF THE DIVERSION PROGRAMME FOR CHILD OFFENDERS AGED 12 – 17 YEARS OLD IN THE WESTERN CAPE (PHASE 1)

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1. INTRODUCTION

The Social Crime Prevention Programme, in the third quarter of 2015 requested the Department's Research Unit to undertake an evaluation of the diversion programme for young offenders. The following concerns motivated the request for the evaluation: firstly, a reduction in the number of child offenders who are referred to diversion programmes and secondly, child offenders who are not completing the diversion programmes. The Programme's overarching concern was to explore whether diversion programmes offered to child offenders contributed to reducing the risk of recidivism. Based on discussions with the Social Crime Prevention Programme, specific focus was placed on children between 12 – 17 years old.

Following the compilation of a research proposal and instruments, a two phased approach was developed for the implementation of the evaluation. This report will however solely contain the findings of phase one of the evaluation. Fieldwork for this phase took place between January and March 2016. The design of phase two is currently being finalised for implementation.

2. BACKGROUND

2.1. Diversion and the Child Justice Act

South Africa experienced a transition in its child justice reform efforts when the Child Justice Act 75 of 2008 (that will be referred to as the CJA from hereon) was implemented in April 2010. One of the CJA's central aims is to encourage the diversion of young offenders away from formal court procedures, thereby allowing children an opportunity to voice their views on the circumstances of their offending behaviour. The CJA possesses a strong restorative justice ethos and provides a framework that is specifically geared towards children in conflict with the law within the criminal justice system (Hargovan: 2013; Wood: 2003, Van der Merwe and Dawes: 2011). The CJA defines diversion as follows: the diversion of a matter involving a child away from the formal court procedures in a criminal matter by means of the procedures established by Chapter 6 and 8 in the Act.

The overall objectives of diversion as stated in the Act, Chapter 8 (Section 51) is to:

- a. Deal with a child outside the formal criminal justice system in appropriate cases;
- b. Encourage the child to be accountable for the harm caused by him or her;
- c. Meet the particular needs of the individual child;
- d. Promote the reintegration to those affected by the harm to express their views on its impact on them;

- e. Encourage the rendering to the victim of some symbolic benefit or the delivery of some object as compensation for the harm;
- f. Promote reconciliation between the child and the person or community affected by the harm caused by the child;
- g. Prevent the stigmatisation of the child and prevent adverse consequence from being subject to the criminal justice system;
- h. Reduce potential reoffending;
- i. Prevent the child from having a criminal record and,
- j. Promote the dignity and well-being of the child, and the development of his or her sense of self-worth and ability to contribute to society

The Act (Section 52) states that the diversion of a child offender can be considered in the following circumstances: at a preliminary inquiry or during a trial, including whether the child has a record of previous diversions; if the child acknowledges responsibility for the offence; has not been unduly influenced to acknowledge responsibility; there is a *prima facie* case against the child; the child and responsible adults of the child consent to diversion and finally, the prosecutor indicates that the matter may be diverted in accordance with subsection (2) or the Director of Public Prosecutions indicates that the matter may be diverted in accordance with subsection (3).

In accordance with the Act, Chapter 8 (Section 53), diversion options present as follows: a compulsory school attendance order, family time order, good behaviour order, peer association order, reporting order and a supervision and guidance order¹. The Act clearly stipulates that the diversion options are set out in two levels: level one applies to offences referred to in Schedule 1 and level two applies to all other offences as referred to in Schedules 2. According to Gallinetti (2009: 16) in "Getting to know the Child Justice Act", the Child Justice Act applies to all criminal offences which are divided into three schedules which are dependent on the seriousness of the offences. Schedule 1 refers to the least serious offences, whereas Schedule 3 defines the most serious offences. These schedules have different implications for children charged with one of them. In addition, the Criminal Procedures Act No 51 of 1977 provide more details regarding the type of offences within these different schedules.

Section 54 (1) highlights that particular factors should be considered when selecting a particular diversion option. Firstly, the diversion option should be at the appropriate level in terms of Section 53.

¹ Refer to Child Justice Act, Chapter 8 (Section 53) for a more detailed explained for each specific order.

Secondly, the child's cultural, religious and linguistic background should be considered. Thirdly, the child's educational level, cognitive ability and domestic and environmental circumstances must be referred to. Fourthly, the proportionality of the option recommended or selected, to the circumstances of the child, the nature of the offence and the interests of society. Finally, the child's age and developmental needs should be considered.

The Act, Section 55 (1) furthermore describes the minimum standards applicable to diversion. These include the following: Diversion options may not be exploitative, harmful or hazardous to the child's physical or mental health, must be appropriate to the age and maturity of the child, may not interfere with the child's schooling, may not be structured in a manner that completely excludes certain children due to a lack of resources, financial and otherwise and finally, must be sensitive to the circumstances of the victim.

Section 55(2) continues to emphasise that diversion programmes, where possible should impart useful skills, include a restorative justice element which aims at healing relationships and an element which seeks to ensure that the child understands the impact of his or her behaviour on others. At the same time, the programmes should take place in a location that is accessible to the child; be structured in a way that is suitable for various circumstances and offences and allow for the effectiveness to be measured; and be promoted and developed with a view to equal application and access throughout the country. Finally, parents, appropriate adults or guardians should be involved if applicable.

2.2. Service Delivery Content

In the DSD Annual Report 2015/16 Financial Year, sub-programme 4.2: Crime Prevention and Support, the planned target for the number of children in conflict with the law referred to diversion programmes for 2015/16 was 3 785. The actual achievement for this particular year resulted in 3 555; a deviation or underperformance of 230 from the planned target.

The Annual Report 2015/16 added that the planned target for the number of children in conflict with the law, who should complete diversion programmes was 2 589. The actual achievement however totaled at 2 384, with a deviation of 205. The report explained that the dropout rates in the rural areas and during the holiday periods were reasons for this deviation. The strategy to overcome these areas of underperformance, as defined in the report, will include will include a monitoring strategy between DSD and SAPS, as well as the monthly Provincial Child Justice Forum that will address the

lower number of assessments of children in conflict with the law. The underperformance regarding children in conflict with the law referred to and who completed diversion programmes will be addressed through ongoing capacity-building of Departmental probation practitioners and strengthening of internal diversion programmes and processes. This will be undertaken in an attempt to ensure effective service delivery and the monitoring, tracking and supervision of clients to be improved with the help of the Probation Case Management System.

In addition, based on the Social Crime Prevention Programme's non-financial data, the following statistics provide an overview of the number of children who were diverted in the period April 2012 to March 2016.

Table 1: Indicator – number of children diverted

REGION	April 2015 - March 2016	April 2014 - March 2015	April 2013 - March 2014	April 2012 - March 2013
Metro North	421	593	574	1034
Metro South	705	588	612	728
Metro East	521	742	709	877
West Coast	302	403	395	393
Cape Winelands	817	808	762	674
Eden Karoo	733	743	690	761
TOTAL	3499	3877	3742	4467

Reasons for deviation from the planned target for the number of children in conflict with the law, according to the Annual Report (2013), who have completed the diversion programme, has also been supported in a previous internal DSD report² on children awaiting trial. This report revealed that the nature of the criminal offences, reoffending and "court cultures"³ influenced why children were not being placed in CYCCs but could possibly also be a reason as to why children were not being diverted. Certain courts were described as 'pro diversion' whereas others were not.

The DSD Annual Report 2015/16 Financial Year states that four provincial diversion programmes were accredited. During this period, a review of the Diversion Accreditation Policy Framework commenced and simultaneously, the system for tracking and monitoring of all children in conflict with the law who are in detention was implemented. According to the report, this tracking system enables the Department to identify and address systemic and procedural blockages. In addition, this report states that the criminal courts have been provided with additional options to fast track minor criminal matters. As a consequence, minor offenders were now provided with an opportunity to give back to the communities and helped in allowing the courts to focus on the more serious offences.

3. LITERATURE REVIEW

3.1. Deconstructing the concept of diversion

Internationally, the concept of diversion is omnipresent within the discourse of the youth justice sphere (Richards: 2014). Goldson (2000) reiterated this in stating that diversion has been a key feature ideologically and practically in the field of youth justice. In the book, *Youth Violence: Sources and Solutions in South Africa (2011)*, South African authors Van der Merwe and Dawes define diversion as the process of diverting young offenders away from the criminal justice system. This particular age group, under 18 years, according to Van der Merwe and Dawes (2011: 348) has been subject to special provisioning compared to offenders who are over the 18 of years. These scholars continued in presenting the various types of diversion initiatives that exist. These initiatives can include life-skills models, peer/youth mentorship, skills training/ educational and entrepreneurship programmes,

² Sauls, H. 2014. Internal DSD Report entitled, "A Situational Analysis of children awaiting-trial in Child and Youth Care Centres in the Western Cape" Ref. No. 12/1/2/3/24

³ "Court Cultures" was a term used by a probation officer in the report, "A Situational Analysis of children awaiting-trial in Child and Youth Care Centres in the Western Cape" to refer to the different approaches that courts employ when dealing with children who are in conflict with the law. This term suggests that some "court cultures" are more child-friendly and employ a restorative justice approach compared to other courts, where judgements on children in conflict with the law are harsher and more punitive in response.

restorative justice processes, counselling and therapeutic programmes as well as multimodal programmes (Van der Merwe and Dawes: 2011). Similarly, Hargovan (2013) stated that the central objective of the Child Justice Act 75 of 2008 is to encourage the diversion of young offenders away from formal court procedures and to provide children an opportunity to express their views on the circumstances of their offending behaviour. Diversion initiatives have therefore been shown to include: programmes/ interventions such as counselling; processes that take the form of family conferences and enforced pro-social activities such as oral and written apologies. Only recently, a regulatory legislative framework was put in place in South Africa to encourage a coherent and standardised implementation (Wood: 2003). Previously, an audit of diversion initiatives indicated that interventions were being presented haphazardly and disjointedly due to a lack of guiding frameworks (Mukwevho: 2011).

Recently, scholars have witnessed an increase in literature that challenges the existing definitions of diversion. The work of Richards (2014) for example highlights the varying conceptual understandings of diversion. In her publication, "Blurred lines: reconsidering the concept of 'diversion' in youth justice systems in Australia", Richards emphasises the multiple definitions of diversion that are employed. Simultaneously, scholars such as Kelly and Armitage (2015) have challenged the oversimplified and unattested definitions of the concept. Therefore, despite the concept's popularity within the field of youth justice, the concept of diversion has been described as being conceptually confusing, rarely critically examined and too easily accepted. As a result, scholars have increasingly urged that the concept be examined.

Throughout Richards' article (2014), the term 'diversion' was placed in inverted commas as a reminder to the reader of the concept's contested nature. Richards states that "diversion is a shifting and nebulous entity, and appears to take on various meanings in various contexts, at various times, and to various people" (Richards: 2014). She continued in saying that diversion represents a "loose, shifting and unstable assemblage of diverse processes, practices, ideologies and theoretical positions". In an attempt to re-ignite critical engagement with the concept of diversion, Richards' article presents the following four interrelated questions that allows for the concept of diversion to be examined: (1) what young people are diverted *from* and *to*; (2) whether young people are to be diverted from the *criminal justice system* or from *offending*; (3) whether young people are to be diverted from the *criminal justice processes or outcomes*; and (4) whether diversion should be reimagined as *conceptually distinct from both crime prevention and early intervention*. A fundamental aim of Richards' article was therefore to disentangle the conceptual distinction between 'diversion' from the criminal justice system and 'diversion' from offending. According to Richards, 'diverting' young people from the criminal justice system is mainly concerned with lessening

the potentially adverse consequences of this contact; whereas, 'diverting' young people from offending primarily aims to change the young person's behaviour. These objectives do not however have to function exclusively. Instead, the objectives of diversion can include several of these goals.

In conclusion, Kelly and Armitage (2014) have therefore suggested that five understandings of diversion can be identified within policy and academic discourse. These are as follows: diversion from prosecution/ court; diversion from custody; diversion from the youth justice system; diversion into alternative services and finally, diversion from crime. Contributors such as Kelly, Armitage and Kelly have therefore highlighted the need for the conceptual confusion of 'diversion' to be examined. According to Armitage and Kelly, the plethora of youth justice programmes and policies have in many ways been developed on unclear rationales and objectives and have unclear benchmarks for the measurement of the policies and programmes' effectiveness. Greater conceptual clarity on what 'diversion' is or is not is needed; including, who its target population is, what it aims to achieve and what it can be expected to achieve (Pratt: 1986: 214). Finally, these scholars have suggested that a far more nuanced understanding of diversion be employed.

With regards to the Child Justice Act (Act No. 75 of 2008), the definition for diversion is clear. The Act defines diversion as the "diversion of a matter involving a child away from the formal court procedures in a criminal matter by means of procedures established by Chapter 6 and Chapter 8 (of the CJA)". Considering the existing diversion programmes, it is apparent that the implementation of the programmes do not only focus on diverting a child offender from the formal court procedures in a criminal matter, as defined in the Act. Rather, the content of DSD existing, accredited diversion programmes expands its efforts to include changing the behaviour of the child offenders at the same time.

3.2 International evidence on 'what works' in managing young people who offend

Based on a review that was commissioned by the Ministry of Justice in the United Kingdom (2016), the effectiveness of diversion within specific youth justice settings in reducing reoffending was evaluated; of which the following key findings of effective interventions were found:

- The individual's risk of reoffending – assessing the likelihood of further offending and importantly, matching services to that level of risk with a focus on those people who are assessed as having a higher risk;

- The needs of the individuals – focusing attention on those attributes that are predictive of reoffending and targeting them in rehabilitation and service provision;
- An individual's ability to respond to an intervention – maximising the young person's ability to learn from a rehabilitative programme by tailoring approaches to their learning styles, motivation, abilities and strengths;
- The type of programme – therapeutic programmes tend to be more effective than those that are primarily focused on punitive and control approaches. Therapeutic approaches include: skills building (e.g. social skills, Cognitive Behavioural Therapy), restorative (e.g. restitution, victim-offender mediation) and counselling (e.g. for individuals, groups and families) and mentoring in some contexts.
- The use of multiple services – addressing a range of offending related risks and needs rather than a single factor. Case management and service brokerage can also be important.
- Programme implementation – quality and amount of service provided and fidelity to programme design.
- The wider offending context – considering family, peers and community issues.

The Ministry of Justice review (2016) also highlighted that the effectiveness of diversion programmes at diverting young people away from the criminal justice system and reducing reoffending has been mixed. This finding was supported by the Edinburgh Study of Youth Transitions (McAra and McVie, 2007), a longitudinal study of young people who have offended, supported the relevance of diversionary approaches to the criminal involvement of young people. This study indicated that young people who come into contact with the criminal justice system and social services are slower at desisting from crime compared to those who do not become known to the services. On the other hand, further meta-analysis indicated conflicting results. Other studies such as Schwalbe (2012) found that diversion did not have a significant effect on reoffending. These contradictory results have been explained to be a result of differences in definitions of diversion and methodology. The overall conclusions that can be drawn, relating to the effectiveness of the diversion programmes, can therefore be said to be limited due to the variation of the design, aims and content of the interventions. Reflecting on such international findings for effective diversion programmes are relevant to this project as it will allow for the reader to compare, to a certain degree, the findings with the current project's results.

4. EVALUATION AIMS

The central aim of this project was to undertake a process evaluation of the diversion programmes rendered to child offenders between the ages of 12-17 years old. The evaluation has two phases.

The evaluation's main aim is as follows:

Phase One: To evaluate the implementation of the diversion programme for child offenders.

5. EVALUATION QUESTIONS

Considering the main evaluation aims, the following evaluation questions were formulated. During the first phase, the following evaluation questions were explored:

1. Are children being effectively diverted through the assessment process?
2. Are the diversion options to child offenders available and accessible?
3. Are child offenders placed in the appropriate diversion programmes?
4. What are the reasons for non-completion/drop out from diversion programmes?
5. Are there any consequences for non-completion/ non-compliance?
6. Are children provided with after care services in the twelve months post diversion?
7. Are diversion programmes adequately resourced?
8. What challenges are experienced in the implementation of the diversion programme?
9. What local best practices, at programme theory and implementation level, are emerging in the field of diversion?

6. RESEARCH METHODOLOGY

6.1. Evaluation Design and Methods

This evaluation adopted a mixed-methods approach which utilised quantitative and qualitative data.

Qualitative methods that were employed allowed for an in-depth exploration of the implementation of the diversion programme and related aims of the evaluation. The data gathering was guided by the legislation and programme objectives. The qualitative research methods included: content analysis of documents and materials, semi-structured interviews and focus group discussions with professionals. Finally, participant observation took place over a day in a non-metro area when the researcher accompanied the service provider in their daily duties. This included visits to the area in

which the child resided, home visits and engagements with family members. In addition, the researcher attended two consultations in which child offenders were assessed and parents engaged with.

6.2. Sampling Methods

In consultation with the Social Crime Prevention Programme, a purposive sampling method was used to identify Service Delivery Areas that included sites with high and low rates of referrals to diversion. This sampling approach assisted in the exploration of contextual and socio-cultural factors that affected the implementation and effectiveness of the Programme, as well as the possible under-utilisation of diversion services.

In consultation with the requesting Programme, the following Regions and Service Delivery Areas were identified and participated in the evaluation:

Table 2: Research Sites selected for the evaluation

Diversion rate	Region	SDA
Low	Metro East West Coast Winelands Overberg	Khayelitsha Saldanha, Vredenburg Cape Agulhas (Bredasdorp)
High	Metro South Winelands Overberg	Mitchells Plain Breede Valley (Worcester)

The research participants included the following stakeholders: probation officers, assistant probation officers, social workers, social auxiliary workers and the NGO service provider of diversion programmes.

6.3. Data collection and analysis

Qualitative techniques allowed for an in-depth exploration of the intervention activities being administered in the programme and an evaluation of the involved professionals' experiences of the programme.

Individual in-depth interviews was employed as the main method of data collection with the professionals who were involved in the diversion programmes. These interviews were conducted with probation officers, assistant probation officers, social work managers, programme co-ordinators and the diversion service provider's staff.

Table 3: Breakdown of participants

Designation	DSD	Service Provider
Probation Officer/ Social Worker	7	1
Assistant Probation Officer/ Social Auxiliary worker	8	
Social Work Supervisor	1	1
Social Work Manager	1	
Programme Co-ordinator	1	
TOTAL	18	2

Interview schedules were developed to structure the questions and topics of interest; at the same time, specific themes were identified in the interview schedules. These main questions however acted as guidelines for the researcher, as research instruments were utilised in a flexible manner. Finally, fieldnotes were recorded on a daily basis in conjunction with the interviews.

Focus group discussions (FGDs) were conducted with the professionals. These group discussions were utilized as a means to further explore emerging themes presented within individual interviews. In addition, the FGDs did not exceed 10 participants.

At the same time, participant observation was employed as a means for data collection in one of the non-metro research sites. The researcher accompanied the diversion service provider whilst conducting home visits to a number of families and assessments with children and caregivers in a particular area. This research method was particularly useful as it allowed for the researcher to partially experience and witness some of the daily challenges that the probation officers and assistant probation officers experienced. The researcher witnessed some of the challenges that the fieldworkers are faced with on a daily basis.

Table 4: Breakdown of Data Collection Activities and Geographical Location

Research Activity	Number of Interviews	Metro	Non-Metro
Individual Interviews	7	2	5
Focus Group Discussions	3	1	2

Permission to record the individual interviews and FGDs was requested from participants. All participants agreed to have their interviews recorded. Thereafter, the recorded interviews were transcribed and manually coded. Raw data was then summarised and thematically analysed; at the same time, collected interview notes were gathered and included in the analysis. Lastly, the relationships between the emerged themes were analysed and interpreted.

6.4. Ethical concerns

Finally, approval for the evaluation was obtained from the department's Research Ethics Committee. In the field, probation officers were asked to complete a consent form, once the evaluation project had been explained and the participants were clear as to what was expected of them. The confidentiality and anonymity of the participants have been protected.

With regards to the safekeeping of data, the transcriptions and recorded interviews have been stored within a secure folder on MyContent and an encrypted folder on the researcher's desktop; also, the collected data has been copied to a DVD that is placed within a safe and secure space in an office. The data is therefore only accessible to the researcher and director of the research unit.

7. FINDINGS AND DISCUSSION

The following section of the report will present and discuss the findings that emerged during fieldwork with the various professionals including probation officers, assistant probation officers, social work managers and programme co-ordinators. Focus will be placed on DSD's accredited diversion programmes that include: Rhythm of Life, The Wake-Up Call, In the Mirror, After Care Programme and Restorative Justice Programme, as well as, the diversion programmes presented by the service provider (which will be discussed in more detail in Section 7.6). The various evaluation questions presented earlier in the report, that will address the implementation of the diversion programme for child offenders, will be responded to below.

7.1. Are children being effectively diverted through the assessment process?

At the start of the diversion process, child offenders are assessed as a means to explore whether the child and the diversion programmes are a suitable and appropriate option for the child. Probation officers reported numerous factors, within the legal framework, that were considered before there would be a recommendation as to whether a child would be diverted. The main factors reported during the interviews were: (1) the child has to be a first time offender. In some cases, reoffenders are considered for diversion but this is dependent on the nature of the crime committed and the impact on the victim. In most cases, reoffenders, who have committed schedule 3 offences, will not be diverted; (2) when a child offender pleads guilty and displays remorse, diversion will be considered; otherwise, diversion will not be considered. Participants added that in many instances, children do not admit guilt for various reasons such as the normalisation of criminal and violent behaviour, as well as, anxiety that is experienced during the assessment and (3) the impact of the crime on the victim acts as a deciding factor. Participants explained that the contributing factors are however contingent on numerous contextual influences such as the magistrate, police and probation officers' eagerness to divert child offenders. It has been stated that in specific areas, certain officials, magistrates and police officers, are more willing to divert child offenders whereas, others might not be as willing to divert child offenders. A case was described where a child was diverted seven times.

On the other hand, diversion is not recommended: (1) when a child offender does not plead guilty or displays a lack of remorse; (2) if a schedule 3 is committed such as rape or murder and (3) if a case involves adult offenders or a group of offenders. The involvement of adult and multiple offenders complicates the recommendation for diversion as the officials need to establish the child offender's role and reasons for their involvement in the crime. It is important to mention that the interviews revealed that combinations of the above mentioned factors impacts on whether a child offender will be diverted or not.

Initially, participants shared that the process from assessment to placement of a child offender was fairly effective. However, as discussions with the probation officers progressed, it became clear that a multitude of challenges existed that were being experienced during this process. These include the following:

7.1.1. Anxiety and building rapport during the initial assessment

An interesting finding that emerged during interviews with the professional staff of the service provider relates to the child offender's anxiety during the first assessment. DSD probation officers conduct an initial assessment with the child. When the child offender is referred to the service provider for diversion, the child then undergoes a second assessment. According to the participants, the first assessment deals with general issues relating to the child and the offence whereas the second assessment has been described as far more "comprehensive". A second assessment has been described as a means to allow children to provide additional information to the first interview. The child's anxiety influences the quality of the information provided. In many cases, the child provides limited information during the first assessment. Based on this limited information, the child is then referred to a specific diversion programme provided by the service provider. Once the child reaches the service provider, a second assessment is conducted and additional information is gathered. Participants from the diversion service provider stated that the child offender, during the second assessment, would have been given an opportunity to process (to a certain degree) what is happening and in turn, will be assumed to be less anxious and will consequently be able to better articulate their responses with more detailed information. The anxiety of a child during these initial assessments can therefore misdirect the management of this child. Staff of the service provider therefore added that child offenders are frequently reassigned to a different diversion programme after the second assessment has been completed.

Building rapport during the early stages of the interaction with the child offender is a challenge for the probation officers. In certain areas, gang involvement was mentioned as one of the main challenges that probation officers are experiencing while working with child offenders' and trying to elicit case information from them. Participants highlighted that these child offenders are cautious even to confirm their affiliation to a specific gang. However, as time progresses and the probation officer starts to develop rapport with the child offender (which usually only happens once they have attended a series of sessions in the diversion programme), the child is more willing to share information. A participant eloquently described this process, "You need to strip them (child offender) of the gang and you need to strip them of the (gang) image that they (child offenders) need to portray and then work with this person (apart from the gang member) inside. That's difficult at the beginning of the programmes but then at the end they say thank you and that they have learnt a lot".

7.1.2. Unclear court instructions and limited case details

Discussions with participants revealed that on various levels, limited information and guidance from probation officers and magistrates, can have detrimental effect on the assessments, referral and placement of child offenders. For example, participants reported that magistrates provide unclear court instructions as to what should happen with the child offender. Probation officers also reported that at times, magistrates do not provide return court dates for the child. Simultaneously, probation officers explained that limited information and poorly investigated case details are provided to magistrates. It has been reported that a number of case files simply state, "diversion" as a recommendation but lacks detailed information of the child and the criminal case. As a consequence, the magistrates are responding to the cases with minimal information to make an informed decision. Participants stated that the contextual information is vital when understanding the criminal offence of a child. Providing detailed information on the criminal case is crucial as it influences the fate of the child offender. The criminal offence cannot be viewed in isolation. "You can't just look at the crime that was committed. You have to look at the background and why it happened", agreed a probation officer.

Several participants stated that probation officers link the poor quality of assessments to the amount of time that officials take to complete the session. According to one of the programme co-ordinators, an assessment can take approximately 30-40 minutes to complete if detailed information is provided. Yet, it became apparent that probation officers were taking far less time to complete assessments in a particular area. The participant reported that on average assessments were being completed in approximately 10 minutes. According to the participants, probation officers needed to record the time spent when entering and leaving once an assessment had been completed. The participant continued that single sentences were being recorded.

Overall, the information provided for these assessments and the agreed upon trajectory for this child offender is of utmost importance, as the information provided at this early stage impacts on the overall diversion process. The consequences of probation officers undertaking poor quality assessments can result in the mismanagement of child offenders. Unclear court instructions and poorly researched case information can result in grave consequences for the child offender. An example of the importance of quality case details was illustrated when a boy was apprehended for murder. After the second assessment, it was revealed that the boy was present but not involved in the crime and could therefore be diverted.

7.1.3. Lack of information regarding previous offences

Participants stated that not all child offenders are assessed after being apprehended. SAPS officials are described to be using their “discretion” when apprehending a child offender. Probation officers expressed that police frequently apprehend child offenders but only give the child a verbal warning. This is the case especially when the child has committed a “petty” crime. DSD officials are however called upon when serious crimes have been committed. As a result, probation officers do not assess the children that SAPS have apprehended but released with a verbal warning. The probation officers are consequently unaware of the child's previous engagements with SAPS. The omission of the assessment can have far reaching implications. If the child offenders are not assessed, a history of their criminal behaviour is not recorded but when a probation officer eventually assesses the child, previous engagements with the law are disclosed.

A participant expressed that children with prior challenging behaviour can be identified from ‘real’ first time offenders, as he described them. “It’s like they’re old... (With) first offenders, you can see they’re still these children”. The participant continued in suggesting that children with previous criminal behaviour should also be placed in a “special group”. Formally, this child who had displayed prior criminal behaviour cannot be defined as a reoffender, as no history of the child's criminal behaviour has been recorded. At the same time, no support services have been provided to the child. Participants stated that SAPS’ response to bypass the DSD officials is a result of their lack of information on the diversion process, challenges SAPS officers have in determining the age of the child offender, as well as, the excessive “paper work” involved in the diversion process (the administrative forms).

7.1.4. Limited specialised skills during the assessment process

Probation officers reported that they were at times confronted with children who were intellectually challenged and that they needed to develop special skills to deal with such cases. The probation officers, who conducted the assessments, mentioned that only as the interaction with the child progressed, was a probation officer able to notice that the child might be struggling to engage. Such intellectual challenges, including children suffering from Foetal Alcohol Syndrome (FAS), had significant influences on the interaction between the child and official during the assessment. The participants who had to deal with such cases stated that if they suspected any such challenges with the child, the case would be referred to a psychologist or psychiatrist. However, the availability of these support services were not explored. Similarly, specialised skills are required when probation officers have to determine whether a child can be diverted to a substance abuse diversion programme or admitted to a rehabilitation facility instead. Participants expressed that some children, who were assessed, were in need of psychological and psychiatric support.

7.1.5. Single vs multiple diversion programmes

The probation officers highlighted concerns that child offenders are mainly placed in single programmes. According to the probation officers, placement in a single diversion programme is ineffective. It was suggested that the placement of child offenders in multiple diversion programmes might be far more effective. Participants explained that the needs of child offenders exceeded what a single diversion programme, in which most cases, a life skills programme could offer. Rather, probation officers suggested that child offenders are in need of a life skills programme which should then be followed by a specialised programme if needed. Specific professionals also recommended that the aftercare programme be implemented as a compulsory programme for all divertees.

7.1.6. Avoidable diversion placements

Participants living in non-metro areas discussed the criminalisation of children extensively. This however does not mean that children in the metro areas are not being criminalised. The over utilisation of SAPS as a means to manage children's behaviour seems to exist within public and private spaces of the children, their schools and families respectively. Participants stated that educators in schools and family members, including parents and caregivers, are contacting SAPS to react to children's socially less appropriate behaviour. A DSD participant mentioned that parents had informed the official that teachers and even the service provider advised parents to lay a criminal charge against the children, when parents were challenged by the child's behaviour. However, in a few cases, the assessment divulged that the child was rather in need of care and protection.

Participants also shared that many child offenders are being 'pipelined' to the diversion programmes without exploring the factors leading to the child's criminal behaviour. A participant from the service provider mentioned a few cases in which a child offender has been referred and placed within a diversion programme for perpetrating a 'petty' crime. During fieldwork, the researcher accompanied the social worker, who conducted visits to the families of specific child offenders. One of the cases involved a 16 year old boy, who had been diverted, for a case of animal cruelty. In the conversation between the social worker, mother and grandmother of the boy, it was revealed that the boy and his two accomplices caught a porcupine as a source of food. The boy was living in an impoverished area and this perceived animal abuse was in fact, his way of providing for his family. Additional cases that included children being diverted for stealing watermelons and throwing stones on the roof of a house were revealed in this same area.

7.2. Are the diversion options to child offenders available and accessible?

Themes relating to distance, travel, safety and the physical availability of magistrates, probation officers and prosecutors emerged during discussions on the availability and accessibility of diversion options.

7.2.1. The accessibility of diversion programmes and professionals

Travel and distance

Interviews highlighted that child offenders and the professionals, outside of the metro areas, were particularly challenged by the vastness of the geographical spaces in which they reside. It was reported that the diversion programmes are offered in areas that can range as far as 20 – 90 kilometres from where the children and facilitators might be based. The service provider working in one of the areas mentioned that transport companies were reluctant to provide any services in these areas as it would not be financially beneficial for their businesses. Travelling to and from the programme therefore requires extensive planning by officials, particularly in areas with limited resources.

In almost all the areas, it has been reported that facilitators attempted to improve accessibility of the diversion programmes through: (1) transporting the children to and from the programmes to allow the child offenders the opportunity to participate in the programme. Transporting the children appears to be common practice in the majority of areas despite transport not being an official part of the service to the child. Participants explained that many of the child offenders would struggle to travel due to the long distances and the costs incurred. At the same time, children were also challenged with issues of safety when travelling; (2) facilitators travelling to the communities in which the children and families reside and (3) presenting the diversion programmes in the areas where the higher number of child offenders reside (or are in close proximity); (4) facilitators 'carpool' to and from the venues and community visits for example. Interviews revealed that SAPS also transported children to and from the diversion programmes in one of the areas.

Efforts to transport the children do however have repercussions for the personal lives and working hours of the facilitators. Participants reported that a significant part of their responsibilities was to drive the children to and from the programme; at the same time, facilitators have to wait on the children in order to drive them to the venue. Probation officers and assistant probation officers explained that transporting the children too often takes place after their official working hours.

Safety and accessibility

The issue of safety emerged when discussing the accessibility of diversion programmes. Issues of safety appeared to be somewhat different for child offenders residing in the metro compared to non-metro areas. For child offenders residing in the metro, issues relating to safety were frequently mentioned. Gang related issues that included being unsafe in specific areas and gang affiliation were some of the challenges many child offenders within the metro experienced.

Accessibility of probation officers, magistrates and diversion programmes

Logistical factors influence the overall implementation of the diversion programmes. Such logistical factors can include the physical availability and movement of probation officers, prosecutors and magistrates or the times at which assessments are conducted. In certain instances, participants stated that probation officers conduct assessments at the courts. In other words, probation officers have an office based at the courts or specific days and times of the week are set aside for undertaking assessments. This form of logistical arrangements has been proven to impact the process from the assessments to placements. When probation officers are based at the courts on specific days, the child offender and families are available and more detailed information can be gathered. Another example is a magistrate's decision to conduct preliminary inquiries in the early mornings (8am) which resulted in very limited time for officials to conduct in-depth assessments.

The participants furthermore explained that the turnover of magistrates, prosecutors and probation officers affect the overall implementation of the diversion programmes. The inclusion of new officials and movement of officials to different areas creates various challenges for this process. For instance, new officials will be unfamiliar with the processes of a particular area and will in addition shift the dynamic of the process. Participants, in a specific area, stated that the new magistrates and prosecutors are "thrown into the children's (juvenile) court". According to these participants, "they (legal officials) don't like working with the youth. They hate it". The participants continued to suggest that the legal officials were uncomfortable dealing with child offenders because of the limited alternatives for the child.

The placement of child offenders in appropriate diversion programmes were also reported to be contingent on the availability of diversion programmes in the area. Appropriate placements of child offenders in diversion programmes have been reported to be dependent on the readily available programmes in a specific area. For example, child offenders in a particular area were said to be placed in a specific programme because it was the only accessible diversion programme.

7.2.2. Availability of diversion programmes

DSD Regions and SDA's were reported to decide for themselves the nature of diversion programmes required within their areas. These decisions were based on a situational analysis within regions. Factors such as the frequency of assessments for diversions and the nature of offences determined what kind of diversion programmes would be appropriate. As a result, the availability of diversion programmes varied from one area to another. Different Regions/ SDA's presented different diversion programmes. Interviews revealed that multiple programmes could be presented in a specific area due to the need for the programmes; whereas participants in another area stated that only one programme was presented to child offenders.

The availability of the diversion programmes were also reported to be reliant on the number of facilitators available to present the programmes and the types of crimes that were most common in the area. The demand for services influences the frequency of the presentation of the programme. In other words, programmes are presented and facilitated when a certain quota (approximately 8 – 10 children) have been referred to and participated in a programme. Participants however described a waiting period that exists between when a child had been referred to a diversion programme and the actual participation. During this pause, the child will be at home, while waiting to attend the programme. The probation officers reported that these waiting periods could range from weeks to months for the child offenders of less serious crimes; whereas, the waiting period for child offenders of serious violent crimes can be more than a year. No statistical data is however available to support this finding in Phase 1.

According to the Child Justice Act, only accredited diversion programmes are to be presented to child offenders. Yet, despite this, several regions have mentioned that unaccredited programmes are being presented to child offenders. Unaccredited diversion programmes are being presented for various reasons that include the lack of diversion programmes in their region. Professionals differ in their response when deciding how much weight is attached to whether an accredited programme should or should not be used.

The various officials' knowledge of the different diversion programmes furthermore impacted on the availability of the programmes presented. In several interviews, participants indicated that some magistrates, prosecutor and probation officers possessed limited knowledge of the available programmes in the area. As a result, limited knowledge resulted in limiting diversion options for the child offender.

The frequency of the programmes was also highlighted. It became clear that the different regions presented the programmes at different times. In certain areas, programmes would be presented once a year, whereas in another area, a programme could be presented quarterly. The frequency of the presentation of the different diversion programmes were said to be dependent on the available facilitators and the number of child offenders referred to the diversion programme over a specific period.

7.3. What are the reasons for non-completion of and non-compliance with diversion programmes?

Interviews with participants revealed that non-compliance with and non-completion of the diversion programmes is a frequent occurrence. The section below will highlight several of the reported reasons for non-compliance and completion.

7.3.1. Literacy and psychological challenges

Participants stated that a number of child offenders who attend the diversion programmes struggle with various academic as well as psychological challenges. The children have been reported to have literacy challenges that impact on their overall involvement in the programme. Therefore, facilitators have mentioned that it is not uncommon for a child to become disruptive or 'act out' if he or she struggles to read or write during the facilitation of a programme. As a result of the child's inability to engage in this manner, the child, in many cases, will drop out of the programme. Similarly, the facilitators have reported that cases relating to Foetal Alcohol Syndrome and various additional

psychological challenges such as learning disabilities have been identified. These children would then be referred to a relevant professional who would facilitate further assessments of the child; thereby resulting in the child's inability to complete the diversion programme. Related to this challenge, certain participants expressed that it would be useful to improve collaborations with such professionals in an attempt to provide an improved service for the children.

7.3.2. Individual vs. group sessions

A number of participants highlighted the challenges of facilitating group sessions compared to individual sessions. Participants reported that certain children are far more comfortable functioning in individual sessions compared to a group setting. Issues relating to social anxiety were mentioned, as well as, feelings of being ashamed when the child is unable to read, write or engage within a group. As a result, certain child offenders will be far less engaging during the programmes and eventually exit the groups. Participants suggested that facilitators assume that children are able to function in these group settings; however, one-on-one sessions could be more useful and appropriate for certain children.

7.3.3. Absence during the programme

Based on discussions with participants, it became clear that the issue of a child offenders missing out 2 or 3 sessions needs to be revisited. Participants mentioned that there are times when a child might be absent from some of the sessions. As a result, the facilitator of the group will deem the child to have been non-compliant. The participants however stated that before a child can be recorded as being non-compliant, extensive attempts to find out the reasons for the child's absence is needed. For example, the facilitator will have to discuss the child's absence with the parent and the child in order to find out why they child has not attended. It was mentioned in interviews that certain facilitators too easily record a child as being non-compliant, with far too little effort made in attempting to find alternative ways of involving the child. The response from the facilitators could also be linked to the lack of time and resources available to them and therefore results in such strict measures being taken. The facilitators' response to the child's absence from specific modules might therefore need to be reviewed.

7.3.4. A lack of understanding of the seriousness of the diversion process

Another reason for a child offender's non-compliance and non-completion relates to the lack of understanding of children in conflict with the law and their parents or caregivers of the diversion programmes. Children and caregivers are not always well informed regarding the diversion programme. Probation officers reported that the children and parents assume that the criminal

charge is no longer in effect after the child has appeared in court. Participants added that at times, probation officers, magistrates and legal representatives do not explain the diversion process in detail. This contribute to children going home and being absent from the programme. It has also been highlighted that child offenders and their caregivers are not clear of the repercussions of non-completion of diversion such as it leading to a child having a criminal record.

Interviews furthermore highlighted that in some instances, the child offenders and their caregivers are not perturbed by the child's involvement in criminal activity and therefore do not participate in the diversion programme. This lack of regard for the seriousness of the diversion programme could be linked to the context in which these individuals reside. The majority of these child offenders reside in areas where crime and violence have been reported to be normalised. In addition, it could be suggested that in these areas, participation in criminal activity and violence is somewhat romanticised. Receiving a criminal record for non-compliance or non-completion would therefore not be considered as a deterrent to criminal activity but possibly the contrary in specific contexts. A participant eloquently described this process as a "culture of disregarding the law". This participant explained that, generally, the law is disregarded in South Africa and that this attitude trickles down to child offenders. As a result, children do not place much importance on attending a diversion programme. A facilitator explained why children are possibly not complying and completing the diversion programmes. She stated, "It doesn't matter to these children because not much will change for them. They will still be where they are, once they have or have not completed the programme". Therefore, it might be crucial to discuss the relevance and effectiveness of diversion programmes in areas where violence and criminality is normalised and provides a degree of power and identity.

7.3.5. Substance abuse

Participants reported that it is not uncommon for children to be intoxicated when attending a diversion programme. Substance abuse of children has therefore been described as a factor contributing to whether a child offender complies with and completes a diversion programme. In such instances, certain facilitators have requested that the child leave the session. The probation officers stated that children are unable to focus when intoxicated. In addition, these children are more concerned with finding ways to gather money to purchase substances and feed their habit than participating in the diversion programme.

7.3.6. No 'return' dates

Probation officers reported that some presiding officers fail to provide the child with specified court return dates after the completion of a diversion programme. These participants highlighted that at certain courts, magistrates do not provide child offenders or probation officers with specific orders that indicate when the child should return to the court. Probation officers explained that the magistrates' failure to do this means that no legal agreement exists that obliges the child's attendance and completion of the diversion programme. Participants stated that children are aware of this and therefore do not attend or complete the diversion programmes. As a result, specific facilitators continue to handle the case and the child as if a return date had been decided upon. The absence of the 'return' dates also results in there being no clear time frame as to when a child had to complete a diversion programme; thereby resulting in the child not completing the programme.

7.3.7. Safety, security and travelling

In various areas, facilitators mentioned that safety to and from venues is a challenge for children referred to the diversion programme. Many children reside in unsafe spaces and as a result, moving to and from venues are challenging. Participants stated that children are frequently confronted with gangs and could get robbed when walking to the venues where the programmes are held. In response to this challenge, facilitators have found ways to transport children to and from the venue. Similarly, due to the spatially vast areas, children are unable to pay for public transport and this further complicates children's attendance.

7.3.8. Relocation of children and families

Another reason for the non-completion and lack of compliance with diversion programmes is the relocation of children and their families. Participants stated that some families are migrants from provinces outside of the Western Cape. It has been reported that in such cases, when a child is in conflict with the law, the parents or caregivers will relocate to their place of origin or a new area after a diversion order has been issued or while the child is attending the programme.

7.3.9. Responses to non-compliance and non-completion

Participants were requested to respond to the consequences that are employed when a child offender does not complete or comply with the diversion order. It was clear that in the different areas, officials employed a diverse range of responses to cases of non-completion and compliance. It was however evident that the various participants expressed a certain degree of ambivalence.

On the one hand, participants shared that extensive efforts were placed into further diverting the child from the criminal justice system. It was stated that the child would be given a “second chance” or “benefit of the doubt” and that extensive engagements would take place between the probation officer, the child and family before the non-completion or compliance has been concluded. Yet, at the same time, participants shared that legal sanctions are needed because, presently, this is not the case. According to participants, re-offending is also understood to be a consequence of such a lenient approach to non-completion and compliance.

Probation officers are however employing informal attempts at responding to non-completion and compliance. These responses include the following: The magistrate can decide that the child repeats the diversion programme or attends a new programme. Children can also be encouraged to only complete specific modules of the programme and not the entire programme; the specific modules will usually be those that the probation officer sees fit. It has also been reported that scare tactics are employed to get children to participate in the programme. In a particular area, SAPS would be called upon to visit the homes of the children to warn them of the consequences for non-completion and compliance. According to participants, this approach was successful in getting the children to attend the programme. On the other hand, the ‘harsher’ officials will refer the child back to the courts where the child will be prosecuted within the criminal justice system or placed within a CYCC. Regardless of these examples, participants regarded the overall response to non-completion and compliance as unsatisfactory.

7.4. Are children provided with after care services in the twelve months post diversion?

According to participants, aftercare services for the child offenders are almost non-existent. A participant’s described this as follows “Once you have gone through the programme, then you are done”. Challenges such as the workload of probation officers were mentioned as one of the reasons for the lack of aftercare services. Despite the lack of aftercare services, participants agreed that this service for the children and families is most crucial and necessary. Participants described aftercare as a significant intervention that can assist in reducing reoffending amongst offenders. It has been suggested that all probation officers and assistant probations officers be trained to provide aftercare services to the child offenders and family. A participant expressed that it would be useful if POS and APOS were able to provide aftercare services and that a child enters into an aftercare programme after the completion of diversion programme. This approach will allow for extended interaction to take place between the child, family and probation officers.

During the interviews, it was revealed that the probation officers were unclear as to whether aftercare services were compulsory or not. In some instances, participants stated that aftercare was compulsory, whereas other participants mentioned that aftercare was only mandatory if the court order indicated this. The participants highlighted that probation officers do not always receive a copy of the court order issued by the magistrate, unless requested. As a consequence, the probation officers are unable to determine whether the aftercare services is compulsory or not. In addition, participants stated that if aftercare services are provided, this form of support is prioritised for children who have been released from a Child and Youth Care Centre. Such support does not become a focus for divertees. Similarly, the service provider also referred to aftercare as being a "new baby" for them. According to the service provider, the DSD did not indicate any need to provide aftercare services to the child and family. The service provider only recently received funding from the DSD to provide these services.

Participants stated that the utilisation of APOS and SAWS to facilitate the aftercare services would be a useful approach. However, it has been said the APOS and SAWS have additional duties such as facilitating the various diversion programmes and transporting children to and from the programmes. These duties will impact on the quality of aftercare services they can provide. Participants reported that limited visits to the child and families post-diversion do take place and that APOS/ SAWS develop sound relationships with the children, their families and communities. However, additional work duties and the limited number of employed APOS and SAWS does not allow for much engagement post diversion. Managers have been described as not wanting to encourage aftercare services because officials are barely able to provide statutory services. However, the majority of participants clearly stated that aftercare services could be defined as the most crucial part of the diversion process. Participants expressed that children are in need of support after returning to their families and communities. Aftercare services can also assist in monitoring the child and family through highlighting their needs and evaluating the effectiveness of the programme.

7.4.1. Lack of family focused interventions

Linked to the services that extend beyond the diversion programme itself, the need for family focused intervention for parents and caregivers of the child offenders was discussed. Based on the interviews, it became clear that minimal to no services were presented to family members. If any intervention was presented to family members, the intervention would be a blend of handpicked modules (by the facilitators) from various programmes. The services for families would be provided over the shortest period of time that could range from an hour to a day or two. There are no formal

family programmes linked to the diversion programme. However, individual facilitators identified the need for family support and developed their own interventions as a result.

Participants agreed that a focused programme or services was needed for the family members. According to participants, the parents of the child offenders are unable to provide support to their children for various reasons and need additional assistance themselves. Participants continued that it is crucial for parents to receive support as they can play a significant role in improving the effectiveness of the diversion programmes. Facilitators were of the view that interventions that almost solely focuses on the child limits the overall effectiveness of the programme because the child will be expected to return to the family and community. Family and community interventions however appear to be absent. This was evident when the researcher accompanied the service provider to conduct a home visit. Based on the engagements with the mother and grandmother at the home, it was clear that the mother was in much greater need of assistance than her son, who had been participating in a diversion programme for committing animal abuse but was overall, functioning well. The participants therefore suggested that parents were in urgent need of support in order to improve their own functioning and the functioning of the children.

7.4.2. Reoffending

Trends in respect of reoffending appear to vary in the different sites explored during the evaluation. Some regions indicated that very few children reoffend in their service delivery areas; whereas reoffending was a far more common phenomenon in other areas. Interviews furthermore revealed that defining a child as a reoffender can be challenging when children who have previously engaged in criminal activity have not been apprehended or when multiple charges are combined into a single case. Challenges of this nature made it difficult to define and determine the extent of reoffending. Certain children were identified as being at a higher risk of reoffending, for example, children with learning disabilities and those who were gang affiliated. However, the majority of participants shared that reoffending was increasing. Participants added that reoffending also takes place during the waiting period when child offenders are waiting to be placed and whilst participating in a diversion programme.

The reasons provided for reoffending included a lack of role models, drugs and peer pressure. Two specific structural challenges that contribute to children who were reoffending were mentioned. These included the socio-economic conditions that the child is positioned within and the intergenerational transmission of violence. Firstly, participants stated that diversion programmes by itself will not sway child offenders from a life of crime because the socio-economic conditions of the

child, families and communities needed to be addressed simultaneously. Interviews highlighted that in the different areas, economically driven crimes were common. The focus on transforming the child only, through participating and completing a diversion programme, will not result in a decrease in criminal participation. Rather, social transformation should be promoted in the families and communities that these child offenders reside in and socio-economic support provided. Therefore, if the child's socio-economic status is not improved, a diversion programme might be futile in attempting to reduce reoffending.

Discussions with the participants furthermore highlighted that the families and areas in which these children reside, play a crucial role in the efficacy of the diversion programmes. Participants stated that an approach that includes the child, family and environment is of utmost importance when wanting to reduce reoffending. According to participants, family members can play a significant role in a child offender's desistance from crime. However, these families themselves are in dire need of financial, social and emotional support, before being able to support their children.

Finally, participants stated that unsuitable and "generic" diversion programmes contribute to reoffending. Participants highlighted that the risk of reoffending increases when child offenders are placed in programmes that do not target their specific needs. In addition, participants, particularly the APOS stated that specific diversion programmes do not delve deep enough into the root of the criminal behaviour and therefore increases the possibility of reoffending.

7.5. Are diversion programmes adequately resourced?

The views of participants regarding the resourcing of diversion programmes were explored. The following themes were highlighted:

7.5.1. Human Resource Capacity

Discussions with various participants including the probation officers, assistant probations officers and social work managers revealed that the majority of metro and non-metro areas were understaffed. Too few probation officers and assistant probation officers are available to manage and facilitate the various diversion programmes. The number of probation officers differed between regions. In certain regions, only one probation officer might have been allocated to multiple areas. The probation officers reported that they are attending to as many duties as possible; however, court duties, for example, consume their working hours and detracts them from case work and investigations.

Probation officers furthermore reported that the limited number of assistant probation officers in regions, significantly influenced the quality of services. Assistant probation officers are not appointed to each region and therefore, probation officers still remain challenged with time consuming tasks such as tracking families and verifying information of the child and families. The service provider however reported that an assistant probation officer is assigned to each social worker and oversees the non-therapeutic programmes and the "running around" duties, as a participant described it. These participants described the support that the APO provides, which inevitably frees the social worker to attend to tasks such as therapeutic programmes and report writing. Likewise, specific participants stated that social worker interns also provided useful support for the probation officers. These interns were provided the opportunity to facilitate the non-therapeutic programmes and in return, allowed the probation officer a chance to observe the group from a different position.

The strain experienced due to the limited number of probation officers is highlighted especially when colleagues are out of the office for reasons such as maternity or sick leave. Participants stated that when the probation officer is absent for a short period of time, the workload usually waits for the official's return. Participants continued to explain that another challenge with regards to staff is the high turnover of probation officers/ social workers. According to the participants, probation officers resign from their posts because they are being offered better opportunities in terms of their salary grades and positions outside of DSD. Such movements of staff disrupt the overall functioning of the diversion programmes, as new facilitators are then expected to manage the programme. Participants were of the view that the filling of vacant posts are not perceived or treated as a "priority" for the department. A participant mentioned that prior to the modernisation process all probation officers were stationed in the same office. The participant continued that this structure provided support when probation officers were absent. Other facilitators would then render their services to ensure that the programme has fewer disruptions.

Through the interviews, it was revealed that APOS are the main facilitators of the various diversion programmes and commonly implement these programmes with minimal, if any, supervision from probation officers. The duties of probation officers that include conducting assessments, writing reports and spending hours at the courts, result in the probation officer's limited involvement in the facilitation of programmes. Probation officers were reported to be mainly responsible for the therapeutic programmes and APOS for non-therapeutic programmes. In addition, participants reported that APOS are being over utilised in the field as child offenders are frequently placed in the life skills programmes mainly to allow the APOS to facilitate the programme.

The role of the APOS appears to be crucial in the diversion programmes. APOS were described as the “lifeline” for the child and family members. Yet, several probation officers and assistant probation officers reported that APOS do not receive much professional recognition from colleagues. APOS have reported to be responsible for the facilitation of programmes, transporting the children and where possible, monitoring the children's progress during and after the diversion programme.

Finally, blurred boundaries between probation officers, assistant probation officers, social workers and social auxiliary workers were reported in the field. Several probation officers expressed concern over this as according to the probation officers, specialised training and skills are required. Participants explained that SAW duties took precedence over probation duties if the individual was appointed as a SAW. However, SAWS described how they were expected to undertake probation work that also required much time. Simultaneously, probation officers stated that it is crucial to be supervised by an individual with extensive experience in the field of probation. Rather, social work supervisors with minimal experience in probation services are managing probation officers and this has been described as challenging.

7.5.2. Training

Training for facilitators is a major challenge and has been described as “minimal”, “non-existent” and “irrelevant”. Several probation officers highlighted that they last attended training in the late 1990's and early 2000's. Interviews revealed that probation officers do not have specialised probation training. Instead, social workers and SAWS receive short, internal training sessions that take place over a week. In addition, no distinction is made between POS and APOS for training. Probation officers and assistant probation officers all attend the same training. The participants highlighted an urgent need for specialised training in the field of probation. According to the probation officers, the DSD has been placing pressure on officials to specialise in the field but officials expressed an unwillingness to place themselves under financial pressure in order to obtain further qualifications. At the same time, several probation officers shared that the specialisation in the field would have no impact on their current salary scale. Consequently, a number of participants reported that the alternative, to work within probation for 5 years and then be considered a probation officer seemed more viable. A significant finding that also emerged with regards to specialised training is the facilitators' need for training when dealing with aggressive, violent child offenders. According to specific facilitators, there is a need for facilitators to learn how to better manage violent children because such cases are on the increase.

The training for facilitators was restrictive. In other words, facilitators were trained in specific programmes and not all accredited diversion programmes. The training of facilitators however also directly influences the availability of diversion programmes for child offenders to attend and magistrates to refer to. At times, facilitators failed to attend training due to illness, court engagements and excessive workloads. On the other hand, the service provider allows for both, APO and PO, to attend the training for all their available programmes: therapeutic and non-therapeutic. The service provider staff reported that it is important for the APO to be trained in all programmes as these officials co-facilitate the programme with the probation officers. Several probation officers also suggested that the selection process for training be reviewed because appropriate candidates are not always selected.

The master trainer approach was discussed as well. The training of master trainers was described to be rather ineffective for various reasons. These included: master trainers moving office and changing jobs resulting in a lack of further training of probation officers. The master training approach appears far too dependent on specific individuals. Diversion programmes were reported to be postponed and cancelled when master trainers were unavailable. Probation officers described training as once off sessions as well. No further training or 'refreshers' would take place after the initial training. All the participants suggested that more intense, specialised training, 'refreshers' and engagements in various forums are needed to develop the skills of facilitators, POS and APOS alike.

In the absence of training, participants reported that various efforts are made to develop facilitators. Officials utilised available manuals and were self-taught. A useful tactic to educate and refresh facilitators was through forwarding a 'tip of the day'; an initiative from a particular region. The tip of the day included extracts of the Child Justice Act and various other relevant information sources and reminders.

Finally, the Probation Case Management System was discussed. A participant described that probation officers were equipped with a laptop and wireless internet for assessments to be recorded online, to which the NPA and CYCCS also has access. Officials were said to be trained since 2013 and the system has been available for utilisation since 1 April 2015. Yet, despite these resources, the probation officers were not utilising the system. Reasons for the lack of utilisation of the PCM system were not explored during this project but could be further researched.

7.5.3. Infrastructure

The availability of venues for the facilitation of diversion programmes have been indicated as a need as no dedicated spaces have been assigned for the facilitation of diversion programmes. Facilitators frequently depend on external support for venues to facilitate the programmes. For example, libraries and offices within SAPS buildings have been identified as training venues. The availability of these venues are however not guaranteed as these spaces can be used for other activities. When venues are not available, facilitators have to find alternative spaces to facilitate a programme.

The security of venues have been identified as a challenge. A number of participants added that some officials refuse to work in specific areas because these areas are described to be too risky and challenging. The service provider has managed to secure a venue where the programmes will be facilitated in future. A secured venue will allow the facilitators of the programmes to arrange the space as desired. This has been highlighted by a DSD APO when he expressed his frustration with not being able to personalise the leased venues with awareness posters.

7.5.4. Unsuitable time slots for programme presentation

Participants shared that the diversion programmes were administered after school hours. It was explained that this time slot was chosen to avoid disrupting the children's schooling. This time slot however presented additional challenges. For instance, participants explained that due to the programme taking place after school hours, children would attend the programme hungry and this would lessen their focus. The majority of the participants highlighted this as a challenge and explained that the budget of diversion programmes does not allow for participants to be fed. It was revealed that certain facilitators use their personal resources to provide food and beverages for the child participants during this time. Another challenge that results from the programme being presented during after-school hours is the waiting period from when the child leaves school to the time that he or she arrives at home. Participants mentioned that facilitators frequently have to wait on the children before transporting them to the venue. As a result, the programme is delayed and children, along with the facilitators, return home later.

Attendance of the diversion programme after school hours present a challenge for the parents/ caregivers of the children. According to participants, parents might be able to attend the court appearances with the child but attending the actual diversion programme, as requested, might be a challenge. These challenges include factors such as the programme clashing with the working hours of the parent/ caregivers; employers not being supportive in providing the time off to the parents/caregivers, as well as parents being reluctant to request the time off due to the fear of losing

their jobs mainly due to many having temporary or seasonal employment. Furthermore, parents/caregivers were less likely to attend the programme when requested to attend for more than a day or an entire day.

7.5.5. The need for partnerships

The majority of the probation officers and assistant probation officers described the existence of partnerships and collaborative arrangements with external departments and organisations such as churches, SAPS, community libraries and schools. In some regions, specific facilitators made an effort to develop partnerships with various governmental and non-governmental services and resources that support the diversion programme. However, this did not take place in all Regions.

Examples of partnerships include probation officers and APOs in particular, who utilise a range of support structures, including their personal connections, in an attempt to improve the available opportunities for the child offenders and their families. A participant described how he utilised a personal contact to provide children and their families with an opportunity to attend a theatre performance in an attempt to expand their experiences but more importantly, provide the families with a chance to engage outside of their everyday challenges. Even though various partnerships between the external organisations and government departments have developed, these have been described as isolated examples. Participants felt that there is an urgent need for the different government departments as well as departmental programmes to work in unison.

7.5.6. Tool kits and Programme Manuals

Interviews with DSD participants revealed that the tool kits⁴ required for the diversion programmes were not always available to the facilitators. In many instances, participants stated that they had to purchase and gather their own resources that were required for specific activities. In areas where more than one facilitator is placed, the issue of the availability of toolkits appear to be more challenging. In such areas, different programmes cannot be facilitated simultaneously due to the limited toolkits available. On the other hand, participants from the service provider stated that the toolkits were not a challenge for them. Instead, all of the facilitators had a toolkit in their possession. In certain diversion programmes, the children are also requested to bring along certain items such as tins and string in order to engage within particular activities. However, the children frequently forget to gather or bring the required items, impacting negatively on the actual activities and overall programme. Regardless of this challenge, facilitators appear to “make a plan” as described by a participant.

The majority of DSD participants and those of the service provider reported that the manuals were available to facilitators. However, this was not the case in one of the areas in which the participants revealed that their office does not have the correct manuals at hand. Rather, this particular office only possesses the master training manuals that have been adapted to present as a diversion programme. In other words, this office does not own the actual manuals for the facilitator of the programme and the worksheets for the child offenders, attending the programme. The participants in this area specifically reported that they have informed the relevant persons but have still not received the manuals.

7.6. What challenges and best practices are experienced in the implementation of the diversion programmes?

The evaluation of the various diversion programmes led to extensive discussions regarding the different programmes presented in the participating service delivery areas. Discussions of the various diversion programmes highlighted factors relating to programme content as well as the challenges and emerging best practices in the implementation of the programmes. This section of the report will therefore critically discuss certain issues relating to the programme content of the existing diversion programmes but at the same time, highlight what works and does not work in its implementation.

⁴ Tool kits include all the relevant items such as writing material, pens, and stickers, to name a few, that facilitators need to undertake the relevant activities for a particular module in the diversion programme. Ideally, facilitators should all be in possession of a tool kit for every activity that needs to be administered.

In general, probation officers seemed to be unclear on which diversion programmes were accredited or not accredited and whether community service for instance, was a diversion programme or a court order only. At the same time, the probation officers were continuously making distinctions between programmes as therapeutic or non-therapeutic. When asked to define a therapeutic programme, a participant said, "It's a process. It's not a once off thing. It's a long term commitment between the client and the social worker to work more in depth with what the client is experiencing but also why the client is experiencing this. Also, to see if there are any emotional things that needs to be sorted out; to give him or her support to deal with it and also how to handle it for future purposes." Later in this section, the concept of a therapeutic programme will be revisited.

This section of the report will provide a summary of additional diversion programmes apart from the main five mentioned that participants reported were accredited and not accredited. Changes to the existing programmes were not unusual in the field. Participants stated that changes to the diversion programmes were sometimes made as a consequence of factors such as limited time, work load, the availability of facilitators and what the facilitators understood to be working in the field. Interviews also revealed that specific content would be included in programmes. One of the aspects that were frequently included in the existing diversion programmes was that of family/ caregiver intervention.

Despite the availability of these five accredited diversion programmes for child offenders, only three of the diversion programmes were frequently mentioned during the interviews: Rhythm of Life, Wake Up Call and In the Mirror.

7.6.1. Life Skills Programme

Rhythm of Life (ROL)

This life skills programme has been reported to be "the most used" programme. It was being facilitated in all the various regions. According to the participants, this programme was beneficial for child offenders because it did not include excessive theoretical information. The various modules are employed through practical activities and games. Participants stated children referred to diversion, constantly get told that what they are doing wrong in their daily surroundings but in this programme, the children are told that they are loved and respected. "Your image" is a powerful tool, according to various participants and it helps to develop a positive self-image for the child.

Participants added that ROL is the “most used” because APOs are allowed to facilitate this programme. This practice provided the POs with time to attend to other work responsibilities. Participants stated that this programme appears to be effective for first time offenders who do not have a history of earlier criminal or behavioural challenges. In other words, ROL can be effective for children who have ‘experimented’. Participants felt that this programme can assist in teaching children basic life skills such as discipline and respect. It was however stated that it could be far more useful if the parents/ caregivers were more involved in the programme.

Discussions revealed that participants were concerned with the programme being too “generic”, as described by a participant mainly due to a great need for specialised programmes. Participants stated that too many children are placed in ROL but are in need of participating in a far more focused/ specialised programme. At the same time, child offenders who have committed assault are commonly placed in this programme because there is no specialised programme that deals with violent behaviour. As a result, this child is placed in ROL. This programme has been reported to be used as an ‘interim’ programme for children. In other words, children are placed in ROL while waiting to participate in another programme. An example was given of a child who might receive a court order to attend the Wake-Up Call. However, if there is no space for the child to attend this programme, the magistrate or PO might place the child in ROL until there is a place available in the programme the child was referred to.

It was furthermore apparent that participants had added concerns relating to this programme. The homework that children are given on the days when the programme is presented appears to be a challenge. Facilitators stated that some children do not complete the assigned homework because of factors such as their homes not being conducive for completing homework as well as household responsibilities. Participants expressed that ROL can be effective for children who do not have a history of criminal or behavioural challenges but the absence of aftercare post-diversion is problematic. “It’s fruitless to teach them about life skills but after that, what happens? Now we’re (probation officers) done, we close the file... there is no supervision and the child reoffends.” Participants reported that information is shared with the child during the programme but the child is not provided any support when he or she returns to the family and community, at the time when these skills are expected to be implemented. The participants expressed that this was a great concern for them and the lack of support post-diversion might be one of the reasons for recidivism.

Another challenge for this programme is the lack of participation of a child’s family and caregivers. While some adults are not interested others are unable to participate due to their work duties and child care responsibilities. The participants reported that ROL would be more effective if

arrangements were made to include the family and caregivers; according to the participants this might assist in preventing recidivism.

Positively Cool

The service provider's life skills diversion programme, 'Positively Cool' has been described as a programme that is rather basic and general. The facilitator of the programme reported that this programme has had a positive effect on the parents and children who attended. In a specific area, it was stated that the DSD only refers child offenders to this particular programme because in this area, it's the only programme that DSD officials are aware of. A second participant working for the service provider disagreed with the effectiveness of this programme. According to this facilitator, this programme is far too general and there is a greater need for more focused, specialised programmes. The facilitator reported that she prefers to have the child attend another programme offered as it explores "far deeper" issues relating to the child. This programme has been described as delving into deep rooted issues faced by children. The participant explained that Positively Cool is a "nice" programme but deals with skills that could be taught in schools. This programme has been reported to be useful to children and families that are "at risk" but have not been in conflict with the law. Finally, similar to the programme ROL, Positively Cool is utilised as an 'interim' or 'filler' programme. The facilitator explained that the shortage of state rehabilitation centres for substance abuse contributes to over-utilisation of the programme. When no placement can be found for a child offender in a rehabilitation centre, the child gets placed in Positively Cool and will still require specialised treatment.

7.6.2. Substance Abuse Programmes

Wake Up Call

Based on data collected during the evaluation, it became evident that facilitators were challenged with child offenders who were experimenting compared to those addicted to substances. According to participants, this programme was ineffective for child offenders with addiction challenges. A particular child was described to be in need of placement in a rehabilitation centre with focussed treatment plans. The participants explained that behavioural changes will not be achieved in this group of children. However, an added challenge for the facilitators was the knowledge and information these child offenders possessed regarding substances available in their communities. Many participants were of the view that child offenders had more experience and knowledge about the different substances compared to the facilitators. The participants continued to explain that the children would attend the programme and be intoxicated. Therefore, for this

programme, it was crucial to distinguish between the child offenders who had been apprehended for possession of substances and those who had been using substances daily. Participants continued to explain that the current substance abuse programme acted as an awareness programme; for children who have either started or have not yet started using drugs. This programme has therefore been described as less effective for children who have been using drugs frequently and for longer periods of time.

7.6.3. Sex Offenders Programme

In the Mirror

In the different regions, In the Mirror was referred to as the most challenging programme. According to participants, child sex offenders are referred to the diversion programme only if the Director of Public Prosecutions (DPP) has agreed to this. The nature of the sex offence and the impact on the victim are some of the deciding factors that determine whether a child can be diverted or not. Participants have however stated that in most cases, the child offenders will not be diverted.

Certain areas have indicated a great need for interventions for child sex offenders. The current programme is not appropriate due to the seriousness of the sex offences in specific areas. Therefore, in such areas, the programme is not facilitated due to the seriousness of the crime. A participant reiterated this in saying, "The rape cases that we get here are severe cases. It's really severe cases. It is gang rapes but it is children committing these offences. We're talking about 12, 13, 14 year olds. There are a few of 16 and 17 year olds but mostly it's the experimenting stage that we're talking about." As had been mentioned in the Wake-Up Call, it appears as if a distinction between sexual 'experimenting' and sexual offences need to be made.

This programme is also challenged by the DPP's time consuming assessment that eventually decides the fate of the child. Participants reported that the DPP's assessment of a case can take months to finalise. In the meantime, the child will be at home or placed within a CYCC. Due to the time consuming process of the DPP assessments, facilitators of this programme have to wait on the decision. Consequently, these sex offence cases are scattered and result in the facilitator having to wait until a few children have been assessed and recommended to be diverted. This means that the programme cannot always be facilitated within a year. The process takes much longer. For example, at the time of the interview, four children were recommended to be diverted later in 2016, yet these child sex offenders were apprehended in 2013. Participants stated that due to the complexities of sex offences, probation officers are unable to provide return dates to the courts. In addition,

facilitators wait until a few child sex offenders have been assessed and agreed to be diverted. The programme has been said to not be presented to one participant at a time.

Discussions with the participants highlighted that the facilitators are not always aware what happens to the child post-DPP assessment. In other words, the probation officers are not informed of the child's fate. Only when the probation officer receives a request for the child to be diverted are they informed. In addition, the participants expressed that the DPP reports are also requested too late in the process. Participants reported that issues of this nature can significantly delay the finalisation of cases.

Facing your shadows

This programme has been developed by the relevant service provider, who agreed that the sex offender's programme is far more complex than the rest of the diversion programmes. The service provider described the programme as being emotionally taxing for the child offender but also the facilitator. As a result, the programme is presented once a week following which the child is provided some space to process the information. The programme provide children with a debriefing session, to allow him or her, an opportunity to discuss any pressing comments or questions that they might have. It was reported that the programme includes modules on HIV, how to handle people with respect and attempts to explain how the child offender's own experience of sexual assault (if relevant) influences their perpetration of sexual violence. According to participants, there is a lack of education on issues of sex and sexuality. This programme, according the participants, provides this type of education to children. This is particularly important in areas where such sexual violence has been normalised.

7.6.4. Restorative Justice and After Care Programme

The rest of the accredited diversion programmes specifically the Restorative Justice and After Care Programmes were not reported to be utilised in regions selected for the evaluation. At no point during the fieldwork was any mention made of the restorative justice programme. According to numerous participants, the After Care Programme would be a useful addition if diversion were to be structured over multiple programmes: a basic life skills programme, specialised programme (if needed) and finally, the aftercare programme. Participants stated that once a child has completed the basic and specialised programme, the After Care programme should then complete the diversion process. It would therefore be structured as follows:



7.6.5. Adjustments to the diversion programmes

Participants reported that various adjustments have been made to the 5 accredited diversion programmes in the service delivery areas selected for the evaluation. These adjustments included changes such as reducing the number of sessions per programme, limiting or extending the time frames for specific modules or utilising certain aspects of a programme, for example, the modules involving parents and caregivers, to further develop a programme specifically aimed at supporting the parents/ caregivers.

The service provider reported that a new, specialised diversion programme, focusing on aggressive/ violent behaviour, was developed in an attempt to bridge the gap where such a programme was non-existent. It will mainly target the child offenders who have been apprehended for assault and violent crimes that are defined as schedule 2 and 3 offences. The programme has been developed to allow for in-depth work on individual offenders. The service provider explained that this programme attempts to teach children about violence, how violence has been normalised and how the child can make amends. The service provider reported that all the facilitators of this programme have been trained in restorative justice. The social worker said, "You get more into the heart and soul of the client themselves". The programme has been defined as a therapeutic programme, as it is expected that children will benefit more from this programme compared to the basic life skills programme. The facilitator will also be able to gather more detailed information from the client that could assist in the development of the child.

Similarly, the DSD developed its own mentorship programme, based on the President's Award, for child offenders. This programme takes place over 6 months and includes various modules. At the completion of different stages, the child receives a medal. The original programme, the President's Award, does take place over 24 months. This mentorship programme has been reported to make a positive impact on children and provides an incentive to work towards, something to which many children aspire.

In addition to the above mentioned adjustments to the diversion programmes, different regions developed other unaccredited programmes. These unaccredited programmes to divert children from criminal activity include nature excursions, awareness programmes as well as visits to correctional institutions. Various cultural events are also facilitated. Participants stated that such events expand the child's understanding of the world and changes their overall understanding of the world. A participant said, "It's different from just sitting here with the children. It's the theory with the practical". These programmes and events were developed in the area because it was said to be effective for the specific context. Participants reported that some of these diversion programmes were terminated because of austerity measures. Yet, participants have indicated that these programmes were effective in the specific areas in which they were working; "this works for us. It doesn't work for other people but it works for us" and "our programmes are not accredited but it's working in the area".

8. CONCLUDING REMARKS

Grounded within the project data, the overall effectiveness of diversion programmes for child offenders cannot be assessed within an oversimplified, understanding of diversion as a single entity. Instead, the efficacy of the diversion programmes are dependent on several direct and indirect factors. Therefore, the effectiveness of a diversion programme is contingent on a multitude of factors that can include the available person power to implement the programmes, efficient processes from assessments of child offenders to the placement in a diversion programme and the quality of facilitators and their training. Similarly, the socio-cultural backgrounds of the children and their family and the aftercare services impacts on the execution and value of the programmes. Overall, the regions highlighted similar challenges experienced with the implementation of the diversion programmes for child offenders. The distinctions between the various regions were merely in the varying degrees of these factors.

In this project, the importance of understanding diversion as a process was highlighted. It was clear from the data that different individuals undertook specific duties from the time of assessment of a child offender to post-diversion. One of the findings from the data is related to the importance of efficiency from the assessment of the child to post-diversion stage. In other words, if at the start of this diversion process the assessment of a child is effectively administered, this inefficiency impacts on the rest of the diversion process; thereby impacting on the effectiveness of the diversion. It is therefore of utmost importance that from the onset (assessment), professionals are effective at each stage of the process. Synergy between the professionals at different stages, from assessment to post-diversion, is therefore crucial.

Another significant finding that emerged relates to the framework in which the diversion programmes are being developed and implemented. Despite the participants' understanding that a holistic/ ecological approach is encouraged in the child's development, such a multi-levelled approach is not translated within the actual implementation of the programme and its programmatic design. Rather, diversion appears to be responded to as an isolated point at which a child receives psycho-social intervention, in an attempt to divert the child from the criminal justice system. In other words, the emphasis is almost solely placed on the child offender whereas engagement and support for the family and community is minimal, even non-existent. The exclusion of family and community support is clearly evident in a number of the accredited diversion programme manuals for example. Participants have indicated that there is a need for extended support that includes family and community interventions. It is therefore assumed that the inclusion of official extended support to family and communities will have a positive impact on the effectiveness of the diversion programmes. Diversion should therefore not be responded to as a category that is separate from external factors impacting the programmes and the post-diversion life of the child offender. Rather, a concerted effort should be placed on supporting the family, community and post-diversion life of the child and those affected in an attempt to increase the effectiveness of diversion in future developments.

Specialisation of professionals and diversion programmes is also needed. For example, accredited programmes that specifically targets aggressive/ violent child offenders has been requested but at the same time, probation officers have requested to be trained to deal with such child offenders. Linked to the specialisation of programmes is the need to develop more nuanced diversion programmes. In other words, there is a need for diversion programmes to be developed based on the different levels at which a child offender finds him or herself. A simple example can be seen with the substance abuse programme. Different substance abuse programmes can be presented to the child offenders at different stages of their involvement with substance related disorders. A distinction can therefore be made between the development and implementation of diversion programmes that focuses on, for example, a child who "experiments", a child who uses more frequently and a child who needs a more intense intervention. This type of gradation can be employed on various levels and programmes for diversion. Closely linked to the specialisation and gradation of diversion programmes is the concurrent use of multiple programmes. A multiple intervention approach will allow for several needs and risks to be addressed and thereby not merely focusing on a single factor, as it is clear that the child offenders, their families and the communities in which they reside are confronted with numerous socio-economic challenges.

Revisiting Section 3.2 of this report that discusses the international evidence on 'what works' in managing young people who offend, the findings of this project is in agreement on various issues that have been highlighted to increase the effectiveness of diversion. The findings of this project supports the international literature in the following ways: interventions be tailored to the approaches of the children's learning styles and abilities for instance; therapeutic programmes tend to be more effective than the programmes that are focused on punitive and control approaches; the use of multiple services that addresses several needs of the child; the quality of the service provided is crucial and finally, including the wider offending context in the programme.

To conclude, the existing accredited diversion programmes can be beneficial for specific child offenders, particularly first time offenders and those who had committed less serious crimes. Specialised, therapeutic diversion programmes and appropriately trained professionals for such programmes are however needed for the child offender who committed serious violent crimes. Lastly, the diversion programmes are unable to solely transform the behaviour of the child offender and sustain any socially acceptable behaviour without placing extended efforts on improving the socio-economic conditions of the child, family and community.

9. Recommendations

Based on the findings of the evaluation, the following recommendations are made:

9.1 Recommendations for the Western Cape Department of Social Development

9.1.1. Assessments, referrals and placements

- 9.1.1.1. The Department should make a submission to the national Department recommending that the Child Justice Act is amended to require a second assessment of the child offender to be undertaken, before recommending a child offender to a diversion programme. This second assessment will allow for more detailed information to be gathered in order to improve the quality of recommendations made to courts.
- 9.1.1.2. Social work supervisors and managers should review the assessments completed by probation officers in order to monitor and improve the quality of probation practice in respect of diversion.
- 9.1.1.3. The department should provide continuous education and training to SAPS officials on the Child Justice Act and processes that involve child offenders.
- 9.1.1.4. Probation officers should be encouraged to place child offenders in multiple diversion programmes when the child is challenged by multiple risks (as explained in Section 7.6.4.). For example, a child who has committed a criminal offence but also struggles with a substance dependency should be placed within programmes that focus on both these risks.

9.1.2. Availability, accessibility and appropriateness of diversion programmes

- 9.1.2.1. Probation officers should be encouraged to increase the use of diversion options such as reporting orders and family time orders, while the child is waiting to be placed in a programme.
- 9.1.2.2. One-on-one and smaller group interventions should be facilitated when child offenders are waiting to be placed in a programme.
- 9.1.2.3. Probation officers, assistant probation officers and presiding officers should be educated and kept informed of current, available diversion programmes in the relevant regions.
- 9.1.2.4. The availability and accessibility of psycho-social support services for children should be improved.

- 9.1.2.5. Intervention programmes and support services should be developed for the caregivers of child offenders.
- 9.1.2.6. Time slots for the facilitation of the programmes should be reconsidered

9.1.3. Non-completion/drop out from diversion programmes

- 9.1.3.1. Options should be considered for children who are unable to attend some of the sessions, for example one-on-one sessions could be provided.
- 9.1.3.2. Children and family members should be educated on the processes and consequences of diversion. A 'roadmap' of the process could act as a useful means of education.
- 9.1.3.3. Transport should be provided and co-ordinated by DSD for children who have challenges reaching the venue where diversion sessions are provided, in order to improve attendance.

9.1.4. After care services

- 9.1.4.1. Assistant probation officers should be placed in all regions. This will allow for the APOS to commit themselves to providing continuous support to the child and families post-diversion.

9.1.5. Resources

In terms of human resources the following is proposed:

- 9.1.5.1. Supervision for probation officers and assistant probation officers must be improved.
- 9.1.5.2. Probation officers should ideally be managed by professionals with extensive experience in the field of probation.
- 9.1.5.3. Existing training for probation officers is inadequate. Probation officers are in need of more comprehensive and specialised training. It is recommended that designated trainer/s are appointed/made available to train probation officers.
- 9.1.5.4. Constant 'refresher' courses should be presented to newer and seasoned probation officers and assistant probation officers.
- 9.1.5.5. Master training as an approach should be revisited and evaluated. It might be far more useful and effective to appoint a trainer/s to present training for probation officers.

In terms of logistical resources the following is proposed:

- 9.1.5.6. Fixed venues should be made available for the facilitation of programmes

- 9.1.5.7. Every region should be provided with the necessary tool kits to facilitate the diversion programme. (See pg. 38)
- 9.1.5.8. Enterprise Content Management (ECM) can be utilised to make all the relevant diversion manuals and relevant documents available to DSD staff.

9.2 Recommendations for external stakeholders

9.2.1. Department of Justice

- 9.2.1.1. Presiding officers should be informed and encouraged to provide probation officers, the child and caregivers with 'return dates'
- 9.2.1.2. A long term recommendation: amend the current policy in making return dates obligatory for presiding officers
- 9.2.1.3. A designated space should be created at courts where assessments with children and caregivers can be conducted.

9.2.2. South African Police

- 9.2.2.1. SAPS officials should be informed and encouraged to refer all children who have been arrested to relevant probation officers.
- 9.2.2.2. A long term recommendation: an amendment to the policy can make it obligatory for SAPS officials to refer all children who have been arrested; to allow for the child to be assessed by a probation officer/ social worker.

References

- Adler, J.R., Edwards, S.K., Scally, M., Gill, D., Puniskis, M.J., Gekoski, A., and Horvath, A.H. 2016. What works in managing young people who offend? A summary of the international evidence. Ministry of Justice Analytical Series.
- Department of Justice and Constitutional Development. 2008. Child Justice Act (Act No. 75 of 2008). South Africa.
- Gallinetti, J. 2009. Getting to know the Child Justice Act
- Goldson, B. 2000. The new youth justice. Lyme Regis: Russell House Pub Ltd.
- Hargovan, H. 2013. Child Justice in Practice: The diversion of young offenders. South African Quarterly No. 44.
- Kelly, L. and Armitage, V. 2015. Diverse Diversions: Youth justice reform, localised practices and a 'new interventionist diversion'. *Youth Justice*, 15(2), pp. 117 – 133.
- McAra, L. and McVie, S. 2007. Criminal justice transitions. Edinburgh study of youth transitions and crime. Number 14.
- Mukwevho, H. 2001. The roles of prosecutors in enabling diversion. Article 40(3): 1-2.
- Pratt, J. 1986. Diversion from juvenile court. *British Journal of Criminology*, 26(3): 212 – 233.
- Richards, K. 2014. "Blurred lines: reconsidering the concept of 'diversion' in youth justice systems in Australia". *Youth Justice: An International Journal*, 14(2), pp. 122 – 139.
- Schwalbe, C.S., Gearing, R.E., MacKenzie, M.J., Brewer, K.B., and Ibrahim, R. 2012. A meta-analysis of experimental studies of diversion programs for juvenile offenders. *Clinical psychology review*, 32(1), pp.26-33.
- Ward, C., Van der Merwe, A and Dawes, A. (ed.). 2012. Youth Violence: sources and solutions in South Africa.

Wood, C. 2003. *Diversion in South Africa: A review of policy and practice, 1900 – 2003* (Rep. No. Occasional Paper 79). South Africa: Institute for Security Studies.