

**AN EXAMINATION OF THE DYNAMICS OF THE
FAMILY SYSTEMS ON THE LIVES OF YOUTH
AWAITING TRIAL AT THE EXCELSIOR PLACE OF
SAFETY SECURE CARE CENTRE**

by

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Abstract

The main aim of the study was an examination of the dynamics of family systems on the lives of youth awaiting trial at the Excelsior Place of Safety that functions as a secure care programme.

Secure care is a new concept in South Africa and serves as an alternative to the imprisonment of children awaiting trial.

The study identifies the family as central in adolescent development and assumes that there are particular dynamics within family systems that may impact on the lives of youth resulting in deviancy and criminality.

The study was based on the philosophy of secure care, Erikson's theory of Adolescent Development, Attachment theory, the Ecosystems and Ecological Strengths-Based Approaches.

Twenty-five youth awaiting trial were interviewed at Excelsior. The study found that children who offend come from impoverished communities where the household income is less than the Poverty Datum Line (PDL.) High-risk youth come from women-headed households that lack male role models and have little or no source of income. In these instances where the family cannot provide for the youth's needs that the youth is prone to criminality to satisfy them.

The study recommended strengthened intervention strategies to be utilised by all service providers in working with youth at risk and their families. It also recommends the strengthening of the secure care programme to address the needs of awaiting trial youth and to divert youth from the prison environment. The study further suggested that secure care centres that have trained personnel in adolescent development, should undertake more community outreach to also target children and youth in communities.

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CHAPTER ONE

Introduction

Running parallel with the high crime rate in South Africa, youth crime and juvenile delinquency is also escalating. Statistics indicate that as of February 2000 there were approximately 2700 children awaiting trial in South African prisons (Article 40,2000.) Between the period, 2000 to 2002 there was an average of 700 children awaiting trial in Kwa-Zulu Natal (Budget Brief No 70, 2001.)

Socialisation and moral education of children begin in the family. The family according to developmental theory is the central social environment for adolescent identity and development. This study assumes that there are particular dynamics in family systems that may impact on the lives of young people resulting in deviancy and criminality.

As a practitioner, the writer assumes that children who are in conflict with the law are children who come from socially disadvantaged conditions marked by high rates of poverty and unemployment. Further these families are headed by single (female) working parent residing in social environments characterised by lack of parental supervision, poor material conditions, lack of recreational facilities and lack of adequate male role models. These are factors, which may contribute to the unacceptable behaviour. Another key feature observed to be prevalent in the lives of these children is the broken down family system and lack of family bonds. Marks (2001) identified that up to 90% of youth in conflict with the law are African children.

The writer has further observed the impact of violence on children's lives. Violence in itself has been observed to be a dominant feature that lies at the core of many South African communities. The Human Rights Watch (2001) maintains that years of violent enforcement of apartheid policies have fuelled a culture of violence, amongst South African communities. Within the backdrop of constant exposure to violence is what many children and youth are growing up. The writer, a practitioner working in the Juvenile Justice System with male juvenile offenders has observed the impact of violence on the lives of young people leading to deviancy and criminality. According to the writer aggression has been observed to be 'normalised', 'a rite of passage' and part of the growing up experience for young people. This may not necessarily lead to adult criminality but is a feature that may contribute to the boy child being vulnerable to a criminal life-style.

The focus of this study is on the family systems of youth in conflict with the law. This study aims to analyse the family backgrounds of children in conflict with the law whilst awaiting trial at Excelsior. The study argues that in order to understand deviance and youth criminality holistically, the family context in which the youth comes from need to be understood fully.

The family as referred to in this study is outlined in the Interim Policy Recommendations (1997) as any person/s who are legally considered family and whom the young person perceives to be family. The family is variously defined and may refer to parents, extended family, kinship groups or tribe. In the African context, the nuclear family as defined by Western discourse applies to a limited extent. Furthermore, the processes of social change, migration, urbanisation and the onset of HIV/AIDS have further impacted on changed family structures such as women headed or child headed households. Burman and Reynolds (1986) highlight that the family in its various forms is still the main agent of socialisation in South Africa.

In South Africa apartheid and pre-apartheid laws severely undermined family life. Laws such as the Land Settlement Act (1912), Black Administration Act (1927), Group Areas Act (1950) and Group Areas Amendment Act (1952) disrupted and disintegrated family life since the 1920's (Jones, 1993; Lund Report, 1996; NPA, 1994.) Political violence that was rife during the apartheid era also ravaged family life and displaced families (NPA, 1994.)

Historically in South Africa, prior to 1994, children awaiting trial were detained in the prison system that was inhumane, harsh and punitive. The National Children's Rights Committee, NCRC (1994) argued that the high numbers of children in South African prisons and police cells were attributed to parents of juveniles awaiting trial not being notified by the police and refusal of magistrates to release children into their parents care. It was evident that the apartheid government bore no consideration for the best interest of children and overlooked or disregarded children's rights. The plight of children in detention especially during the 1980-1990 was an issue that was opposed and challenged by advocacy groups and progressive non-government organisations (NGOs) and community based organisations (CBOs) in South Africa.

Within the policies and legislation of the of the Government of National Unity in South Africa from 1994 attempts were made to put an end to the detention of children and to divert youth in conflict with the law away from the prison environment (Child Care Act, 1999; Correctional Services Amendment Act 14 of 1996; White Paper for Social Welfare, 1997.)

Central to the White Paper for Social Welfare (1997) was a focus on interventions on children at risk and their families.

In September 1995, the Inter-ministerial Committee on Youth at Risk (IMC) suggested that secure care facilities should be created as an alternative to imprisonment for children awaiting trial (The Draft National Protocol for the Management of Awaiting trial children, 1999.) At the heart of the Draft National Protocol was a focus on the families and guardians as having a right to have their children released into their custody.

To strengthen the focus on families the underlying philosophy of the new system necessitated, that all residential child and youth care programmes should be based on the three core principles. These are: family preservation, permanency planning and integrated holistic work. Hence the vision of the IMC focussed on the strength and value of children and their families and the mission highlighted an integrated system based on a developmental and ecological perspective (Interim Policy Recommendations, 1997.) Central to the transformed child and youth care system in South Africa was the family, emphasised in the principles of family preservation, family re-unification and family centred-ness.

The first National Priority of the Minister of Social Development's 10 Point Plan (1999) is rebuilding families, communities and social relations. A focus on the family forms the cornerstone of secure care programmes. Based on the ecological perspective this drew attention to the fact that all decisions, recommendations and treatment programmes pertaining to children in conflict with the law were to be made jointly with the family. The implication of the outlined principles is that family continues to play an overall integral role in the child's life.

1.1 Rationale for the study

The Interim Policy Recommendations (1996) argued that residential care was about preservation of families and change in families. Schaefer and Swanson (1988) using the ecological perspective advocate that the focus of residential treatment should be on the family. The inference that is made is that while a considerable amount of energy is invested in youth during detention, interventions should be simultaneously directed to families to ensure that both the child and the family are prepared for family reunification and reintegration into the community. Since the family and family preservation are central in residential care this study was undertaken to examine the profile of family structures of the juveniles at Excelsior secure care centre. In addition not much research has been done on the family aspect of children in detention in South Africa.

The Child Care Amendment Act 13 of 1999 defines secure care as the physical, behavioural, and emotional containment of children, offering an environment and programme conducive to their care, safety, education and healthy development (Interim Report on the Transformation of the South African Child and Youth Care System, 1997.) In addition to ensuring that basic needs are satisfied, the goals of secure care are to provide youth with, education, recreation, cultural and spiritual programmes and experiences. By providing support and nurturance the facility itself assumes substitute care or the familial role and responsibility for the young person whilst in care.

1.2 The aim of the study

The policy frameworks, childcare legislation, Social Development 10 Point Plan and developmental theory, emphasise the centrality of the family in the development and care of the child. The rationale of this study is to examine the specific variables of the families of children awaiting trial in the secure care programme.

The study aims to ascertain the following:

- The composition and make-up of the family of the juvenile offender.
- Socio-economic conditions of the family that may predispose a child towards offending.
- Identify the social support, reaction or feelings that the family shares with the child.
- Focus of the involvement of the family in the rehabilitation of the child.

1.3 Context of the study

The study was undertaken at Excelsior Place of Safety functioning as a secure care centre. Excelsior is situated in Pinetown, 26 kilometres west of Durban. In 1999 the Excelsior Place of Safety was upgraded into a secure care centre in accordance with national legislation, the Criminal Procedures Act No 51 of 1977 and Section 29 of the Correctional Services Act No 8 of 1959 as amended by the Correctional Services Amendment Act 17 of 1994. These laws implied that children were to be brought to Court within 48 hours of arrest and were to be remanded into custody only as a last resort if legal guardians were unable to be contacted or traced. The law further allows for children to be remanded into prison if it was found that the community needed protection from the child. The law entailed that Excelsior was to admit male children between the ages of 14 to 17 years on a J7 Detention Warrant ordered by a magistrate in Court to await trial for a criminal offence. The awaiting trial period could take

place from one night to two weeks to eight months, depending on the nature and the investigation of the alleged offence.

Secure care is hence considered an alternate to the imprisonment of awaiting trial children. The intention and purpose of secure care is to contain children awaiting trial in an environment that provides, security, safety, protection, developmental, rehabilitative experiences and relationships with their family and community. These are basic needs of children (Interim Policy Document, 1996; White Paper for Welfare, 1997; The Constitution of the Republic of South Africa, RDP, 1994.) These development frameworks also advocate for a social environment that promotes and enhances the development of children.

1.4 Benefits of the study

The study would benefit professionals working in the Juvenile Justice System such as prosecutors, magistrates, social workers, psychologists, occupational therapists, childcare workers, probation officers and police officers. The study would provide insight in understanding the social or familial contexts in which children come from. Further a deeper understanding of the family structure can be utilised in devising individual plans and intervention strategies to assist the youth at risk as well as for the future planning and placement of youth and recommendations to court regarding the youth's criminal case.

The study would also be of benefit to reconstruction social workers practising within the field of family preservation, post release, family reunification and community work. These are programmes designed to ensure the child's safe re-integration into the community. A deeper understanding of the family environment can assist in identifying positive reinforcements, gaps and challenges in reunifying the child with the family and the community.

1.5 Limitations of the study

A limitation of the study was that it centred on the children awaiting trial. The study was descriptive in nature and involved interviewing the children awaiting trial on the dynamics of their family systems, as per the structured interview. The study did not include interviews with family members.

1.6 Conclusion

Crime and violence remains one of the major concerns amongst children and youth in South Africa. Rather than continuing with punitive interventions in dealing with children in conflict with the law, South Africa has opted for restorative and rehabilitative interventions.

These forms of interventions are espoused in the Constitution of South Africa (1996), White Paper for Welfare (1997), Child Care Act (1999), Discussion Document on the Transformation in the Child and Youth Care System (1996), Social Development Framework (2000) and in the philosophical framework of the RDP (1994.) The transformation of places of safety into secure care centres to accommodate children awaiting trial is an example of translating the new philosophy and approach.

The family constitutes one of the central partners in the rehabilitation, family reunification and family preservation programmes in childcare. Overall the study investigates the family environment around which the children at Excelsior come from. It will identify the profile of these children, family structure, and socio-economic status, relationships between family and child and services extended to the family. The family is a critical support system during the development stages in childhood. The centrality of the family in child and youth care and social work practise is a consistent theme in policies, programmes and national strategies.

CHAPTER TWO

Literature Review

This chapter involves a review of literature drawn from secure care philosophy, Eriksons Theory of Adolescent Development, the family and Attachment Theory and the strengths based Ecosystem's Approach. An intensive study of secure care was crucial in light of the transformation of policies and legislation pertaining to youth offenders in post apartheid South Africa. Secure care is a new concept in South Africa. There is limited literature on secure care in South Africa. International literature in respect of the American, British, New Zealand and Australian Models were reviewed.

The subjects of the study are adolescent males between the ages of 14-17 years. A study of literature of Erikson's theory of adolescent identity formation was crucial in understanding the issues of identity, self and self worth with teenage boys and more specifically juvenile offenders. A review of literature in attachment theory and the ecosystem's perspective was central to understanding the parent-child relationship and familial factors that may predispose a child towards a criminal life style.

2.1 The philosophy and concept of secure care centres.

In South Africa prior to 1994, not only were welfare services inequitably distributed (Interim Policy Document, 1996; White Paper for Welfare, 1997; RDP, 1994), but the criminal justice was seen as racist and biased with no regard for human rights. During 1970s and 1980s the political detention of children was rife (Interim Policy Recommendations, 1996). The National Programme of Action (1994) highlighted that, children as young as seven and eight were imprisoned with adult offenders exposing them to grave atrocities such as physical, emotional, psychological and sexual abuse. In the writer's view, South Africa's human rights record towards children and youth prior to 1994 was dismal. Laws pertaining to children and youth were harsh and punitive. The notion of children's rights was non-existent at the time.

In 1994, the Government of National Unity in South Africa initiated comprehensive developmental interventions to address basic material, physical and psychosocial needs of the country (White Paper on Welfare, 1997; RDP, 1994.) Within the Social Development framework, the transformation of the Child and Youth Care System was called for. The impact of the developmental approach was that legislation was enacted to prevent the

holding of awaiting trial children in prisons and police cells. (The Correctional Services Act No 17 of 1994 amended Section 29 of the Correctional Services Act no 8 of 1959.)

This meant that children under the age of eighteen could no longer be held in prisons and police cells to await trial. They were to be released to the care of their parents or guardians. If attempts to contact parents or guardians were unsuccessful then the youth would be accommodated in a place of safety administered by the Department of Social Development (Draft National Protocol on the Management of Awaiting trial Children, 1999.) In 1996 a second amendment to Section 29 of the Correctional Services Act was added (Act 14 of 1996.) It was highlighted that if there was no secure place of safety within reasonable distance from the Court and if the child is charged with an offence listed in a schedule to the Correctional Services Act, then the child may be sent to prison to await trial (Draft Protocol for the Management of Awaiting Trial Children, 1999.)

The implication of the above law was two-fold. It first highlighted that every effort was to be made within the juvenile justice system to place children in conflict with the law with their families. Children were to be deprived of their liberty only as a last resort. The second implication was the conversion of existing facilities such as places of safety or the establishment of a new secure care facility to provide specialised alternate care for children who would otherwise be in prison.

The concept of secure care was first introduced to South Africa in the Child Care Amendment Act 13 of 1999 as the physical, behavioural, emotional containment of children offering an environment and programme conducive to their care, safety and healthy development (Department of Welfare, 2000.) The definition of secure care highlighted that in providing an alternative to the prison environment, secure care was to play a crucial role in the care, development and rehabilitation of the juvenile offender. In essence secure care was intended to balance society's need for safety and protection from criminal activity, with the child's right to safety, dignity, education, health and development in keeping with the rehabilitative aim of residential care. (Constitution of Republic of SA 1996; UN Convention on the Rights of the Child, 1993; UN Rules for the Protection of Juveniles Deprived of Liberty, 1990.)

In the United States of America, secure care is termed juvenile detention. In the United Kingdom it is termed secure custody or secure training. The fundamental similarities of the definitions are a focus on the temporary and safe custody of juveniles who require a restriction. Roush (1998) suggests two functions of detention which are prevention and

therapeutic. While prevention allows for security and physical restriction, therapeutic detention is educative and proactive focussing on programmes. Educative programmes would include adolescent development, social and life-skills, vocational training and a formal or informal education component.

The purpose of secure care in the South African context is to offer the awaiting trial youth offender temporary placement pending finalisation of their cases. During this period the youth offender would have to be exposed to both therapeutic and developmental opportunities to prepare him for the impending court case and to focus on the consequences of adopting an antisocial life style. This is undertaken through individual counselling, group work, family therapy, and programmes and activities with the youth. The duration of the awaiting trial period could take from two weeks to six to eight months depending on the nature of the crime and the progress of police investigations.

At Excelsior the secure programme is offered to youth in conflict with the law arrested in the Durban region. Youth are admitted on the J7 detention warrant from Courts remanding the youth to await trial at Excelsior until his next court date. The youth may be admitted to Excelsior on a range of cases from non-scheduled petty offences such as shoplifting and theft to scheduled serious offences such as rape, murder, armed robbery and hijacking.

The programme at Excelsior offers custodial, therapeutic and rehabilitative programmes based on the Adolescent Development Programme (ADP). The key themes of this programme are, self- awareness and self-concept, sexuality awareness and education-including HIV/AIDS awareness, crime prevention and substance abuse. The programme at Excelsior is in line with developmental theory, family preservation, family re-unification principles and the developmental assessment (Excelsior Place of Safety, Action Plans 2003.) In line with the developmental assessment, youth are assessed according to their strengths. An Individual Development Plan (IDP) within the multidisciplinary team is completed for each child. Recommendations based on the above plans are submitted to court highlighting the child's circumstances and/or advocating for the child's release and reunification with the family where necessary. Further to the principle of family preservation all attempts are made from the date of the child's admission to contact families directly or through family finding services at Welfare District Offices and the South African Police Services. The focus on the family is to ensure that all decisions pertaining to the child's case to be made with the family and the child's expedient release to the family upon arrest. In addition a focus on the family is also crucial for the preparation for the child's reintegration to the family, the home and the community.

Roush (1998) maintained that detained juveniles are communities most troubled and troublesome. The time they spend in detention is crucial as their belief in themselves has been shattered and distorted, ties with families and communities severed and they are held against their will. Young people bring with them anxiety, hostility, aggression, strong identification with older delinquents and antisocial goals into detention. Given the above, secure care can be viewed as a highly challenging environment that requires a specialised form of childcare and should not be equated to a prison. Secure care provides an alternative programme to the imprisonment of children, whilst awaiting trial.

At the heart of secure care philosophy, more important than physical attributes are programmes and staffing to ensure the physical and psychological containment of youth (Gamble, 1997; Moytiuk, 1997; Roush, 1998; Schaefer and Swanson, 1988.) Roush (1998) maintained that programmes should enhance the physical, emotional and social development. They should include visitation, counselling, supervision, healthcare services, nutrition, recreation, reading and assessment. It has been highlighted that troubled youth have a poor self- image, and a low sense of self-worth. Effective programmes should allow for the release of physical and emotional tension that assists youth to discover hidden abilities and develop new skills (Roush, 1998; Rutter, Giller and Hagel, 1998.)

Roush (1998) argues that elements for good programmes include; treatment, education, a focus on substance abuse, activities, family and parenting programmes, behaviour management, social skills training, delinquency prevention, self-esteem and conflict resolution. In addition to the above factors Rutter, Giller and Hagel (1998) include overall pro-social ethos, focus on criminogenic needs and re-integration into the community. Criminogenic needs focus on problems or factors that contribute to offending. In the writer's view, an unsuccessful youth offender programme is one that lacks focus on the criminogenic element and would not provide the youth with a meaningful experience. This highlights the salient role that secure care may play in society and especially in the South African context in bringing a turnaround to the high juvenile crime rate.

Gamble (1997), in discussing the High Octane Programme for youth offenders in the United States, argued that the boys were contained by the structure and programme and were not imprisoned by it. The structure permeated every aspect of their day. Gamble (1997) thus draws attention to the fact that structure symbolised reliability and stability, which are crucial features in the management of troubled youth. Moytiuk (1997), asserts that adolescence was a confusing time for growth and change and without the necessary care,

support, training and counselling it would be unrealistic to expect troubled youth to acquire the maturity, insight and skills required to become productive members of society. She highlighted that staff played an integral role in the care, supervision and treatment of each young offender. This argument highlighted the point that effective programmes in the secure environment can only become meaningful through effective and competent staff.

The Interim Policy Recommendations (1996: 4) stipulate that, “secure care facilities require well trained staff who are specifically selected for their positive attitude and willingness to work with troubled youth.” In South Africa the current trend is to establish child and youth care as a profession. The minimum requirement to practise as a child-care worker in secure care would be a degree or a diploma in Child and Youth Care. This reinforces the need for intensive specialised training and expertise in working with troubled youth. Gamble (1997) recognises the value of quality relationships in making a difference to troubled youth and argues that meaningful relations can only be sustained through regular in-service training of staff.

2.2 Developmental Theory

Adolescence is described as a complex stage of human development (Baldwin and Hoffman 2002; Dumont and Provost, 1999), and as a period of transition (Coleman, 1990; Manaster, 1989). Coleman (1990) highlights that a number of pressures occurs during the transition. Internal pressures being physiological and emotional and external pressure emanating from peers, parents, teachers and society at large. Erikson (1963) saw development occurring through a series of eight stages; Trust vs. Mistrust, Autonomy vs. Shame and Doubt, Imitative vs. Guilt, Industry vs. Inferiority, Identity vs. Identity Confusion/Role Diffusion, Intimacy vs. Isolation, Generativist vs. Self Absorption and Integrity vs. Despair (Coleman, 1990; Head, 1997; Mcandles, 1970; Muuss, 1988.) According to Erikson’s theory, the individual must resolve the crisis of each stage in order to successfully move on to the next stage. Development therefore takes place within a particular and diverse socio-economic environment.

Erikson maintained, the most crucial stage for adolescence is Identity vs. Identity/ Role Diffusion where the young person undergoes the stage of identity formulation (Manaster, 1989.) In this stage the young person answers the questions, ‘Who am I?’, ‘Where am I going?’, ‘Whom am I to become?’. The core concept of Erikson’s Theory is the acquisition of an ego identity and the identity crisis becomes the crucial characteristic of adolescence (Muuss, 1988.) The principal task of adolescence is to achieve a sense of personal identity

(Head 1997.) According to Manaster (1989:157), “ This total sense of integrated, consistent self and/or ego identity is what must be gained by the end of adolescence.”

The search for identity involved the establishment of a meaningful self-concept. A meaningful self-concept can be acquired through an enabling and supportive environment that emerges first in the family, school and community contexts. Within the family; trust, security, values, social competencies and socialisation skills are developed. In the school context; cultural practises and identification of one’s potential and ability takes place. The self-concept requires the integration of one’s past with one’s present and future into a unified whole with an emphasis on the interaction among biological, personal, cultural and historical influences on individual development (Muuss, 1988; Stevens-Long, 1983.)

Muuss (1988) noted that Erikson in his writing emphasised the point that one cannot separate the identity crisis and individual life and contemporary crisis in historical development because the two help to define each other and are relative to each other. In a similar argument, Head (1997) highlighted that a sense of identity cannot only be achieved by being at one with oneself but by also having a sense of affinity with the community, history and mythology. These authors thus infer that identity formation in adolescents is related to their social circumstances. Issues such as the family, community, history, poverty, ethnicity, availability of resources for individual growth and racism may impact on identity formation.

Apartheid and pre-apartheid laws such as the Black Administration Act (1927), Group Areas Act (1950) Group Areas Amendment Act (1952), and Land Settlement Act (1912), destroyed family life in South Africa. It has been estimated that by 1992, 1,8 million children were permanently separated from their parents due to the Migrant Labour System and that one in eight African families had lost a family member due to political violence (NPA, 1994.) The impact of apartheid policies on children and adolescents meant that the majority of youth grew up under extremely trying and challenging conditions where they struggled to define their self-concept, identity and sense of self-worth. The June 16 uprising of South African youth in Soweto 1976 illustrated the intense physical and emotional struggle that adolescents grappled with during the heart of apartheid to establish their identity and self-worth.

Contemporary South African society is also grappling with the devastating implications of the HIV/AIDS crisis on family life. It was estimated that by 2000 there were approximately 200 000 AIDS orphans in Kwa-Zulu Natal. By 2005 up to one million South African

children will have lost their mothers to AIDS. This was estimated to increase to over two million by 2010, according to the Department of Health (Schonteich, 2000.) The effects of the Aids pandemic not only on family life but on the economy, education, health and welfare spheres in South Africa may very likely impact on adolescent identity formation.

Head (1997) and Maier (1965), maintain that peer relations are central in finalising ego identity and the adolescent may go through a period of compulsive peer group involvement. McCandles (1970) suggests that the influence of the peer group peaks in middle adolescence. According to Head (1997:31), “ The arena of close knit peer group provides an opportunity for the individual to locate oneself. It is in comparison with others of similar age and background that adolescents gain a sense of their individual qualities.” The peer group aids the adolescent in their search for personal identity by providing role models and social feedback (Muuss, 1988.) Hence the images of youth peer culture such as dress, language and music. The peer group also provides a supportive network during the period when there are rapid body changes and the commencement of sexual maturation.

On the basis of developmental theory adolescence is a stage that takes place within a social environment such as the family, community and peer relationships. The strength or weakness of the social environment therefore is especially critical for this stage. The nature of relationships and support systems within the social environment may influence the nature and direction of identity search. If during this stage the adolescent formulates a negative identity with a low self worth and esteem he or she may become vulnerable to unacceptable behaviour and may find themselves in conflict with the laws and mores of society.

2.3 The Family

The South African Law Commission (2002) maintains that South African law has no single definition of a family and the traditional nuclear family form does not reflect the reality of South African society. Burman and Reynolds (1986) highlight that the family in its various forms is still the main agent of socialisation in South Africa. The family in South African society may be any person/s who are legally considered family and whom the young person perceives to be family. The family is variously defined and may refer to parents, extended family, kinship groups or tribe (Interim Policy Recommendations, 1997.)

The family has come to be regarded as the cornerstone of society. The family has significant influence on a child's personality growth. Haralambos (1985) maintains that although the composition of families varies amongst societies, the family remains a universal social institution. Murdock in Haralambos (1985: 325) defines the family as, ‘ a social group

characterised by common residence, economic co-operation and reproduction.’ He describes the basic family unit as the nuclear family consisting of both parents and children. Burman (1994) discusses the functionalist approach to the family as the universal and basic social unit, which is conflict free and where all members are presumed to share the same interests. Burman (1994) further highlights that families are positioned as the primary site for the socialisation of children and that mothers in particular have come to be considered as reproducers of culture. Rutter (1998) argues that there has been a transformation of the nuclear family since the mid twentieth century. Single parent homes, divorce, women headed households, child-headed households and teenage parents speak of present day reality of changed family patterns.

Geismer and Wood (1986) maintain that a connection exists between disturbed family situations and deviant behaviour of young people. Family variables such as family size, broken homes, family disruption, poor communication, marital disharmony, extreme discipline, social class and employment status of parents have impacted on juvenile delinquency. Geismer and Wood (1986) further discuss the notion of working mothers as a cause of juvenile delinquency and emphasised that mothers of delinquents worked more sporadically than mothers of non-delinquents. Under such conditions the quality of care was pinpointed as a variable in juvenile delinquency.

2.4 Attachment Theory

Attachment theorists (Ainsworth, 1969; Anderson, 1972; Bowlby, 1946) argue that emotional disturbance, maladjusted personality, persistent misbehaviour and deviance occur when the socialisation process within the family unit, specifically between the mother and the child is interrupted. Bowlby in Haralambos (1985: 410) argues, “ that the child has certain basic needs, the most being emotional security, which can be provided most effectively by a close intimate relationship with its mother. If the child is deprived of maternal love, particularly during its early years, a psychopathic personality can develop.” Attachment to the mother is regarded as a secure base for the child, which promotes feelings of security and trust. The more secure the child’s attachment history is, the greater are the social competence and confidence levels in the adolescent to engage in social interaction with peers. It appears that adolescents who do not have secure attachment histories experience relationship problems and negative interactions.

Geismer and Wood (1986) in their discussion on parental affection and acceptance highlight Bandura and Walters (1959) study which found that fathers of delinquent boys were more rejecting and less affectionate than in the case of non-delinquents. Schonteich (2000)

discussed that the absence of a father figure early in the lives of young males tends to increase later delinquency and affects a boy's ability to develop self-control. Schonteich (2000) further argues that the secure attachment or emotional investment process (a father figure provides) facilitates the child's ability to develop and demonstrate both empathy and self-control. Schonteich (2000) adds that an insecure attachment will lead to lower levels of empathy and control and an increase in violent behaviour.

Rutter (1976) indicates that the child's separation from his/ her family only results in short term distress for the child. He argues that antisocial behaviour is not due to the separation itself but family discord that accompanies the separation. Both the developmental and attachment theory identify the family as central in the developmental cycle of the child and for the satisfaction for basic needs such as the need for emotional support and security. The family as a social system remains a constant in the childhood and adolescent identity formation and development of self-esteem and sense of self worth.

2.5 Ecosystems and Ecological Model and the Strengths Perspective

The Ecosystems and Ecological approaches conceive human beings as evolving, adapting and developing through transactions with all the many environments of which they are part of (Chetkow-Yanoov, 1992; Germaine and Gitterman, 1980; Morales and Sheafor, 1995; Rapp, 1998.) Linked to these approaches is the strengths perspective that suggests the enhancement of strengths and potentials of the individual and alteration of those factors that may bring negative experiences to the life of the individual (Luthuli, 2000; Rapp, 1998; Saleeby, 1997.) In accordance the Excelsior secure centre as a type of social system aims at reducing negative and harmful effects to children as it provides protection and care to a child during a difficult time in his development.

In Social Work the ecological perspective moves away from linearity and focuses on the wholeness, interdependence and complementarity of living organisms (Germaine and Gitterman 1980.) Rapp (1998) asserts that further to an interface, ecology is also an effective metaphor to better understand the way, in which people and the environment influence, change and shape one another. The inference herein is that people are not merely products of their environment but through interaction with it are capable of influence and change. The Excelsior programme aims to provide youth with the necessary skills and programmes to assist them to overcome their identified problems and in this way to influence and change them into adopting a more positive lifestyle.

Bronfenbrenner originally developed the Ecological Model in 1977, utilising individual, family, social structural and social cultural factors affecting human development (Morales and Sheafor, 1995.) The ecological model is based on basic tenets of systems theory emphasising interdependence and feedback where all variables are viewed as part of a synergetic totality (Chetkow-Yanoov, 1992.) For youth in conflict with the law this would include interdependence of systems such as the family, the community, the school, social welfare, the courts and the police.

The implications that the ecosystems and ecological theory have for youth in conflict with the law is that the circumstances in which the youth or the adolescent finds himself or herself is as a result of larger impacting systemic issues. Rutter, Giller and Hagel (1998), note that factors such as, broken homes and family discord, abuse or neglect, poverty and living in a socially disorganised area impact on youth. The present context in which young South Africans find themselves are: high levels of poverty and unemployment, shortage of housing, rapid political change, fluctuating state of the economy, urbanisation, breakdown of traditional norms and values, the sudden high prevalence of drugs and impact of HIV/AIDS (Department of Welfare, Kwa-Zulu Natal-Strategic Plan 2003; Leclerc-Madlala, 1997; White Paper for Social Welfare, 1997.) These broader societal factors impact on the youth or adolescent thus resulting in them becoming more vulnerable to crime.

Merton (1938) and Cohen (1956) further argue that focus should be moved from the individual to the structure of society, and that given the highly unequal nature of society, not all children may have the same opportunities, which may force children into a criminal lifestyle (Haralambos, 1985.)

Kasiram (1995) and Rapp (1998), maintain that the ecological model is all encompassing as it accommodates a broad spectrum of interventions in which practioners can see behaviour in a mosaic of interrelated components. Kasiram (1995:66) posits that, "through the use of the ecological model, interventions may be targeted at micro-, mezzo, exco-, and/or macrosystem levels, depending on where the deficits are experienced."

Garbarino (1985) cited in Muuss (1998) discusses Bronfenbrenner's (1977), ecological model to adolescent development based on the interaction of the four major structural systems as outlined by Kasiram (1995.) The micro system has been described as the relations occurring within the immediate environment of the person. In adolescence the peer micro system becomes increasingly influential, providing social rewards such as status, prestige, popularity and friendship. Alternatively the peer micro system may have a

powerful negative influence by encouraging destructive behaviour such as cheating, stealing, smoking, drug and alcohol abuse, irresponsible sex and criminal activity (Muuss, 1998.) The other systems at meso level are the family, school or church. The exosystem is the larger community in which the adolescent lives and the macrosystem provides the overall core values for society (Muuss, 1998). The ecological model is crucial as it illustrates the various systems impacting on the adolescent that help to shape his/her identity, personality and aspirations. Secure care centres are located at the meso level for whilst in temporary custody the centre assumes guardianship for the offender. The facility does not exist in isolation but continuously interacts with the different systems impacting on the youth such as the parents, school, courts, police and peers.

2.6 The Strengths Perspective

The strengths perspective is based on the identification of inherent strengths and potential in people and moves away from focussing on pathology, deficits, problems, abnormality, victimisation and disorder in their interpretation of human behaviour (Rapp, 1998; Saleeby, 1997.) Rapp (1998) maintained that the tilt towards negative aspects of life has given a peculiar shape to helping professions focus on pathology. He further argued that the strengths perspective is an alternative to a pre-occupation with negative aspects of people and society.

Luthuli (2000:12) highlights, “ most often strengths are not captured in reports and upon reading reports one is often confronted with negative labels which usually end up shaping our thinking.” The strengths perspective demands a different way of looking at individuals, families and communities. All must be seen in the light of their capacities, talents, competencies, possibilities, visions, values and hopes however disturbed they have become. The strength approach requires an accounting of what people know and what they can do. It requires composing a roster of resources existing within and around the individual, family or community (Saleeby, 1997.)

The strengths approach has become entrenched in contemporary social work practise, and especially in the child and youth care field. It demands that all youth in conflict with the law from the time of their arrest to the admission and release from the secure centre, be assessed in terms of the strengths perspective. The Developmental Assessment, which forms the backdrop of therapeutic intervention and service delivery and the completion of Individual Developmental Plans (IDP), Reviews and Care Plans for every child in care are based on the strengths perspective.

Saleeby (1997) compared the pathology model to the strengths model. In the pathology model the person is defined as a case, therapy is problem focussed, childhood trauma is the predictor of adult pathology, therapeutic work is regarded as treatment, and the plan is devised by the service provider who is regarded as the expert possessing all the knowledge and the skill. In the strengths approach, on the other hand, the person is defined as unique; traits, talents and resources add up to strengths, therapy is possibility focussed, childhood trauma is not predictive, individuals, family or the community are the experts who possess resources such as strengths, capacities and skills.

Rapp (1998) posits that the preoccupation with deficits, needs and pathology has led to blaming the victim. Victim blaming is labelling which is detrimental as it evokes negative connotations. Labelling is rife in the pathology model. According to the labelling theory by Becker (1963), 'deviant behaviour is behaviour that people so label' (Haralambos, 1985.) What is crucial about labelling is once a young person is labelled as criminal or deviant then this overrides all other issues in his/her life and people respond to him/her according to the characteristics associated with the label. This in turn produces a self-fulfilling prophecy, as the young person then identifies and believes in the label. In the writer's view by attaching blame to the youth for his criminal activity or antisocial behaviour removes blame from the agents or institutions in society who are responsible for safe-guarding the interest and well-being of children. The high numbers of youth awaiting trial is indicative of the fact the Courts, police, social workers and probation officers are not doing enough for youth in expediting their movement through the system, diverting youth away from the criminal justice system or implementing preventative services at the community level.

2.7 The Strengths Perspective within the Social Development Approach

An investigation into government administered residential facilities (1995), found that the service system had been fragmented, was pathology orientated, did not draw on the inherent strengths of children, families and communities. The investigation recommended the rationalisation of all residential childcare facilities, the appropriate placement of children and youth and the inter-sectorial Secure Care programme to receive high support from relevant Departments and Ministries (Report: National Cabinet Investigation into Places of Safety, Reform Schools and Schools of Industry, 1996.)

The Interim Policy Recommendation (1996) called for an ecological developmental perspective in the child and youth care system. A developmental approach in the context of child and youth care referred to a focus on strengths, participation by the young people, family and community, reclaiming the spirit of Ubuntu, residential models based on

International Instruments such as the United Nations Rules for the Protection of Juveniles deprived of their Liberty (JDL), the United Nations Conventions on the Rights of the Child, the United Nations Guidelines for the Prevention of Juvenile Delinquency, the United Nations Rules for the Administration of Juvenile Justice, the Organisation of African Unity (OAU) Charter on the Rights of the Child, the South African Charter on the Rights of Children in Care and the South African Constitution of the Republic of South Africa.. Instilled at the heart of these documents is that all children in care and custody (detention) be treated with dignity and respect and afforded services to ensure their optimal development and well-being.

The implications of the strengths model on the child care system meant that children awaiting trial in prisons and police cells were to be transferred either to the custody of their parents and guardians or to secure care centres and places of safety. This therefore implied that effective and relevant programmes had to be devised for children and youth in these centres as well as in the community. In secure care, adolescent development programmes, sport and recreational, educational, therapeutic and court readiness programmes were to be offered to youth who were in temporary custody pending finalisation of their cases (Interim IMC Report, 1997.)

2.8 Restorative Justice

In South Africa within the juvenile justice system the corporist model was adopted which, blended aspects welfare and justice models. The 'treatment' of the old welfare model and the 'punishment' of the justice model was replaced by restorative justice concepts involving the young people, their families and communities (Interim Policy Recommendations, 1996.) The aim of this approach was to utilize the ecological strengths based approach to ensure that the offending youth were re-integrated to play a meaningful role in society. The National Crime Prevention Strategy (NCPS, 1996), advocated for appropriate sentencing and diversion options for minor offenders and a shift away from retribution to restorative justice. Pillar one of the NCPS outlined the establishment of secure care centres for youth in conflict with the law.

Based on the principle of restorative justice Braithwaite (1998) in O'Connell, Wachtel and Wachtel (1999) introduced the concept of re-integrative shame and argued that societies that integrated rather than stigmatised offenders had the lowest crime rates (Haynes and Drakenford, 1998; Van Aswegen, 2000 Van Eden, 1997.) When offenders are dealt with by being labelled or punished, no attention is given to repairing the harm to the victim or the community. Restorative justice allows offenders to make amends and be re-integrated into

the community (Wachtel, 1997). O'Connell, Wachtel and Wachtel, (1999) maintain that restorative justice confronts and disapproves wrongdoing while valuing and supporting the intrinsic worth of the wrongdoer.

In applying restorative justice to the South African context Shapiro (1998) maintains that by holding the offender accountable while meeting the needs of the victim or community, can healing about the criminal event take place. The writer agrees with Shapiro that the inclusion of restorative justice principles and community involvement would go a long way in humanising a once ineffective and brutal justice system. In the writer's view, the philosophy of restorative justice with equal emphasis on the needs of both the offender and the victim is strengths based and plays a meaningful role in bringing about reconciliation and healing. In most instances the act of committing a crime by a child is an indication that the child is in crisis and may be in need of care and protection from society within the social welfare system and should be diverted away from the criminal justice system. Haynes and Drakeford (1998) advocate for a children first philosophy to be adopted when working with children in conflict with the law. They maintain that children should be treated differently from adults by virtue of the fact that they are afforded special status because of their youth. Within the criminal justice system children should be treated first as children and secondly as children who have committed crimes.

Healing and reparations is not new to indigenous South African communities as African traditions made use of restorative justice (Shapiro, 1998; Van Eden, 1997.) Highlighting the African proverb that, 'it took a whole village to raise a child', Manyathi (1997) affirmed that the spirit of Ubuntu prevailed in African societies that allowed for the protection and caring of children. She explained that children grew in groups and offenders were disciplined by group leaders or sent to extended family members. Van Eden (1997) discussed the concept of Inkundla where the family was required to accompany the child to apologise to the offended person and the two families would come together to rehabilitate the child; highlighting that restorative justice allows for bonding to take place. The principle of Ubuntu and the concept of Inkandla espouse the ideals of restorative justice and a rehabilitative communal environment.

CHAPTER THREE

Methodology

3.1 Introduction

This chapter includes a discussion of the research design selected, sampling techniques and the data-gathering tool used in the study, data analysis, ethical considerations and limitations of the research.

3.2 Research Design

A descriptive survey research design was utilised in the study. This approach entailed the researcher interviewing the respondents of the study as per the structured interview schedule. Denscombe (1998) argues that the survey approach lends itself to quantitative research as it generates large volumes of quantitative data that can be subject to statistical analysis. Rubin and Babbie (1989) maintain that descriptive statistics is a method for presenting quantitative descriptions in a manageable form.

Quantitative research involves numerical or statistical examination of phenomena. Rubin and Babbie (1989) emphasise that quantitative methods may be more appropriate when we study a phenomenon about what we already know much about and when we have a high degree of control of the research situation.

The descriptive survey design was selected for the study. This design was selected as the study was conducted at Excelsior, which provides temporary custody for children in conflict with the law whilst awaiting trial. The secure care environment serves as a remand centre within the juvenile justice system and sees a high turnover of children on a daily and or weekly basis. Children were also prone to absconding from the said facility. In order to ensure that the sample population remained intact, interviews were to be completed expeditiously. The descriptive survey approach proved conducive to the study of this nature. The method of eliciting responses through the interview schedule was not time-consuming and interviews were completed within four days. The interview schedule with both open-ended and closed-ended questions proved amenable to the respondents being children in eliciting responses on their families.

3.3 Sampling and selection of respondents in the study

The sample was drawn from the population of children awaiting trial children at the Excelsior Secure Care Centre that accommodates 74 children. The sample was one-third the

population, being 25. The sample can be viewed as a subset of the population. De Vos (1998:191) maintains that, “ we study the sample in an effort to understand the population from which it was drawn”. A further reason for sampling is feasibility in that an entire population cannot be studied.

3.4 Sampling Criteria

Purposive sampling, a non-probability technique was used for generating the sample for the study. Probability sampling techniques were not found useful to the study in that while they allow every unit an equal chance of selection, members of a subgroup of interest may not have been included in appropriate proportions.

The purposive sampling method was utilised, as it was a practical method that relied on readily available units. The sample of the study was drawn from the group of children awaiting trial in which, a sample selection criteria were outlined. The sample selection criteria were as follows:

- Boys who are at Excelsior secure care programme for a period of 2 weeks to 6 months.
- Boys who are 14-17 years of age.
- Boys who are new admissions and re-admissions.
- Boys who are awaiting trial for one or more than one criminal charge.
- Boys who have committed scheduled and non-scheduled offences. The Draft National Protocol (1999:3) lists scheduled offences as, “ murder, rape, armed robbery and robbery of a motor vehicle, serious assault, assault of a sexual nature, kidnapping, illicit conveyance or supply of drugs and any conspiracy, incitement or attempt to commit any of these offences.” Non-scheduled offences relate to offences that are not included in the above schedule and are petty or not serious in nature.

3.5 Techniques for Data Gathering

The data-gathering tool utilised was the interview complemented with the interview schedule.

The researcher interviewed each respondent and responses were entered onto the interview schedule. (See attached Appendix 1.)

3.6 The Interview Schedule

The rationale for using the Interview Schedule was as follows;

1. The Interview Schedule was viewed to be user friendly to children. It allowed the researcher to word the instrument in an age appropriate manner, which would be conducive and understood by children.
2. In order to ensure that children did not lose interest or that the exercise proved tiresome, children were asked to provide responses as per the scheduled questions. In this way children were not pressurised into providing lengthy explanations or discussions.
3. The interview schedule was not time-consuming or laborious to administer.
4. The standardised format ensured that all respondents were subjected to similar questions throughout the study.

3.7 Construction of the Interview Schedule

The interview schedule was divided into two major sections. The first section was designed to acquire data on the profile of the child such as age, gender, race, scholastic details, area of residence and arrest details. The second section was the Family Dynamic section, which dealt with the home or family environment, family composition, and economic status of the family and child's relationship with the family. Other items on the schedule also related to the child's relationship with peers. There were 26 questions in total, which included both open ended and close-ended questions. Close-ended questions allow the respondents to choose from fixed alternatives. Open-ended questions allow the researcher to build rapport with the respondent, encourage co-operation and clear up any misunderstanding.

A crucial issue that had to be taken into consideration in the construction of the interview was that the wording and language had to be age appropriate as respondents of the study were children aged between 14 to 17 years. Questions were to be child friendly and simple so that the respondents could easily understand them.

3.8 Administration of the Interview Schedule

The researcher interviewed each respondent individually at the secure care centre. The interview was conducted in English, which was understood by all respondents.

1. Prior to the interview the researcher met each child participating in the study and provided him with a full explanation about the purpose of the study. Once the child agreed then the researcher proceeded to ask the questions.

2. The researcher assured the youth of confidentiality during the interview. Children were assured that information disclosed during the interview would not be shared with a third party.
3. To establish rapport the researcher initially engaged the youth in warm up or icebreaker activity. This entailed youth describing themselves using letters that made up their names.
4. The researcher thereafter proceeded with the interview. The interviews were held in the social worker's office, which was perceived to be a non-threatening and neutral environment. The duration of each interview was approximately for 25-30 minutes. As the researcher asked the questions responses were noted on the interview schedule. The researcher also provided respondents with clarity and answered questions when they arose.
5. On completion of the questions the researcher thanked each child for his participation and further responded to any queries.

3.9 Validity and Reliability

Hycner (1985) asserts that validity refers to whether the researcher accurately represents or 'captures' the phenomenon being structured. Reliability refers to how consistent the measurement is.

To achieve reliability and validity the researcher initially piloted the questionnaires with a group of five youth. Difficulties were noted and changes were made accordingly. Changes were made to the Family Dynamic section on page 2. During the pilot the researcher noted that the respondents were grappling with answering the questions relating to needs. These questions were re-arranged in sequence and reworded so that the respondents could easily understand them.

3.10 Strengths and Weaknesses of the Interview Schedule

Rubin and Babbie (1989) highlight that surveys are useful in describing characteristics of a population and that a carefully selected probability sample in combination with a standardised questionnaire offers the possibility of making refined descriptive assertions. Rubin and Babbie (1989) maintain that standardised questions have an important strength in regard to measurement generally. Due to the standardised nature, reliability of interview schedules is increased. However Rubin and Babbie (1989) argue that the artificiality of the survey format puts a strain on validity.

Akrava and Lane (1983) and Denscombe(1989) argue that with standardised data, interview depth and opportunity to probe is sacrificed. Rubin and Babbie (1989) comment that standardisation results in fitting of round pegs into square holes and is the least common denominator in assessing people's attitude, orientations, circumstances and experiences. Hence given Rubin and Babbie's (1989) argument that the survey approach may impress as superficial and not appropriate to study complex topics. Denscombe (1989) further comments that the survey approach can be obsessed with data to the exclusion of the implications of data for relevant issues and problems. Denscombe (1989: 28) argues, " A danger exists that the significance of data can become neglected as 'data are left to speak for themselves.' "

3.11 Data Analysis

As quantitative descriptive study was undertaken, data analysis involved the analysis of statistical information that arose. The researcher utilised descriptive statistics to summarise data.

-Levels of Measurement: Of the four levels of measurement that analyses data being, nominal, ordinal, interval and ratio, the nominal level was selected for the study. This was so as all data was initially clustered and classified into two or more mutually exclusive categories. This measurement entails that data is placed into categories where the frequency or number of digits are summarised. Reamer (1998) discusses that the nominal measurement is the lowest level of measurement because it makes the fewest assumptions about the data. With nominal data no assumptions are made regarding the rank order amongst the categories.

The nominal measurement was utilised in the analysis as data in both Section A and Section B of the Interview Schedule were classified into categories. While Section A, focussed on the Profile of the child and required identifying details such as age, gender, race, schooling etc which were mutually exclusive categories, data from the Family Dynamic Section were edited, clustered and classified into categories.

-Displaying Data: After the data was collected in the above manner, it was thereafter translated into tables. Tables allowed for pictorial summarisation of data and indicted trends and patterns that emerged.

-Frequency Distribution: The tables outlined the frequency distribution. This is an indication of the number of cases corresponding to a value. Tables also included the percentage of the total that each score represented.

-Measures of Central Tendency and the use of the Mode: Of the three measures of central tendency the mode was utilised to analyse and summarise patterns. The mode was utilised as it is used when data are grouped into categories, based on frequencies and we want to know which category is the largest or contains the most cases. Utilising this measurement allowed the researcher to analyse the highest frequencies on the tables and note emerging trends that developed from the study in respect of the dynamics of the family systems of the children.

3.12 Ethical Considerations

- (1) Consent. The respondents of the study were a vulnerable group being children who were in conflict with the law and placed in legal custody at the secure care centre. Written permission was sought from the Institutional Manager elucidating the reasons to undertake the study at the centre (See Appendix 2) and to interview a sample of youth. The researcher acknowledges that, children do not have legal authority to assent or consent to participate in research projects. In such circumstances permission would be obtained from parents or legal guardians. However due to difficulties encountered in the study in this regard such as the accessibility of some parents, some children came from rural areas out of the Durban Region, parents could not be contacted, and/or children were not living with their legal guardians nor did they have contact with them. Permission was hence sought from the Institutional Manager in whose custody or guardianship the children were placed.
- (2) Children's consent. It was perceived, that requesting children to complete written consent to participate in the study could have been misinterpreted as relating to their criminal cases and could have increased children's anxieties. Verbal consent was sought instead, after providing children with details about the study.
- (3) Children were not coerced. The respondents of the study were from the outset provided with sufficient information on the aims of the study in a manner and language amenable to them. Children were not coerced to participate in the study. They were provided with a choice whether to participate in the study.

(4) Confidentiality and disclosure of criminal activity. Due to the sensitive nature of the study- the respondents were alleged perpetrators of scheduled and non-scheduled offences; a high degree of confidentiality had to be ensured whilst undertaking the study. Children were assured that information provided during the interview would not be disclosed to police officials, courts or probation officers. Questions 6 to 9 on the Profile Section of the Interview Schedule dealt with the youth's arrest and alleged criminal offence/s. As highlighted youth were furnished with detailed information on the purpose of the study which was a focus on their family lives and were informed that if they were unhappy with the nature of the study, they were allowed to withdraw from it at any given point.

3.13 Limitations of the research.

- The sample consisted of male children awaiting trial at the Excelsior Place of Safety Secure Care Centre. Hence findings can only be confined to this specific context.
- The researcher herself was the social worker at the facility. The element of bias and subjective influence of the researcher may have impacted on the study.
- Furthermore since the interviewer was familiar with the respondents, they may have participated in the study out of obligation not to disappoint her. Reamer (1998) argues that even though social workers may not coerce clients to participate in research some clients will feel some pressure to comply with the social worker's request because they want to be helpful or may be worried that their receipt of services may be affected or jeopardized if they refuse to participate.
- It was also felt that a number of the youth participated in the study as they held on to a perception that the participation could assist them in their criminal matter in court and/or expedite their release.
- The data-gathering tool utilised in the study was the structured interview. This form of research was only confined to descriptive results and did not allow the respondents to provide detailed information on their family systems. The researcher should have utilised a variety of data collecting tools to have enhanced the effectiveness of the study.

- Only the awaiting trial children were participants of the study. The families of children should have also been interviewed to ensure that the topic was adequately investigated.

CHAPTER FOUR

Analysis and Interpretation of Data

4.1 Section A: Profile of the Child

Table 1: Age of Child

Age Group	Frequency	Percentage
14 yrs	4	16
15yrs	0	0
16yrs	9	36
17yrs	12	48
Total	25	100

The above table indicates that twelve (48%) of the youth who had participated in the study were seventeen years old. Four youth (36%) were sixteen years old and four (16%) were fourteen years old. No youth who were fifteen years old participated in the study.

The above table indicated that over half of the youth who had participated in the study were in their late teens. Age does play an important factor in the court's decision of placement of the awaiting trial child. The court is more likely to send a younger child- below fifteen years back to the family environment or to a place of safety to await trial. Schonteich (2000) outlines a central relationship between age and crime and maintains that the most important single fact about crime is that, it is committed mainly by teenagers and young adults other than older adults and children. This relates significantly to developmental theory. According to Manaster (1989) the crucial stage for adolescence is Identity vs Role Diffusion, which begins at the onset of puberty. This is an impressionable stage of identity formation during which the adolescent is vulnerable to various forms of pressure. Coleman (1990) points out pressure to be psychological, emotional and social emanating from peers, parents, teachers and society. If the influence or pressure is negative then the negative identity develops which is expressed in delinquent or deviant behaviour.

Another salient feature about age is that up to four children involved in this study have, proof of age or identity. Desmond, Michael and Gow (2000) maintain that only 49% of children in South Africa have birth certificates. Often the court would give the individual the

benefit of being a minor until proven otherwise. Up to one third of the youth who await trial at Excelsior are over the age of eighteen years. The crisis of youth not having proof of age is also experienced on a national level where an increasing number of young adults are entering the juvenile justice system (Draft National Protocol on the Management of Children Awaiting Trial, 2000.)

Table 2: Race of children

Race of child	Frequency	Percentage
African	18	72
Indian	3	12
Coloured	2	8
White	2	8
Total	25	100

Table 2 indicates that eighteen (64%) of the children interviewed were African. A further three (12%) were Indians, two (8%) Coloured and another two (8%) White. While the table reflects children from all the race groups that make up the South African population, the majority of the children (64%) come from the African community. In line with this, Marks (2001) indicated that 90% of children that come into conflict with the law are African children. Marks (2001) explains that African youth are a marginalized group due to the socio-political history of the country where the youth were deprived of educational, recreational and employment opportunities. In discussing patterns of poverty in South Africa, Lund (1996) emphasises that it was racially distributed of which 95% of the poor are African. The impact of poverty and social instability on youth was a high teenage parenthood, delinquency, crime, sexually transmitted diseases and violence (The White Paper for Social Welfare, 1997.) Hence a lack of sufficient opportunities for development and growth and poverty has drawn African youth towards criminal activity to fulfil needs.

Table 2 also reflected that the second highest percentage (12%) of the youth were Indian. The White Paper for Social Welfare (1997) maintained that in 1993 the income of Whites was R 2 140 per month, whilst Indian earned 40% of this income and Blacks 13%. The impact of impoverished circumstances on youth from previously disadvantaged communities has forced young people to find alternate ways of fulfilling their needs.

In addition to poverty and unemployment the rapid spread of HIV/AIDS is a significant factor that is impacting negatively on South African youth. Grimwood (in Schonteich 2000)

argues that the increasing number of AIDS orphans who grow up without parental support and supervision, will turn to crime. According to Grimwood (in Schonteich 2000:62), “Crime will increase because of the disintegration of the fabric of our society. It will be made worse by the lack of guidance, care and support for HIV positive people including children. Children orphaned by AIDS will have no role models in the future and they will resort to crime to survive.”

Table 3: Schooling.

Grade	Frequency	Percentage
Not at school	15	60
Below Grade 4	0	0
Grade 4-8	3	12
Grade 9-12	6	24
Other	1	4
Total	25	100

The above table indicates that fifteen youth (60%) were not at school or had dropped of school. A further three (12%) of the youth were between grades 4 and 8 and 24 % were in grade 9-12. One child (4%) was studying through Damelin during his arrest. As illustrated in the table about two thirds of the youth were not attending school. Reasons cited for not being at school were lack of finances to pay for school and other expenses, lack of desire for school and family’s non- involvement in the child’s life. Only one of the fifteen children was in casual employment at the time of his arrest. The remaining fourteen expressed that there was not much that they did during their spare time. One of the fifteen children reported that he was expelled from school due to continuous misbehaviour. One youth reported that he had completed matric but had been unable to secure employment. The schooling pattern that emerged from the study indicates that children and youth who are not exposed to stimulating educational and recreational environments are likely to engage in negative behaviour. In addition where the family as a social support and enhancing system is not involved in the development of the child, antisocial and criminal behaviour patterns may arise.

Table 4: Geographical Area of youth

Geographical Area	Frequency	Percentage
Kwa Mashu	3	12
Mooi River	1	4
Wentworth	2	8
Inanda	5	20
Durban North	1	4
Umlazi	1	4
Asherville	1	4
Phoenix	1	4
Clermont	1	4
Chatsworth	1	4
Durban Central	2	8
Lamontville	1	4
Folweni	1	4
Thornwood	1	4
Amanzimtoti	2	8
Nqutu	1	4
Total	25	100

Table 4 indicates a total of 16 geographical areas of residence of the children awaiting trial. These are urban and informal areas, and lie north and south of the Ethekwini/Durban Metro and include Durban Central. Two youth came from areas outside Durban Metro, one from the Mooi River and the other from Nqutu.

Discussing national statistics Aliber (2001) indicates that 61% of Africans, 38% Coloureds, 5% Indians and 1% White are poor and that around 23% of children under six are stunted due to chronic under-nutrition. According to the White Paper on Rural Development in Kwa-Zulu Natal (1998), fifty one percent of the people of Kwa-Zulu Natal live in poverty. More than half of the 7,7 million people that live in Kwa- Zulu Natal, live in rural areas, which consist of women and female headed homes. (The Poverty Relief Programme Database Durban Region, Department of Social Welfare and Population Development, 2000), further indicates poverty as the second largest challenge facing government after HIV/AIDS.

Table 4 indicates that Inanda and Kwa Mashu have the highest number of youth awaiting trial, 20% and 12% respectively. These areas are in close proximity to each other, predominantly African, and characterised by poverty and unemployment. (The Poverty Relief Programme Database Durban Region, Department of Social Welfare and Population Development, 2000.) Furthermore these townships also extend into expansive informal settlements such as Bhambayi and Bester areas where people lack basic needs such as food, adequate sanitation and shelter including running water and electricity. Hence youth who reside in impoverished communities appear to be impacted negatively by their circumstances. This places them in a vulnerable position to an antisocial and criminal lifestyle.

Table 5: First Offence or Re-offence

Offence	Frequency	Percentage
First offence	12	48
Re-offence	13	52
Total	25	100

The above table reflects that twelve (48%) youth are first offenders and thirteen (52%) youth are re-offenders. When linked to Table 6, on the type of offence, it appears that the first offenders are linked to petty offences such as theft and shoplifting, whilst re-offenders are linked to serious cases such as housebreaking and robbery. The table also illustrates that 52% of the youth are re-offenders, indicating that there is a high degree of recidivism amongst youth admitted to the secure care programme. Recidivism or re-offending relates to developmental theory where the youth who experiences crime as a way of life develops a negative identity and self-concept. Further the high rate of recidivism can be linked to the release of the offender back to the same environment such as poverty, lack of basic needs, broken down family system, insufficient recreational opportunity and peer influence. Schaefer and Swanson (1988) advocate the ecological perspective in that focus should be on the family as residential treatment offers a short- term function. In practise this encompasses the principle of family preservation, which proposes that whilst interventions are directed to the youth in care, the family should be simultaneously prepared for the reunification and re-integration.

Table 6: Type of Offence

Offence	Frequency	Percentage
Robbery	3	12
Housebreaking	8	32
Shoplifting	4	16
Theft	5	20
Theft& Robbery	1	4
Theft out of motor vehicle	2	8
Possession of property suspected to be stolen	1	4
Armed Robbery	1	4
Total	25	100

Table 6 indicates that eight (32 %) of the youth committed housebreaking, five (20%) committed theft, four (16%) committed shoplifting and three (12%) committed robbery. One child had committed theft and robbery, one was found with goods suspected to be stolen. One youth had committed armed robbery and a further two had committed theft out of a motor vehicle. The Draft National Protocol (2000:3) lists scheduled offences as, ‘murder, rape, armed robbery, robbery, robbery of a motor vehicle, serious assault, assault of a sexual nature, kidnapping, illicit conveyance or supply of drugs any conspiracy, incitement or attempt to commit any of these.’ In total four children were involved with scheduled cases, three in robbery and one in armed robbery. The other children were arrested for non-scheduled offences. A common factor in these offences is that they are economically driven. A total of ten youth had cited reasons pertaining to a lack of finance for committing crimes. This means that children are more likely to commit crimes for financial gain or monetary rewards.

Eight youth indicated that they were involved in crime for finances to sustain their drug habit. According to the Alcohol and Drug Abuse; Research Group: Report to Parliament (2003), one quarter (25.5%) of adolescents in Durban reported having used alcohol in their lives, one tenth (10,7%) smoked cigarettes and 5,5% reported to have used dagga (Medical Research Council of South Africa, 2003.) Central to developmental theory is the adolescent need for recreational stimulation; failing which results in alternate means to fulfilment.

Hence young people who experience lack of adequate or appropriate recreation may indulge in mind-altering chemicals such as alcohol and drug abuse. Boone (in the Health Systems Trust, 2003) comments that political change in South Africa has seen social transition typified by modernisation and decline in the traditional family. Boone in the (Health Systems Trust, 2003) further argues that drug use flourishes in such turmoil and that high unemployment rate, social injustice and weakened family bonds have created an environment where drug use and casual sexual relations offer young people an opportunity to look cool in front of their peers and to escape from the harsh realities of everyday life.

4.2 Section B: Family Dynamics

Table 7: Family member whom child resides with

Family member	Frequency	Percentage
Both parents	2	8
Mother only	14	56
Father only	2	8
Grandparents	1	4
Grandmother	3	12
Grandfather only	0	0
Aunt	1	4
Uncle	0	0
Other-Stepmother	1	4
Sister	1	4
Total	25	100

The above table illustrates that fourteen (56%) of the youth live with their mothers only. Two youth (8%) live with both their parents, one child lives only with his father, three children live with their grandmother's only, one child lives with his aunt and one child lives with his sister. The table also indicates very clearly that there is a high prevalence (80%) of the awaiting trial children interviewed to be raised in women-headed households. Whilst 56% of the children live with their mothers who head or run the home, an additional 24 % of children come from female-headed households managed either by the sister, aunt, stepmother and grandmother. This surmounts to 80% of the awaiting trial children growing up in women-headed households. Goldblatt (2001) maintains that a large number of South African households are women-headed (as much as 41% of African households) whilst Aliber (2001) maintains that 42% of all African households, which is 2,7 million are female

headed. The RDP (1994) argues that poverty has a gender dimension in that many of the very poorest households are those headed by younger women in rural areas.

Women headed households represents the poorest form of household (Aliber, 2001; Goldblatt, 2001; Lund Report, 1996; RDP, 1994; White Paper for Welfare, 1997.) Goldblatt (2001) maintains that in women headed households large numbers of women live without the fathers of their children and bear the primary responsibility for childcare and support of children. The White Paper for Welfare (1997) comments that women account for only 45% of those employed in the formal sector, earn less than men and have no social benefits.

Aliber (2001) further comments of women headed households that children are often left in the care of their grandmothers which may put undue pressure on elderly people whose meagre old age grant may end up being used to support the whole household rather than just themselves. In addition old age grants (R740, 00) is insufficient in satisfying the basic and secondary needs of children. Further to the need for food, clothing and education (refer to the discussion on youth's needs) identity and recreational needs become heightened during adolescence, which would be difficult to be attained on a household income of R740, 00.

Overall the respondents came from female-headed homes, which were the low- income family group, (earning less than R1 500,00 per month) or receiving public assistance (grants) of about R740, 00 per month. This indicated that these families lived below the poverty datum line (PDL) or breadline of R1 600,00 (National Unions of Mines of South Africa, NUMSA Press Release, 1998.) Hence for households living below the poverty line, it might be difficult to satisfy material and recreational needs of the adolescent boy between the ages of 14 to 17 years. Some of these needs (as listed by the respondents in the study) are food, clothing, education, and independence, listening to music and going out with friends. The youth may hence engage in alternate means such as criminal activity to meet these needs.

Table 7 also indicates that the only male figures prevalent from the youth's responses is that two youth were living with their fathers only. The percentage on the family structure supports the view that the absence of the father figure has placed the male child at risk, as he has become more vulnerable to influence outside the home environment. Schonteich (2000) affirms that the absence of a father figure early in the lives of young males tends to increase later delinquency and affects a boy's ability to develop self-control. Schonteich (2000) further argues that the secure attachment or emotional investment process (a father figure provides) facilitates the child's ability to develop and demonstrate both empathy and self-

control. Schonteich (2000) adds that an insecure attachment will lead to lower levels of empathy and control and an increase in violent behaviour.

Furthermore one child came from a home where his sister a child herself was the head of the household. Varga (1997) comments that AIDS is a critical issue among youth in KwaZulu-Natal. The emerging patterns of child led households due to AIDS related deaths has become a serious factor that disintegrates the family structure which enhances the development of the child (UN AIDS Report, 2003.) Child headed households are likely to be a poorest form of household with an older sibling having to leave school to take care of the household. Desmond, Michael and Gow (2000) argue that extended family systems themselves are eroded by urbanisation and HIV/AIDS and that the efficacy of extended families as social support networks to child-headed households are also undermined. In such situations orphans will face a life inside child-headed households or on the streets where options are limited to finding jobs or resorting to crime (Desmond, Michael and Gow 2000.)

Table 8: Relationship with guardian

Relationship with guardian	Frequency	Percentage
Relations are strained	6	24
Relations are cordial	4	16
Relations are good	15	60
Totals	25	100

More than half of the adolescents, fifteen (60%) describe their relationship as good and four (16%) describe it as cordial. Six youth (24%) describe the relationship as strained. Reasons cited for the strained relationship is that the mother was too strict, the child is always arguing with the parent, either the mother or the father are abusing alcohol. Developmental psychology describes adolescence as a period of storm and stress and as a period of transition (Coleman, 1990; Manaster, 1989). The adolescent in developing his own identity often may come into conflict with his parents. Coleman (1990) comments that adolescents often experience internal and external pressure emanating from peers, parents and teachers. This may explain why 24% of the youth are experiencing strained relationship with their parents. Further the developmental theory emphasises that identity formation takes place within a particular social environment. Given that the family as a part of the social environment may be negative, such as the parent abusing alcohol, this may impact on the child forming a negative identity and becoming involved in anti social or deviant behaviour.

4.2.1 Youth's Needs

Respondents listed a total of forty-four needs. These needs were categorised as basic, socio-economic, identity and recreational needs. In respect of basic needs: food, clothing and education were listed. Five youth viewed clothing, eight, listed food and five, viewed education, as priority needs. The respondents also rated socio-economic needs as important with four youth listing the need for finances and two youth listing the need for employment. According to the Constitution of RSA (1996), all children are entitled to basic needs such as food, clothing, shelter and education. However these have been listed as priority needs by (72%) of the children in the study. This indicates that due to impoverished circumstances not all children enjoy basic needs in South Africa placing them at risk or in a vulnerable situation. The inability of the families to satisfy the children's basic needs in the study can be attributed to their poor socio-economic circumstances. The families are located in poor communities of KwaZulu-Natal and come from low income households earning less than R1 500, 00 per month (Table 10.)

In respect of identity and emotional care the children provided responses such as: time to myself, live with my own family, parental care, independence, freedom and to be released. With respect to recreational needs, six youth listed listening to music, and one youth each listed going out with friends, watching TV and TV Games. Hence accordingly the association and affinity with peers present as an important need for young people during this stage. Head (1997: 31) maintains, " the arena of close-knit peer group provides an opportunity for the individual to locate oneself. It is in comparison with others of similar age and background that adolescents gain a sense of their individual qualities." The peer group aids the adolescent in their search for personal identity by providing role models and social feedback (Muuss, 1988.) If these role models and social feedback are negative then this may result in the formation of negative identity where the young person may become vulnerable to delinquent or deviant behaviour.

Table 9: Family provides needs.

Family provides needs	Frequency	Percentage
Yes	11	44
No	14	56
Total	25	100

Table 9 reflects that eleven (44%) of the youth responded positively that their families provided for their needs and that fourteen (56%) responded that their families could not provide adequately for them. Of the fourteen youth who had responded negatively, thirteen youth had commented that it was due to lack of finances that their families could not provide adequately for their needs. This supports the view that children in conflict with the law come from low-income families headed by females. Their socio-economic status made it difficult to provide for basic and secondary needs of their children. Reasons for lack of finances cited by the children were that no one was in employment, mother was not working well, mother had to support other children, and grandmother supported the family on a grant. Furthermore as indicated in the discussion on the guardian's employment the types of employment stated were domestic workers, machinists, car washers at taxi ranks, office helpers, vendors and gardeners. Other types of employment stated were telephone technician, taxi driver, grounds man, and supervisor. Two youth had also indicated that no one was in employment in their homes. Once again lack of finances and impoverishment are features that are dominant in the lives of children who commit crimes. Inter-phased with children's responses on guardian's employment in Table 10 it becomes evident that 56 % of the youth reported that their families could not provide adequately for them in meeting their basic, identity or recreational needs.

Table 10: Guardian's employment (income per month)

Guardian's employment (per month.)	Frequency	Percentage
R 0, 00- R 1500, 00	19	57
R 1500, 00- R 3000, 00	12	43
Total	31	100

N=31 Youth provided with multiple responses.

Households supported on an income less than R 1 500 per month. This income group included families where no member was in employment, was in temporary employment or dependent on state grants. Types of employment that guardians were engaged in were domestic workers, machinists, office helpers, vendors and/or gardeners.

Households supported on an income between R1 500, 00 and R3000, 00 per month. Parents in this income category worked as a telephone technician, in a printing press, taxi driver, secretary, nurse assistant, grounds-man and insurance broker. Parents were also self-employed (vendors) selling clothing or food and worked as supervisors in a flat or hotel.

Of the twelve types of employment that earned an income of over R 1 500, the actual maximum income that these jobs accumulated to was approximately R 3 000. This figure was equally low to support a family and run a household. This data confirms that all twenty-five children who were in conflict with the law tend to come from low- income families or households that lack adequate finances or are steeped in poverty. Rutter (1976) described poverty, unemployment and social disadvantage as factors that may predispose children towards deviancy and delinquency.

Furthermore a salient feature of these homes are that parents are involved in types of employment that often demanded that they spend a great amount of time away from the home. This may prevent parents from spending constructive interaction, quality time with their children or being involved in their lives.

Table 11: Family's knowledge of the arrest

Knowledge	Frequency	Percentage
Yes	20	80
No	5	20
Total	25	100

Table 11 indicates that twenty (80%) of the respondents' families are aware of their arrest whilst five (20%) are unaware of the child's whereabouts. At Excelsior parents are notified of child's arrest and admission to the centre. Appointments are secured to interview parents at the institution. This is to ensure that parents are consulted with, and is part of the decisions included on the recommendations submitted to court on the outcome of the youth's case.

As secure care is based on the principle of family preservation attempts were being made by social workers for the five youth to trace or contact their parents through district offices and investigating officers. If these efforts proved unsuccessful then attempts would be made by the institution itself to undertake the family finding. These interventions are based on the Ecological Perspective of social work and family re-unification which refers to the practice

of understanding and viewing each person (child) within the context of, and connected to their family and community and that all services should prioritise the need to have young people remain within the family context wherever possible (Interim Policy Recommendations, 1996.)

Table 12: Family's reaction to arrest.

Reaction	Frequency	Percentage
Very Upset	6	20
Not concerned	3	12
Very angry	9	36
Disappointment	2	8
Ashamed-if family found out	1	4
Worried	2	8
Happy about his arrest	1	4
Accepting	1	4
Total	25	100

The above table illustrates that nine youth (36%) reported that their parents would be very angry at their arrest. Six youth (24%) reported that their parent would be very upset. Three youth (12%) reported that their parents would not be concerned. Two youth each reported that their parents were disappointed or worried. One child each responded that he would be ashamed if his family found out of his arrest, happy about the arrest or accepting of the arrest. Developmental theory maintains that throughout the developmental stages from birth, early childhood and adolescence that children and young people develop a value system and that from early stages of their lives are able to discern right from wrong. Hence in line with developmental theory children who commit crimes do have a sense that their behaviour contravenes the laws and mores of society.

In general, the majority of the youth indicated a negative reaction or disapproval by the family towards the arrest. This indicates that although families come from low socio-economic background they do not necessarily approve of their children's criminal behaviour.

4.2.2 Reasons for committing Crimes

Four youth each had cited peer pressure and a need to secure food as reasons to commit crimes. Eight youth had listed a desire for drugs as a reason for involvement in crime. Five youth mentioned a lack of finances and one youth cited a need to purchase clothes. Four youth denied involvement in the case and therefore did not provide any reasons. Two youth refused to answer the question even though the researcher probed them. The reaction that the researcher had concluded was one of embarrassment by the two respondents. The reaction displayed by the youth is indicative of the inherent bias in the study, where the researcher herself is the social worker at the facility and is familiar to the respondents. This familiarity may have been an influential factor in the youth acknowledging the crime or discussing further details around the case.

Despite poverty being an overriding theme in this study, the highest response cited for involvement in criminal activity related to drug and substance abuse. Youth have been identified as one of the high- risk groups in substance abuse (Drug Master Plan, 1997; White Paper for Welfare, 1997.) The Drug Master Plan (1997) emphasises an increase in the general level of drug intake and drug related problems in countries undergoing socio-economic change. It noted that this positively related to the prevalence of socio-economic impairments such as crime, impoverishment and unemployment. According to the statement given by the Drug Master Plan there seems to be a correlation between poverty and drugs. Emerging from the study and given the high levels of unemployment and poverty in the country, South African youth would have to grapple with the reality of the challenge of substance abuse.

Peer pressure was also cited as reasons for committing crimes. Coleman (1990) highlighted that adolescents experienced internal pressures such as physiological and emotional and external pressure emanating from peers, parents, teachers and society. Head (1997) and Maier (1965) identify peer relations as central in finalising ego identity and that adolescents may go through a period of compulsive peer group involvement. Hence if the peer group was negative and asserted a negative influence, this may impact negatively on adolescent identity and personality.

Table 13: More Important -Family or Peers

Peer or Family	Frequency	Percentage
Peer	0	0
Family	25	100
Total	25	100

Table 13 indicates that all (100%) of the children interviewed identified their family as being more important in their lives than their friends or peers. The children expressed a great deal of emotion and attachment to their families. Although youth may be vulnerable to peer pressure they consider their families as central to their lives. Bowlby in Haralambos (1985:410) states, “that the child has certain basic needs, the most being emotional security, which can be provided most effectively by a close intimate relationship with its mother.” Attachment to the mother is regarded as a secure base for the child, which promotes feelings of security and trust. The more secure the child’s attachment history is, the greater are the social competence and confidence levels in the adolescent to engage in social interaction. Hence in accordance to Attachment Theory the youth in this study valued the bond they shared with their parents as more important than they did with their peers

CHAPTER FIVE

Conclusion

5.1 Key Findings

The key findings of the study were as follows:

1. Young people who come into conflict with the law in the Durban Region and who may await trial at Excelsior, come from circumstances where their lives are steeped in chronic poverty and where their families live below the Poverty Datum Line (PDL) of R1 600,00 (76%.) (Tables 7, 9, 10.) In most circumstances, due to the extent of the impoverishment, the families are unable to provide basic and other crucial needs that adolescents require. This may impact negatively on the youth's identity and life-style.
2. Areas where offending (or high risk) youth come from are low socio-economic and are urban informal in nature. (Table 4.) These areas are characterised by poverty, unemployment and the rapid spread of HIV/AIDS, which appear to impact negatively on youth growing up under these conditions.
3. Young people who are particularly vulnerable to being in conflict with the law come from female-headed households (Table 7.) Female headed households or women headed households are led either by the mother, grandmother, stepmother and/or aunt. The male figure in this household is non-existent or contributes minimally. Women-headed households are extremely impoverished in nature (Table 9) and struggle to meet the basic need for adolescent development.
4. The absence of the father figure has further marginalized the male child growing up in women headed households (Table 7.) With the inability of having his physical, identity and socialisation needs being met, the male child has become vulnerable to influence outside the home such as negative peer and adult influence, gangsterism, substance abuse and criminal or syndicate activity.
5. The type of parents' employment also proved a significant factor on the children's lives. (Table 10.) The types of employment that parents engaged in the study necessitated that parents spend long periods (hours, days or weeks) away from the home. This prevented the parent from being connected or involved in the lives of their children in respect of care, emotional support, supervision and monitoring and behaviour management.
6. The emerging trend of child headed households as a result of the HIV/AIDS pandemic in South Africa has placed children at risk to adopt a criminal life style to survive.

5.2 Recommendations

1. The researcher recognises that Kwa-Zulu Natal is identified as one of the three provinces with the highest rate of poverty in South Africa (Aliber, 2001.) The researcher recommends that service providers such as social workers, community workers, community development workers and child and youth care workers strengthen programmes and services to families in impoverished communities. In addition to assistance with financial aid (grants), services should also include ongoing counselling, monitoring and support to the families. The researcher further recommends that poverty alleviation programmes, sustainable development initiatives rendered by departments and NGOs in KwaZulu-Natal and development institutions such as INK, should extend to include all families in impoverished communities particularly those identified in the study. Macro social work practise combined with clinical skills is recommended as an essential approach in working with families.
2. With respect to findings three and four, relating to women-headed households and the absence of the father figure in the lives of children, the researcher recommends that specific attention should be given to this form of household. A database of women headed households should be maintained so that service providers could identify and intervene with these families. Women and children are regarded, as vulnerable groups and services rendered to them should be given priority. Supportive services should be rendered to both the mother and children in these homes. Programmes rendered to these children should include adolescent development, youth empowerment schemes (YES), crime awareness, and social and life skills focussing on sexuality, substance abuse, peer relationships utilising individual and group counselling methods. In order to strengthen services, the principles of family preservation approach should be used whereby services could also be offered on evenings and weekends to meet target groups.
3. With respect to the finding on male youth being vulnerable to influence outside the home such as negative peer and adult influence, gangsterism, substance abuse and criminal or syndicate activity, the researcher recommends that social workers and especially child and youth care workers form partnerships with existing youth groups in the community or at schools. A climate of positive peer groups, role models and support should be developed. In addition to youth empowerment and adolescent development programmes, youth should also be exposed to assertiveness, leadership and youth mentorship strategies.
4. The researcher recommends that a database be maintained on children who offend or re-offend. The researcher proposes that a system be initiated where once the child

enters the criminal justice system and who may await trial at Excelsior, that the matter be simultaneously included or referred to the caseload of the district social worker where the child resides. Joint services should be rendered by institutional and district/ family re-unification social worker to work with the child and their families.

5. The researcher further recommends that secure care centres that have personnel rich in skill, knowledge and expertise on adolescent development should play an instrumental role in community outreach, early intervention and preventative programmes and should partner with district offices in rendering programmes with children and youth in communities.
6. With respect to finding five, which highlights the impact of the parent-children separation as a result of parent's employment, the researcher recommends that these children be identified on caseloads and assisted with the separation. Children should be exposed to individual and group work services. Furthermore caseworkers should initiate discussions with extended family, friends or community members regarding children's care and supervision.
7. The researcher recommends that child-headed households should be closely monitored in the community. Children should be expeditiously removed to alternative care and offered appropriate supportive and aftercare services.

APPENDIX 1

Interview Schedule

SECTION A: PROFILE OF CHILD

1. Age: _____
2. Gender: _____
3. Race: _____
4. Schooling/grade _____
5. Address/ Geographical Area _____
6. First offence or Re offence_(Year) _____
7. Type of offence _____
8. Arrested alone or with co-accused _____
9. Date of admission to the facility _____

B) Family Dynamics/Structure

1. Are you living with your parents? Mention who (mother, father, grandmother) _____

2. If not, (a) then who are you living with? _____

(b) Why are you living separated from your parents? _____

3. How would you describe your relationship with your parent/guardian? _____

4. Do you think that your parent or guardian is interested in you/your well-being?
YES/NO _____

5. Needs List your needs? _____

6. Is your family able to provide for your needs adequately?
(a) YES/NO _____
(b) If not why is this so? _____

7. How many members does your household consist of? _____
Adults _____ Children _____

9. Describe the dwelling that you are living in?

Dwelling	
Shack	
2-bedroom house	
4-bedroom house	

10. Who are employed in your household? _____

11. What sort of employment are the above engaged in? _____

12. How would you describe the financial status of your family?

Financial Status	Response
Very poor	
Poor	
Average	
Well off	

13. Is your family aware of your arrest?

Aware	Response
Yes	
No	

14. What was/ would be your family's reaction to your arrest? _____

15. What are your reasons for committing crime/s? _____

16. Are you a member of a gang?

Gangster	Response
Yes	
No	

17. Who do you consider plays a more significant role in your life- your parents or your peers/friends? _____

18. Why is this so? _____

APPENDIX 2

9 April 2002

The Assistant Director
Excelsior Place of Safety
P O Box 671
Pinetown
3600

Attention: Mr N V Naidoo

Re: Request to undertake Research at Excelsior

1. I am pursuing a Masters in Childhood and Youth Development at the University of Natal.
2. This year I would be required to undertake the Research Project. The topic that I have selected is, '**An examination of the dynamics of the family systems on the lives of youth awaiting trial at the Excelsior Place of Safety Secure Care Centre.**'
3. The aim of the study is to explore factors or variables in family systems of children who into conflict with the law at Excelsior. The study also aims to gain insight and understanding into the principles of family preservation, family re-unification and family centred-ness.
4. It is envisaged that the study would therefore be beneficial to the Institution and feedback would be provided on completion of the study.
5. Permission is therefore requested to undertake the research at the facility. A sample of 25 youth would be interviewed for the purpose of the study. Confidentiality would be maintained at all times and subjects would have to consent to participate in the study.

Your co-operation is highly appreciated.

.....
Miss V Singh
Social Worker

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**AN EXAMINATION OF THE DYNAMICS OF THE
FAMILY SYSTEMS ON THE LIVES OF YOUTH
AWAITING TRIAL AT THE EXCELSIOR PLACE OF
SAFETY SECURE CARE CENTRE**

by

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Abstract

The main aim of the study was an examination of the dynamics of family systems on the lives of youth awaiting trial at the Excelsior Place of Safety that functions as a secure care programme.

Secure care is a new concept in South Africa and serves as an alternative to the imprisonment of children awaiting trial.

The study identifies the family as central in adolescent development and assumes that there are particular dynamics within family systems that may impact on the lives of youth resulting in deviancy and criminality.

The study was based on the philosophy of secure care, Erikson's theory of Adolescent Development, Attachment theory, the Ecosystems and Ecological Strengths-Based Approaches.

Twenty-five youth awaiting trial were interviewed at Excelsior. The study found that children who offend come from impoverished communities where the household income is less than the Poverty Datum Line (PDL.) High-risk youth come from women-headed households that lack male role models and have little or no source of income. In these instances where the family cannot provide for the youth's needs that the youth is prone to criminality to satisfy them.

The study recommended strengthened intervention strategies to be utilised by all service providers in working with youth at risk and their families. It also recommends the strengthening of the secure care programme to address the needs of awaiting trial youth and to divert youth from the prison environment. The study further suggested that secure care centres that have trained personnel in adolescent development, should undertake more community outreach to also target children and youth in communities.

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CHAPTER ONE

Introduction

Running parallel with the high crime rate in South Africa, youth crime and juvenile delinquency is also escalating. Statistics indicate that as of February 2000 there were approximately 2700 children awaiting trial in South African prisons (Article 40,2000.) Between the period, 2000 to 2002 there was an average of 700 children awaiting trial in Kwa-Zulu Natal (Budget Brief No 70, 2001.)

Socialisation and moral education of children begin in the family. The family according to developmental theory is the central social environment for adolescent identity and development. This study assumes that there are particular dynamics in family systems that may impact on the lives of young people resulting in deviancy and criminality.

As a practitioner, the writer assumes that children who are in conflict with the law are children who come from socially disadvantaged conditions marked by high rates of poverty and unemployment. Further these families are headed by single (female) working parent residing in social environments characterised by lack of parental supervision, poor material conditions, lack of recreational facilities and lack of adequate male role models. These are factors, which may contribute to the unacceptable behaviour. Another key feature observed to be prevalent in the lives of these children is the broken down family system and lack of family bonds. Marks (2001) identified that up to 90% of youth in conflict with the law are African children.

The writer has further observed the impact of violence on children's lives. Violence in itself has been observed to be a dominant feature that lies at the core of many South African communities. The Human Rights Watch (2001) maintains that years of violent enforcement of apartheid policies have fuelled a culture of violence, amongst South African communities. Within the backdrop of constant exposure to violence is what many children and youth are growing up. The writer, a practitioner working in the Juvenile Justice System with male juvenile offenders has observed the impact of violence on the lives of young people leading to deviancy and criminality. According to the writer aggression has been observed to be 'normalised', 'a rite of passage' and part of the growing up experience for young people. This may not necessarily lead to adult criminality but is a feature that may contribute to the boy child being vulnerable to a criminal life-style.

The focus of this study is on the family systems of youth in conflict with the law. This study aims to analyse the family backgrounds of children in conflict with the law whilst awaiting trial at Excelsior. The study argues that in order to understand deviance and youth criminality holistically, the family context in which the youth comes from need to be understood fully.

The family as referred to in this study is outlined in the Interim Policy Recommendations (1997) as any person/s who are legally considered family and whom the young person perceives to be family. The family is variously defined and may refer to parents, extended family, kinship groups or tribe. In the African context, the nuclear family as defined by Western discourse applies to a limited extent. Furthermore, the processes of social change, migration, urbanisation and the onset of HIV/AIDS have further impacted on changed family structures such as women headed or child headed households. Burman and Reynolds (1986) highlight that the family in its various forms is still the main agent of socialisation in South Africa.

In South Africa apartheid and pre-apartheid laws severely undermined family life. Laws such as the Land Settlement Act (1912), Black Administration Act (1927), Group Areas Act (1950) and Group Areas Amendment Act (1952) disrupted and disintegrated family life since the 1920's (Jones, 1993; Lund Report, 1996; NPA, 1994.) Political violence that was rife during the apartheid era also ravaged family life and displaced families (NPA, 1994.)

Historically in South Africa, prior to 1994, children awaiting trial were detained in the prison system that was inhumane, harsh and punitive. The National Children's Rights Committee, NCRC (1994) argued that the high numbers of children in South African prisons and police cells were attributed to parents of juveniles awaiting trial not being notified by the police and refusal of magistrates to release children into their parents care. It was evident that the apartheid government bore no consideration for the best interest of children and overlooked or disregarded children's rights. The plight of children in detention especially during the 1980-1990 was an issue that was opposed and challenged by advocacy groups and progressive non-government organisations (NGOs) and community based organisations (CBOs) in South Africa.

Within the policies and legislation of the of the Government of National Unity in South Africa from 1994 attempts were made to put an end to the detention of children and to divert youth in conflict with the law away from the prison environment (Child Care Act, 1999; Correctional Services Amendment Act 14 of 1996; White Paper for Social Welfare, 1997.)

Central to the White Paper for Social Welfare (1997) was a focus on interventions on children at risk and their families.

In September 1995, the Inter-ministerial Committee on Youth at Risk (IMC) suggested that secure care facilities should be created as an alternative to imprisonment for children awaiting trial (The Draft National Protocol for the Management of Awaiting trial children, 1999.) At the heart of the Draft National Protocol was a focus on the families and guardians as having a right to have their children released into their custody.

To strengthen the focus on families the underlying philosophy of the new system necessitated, that all residential child and youth care programmes should be based on the three core principles. These are: family preservation, permanency planning and integrated holistic work. Hence the vision of the IMC focussed on the strength and value of children and their families and the mission highlighted an integrated system based on a developmental and ecological perspective (Interim Policy Recommendations, 1997.) Central to the transformed child and youth care system in South Africa was the family, emphasised in the principles of family preservation, family re-unification and family centred-ness.

The first National Priority of the Minister of Social Development's 10 Point Plan (1999) is rebuilding families, communities and social relations. A focus on the family forms the cornerstone of secure care programmes. Based on the ecological perspective this drew attention to the fact that all decisions, recommendations and treatment programmes pertaining to children in conflict with the law were to be made jointly with the family. The implication of the outlined principles is that family continues to play an overall integral role in the child's life.

1.1 Rationale for the study

The Interim Policy Recommendations (1996) argued that residential care was about preservation of families and change in families. Schaefer and Swanson (1988) using the ecological perspective advocate that the focus of residential treatment should be on the family. The inference that is made is that while a considerable amount of energy is invested in youth during detention, interventions should be simultaneously directed to families to ensure that both the child and the family are prepared for family reunification and reintegration into the community. Since the family and family preservation are central in residential care this study was undertaken to examine the profile of family structures of the juveniles at Excelsior secure care centre. In addition not much research has been done on the family aspect of children in detention in South Africa.

The Child Care Amendment Act 13 of 1999 defines secure care as the physical, behavioural, and emotional containment of children, offering an environment and programme conducive to their care, safety, education and healthy development (Interim Report on the Transformation of the South African Child and Youth Care System, 1997.) In addition to ensuring that basic needs are satisfied, the goals of secure care are to provide youth with, education, recreation, cultural and spiritual programmes and experiences. By providing support and nurturance the facility itself assumes substitute care or the familial role and responsibility for the young person whilst in care.

1.2 The aim of the study

The policy frameworks, childcare legislation, Social Development 10 Point Plan and developmental theory, emphasise the centrality of the family in the development and care of the child. The rationale of this study is to examine the specific variables of the families of children awaiting trial in the secure care programme.

The study aims to ascertain the following:

- The composition and make-up of the family of the juvenile offender.
- Socio-economic conditions of the family that may predispose a child towards offending.
- Identify the social support, reaction or feelings that the family shares with the child.
- Focus of the involvement of the family in the rehabilitation of the child.

1.3 Context of the study

The study was undertaken at Excelsior Place of Safety functioning as a secure care centre. Excelsior is situated in Pinetown, 26 kilometres west of Durban. In 1999 the Excelsior Place of Safety was upgraded into a secure care centre in accordance with national legislation, the Criminal Procedures Act No 51 of 1977 and Section 29 of the Correctional Services Act No 8 of 1959 as amended by the Correctional Services Amendment Act 17 of 1994. These laws implied that children were to be brought to Court within 48 hours of arrest and were to be remanded into custody only as a last resort if legal guardians were unable to be contacted or traced. The law further allows for children to be remanded into prison if it was found that the community needed protection from the child. The law entailed that Excelsior was to admit male children between the ages of 14 to 17 years on a J7 Detention Warrant ordered by a magistrate in Court to await trial for a criminal offence. The awaiting trial period could take

place from one night to two weeks to eight months, depending on the nature and the investigation of the alleged offence.

Secure care is hence considered an alternate to the imprisonment of awaiting trial children. The intention and purpose of secure care is to contain children awaiting trial in an environment that provides, security, safety, protection, developmental, rehabilitative experiences and relationships with their family and community. These are basic needs of children (Interim Policy Document, 1996; White Paper for Welfare, 1997; The Constitution of the Republic of South Africa, RDP, 1994.) These development frameworks also advocate for a social environment that promotes and enhances the development of children.

1.4 Benefits of the study

The study would benefit professionals working in the Juvenile Justice System such as prosecutors, magistrates, social workers, psychologists, occupational therapists, childcare workers, probation officers and police officers. The study would provide insight in understanding the social or familial contexts in which children come from. Further a deeper understanding of the family structure can be utilised in devising individual plans and intervention strategies to assist the youth at risk as well as for the future planning and placement of youth and recommendations to court regarding the youth's criminal case.

The study would also be of benefit to reconstruction social workers practising within the field of family preservation, post release, family reunification and community work. These are programmes designed to ensure the child's safe re-integration into the community. A deeper understanding of the family environment can assist in identifying positive reinforcements, gaps and challenges in reunifying the child with the family and the community.

1.5 Limitations of the study

A limitation of the study was that it centred on the children awaiting trial. The study was descriptive in nature and involved interviewing the children awaiting trial on the dynamics of their family systems, as per the structured interview. The study did not include interviews with family members.

1.6 Conclusion

Crime and violence remains one of the major concerns amongst children and youth in South Africa. Rather than continuing with punitive interventions in dealing with children in conflict with the law, South Africa has opted for restorative and rehabilitative interventions.

These forms of interventions are espoused in the Constitution of South Africa (1996), White Paper for Welfare (1997), Child Care Act (1999), Discussion Document on the Transformation in the Child and Youth Care System (1996), Social Development Framework (2000) and in the philosophical framework of the RDP (1994.) The transformation of places of safety into secure care centres to accommodate children awaiting trial is an example of translating the new philosophy and approach.

The family constitutes one of the central partners in the rehabilitation, family reunification and family preservation programmes in childcare. Overall the study investigates the family environment around which the children at Excelsior come from. It will identify the profile of these children, family structure, and socio-economic status, relationships between family and child and services extended to the family. The family is a critical support system during the development stages in childhood. The centrality of the family in child and youth care and social work practise is a consistent theme in policies, programmes and national strategies.

CHAPTER TWO

Literature Review

This chapter involves a review of literature drawn from secure care philosophy, Eriksons Theory of Adolescent Development, the family and Attachment Theory and the strengths based Ecosystem's Approach. An intensive study of secure care was crucial in light of the transformation of policies and legislation pertaining to youth offenders in post apartheid South Africa. Secure care is a new concept in South Africa. There is limited literature on secure care in South Africa. International literature in respect of the American, British, New Zealand and Australian Models were reviewed.

The subjects of the study are adolescent males between the ages of 14-17 years. A study of literature of Erikson's theory of adolescent identity formation was crucial in understanding the issues of identity, self and self worth with teenage boys and more specifically juvenile offenders. A review of literature in attachment theory and the ecosystem's perspective was central to understanding the parent-child relationship and familial factors that may predispose a child towards a criminal life style.

2.1 The philosophy and concept of secure care centres.

In South Africa prior to 1994, not only were welfare services inequitably distributed (Interim Policy Document, 1996; White Paper for Welfare, 1997; RDP, 1994), but the criminal justice was seen as racist and biased with no regard for human rights. During 1970s and 1980s the political detention of children was rife (Interim Policy Recommendations, 1996). The National Programme of Action (1994) highlighted that, children as young as seven and eight were imprisoned with adult offenders exposing them to grave atrocities such as physical, emotional, psychological and sexual abuse. In the writer's view, South Africa's human rights record towards children and youth prior to 1994 was dismal. Laws pertaining to children and youth were harsh and punitive. The notion of children's rights was non-existent at the time.

In 1994, the Government of National Unity in South Africa initiated comprehensive developmental interventions to address basic material, physical and psychosocial needs of the country (White Paper on Welfare, 1997; RDP, 1994.) Within the Social Development framework, the transformation of the Child and Youth Care System was called for. The impact of the developmental approach was that legislation was enacted to prevent the

holding of awaiting trial children in prisons and police cells. (The Correctional Services Act No 17 of 1994 amended Section 29 of the Correctional Services Act no 8 of 1959.)

This meant that children under the age of eighteen could no longer be held in prisons and police cells to await trial. They were to be released to the care of their parents or guardians. If attempts to contact parents or guardians were unsuccessful then the youth would be accommodated in a place of safety administered by the Department of Social Development (Draft National Protocol on the Management of Awaiting trial Children, 1999.) In 1996 a second amendment to Section 29 of the Correctional Services Act was added (Act 14 of 1996.) It was highlighted that if there was no secure place of safety within reasonable distance from the Court and if the child is charged with an offence listed in a schedule to the Correctional Services Act, then the child may be sent to prison to await trial (Draft Protocol for the Management of Awaiting Trial Children, 1999.)

The implication of the above law was two-fold. It first highlighted that every effort was to be made within the juvenile justice system to place children in conflict with the law with their families. Children were to be deprived of their liberty only as a last resort. The second implication was the conversion of existing facilities such as places of safety or the establishment of a new secure care facility to provide specialised alternate care for children who would otherwise be in prison.

The concept of secure care was first introduced to South Africa in the Child Care Amendment Act 13 of 1999 as the physical, behavioural, emotional containment of children offering an environment and programme conducive to their care, safety and healthy development (Department of Welfare, 2000.) The definition of secure care highlighted that in providing an alternative to the prison environment, secure care was to play a crucial role in the care, development and rehabilitation of the juvenile offender. In essence secure care was intended to balance society's need for safety and protection from criminal activity, with the child's right to safety, dignity, education, health and development in keeping with the rehabilitative aim of residential care. (Constitution of Republic of SA 1996; UN Convention on the Rights of the Child, 1993; UN Rules for the Protection of Juveniles Deprived of Liberty, 1990.)

In the United States of America, secure care is termed juvenile detention. In the United Kingdom it is termed secure custody or secure training. The fundamental similarities of the definitions are a focus on the temporary and safe custody of juveniles who require a restriction. Roush (1998) suggests two functions of detention which are prevention and

therapeutic. While prevention allows for security and physical restriction, therapeutic detention is educative and proactive focussing on programmes. Educative programmes would include adolescent development, social and life-skills, vocational training and a formal or informal education component.

The purpose of secure care in the South African context is to offer the awaiting trial youth offender temporary placement pending finalisation of their cases. During this period the youth offender would have to be exposed to both therapeutic and developmental opportunities to prepare him for the impending court case and to focus on the consequences of adopting an antisocial life style. This is undertaken through individual counselling, group work, family therapy, and programmes and activities with the youth. The duration of the awaiting trial period could take from two weeks to six to eight months depending on the nature of the crime and the progress of police investigations.

At Excelsior the secure programme is offered to youth in conflict with the law arrested in the Durban region. Youth are admitted on the J7 detention warrant from Courts remanding the youth to await trial at Excelsior until his next court date. The youth may be admitted to Excelsior on a range of cases from non-scheduled petty offences such as shoplifting and theft to scheduled serious offences such as rape, murder, armed robbery and hijacking.

The programme at Excelsior offers custodial, therapeutic and rehabilitative programmes based on the Adolescent Development Programme (ADP). The key themes of this programme are, self-awareness and self-concept, sexuality awareness and education-including HIV/AIDS awareness, crime prevention and substance abuse. The programme at Excelsior is in line with developmental theory, family preservation, family re-unification principles and the developmental assessment (Excelsior Place of Safety, Action Plans 2003.) In line with the developmental assessment, youth are assessed according to their strengths. An Individual Development Plan (IDP) within the multidisciplinary team is completed for each child. Recommendations based on the above plans are submitted to court highlighting the child's circumstances and/or advocating for the child's release and reunification with the family where necessary. Further to the principle of family preservation all attempts are made from the date of the child's admission to contact families directly or through family finding services at Welfare District Offices and the South African Police Services. The focus on the family is to ensure that all decisions pertaining to the child's case to be made with the family and the child's expedient release to the family upon arrest. In addition a focus on the family is also crucial for the preparation for the child's reintegration to the family, the home and the community.

Roush (1998) maintained that detained juveniles are communities most troubled and troublesome. The time they spend in detention is crucial as their belief in themselves has been shattered and distorted, ties with families and communities severed and they are held against their will. Young people bring with them anxiety, hostility, aggression, strong identification with older delinquents and antisocial goals into detention. Given the above, secure care can be viewed as a highly challenging environment that requires a specialised form of childcare and should not be equated to a prison. Secure care provides an alternative programme to the imprisonment of children, whilst awaiting trial.

At the heart of secure care philosophy, more important than physical attributes are programmes and staffing to ensure the physical and psychological containment of youth (Gamble, 1997; Moytiuk, 1997; Roush, 1998; Schaefer and Swanson, 1988.) Roush (1998) maintained that programmes should enhance the physical, emotional and social development. They should include visitation, counselling, supervision, healthcare services, nutrition, recreation, reading and assessment. It has been highlighted that troubled youth have a poor self- image, and a low sense of self-worth. Effective programmes should allow for the release of physical and emotional tension that assists youth to discover hidden abilities and develop new skills (Roush, 1998; Rutter, Giller and Hagel, 1998.)

Roush (1998) argues that elements for good programmes include; treatment, education, a focus on substance abuse, activities, family and parenting programmes, behaviour management, social skills training, delinquency prevention, self-esteem and conflict resolution. In addition to the above factors Rutter, Giller and Hagel (1998) include overall pro-social ethos, focus on criminogenic needs and re-integration into the community. Criminogenic needs focus on problems or factors that contribute to offending. In the writer's view, an unsuccessful youth offender programme is one that lacks focus on the criminogenic element and would not provide the youth with a meaningful experience. This highlights the salient role that secure care may play in society and especially in the South African context in bringing a turnaround to the high juvenile crime rate.

Gamble (1997), in discussing the High Octane Programme for youth offenders in the United States, argued that the boys were contained by the structure and programme and were not imprisoned by it. The structure permeated every aspect of their day. Gamble (1997) thus draws attention to the fact that structure symbolised reliability and stability, which are crucial features in the management of troubled youth. Moytiuk (1997), asserts that adolescence was a confusing time for growth and change and without the necessary care,

support, training and counselling it would be unrealistic to expect troubled youth to acquire the maturity, insight and skills required to become productive members of society. She highlighted that staff played an integral role in the care, supervision and treatment of each young offender. This argument highlighted the point that effective programmes in the secure environment can only become meaningful through effective and competent staff.

The Interim Policy Recommendations (1996: 4) stipulate that, “secure care facilities require well trained staff who are specifically selected for their positive attitude and willingness to work with troubled youth.” In South Africa the current trend is to establish child and youth care as a profession. The minimum requirement to practise as a child-care worker in secure care would be a degree or a diploma in Child and Youth Care. This reinforces the need for intensive specialised training and expertise in working with troubled youth. Gamble (1997) recognises the value of quality relationships in making a difference to troubled youth and argues that meaningful relations can only be sustained through regular in-service training of staff.

2.2 Developmental Theory

Adolescence is described as a complex stage of human development (Baldwin and Hoffman 2002; Dumont and Provost, 1999), and as a period of transition (Coleman, 1990; Manaster, 1989). Coleman (1990) highlights that a number of pressures occurs during the transition. Internal pressures being physiological and emotional and external pressure emanating from peers, parents, teachers and society at large. Erikson (1963) saw development occurring through a series of eight stages; Trust vs. Mistrust, Autonomy vs. Shame and Doubt, Imitative vs. Guilt, Industry vs. Inferiority, Identity vs. Identity Confusion/Role Diffusion, Intimacy vs. Isolation, Generativist vs. Self Absorption and Integrity vs. Despair (Coleman, 1990; Head, 1997; Mcandles, 1970; Muuss, 1988.) According to Erikson’s theory, the individual must resolve the crisis of each stage in order to successfully move on to the next stage. Development therefore takes place within a particular and diverse socio-economic environment.

Erikson maintained, the most crucial stage for adolescence is Identity vs. Identity/ Role Diffusion where the young person undergoes the stage of identity formulation (Manaster, 1989.) In this stage the young person answers the questions, ‘Who am I?’, ‘Where am I going?’, ‘Whom am I to become?’. The core concept of Erikson’s Theory is the acquisition of an ego identity and the identity crisis becomes the crucial characteristic of adolescence (Muuss, 1988.) The principal task of adolescence is to achieve a sense of personal identity

(Head 1997.) According to Manaster (1989:157), “ This total sense of integrated, consistent self and/or ego identity is what must be gained by the end of adolescence.”

The search for identity involved the establishment of a meaningful self-concept. A meaningful self-concept can be acquired through an enabling and supportive environment that emerges first in the family, school and community contexts. Within the family; trust, security, values, social competencies and socialisation skills are developed. In the school context; cultural practises and identification of one’s potential and ability takes place. The self-concept requires the integration of one’s past with one’s present and future into a unified whole with an emphasis on the interaction among biological, personal, cultural and historical influences on individual development (Muuss, 1988; Stevens-Long, 1983.)

Muuss (1988) noted that Erikson in his writing emphasised the point that one cannot separate the identity crisis and individual life and contemporary crisis in historical development because the two help to define each other and are relative to each other. In a similar argument, Head (1997) highlighted that a sense of identity cannot only be achieved by being at one with oneself but by also having a sense of affinity with the community, history and mythology. These authors thus infer that identity formation in adolescents is related to their social circumstances. Issues such as the family, community, history, poverty, ethnicity, availability of resources for individual growth and racism may impact on identity formation.

Apartheid and pre-apartheid laws such as the Black Administration Act (1927), Group Areas Act (1950) Group Areas Amendment Act (1952), and Land Settlement Act (1912), destroyed family life in South Africa. It has been estimated that by 1992, 1,8 million children were permanently separated from their parents due to the Migrant Labour System and that one in eight African families had lost a family member due to political violence (NPA, 1994.) The impact of apartheid policies on children and adolescents meant that the majority of youth grew up under extremely trying and challenging conditions where they struggled to define their self-concept, identity and sense of self-worth. The June 16 uprising of South African youth in Soweto 1976 illustrated the intense physical and emotional struggle that adolescents grappled with during the heart of apartheid to establish their identity and self-worth.

Contemporary South African society is also grappling with the devastating implications of the HIV/AIDS crisis on family life. It was estimated that by 2000 there were approximately 200 000 AIDS orphans in Kwa-Zulu Natal. By 2005 up to one million South African

children will have lost their mothers to AIDS. This was estimated to increase to over two million by 2010, according to the Department of Health (Schonteich, 2000.) The effects of the Aids pandemic not only on family life but on the economy, education, health and welfare spheres in South Africa may very likely impact on adolescent identity formation.

Head (1997) and Maier (1965), maintain that peer relations are central in finalising ego identity and the adolescent may go through a period of compulsive peer group involvement. McCandles (1970) suggests that the influence of the peer group peaks in middle adolescence. According to Head (1997:31), “ The arena of close knit peer group provides an opportunity for the individual to locate oneself. It is in comparison with others of similar age and background that adolescents gain a sense of their individual qualities.” The peer group aids the adolescent in their search for personal identity by providing role models and social feedback (Muuss, 1988.) Hence the images of youth peer culture such as dress, language and music. The peer group also provides a supportive network during the period when there are rapid body changes and the commencement of sexual maturation.

On the basis of developmental theory adolescence is a stage that takes place within a social environment such as the family, community and peer relationships. The strength or weakness of the social environment therefore is especially critical for this stage. The nature of relationships and support systems within the social environment may influence the nature and direction of identity search. If during this stage the adolescent formulates a negative identity with a low self worth and esteem he or she may become vulnerable to unacceptable behaviour and may find themselves in conflict with the laws and mores of society.

2.3 The Family

The South African Law Commission (2002) maintains that South African law has no single definition of a family and the traditional nuclear family form does not reflect the reality of South African society. Burman and Reynolds (1986) highlight that the family in its various forms is still the main agent of socialisation in South Africa. The family in South African society may be any person/s who are legally considered family and whom the young person perceives to be family. The family is variously defined and may refer to parents, extended family, kinship groups or tribe (Interim Policy Recommendations, 1997.)

The family has come to be regarded as the cornerstone of society. The family has significant influence on a child's personality growth. Haralambos (1985) maintains that although the composition of families varies amongst societies, the family remains a universal social institution. Murdock in Haralambos (1985: 325) defines the family as, ‘ a social group

characterised by common residence, economic co-operation and reproduction.’ He describes the basic family unit as the nuclear family consisting of both parents and children. Burman (1994) discusses the functionalist approach to the family as the universal and basic social unit, which is conflict free and where all members are presumed to share the same interests. Burman (1994) further highlights that families are positioned as the primary site for the socialisation of children and that mothers in particular have come to be considered as reproducers of culture. Rutter (1998) argues that there has been a transformation of the nuclear family since the mid twentieth century. Single parent homes, divorce, women headed households, child-headed households and teenage parents speak of present day reality of changed family patterns.

Geismer and Wood (1986) maintain that a connection exists between disturbed family situations and deviant behaviour of young people. Family variables such as family size, broken homes, family disruption, poor communication, marital disharmony, extreme discipline, social class and employment status of parents have impacted on juvenile delinquency. Geismer and Wood (1986) further discuss the notion of working mothers as a cause of juvenile delinquency and emphasised that mothers of delinquents worked more sporadically than mothers of non-delinquents. Under such conditions the quality of care was pinpointed as a variable in juvenile delinquency.

2.4 Attachment Theory

Attachment theorists (Ainsworth, 1969; Anderson, 1972; Bowlby, 1946) argue that emotional disturbance, maladjusted personality, persistent misbehaviour and deviance occur when the socialisation process within the family unit, specifically between the mother and the child is interrupted. Bowlby in Haralambos (1985: 410) argues, “ that the child has certain basic needs, the most being emotional security, which can be provided most effectively by a close intimate relationship with its mother. If the child is deprived of maternal love, particularly during its early years, a psychopathic personality can develop.” Attachment to the mother is regarded as a secure base for the child, which promotes feelings of security and trust. The more secure the child’s attachment history is, the greater are the social competence and confidence levels in the adolescent to engage in social interaction with peers. It appears that adolescents who do not have secure attachment histories experience relationship problems and negative interactions.

Geismer and Wood (1986) in their discussion on parental affection and acceptance highlight Bandura and Walters (1959) study which found that fathers of delinquent boys were more rejecting and less affectionate than in the case of non-delinquents. Schonteich (2000)

discussed that the absence of a father figure early in the lives of young males tends to increase later delinquency and affects a boy's ability to develop self-control. Schonteich (2000) further argues that the secure attachment or emotional investment process (a father figure provides) facilitates the child's ability to develop and demonstrate both empathy and self-control. Schonteich (2000) adds that an insecure attachment will lead to lower levels of empathy and control and an increase in violent behaviour.

Rutter (1976) indicates that the child's separation from his/ her family only results in short term distress for the child. He argues that antisocial behaviour is not due to the separation itself but family discord that accompanies the separation. Both the developmental and attachment theory identify the family as central in the developmental cycle of the child and for the satisfaction for basic needs such as the need for emotional support and security. The family as a social system remains a constant in the childhood and adolescent identity formation and development of self-esteem and sense of self worth.

2.5 Ecosystems and Ecological Model and the Strengths Perspective

The Ecosystems and Ecological approaches conceive human beings as evolving, adapting and developing through transactions with all the many environments of which they are part of (Chetkow-Yanoov, 1992; Germaine and Gitterman, 1980; Morales and Sheafor, 1995; Rapp, 1998.) Linked to these approaches is the strengths perspective that suggests the enhancement of strengths and potentials of the individual and alteration of those factors that may bring negative experiences to the life of the individual (Luthuli, 2000; Rapp, 1998; Saleeby, 1997.) In accordance the Excelsior secure centre as a type of social system aims at reducing negative and harmful effects to children as it provides protection and care to a child during a difficult time in his development.

In Social Work the ecological perspective moves away from linearity and focuses on the wholeness, interdependence and complementarity of living organisms (Germaine and Gitterman 1980.) Rapp (1998) asserts that further to an interface, ecology is also an effective metaphor to better understand the way, in which people and the environment influence, change and shape one another. The inference herein is that people are not merely products of their environment but through interaction with it are capable of influence and change. The Excelsior programme aims to provide youth with the necessary skills and programmes to assist them to overcome their identified problems and in this way to influence and change them into adopting a more positive lifestyle.

Bronfenbrenner originally developed the Ecological Model in 1977, utilising individual, family, social structural and social cultural factors affecting human development (Morales and Sheafor, 1995.) The ecological model is based on basic tenets of systems theory emphasising interdependence and feedback where all variables are viewed as part of a synergetic totality (Chetkow-Yanoov, 1992.) For youth in conflict with the law this would include interdependence of systems such as the family, the community, the school, social welfare, the courts and the police.

The implications that the ecosystems and ecological theory have for youth in conflict with the law is that the circumstances in which the youth or the adolescent finds himself or herself is as a result of larger impacting systemic issues. Rutter, Giller and Hagel (1998), note that factors such as, broken homes and family discord, abuse or neglect, poverty and living in a socially disorganised area impact on youth. The present context in which young South Africans find themselves are: high levels of poverty and unemployment, shortage of housing, rapid political change, fluctuating state of the economy, urbanisation, breakdown of traditional norms and values, the sudden high prevalence of drugs and impact of HIV/AIDS (Department of Welfare, Kwa-Zulu Natal-Strategic Plan 2003; Leclerc-Madlala, 1997; White Paper for Social Welfare, 1997.) These broader societal factors impact on the youth or adolescent thus resulting in them becoming more vulnerable to crime.

Merton (1938) and Cohen (1956) further argue that focus should be moved from the individual to the structure of society, and that given the highly unequal nature of society, not all children may have the same opportunities, which may force children into a criminal life-style (Haralambos, 1985.)

Kasiram (1995) and Rapp (1998), maintain that the ecological model is all encompassing as it accommodates a broad spectrum of interventions in which practioners can see behaviour in a mosaic of interrelated components. Kasiram (1995:66) posits that, "through the use of the ecological model, interventions may be targeted at micro-, mezzo, exco-, and/or macrosystem levels, depending on where the deficits are experienced."

Garbarino (1985) cited in Muuss (1998) discusses Bronfenbrenner's (1977), ecological model to adolescent development based on the interaction of the four major structural systems as outlined by Kasiram (1995.) The micro system has been described as the relations occurring within the immediate environment of the person. In adolescence the peer micro system becomes increasingly influential, providing social rewards such as status, prestige, popularity and friendship. Alternatively the peer micro system may have a

powerful negative influence by encouraging destructive behaviour such as cheating, stealing, smoking, drug and alcohol abuse, irresponsible sex and criminal activity (Muuss, 1998.) The other systems at meso level are the family, school or church. The exosystem is the larger community in which the adolescent lives and the macrosystem provides the overall core values for society (Muuss, 1998). The ecological model is crucial as it illustrates the various systems impacting on the adolescent that help to shape his/her identity, personality and aspirations. Secure care centres are located at the meso level for whilst in temporary custody the centre assumes guardianship for the offender. The facility does not exist in isolation but continuously interacts with the different systems impacting on the youth such as the parents, school, courts, police and peers.

2.6 The Strengths Perspective

The strengths perspective is based on the identification of inherent strengths and potential in people and moves away from focussing on pathology, deficits, problems, abnormality, victimisation and disorder in their interpretation of human behaviour (Rapp, 1998; Saleeby, 1997.) Rapp (1998) maintained that the tilt towards negative aspects of life has given a peculiar shape to helping professions focus on pathology. He further argued that the strengths perspective is an alternative to a pre-occupation with negative aspects of people and society.

Luthuli (2000:12) highlights, “ most often strengths are not captured in reports and upon reading reports one is often confronted with negative labels which usually end up shaping our thinking.” The strengths perspective demands a different way of looking at individuals, families and communities. All must be seen in the light of their capacities, talents, competencies, possibilities, visions, values and hopes however disturbed they have become. The strength approach requires an accounting of what people know and what they can do. It requires composing a roster of resources existing within and around the individual, family or community (Saleeby, 1997.)

The strengths approach has become entrenched in contemporary social work practise, and especially in the child and youth care field. It demands that all youth in conflict with the law from the time of their arrest to the admission and release from the secure centre, be assessed in terms of the strengths perspective. The Developmental Assessment, which forms the backdrop of therapeutic intervention and service delivery and the completion of Individual Developmental Plans (IDP), Reviews and Care Plans for every child in care are based on the strengths perspective.

Saleeby (1997) compared the pathology model to the strengths model. In the pathology model the person is defined as a case, therapy is problem focussed, childhood trauma is the predictor of adult pathology, therapeutic work is regarded as treatment, and the plan is devised by the service provider who is regarded as the expert possessing all the knowledge and the skill. In the strengths approach, on the other hand, the person is defined as unique; traits, talents and resources add up to strengths, therapy is possibility focussed, childhood trauma is not predictive, individuals, family or the community are the experts who possess resources such as strengths, capacities and skills.

Rapp (1998) posits that the preoccupation with deficits, needs and pathology has led to blaming the victim. Victim blaming is labelling which is detrimental as it evokes negative connotations. Labelling is rife in the pathology model. According to the labelling theory by Becker (1963), 'deviant behaviour is behaviour that people so label' (Haralambos, 1985.) What is crucial about labelling is once a young person is labelled as criminal or deviant then this overrides all other issues in his/her life and people respond to him/her according to the characteristics associated with the label. This in turn produces a self-fulfilling prophecy, as the young person then identifies and believes in the label. In the writer's view by attaching blame to the youth for his criminal activity or antisocial behaviour removes blame from the agents or institutions in society who are responsible for safe-guarding the interest and well-being of children. The high numbers of youth awaiting trial is indicative of the fact the Courts, police, social workers and probation officers are not doing enough for youth in expediting their movement through the system, diverting youth away from the criminal justice system or implementing preventative services at the community level.

2.7 The Strengths Perspective within the Social Development Approach

An investigation into government administered residential facilities (1995), found that the service system had been fragmented, was pathology orientated, did not draw on the inherent strengths of children, families and communities. The investigation recommended the rationalisation of all residential childcare facilities, the appropriate placement of children and youth and the inter-sectorial Secure Care programme to receive high support from relevant Departments and Ministries (Report: National Cabinet Investigation into Places of Safety, Reform Schools and Schools of Industry, 1996.)

The Interim Policy Recommendation (1996) called for an ecological developmental perspective in the child and youth care system. A developmental approach in the context of child and youth care referred to a focus on strengths, participation by the young people, family and community, reclaiming the spirit of Ubuntu, residential models based on

International Instruments such as the United Nations Rules for the Protection of Juveniles deprived of their Liberty (JDL), the United Nations Conventions on the Rights of the Child, the United Nations Guidelines for the Prevention of Juvenile Delinquency, the United Nations Rules for the Administration of Juvenile Justice, the Organisation of African Unity (OAU) Charter on the Rights of the Child, the South African Charter on the Rights of Children in Care and the South African Constitution of the Republic of South Africa.. Instilled at the heart of these documents is that all children in care and custody (detention) be treated with dignity and respect and afforded services to ensure their optimal development and well-being.

The implications of the strengths model on the child care system meant that children awaiting trial in prisons and police cells were to be transferred either to the custody of their parents and guardians or to secure care centres and places of safety. This therefore implied that effective and relevant programmes had to be devised for children and youth in these centres as well as in the community. In secure care, adolescent development programmes, sport and recreational, educational, therapeutic and court readiness programmes were to be offered to youth who were in temporary custody pending finalisation of their cases (Interim IMC Report, 1997.)

2.8 Restorative Justice

In South Africa within the juvenile justice system the corporist model was adopted which, blended aspects welfare and justice models. The 'treatment' of the old welfare model and the 'punishment' of the justice model was replaced by restorative justice concepts involving the young people, their families and communities (Interim Policy Recommendations, 1996.) The aim of this approach was to utilize the ecological strengths based approach to ensure that the offending youth were re-integrated to play a meaningful role in society. The National Crime Prevention Strategy (NCPS, 1996), advocated for appropriate sentencing and diversion options for minor offenders and a shift away from retribution to restorative justice. Pillar one of the NCPS outlined the establishment of secure care centres for youth in conflict with the law.

Based on the principle of restorative justice Braithwaite (1998) in O'Connell, Wachtel and Wachtel (1999) introduced the concept of re-integrative shame and argued that societies that integrated rather than stigmatised offenders had the lowest crime rates (Haynes and Drakenford, 1998; Van Aswegen, 2000 Van Eden, 1997.) When offenders are dealt with by being labelled or punished, no attention is given to repairing the harm to the victim or the community. Restorative justice allows offenders to make amends and be re-integrated into

the community (Wachtel, 1997). O'Connell, Wachtel and Wachtel, (1999) maintain that restorative justice confronts and disapproves wrongdoing while valuing and supporting the intrinsic worth of the wrongdoer.

In applying restorative justice to the South African context Shapiro (1998) maintains that by holding the offender accountable while meeting the needs of the victim or community, can healing about the criminal event take place. The writer agrees with Shapiro that the inclusion of restorative justice principles and community involvement would go a long way in humanising a once ineffective and brutal justice system. In the writer's view, the philosophy of restorative justice with equal emphasis on the needs of both the offender and the victim is strengths based and plays a meaningful role in bringing about reconciliation and healing. In most instances the act of committing a crime by a child is an indication that the child is in crisis and may be in need of care and protection from society within the social welfare system and should be diverted away from the criminal justice system. Haynes and Drakeford (1998) advocate for a children first philosophy to be adopted when working with children in conflict with the law. They maintain that children should be treated differently from adults by virtue of the fact that they are afforded special status because of their youth. Within the criminal justice system children should be treated first as children and secondly as children who have committed crimes.

Healing and reparations is not new to indigenous South African communities as African traditions made use of restorative justice (Shapiro, 1998; Van Eden, 1997.) Highlighting the African proverb that, 'it took a whole village to raise a child', Manyathi (1997) affirmed that the spirit of Ubuntu prevailed in African societies that allowed for the protection and caring of children. She explained that children grew in groups and offenders were disciplined by group leaders or sent to extended family members. Van Eden (1997) discussed the concept of Inkundla where the family was required to accompany the child to apologise to the offended person and the two families would come together to rehabilitate the child; highlighting that restorative justice allows for bonding to take place. The principle of Ubuntu and the concept of Inkandla espouse the ideals of restorative justice and a rehabilitative communal environment.

CHAPTER THREE

Methodology

3.1 Introduction

This chapter includes a discussion of the research design selected, sampling techniques and the data-gathering tool used in the study, data analysis, ethical considerations and limitations of the research.

3.2 Research Design

A descriptive survey research design was utilised in the study. This approach entailed the researcher interviewing the respondents of the study as per the structured interview schedule. Denscombe (1998) argues that the survey approach lends itself to quantitative research as it generates large volumes of quantitative data that can be subject to statistical analysis. Rubin and Babbie (1989) maintain that descriptive statistics is a method for presenting quantitative descriptions in a manageable form.

Quantitative research involves numerical or statistical examination of phenomena. Rubin and Babbie (1989) emphasise that quantitative methods may be more appropriate when we study a phenomenon about what we already know much about and when we have a high degree of control of the research situation.

The descriptive survey design was selected for the study. This design was selected as the study was conducted at Excelsior, which provides temporary custody for children in conflict with the law whilst awaiting trial. The secure care environment serves as a remand centre within the juvenile justice system and sees a high turnover of children on a daily and or weekly basis. Children were also prone to absconding from the said facility. In order to ensure that the sample population remained intact, interviews were to be completed expeditiously. The descriptive survey approach proved conducive to the study of this nature. The method of eliciting responses through the interview schedule was not time-consuming and interviews were completed within four days. The interview schedule with both open-ended and closed-ended questions proved amenable to the respondents being children in eliciting responses on their families.

3.3 Sampling and selection of respondents in the study

The sample was drawn from the population of children awaiting trial children at the Excelsior Secure Care Centre that accommodates 74 children. The sample was one-third the

population, being 25. The sample can be viewed as a subset of the population. De Vos (1998:191) maintains that, “ we study the sample in an effort to understand the population from which it was drawn”. A further reason for sampling is feasibility in that an entire population cannot be studied.

3.4 Sampling Criteria

Purposive sampling, a non-probability technique was used for generating the sample for the study. Probability sampling techniques were not found useful to the study in that while they allow every unit an equal chance of selection, members of a subgroup of interest may not have been included in appropriate proportions.

The purposive sampling method was utilised, as it was a practical method that relied on readily available units. The sample of the study was drawn from the group of children awaiting trial in which, a sample selection criteria were outlined. The sample selection criteria were as follows:

- Boys who are at Excelsior secure care programme for a period of 2 weeks to 6 months.
- Boys who are 14-17 years of age.
- Boys who are new admissions and re-admissions.
- Boys who are awaiting trial for one or more than one criminal charge.
- Boys who have committed scheduled and non-scheduled offences. The Draft National Protocol (1999:3) lists scheduled offences as, “ murder, rape, armed robbery and robbery of a motor vehicle, serious assault, assault of a sexual nature, kidnapping, illicit conveyance or supply of drugs and any conspiracy, incitement or attempt to commit any of these offences.” Non-scheduled offences relate to offences that are not included in the above schedule and are petty or not serious in nature.

3.5 Techniques for Data Gathering

The data-gathering tool utilised was the interview complemented with the interview schedule.

The researcher interviewed each respondent and responses were entered onto the interview schedule. (See attached Appendix 1.)

3.6 The Interview Schedule

The rationale for using the Interview Schedule was as follows;

1. The Interview Schedule was viewed to be user friendly to children. It allowed the researcher to word the instrument in an age appropriate manner, which would be conducive and understood by children.
2. In order to ensure that children did not lose interest or that the exercise proved tiresome, children were asked to provide responses as per the scheduled questions. In this way children were not pressurised into providing lengthy explanations or discussions.
3. The interview schedule was not time-consuming or laborious to administer.
4. The standardised format ensured that all respondents were subjected to similar questions throughout the study.

3.7 Construction of the Interview Schedule

The interview schedule was divided into two major sections. The first section was designed to acquire data on the profile of the child such as age, gender, race, scholastic details, area of residence and arrest details. The second section was the Family Dynamic section, which dealt with the home or family environment, family composition, and economic status of the family and child's relationship with the family. Other items on the schedule also related to the child's relationship with peers. There were 26 questions in total, which included both open ended and close-ended questions. Close-ended questions allow the respondents to choose from fixed alternatives. Open-ended questions allow the researcher to build rapport with the respondent, encourage co-operation and clear up any misunderstanding.

A crucial issue that had to be taken into consideration in the construction of the interview was that the wording and language had to be age appropriate as respondents of the study were children aged between 14 to 17 years. Questions were to be child friendly and simple so that the respondents could easily understand them.

3.8 Administration of the Interview Schedule

The researcher interviewed each respondent individually at the secure care centre. The interview was conducted in English, which was understood by all respondents.

1. Prior to the interview the researcher met each child participating in the study and provided him with a full explanation about the purpose of the study. Once the child agreed then the researcher proceeded to ask the questions.

2. The researcher assured the youth of confidentiality during the interview. Children were assured that information disclosed during the interview would not be shared with a third party.
3. To establish rapport the researcher initially engaged the youth in warm up or icebreaker activity. This entailed youth describing themselves using letters that made up their names.
4. The researcher thereafter proceeded with the interview. The interviews were held in the social worker's office, which was perceived to be a non-threatening and neutral environment. The duration of each interview was approximately for 25-30 minutes. As the researcher asked the questions responses were noted on the interview schedule. The researcher also provided respondents with clarity and answered questions when they arose.
5. On completion of the questions the researcher thanked each child for his participation and further responded to any queries.

3.9 Validity and Reliability

Hycner (1985) asserts that validity refers to whether the researcher accurately represents or 'captures' the phenomenon being structured. Reliability refers to how consistent the measurement is.

To achieve reliability and validity the researcher initially piloted the questionnaires with a group of five youth. Difficulties were noted and changes were made accordingly. Changes were made to the Family Dynamic section on page 2. During the pilot the researcher noted that the respondents were grappling with answering the questions relating to needs. These questions were re-arranged in sequence and reworded so that the respondents could easily understand them.

3.10 Strengths and Weaknesses of the Interview Schedule

Rubin and Babbie (1989) highlight that surveys are useful in describing characteristics of a population and that a carefully selected probability sample in combination with a standardised questionnaire offers the possibility of making refined descriptive assertions. Rubin and Babbie (1989) maintain that standardised questions have an important strength in regard to measurement generally. Due to the standardised nature, reliability of interview schedules is increased. However Rubin and Babbie (1989) argue that the artificiality of the survey format puts a strain on validity.

Akrava and Lane (1983) and Denscombe(1989) argue that with standardised data, interview depth and opportunity to probe is sacrificed. Rubin and Babbie (1989) comment that standardisation results in fitting of round pegs into square holes and is the least common denominator in assessing people's attitude, orientations, circumstances and experiences. Hence given Rubin and Babbie's (1989) argument that the survey approach may impress as superficial and not appropriate to study complex topics. Denscombe (1989) further comments that the survey approach can be obsessed with data to the exclusion of the implications of data for relevant issues and problems. Denscombe (1989: 28) argues, " A danger exists that the significance of data can become neglected as 'data are left to speak for themselves.' "

3.11 Data Analysis

As quantitative descriptive study was undertaken, data analysis involved the analysis of statistical information that arose. The researcher utilised descriptive statistics to summarise data.

-Levels of Measurement: Of the four levels of measurement that analyses data being, nominal, ordinal, interval and ratio, the nominal level was selected for the study. This was so as all data was initially clustered and classified into two or more mutually exclusive categories. This measurement entails that data is placed into categories where the frequency or number of digits are summarised. Reamer (1998) discusses that the nominal measurement is the lowest level of measurement because it makes the fewest assumptions about the data. With nominal data no assumptions are made regarding the rank order amongst the categories.

The nominal measurement was utilised in the analysis as data in both Section A and Section B of the Interview Schedule were classified into categories. While Section A, focussed on the Profile of the child and required identifying details such as age, gender, race, schooling etc which were mutually exclusive categories, data from the Family Dynamic Section were edited, clustered and classified into categories.

-Displaying Data: After the data was collected in the above manner, it was thereafter translated into tables. Tables allowed for pictorial summarisation of data and indicted trends and patterns that emerged.

-Frequency Distribution: The tables outlined the frequency distribution. This is an indication of the number of cases corresponding to a value. Tables also included the percentage of the total that each score represented.

-Measures of Central Tendency and the use of the Mode: Of the three measures of central tendency the mode was utilised to analyse and summarise patterns. The mode was utilised as it is used when data are grouped into categories, based on frequencies and we want to know which category is the largest or contains the most cases. Utilising this measurement allowed the researcher to analyse the highest frequencies on the tables and note emerging trends that developed from the study in respect of the dynamics of the family systems of the children.

3.12 Ethical Considerations

- (1) Consent. The respondents of the study were a vulnerable group being children who were in conflict with the law and placed in legal custody at the secure care centre. Written permission was sought from the Institutional Manager elucidating the reasons to undertake the study at the centre (See Appendix 2) and to interview a sample of youth. The researcher acknowledges that, children do not have legal authority to assent or consent to participate in research projects. In such circumstances permission would be obtained from parents or legal guardians. However due to difficulties encountered in the study in this regard such as the accessibility of some parents, some children came from rural areas out of the Durban Region, parents could not be contacted, and/or children were not living with their legal guardians nor did they have contact with them. Permission was hence sought from the Institutional Manager in whose custody or guardianship the children were placed.
- (2) Children's consent. It was perceived, that requesting children to complete written consent to participate in the study could have been misinterpreted as relating to their criminal cases and could have increased children's anxieties. Verbal consent was sought instead, after providing children with details about the study.
- (3) Children were not coerced. The respondents of the study were from the outset provided with sufficient information on the aims of the study in a manner and language amenable to them. Children were not coerced to participate in the study. They were provided with a choice whether to participate in the study.

(4) Confidentiality and disclosure of criminal activity. Due to the sensitive nature of the study- the respondents were alleged perpetrators of scheduled and non-scheduled offences; a high degree of confidentiality had to be ensured whilst undertaking the study. Children were assured that information provided during the interview would not be disclosed to police officials, courts or probation officers. Questions 6 to 9 on the Profile Section of the Interview Schedule dealt with the youth's arrest and alleged criminal offence/s. As highlighted youth were furnished with detailed information on the purpose of the study which was a focus on their family lives and were informed that if they were unhappy with the nature of the study, they were allowed to withdraw from it at any given point.

3.13 Limitations of the research.

- The sample consisted of male children awaiting trial at the Excelsior Place of Safety Secure Care Centre. Hence findings can only be confined to this specific context.
- The researcher herself was the social worker at the facility. The element of bias and subjective influence of the researcher may have impacted on the study.
- Furthermore since the interviewer was familiar with the respondents, they may have participated in the study out of obligation not to disappoint her. Reamer (1998) argues that even though social workers may not coerce clients to participate in research some clients will feel some pressure to comply with the social worker's request because they want to be helpful or may be worried that their receipt of services may be affected or jeopardized if they refuse to participate.
- It was also felt that a number of the youth participated in the study as they held on to a perception that the participation could assist them in their criminal matter in court and/or expedite their release.
- The data-gathering tool utilised in the study was the structured interview. This form of research was only confined to descriptive results and did not allow the respondents to provide detailed information on their family systems. The researcher should have utilised a variety of data collecting tools to have enhanced the effectiveness of the study.

- Only the awaiting trial children were participants of the study. The families of children should have also been interviewed to ensure that the topic was adequately investigated.

CHAPTER FOUR

Analysis and Interpretation of Data

4.1 Section A: Profile of the Child

Table 1: Age of Child

Age Group	Frequency	Percentage
14 yrs	4	16
15yrs	0	0
16yrs	9	36
17yrs	12	48
Total	25	100

The above table indicates that twelve (48%) of the youth who had participated in the study were seventeen years old. Four youth (36%) were sixteen years old and four (16%) were fourteen years old. No youth who were fifteen years old participated in the study.

The above table indicated that over half of the youth who had participated in the study were in their late teens. Age does play an important factor in the court's decision of placement of the awaiting trial child. The court is more likely to send a younger child- below fifteen years back to the family environment or to a place of safety to await trial. Schonteich (2000) outlines a central relationship between age and crime and maintains that the most important single fact about crime is that, it is committed mainly by teenagers and young adults other than older adults and children. This relates significantly to developmental theory. According to Manaster (1989) the crucial stage for adolescence is Identity vs Role Diffusion, which begins at the onset of puberty. This is an impressionable stage of identity formation during which the adolescent is vulnerable to various forms of pressure. Coleman (1990) points out pressure to be psychological, emotional and social emanating from peers, parents, teachers and society. If the influence or pressure is negative then the negative identity develops which is expressed in delinquent or deviant behaviour.

Another salient feature about age is that up to four children involved in this study have, proof of age or identity. Desmond, Michael and Gow (2000) maintain that only 49% of children in South Africa have birth certificates. Often the court would give the individual the

benefit of being a minor until proven otherwise. Up to one third of the youth who await trial at Excelsior are over the age of eighteen years. The crisis of youth not having proof of age is also experienced on a national level where an increasing number of young adults are entering the juvenile justice system (Draft National Protocol on the Management of Children Awaiting Trial, 2000.)

Table 2: Race of children

Race of child	Frequency	Percentage
African	18	72
Indian	3	12
Coloured	2	8
White	2	8
Total	25	100

Table 2 indicates that eighteen (64%) of the children interviewed were African. A further three (12%) were Indians, two (8%) Coloured and another two (8%) White. While the table reflects children from all the race groups that make up the South African population, the majority of the children (64%) come from the African community. In line with this, Marks (2001) indicated that 90% of children that come into conflict with the law are African children. Marks (2001) explains that African youth are a marginalized group due to the socio-political history of the country where the youth were deprived of educational, recreational and employment opportunities. In discussing patterns of poverty in South Africa, Lund (1996) emphasises that it was racially distributed of which 95% of the poor are African. The impact of poverty and social instability on youth was a high teenage parenthood, delinquency, crime, sexually transmitted diseases and violence (The White Paper for Social Welfare, 1997.) Hence a lack of sufficient opportunities for development and growth and poverty has drawn African youth towards criminal activity to fulfil needs.

Table 2 also reflected that the second highest percentage (12%) of the youth were Indian. The White Paper for Social Welfare (1997) maintained that in 1993 the income of Whites was R 2 140 per month, whilst Indian earned 40% of this income and Blacks 13%. The impact of impoverished circumstances on youth from previously disadvantaged communities has forced young people to find alternate ways of fulfilling their needs.

In addition to poverty and unemployment the rapid spread of HIV/AIDS is a significant factor that is impacting negatively on South African youth. Grimwood (in Schonteich 2000)

argues that the increasing number of AIDS orphans who grow up without parental support and supervision, will turn to crime. According to Grimwood (in Schonteich 2000:62), “Crime will increase because of the disintegration of the fabric of our society. It will be made worse by the lack of guidance, care and support for HIV positive people including children. Children orphaned by AIDS will have no role models in the future and they will resort to crime to survive.”

Table 3: Schooling.

Grade	Frequency	Percentage
Not at school	15	60
Below Grade 4	0	0
Grade 4-8	3	12
Grade 9-12	6	24
Other	1	4
Total	25	100

The above table indicates that fifteen youth (60%) were not at school or had dropped of school. A further three (12%) of the youth were between grades 4 and 8 and 24 % were in grade 9-12. One child (4%) was studying through Damelin during his arrest. As illustrated in the table about two thirds of the youth were not attending school. Reasons cited for not being at school were lack of finances to pay for school and other expenses, lack of desire for school and family’s non- involvement in the child’s life. Only one of the fifteen children was in casual employment at the time of his arrest. The remaining fourteen expressed that there was not much that they did during their spare time. One of the fifteen children reported that he was expelled from school due to continuous misbehaviour. One youth reported that he had completed matric but had been unable to secure employment. The schooling pattern that emerged from the study indicates that children and youth who are not exposed to stimulating educational and recreational environments are likely to engage in negative behaviour. In addition where the family as a social support and enhancing system is not involved in the development of the child, antisocial and criminal behaviour patterns may arise.

Table 4: Geographical Area of youth

Geographical Area	Frequency	Percentage
Kwa Mashu	3	12
Mooi River	1	4
Wentworth	2	8
Inanda	5	20
Durban North	1	4
Umlazi	1	4
Asherville	1	4
Phoenix	1	4
Clermont	1	4
Chatsworth	1	4
Durban Central	2	8
Lamontville	1	4
Folweni	1	4
Thornwood	1	4
Amanzimtoti	2	8
Nqutu	1	4
Total	25	100

Table 4 indicates a total of 16 geographical areas of residence of the children awaiting trial. These are urban and informal areas, and lie north and south of the Ethekwini/Durban Metro and include Durban Central. Two youth came from areas outside Durban Metro, one from the Mooi River and the other from Nqutu.

Discussing national statistics Aliber (2001) indicates that 61% of Africans, 38% Coloureds, 5% Indians and 1% White are poor and that around 23% of children under six are stunted due to chronic under-nutrition. According to the White Paper on Rural Development in Kwa-Zulu Natal (1998), fifty one percent of the people of Kwa-Zulu Natal live in poverty. More than half of the 7,7 million people that live in Kwa- Zulu Natal, live in rural areas, which consist of women and female headed homes. (The Poverty Relief Programme Database Durban Region, Department of Social Welfare and Population Development, 2000), further indicates poverty as the second largest challenge facing government after HIV/AIDS.

Table 4 indicates that Inanda and Kwa Mashu have the highest number of youth awaiting trial, 20% and 12% respectively. These areas are in close proximity to each other, predominantly African, and characterised by poverty and unemployment. (The Poverty Relief Programme Database Durban Region, Department of Social Welfare and Population Development, 2000.) Furthermore these townships also extend into expansive informal settlements such as Bhambayi and Bester areas where people lack basic needs such as food, adequate sanitation and shelter including running water and electricity. Hence youth who reside in impoverished communities appear to be impacted negatively by their circumstances. This places them in a vulnerable position to an antisocial and criminal lifestyle.

Table 5: First Offence or Re-offence

Offence	Frequency	Percentage
First offence	12	48
Re-offence	13	52
Total	25	100

The above table reflects that twelve (48%) youth are first offenders and thirteen (52%) youth are re-offenders. When linked to Table 6, on the type of offence, it appears that the first offenders are linked to petty offences such as theft and shoplifting, whilst re-offenders are linked to serious cases such as housebreaking and robbery. The table also illustrates that 52% of the youth are re-offenders, indicating that there is a high degree of recidivism amongst youth admitted to the secure care programme. Recidivism or re-offending relates to developmental theory where the youth who experiences crime as a way of life develops a negative identity and self-concept. Further the high rate of recidivism can be linked to the release of the offender back to the same environment such as poverty, lack of basic needs, broken down family system, insufficient recreational opportunity and peer influence. Schaefer and Swanson (1988) advocate the ecological perspective in that focus should be on the family as residential treatment offers a short-term function. In practise this encompasses the principle of family preservation, which proposes that whilst interventions are directed to the youth in care, the family should be simultaneously prepared for the reunification and re-integration.

Table 6: Type of Offence

Offence	Frequency	Percentage
Robbery	3	12
Housebreaking	8	32
Shoplifting	4	16
Theft	5	20
Theft& Robbery	1	4
Theft out of motor vehicle	2	8
Possession of property suspected to be stolen	1	4
Armed Robbery	1	4
Total	25	100

Table 6 indicates that eight (32 %) of the youth committed housebreaking, five (20%) committed theft, four (16%) committed shoplifting and three (12%) committed robbery. One child had committed theft and robbery, one was found with goods suspected to be stolen. One youth had committed armed robbery and a further two had committed theft out of a motor vehicle. The Draft National Protocol (2000:3) lists scheduled offences as, ‘murder, rape, armed robbery, robbery, robbery of a motor vehicle, serious assault, assault of a sexual nature, kidnapping, illicit conveyance or supply of drugs any conspiracy, incitement or attempt to commit any of these.’ In total four children were involved with scheduled cases, three in robbery and one in armed robbery. The other children were arrested for non-scheduled offences. A common factor in these offences is that they are economically driven. A total of ten youth had cited reasons pertaining to a lack of finance for committing crimes. This means that children are more likely to commit crimes for financial gain or monetary rewards.

Eight youth indicated that they were involved in crime for finances to sustain their drug habit. According to the Alcohol and Drug Abuse; Research Group: Report to Parliament (2003), one quarter (25.5%) of adolescents in Durban reported having used alcohol in their lives, one tenth (10,7%) smoked cigarettes and 5,5% reported to have used dagga (Medical Research Council of South Africa, 2003.) Central to developmental theory is the adolescent need for recreational stimulation; failing which results in alternate means to fulfilment.

Hence young people who experience lack of adequate or appropriate recreation may indulge in mind-altering chemicals such as alcohol and drug abuse. Boone (in the Health Systems Trust, 2003) comments that political change in South Africa has seen social transition typified by modernisation and decline in the traditional family. Boone in the (Health Systems Trust, 2003) further argues that drug use flourishes in such turmoil and that high unemployment rate, social injustice and weakened family bonds have created an environment where drug use and casual sexual relations offer young people an opportunity to look cool in front of their peers and to escape from the harsh realities of everyday life.

4.2 Section B: Family Dynamics

Table 7: Family member whom child resides with

Family member	Frequency	Percentage
Both parents	2	8
Mother only	14	56
Father only	2	8
Grandparents	1	4
Grandmother	3	12
Grandfather only	0	0
Aunt	1	4
Uncle	0	0
Other-Stepmother	1	4
Sister	1	4
Total	25	100

The above table illustrates that fourteen (56%) of the youth live with their mothers only. Two youth (8%) live with both their parents, one child lives only with his father, three children live with their grandmother's only, one child lives with his aunt and one child lives with his sister. The table also indicates very clearly that there is a high prevalence (80%) of the awaiting trial children interviewed to be raised in women-headed households. Whilst 56% of the children live with their mothers who head or run the home, an additional 24 % of children come from female-headed households managed either by the sister, aunt, stepmother and grandmother. This surmounts to 80% of the awaiting trial children growing up in women-headed households. Goldblatt (2001) maintains that a large number of South African households are women-headed (as much as 41% of African households) whilst Aliber (2001) maintains that 42% of all African households, which is 2,7 million are female

headed. The RDP (1994) argues that poverty has a gender dimension in that many of the very poorest households are those headed by younger women in rural areas.

Women headed households represents the poorest form of household (Aliber, 2001; Goldblatt, 2001; Lund Report, 1996; RDP, 1994; White Paper for Welfare, 1997.) Goldblatt (2001) maintains that in women headed households large numbers of women live without the fathers of their children and bear the primary responsibility for childcare and support of children. The White Paper for Welfare (1997) comments that women account for only 45% of those employed in the formal sector, earn less than men and have no social benefits.

Aliber (2001) further comments of women headed households that children are often left in the care of their grandmothers which may put undue pressure on elderly people whose meagre old age grant may end up being used to support the whole household rather than just themselves. In addition old age grants (R740, 00) is insufficient in satisfying the basic and secondary needs of children. Further to the need for food, clothing and education (refer to the discussion on youth's needs) identity and recreational needs become heightened during adolescence, which would be difficult to be attained on a household income of R740, 00.

Overall the respondents came from female-headed homes, which were the low- income family group, (earning less than R1 500,00 per month) or receiving public assistance (grants) of about R740, 00 per month. This indicated that these families lived below the poverty datum line (PDL) or breadline of R1 600,00 (National Unions of Mines of South Africa, NUMSA Press Release, 1998.) Hence for households living below the poverty line, it might be difficult to satisfy material and recreational needs of the adolescent boy between the ages of 14 to 17 years. Some of these needs (as listed by the respondents in the study) are food, clothing, education, and independence, listening to music and going out with friends. The youth may hence engage in alternate means such as criminal activity to meet these needs.

Table 7 also indicates that the only male figures prevalent from the youth's responses is that two youth were living with their fathers only. The percentage on the family structure supports the view that the absence of the father figure has placed the male child at risk, as he has become more vulnerable to influence outside the home environment. Schonteich (2000) affirms that the absence of a father figure early in the lives of young males tends to increase later delinquency and affects a boy's ability to develop self-control. Schonteich (2000) further argues that the secure attachment or emotional investment process (a father figure provides) facilitates the child's ability to develop and demonstrate both empathy and self-

control. Schonteich (2000) adds that an insecure attachment will lead to lower levels of empathy and control and an increase in violent behaviour.

Furthermore one child came from a home where his sister a child herself was the head of the household. Varga (1997) comments that AIDS is a critical issue among youth in KwaZulu-Natal. The emerging patterns of child led households due to AIDS related deaths has become a serious factor that disintegrates the family structure which enhances the development of the child (UN AIDS Report, 2003.) Child headed households are likely to be a poorest form of household with an older sibling having to leave school to take care of the household. Desmond, Michael and Gow (2000) argue that extended family systems themselves are eroded by urbanisation and HIV/AIDS and that the efficacy of extended families as social support networks to child-headed households are also undermined. In such situations orphans will face a life inside child-headed households or on the streets where options are limited to finding jobs or resorting to crime (Desmond, Michael and Gow 2000.)

Table 8: Relationship with guardian

Relationship with guardian	Frequency	Percentage
Relations are strained	6	24
Relations are cordial	4	16
Relations are good	15	60
Totals	25	100

More than half of the adolescents, fifteen (60%) describe their relationship as good and four (16%) describe it as cordial. Six youth (24%) describe the relationship as strained. Reasons cited for the strained relationship is that the mother was too strict, the child is always arguing with the parent, either the mother or the father are abusing alcohol. Developmental psychology describes adolescence as a period of storm and stress and as a period of transition (Coleman, 1990; Manaster, 1989). The adolescent in developing his own identity often may come into conflict with his parents. Coleman (1990) comments that adolescents often experience internal and external pressure emanating from peers, parents and teachers. This may explain why 24% of the youth are experiencing strained relationship with their parents. Further the developmental theory emphasises that identity formation takes place within a particular social environment. Given that the family as a part of the social environment may be negative, such as the parent abusing alcohol, this may impact on the child forming a negative identity and becoming involved in anti social or deviant behaviour.

4.2.1 Youth's Needs

Respondents listed a total of forty-four needs. These needs were categorised as basic, socio-economic, identity and recreational needs. In respect of basic needs: food, clothing and education were listed. Five youth viewed clothing, eight, listed food and five, viewed education, as priority needs. The respondents also rated socio-economic needs as important with four youth listing the need for finances and two youth listing the need for employment. According to the Constitution of RSA (1996), all children are entitled to basic needs such as food, clothing, shelter and education. However these have been listed as priority needs by (72%) of the children in the study. This indicates that due to impoverished circumstances not all children enjoy basic needs in South Africa placing them at risk or in a vulnerable situation. The inability of the families to satisfy the children's basic needs in the study can be attributed to their poor socio-economic circumstances. The families are located in poor communities of KwaZulu-Natal and come from low income households earning less than R1 500, 00 per month (Table 10.)

In respect of identity and emotional care the children provided responses such as: time to myself, live with my own family, parental care, independence, freedom and to be released. With respect to recreational needs, six youth listed listening to music, and one youth each listed going out with friends, watching TV and TV Games. Hence accordingly the association and affinity with peers present as an important need for young people during this stage. Head (1997: 31) maintains, " the arena of close-knit peer group provides an opportunity for the individual to locate oneself. It is in comparison with others of similar age and background that adolescents gain a sense of their individual qualities." The peer group aids the adolescent in their search for personal identity by providing role models and social feedback (Muuss, 1988.) If these role models and social feedback are negative then this may result in the formation of negative identity where the young person may become vulnerable to delinquent or deviant behaviour.

Table 9: Family provides needs.

Family provides needs	Frequency	Percentage
Yes	11	44
No	14	56
Total	25	100

Table 9 reflects that eleven (44%) of the youth responded positively that their families provided for their needs and that fourteen (56%) responded that their families could not provide adequately for them. Of the fourteen youth who had responded negatively, thirteen youth had commented that it was due to lack of finances that their families could not provide adequately for their needs. This supports the view that children in conflict with the law come from low-income families headed by females. Their socio-economic status made it difficult to provide for basic and secondary needs of their children. Reasons for lack of finances cited by the children were that no one was in employment, mother was not working well, mother had to support other children, and grandmother supported the family on a grant. Furthermore as indicated in the discussion on the guardian's employment the types of employment stated were domestic workers, machinists, car washers at taxi ranks, office helpers, vendors and gardeners. Other types of employment stated were telephone technician, taxi driver, grounds man, and supervisor. Two youth had also indicated that no one was in employment in their homes. Once again lack of finances and impoverishment are features that are dominant in the lives of children who commit crimes. Inter-phased with children's responses on guardian's employment in Table 10 it becomes evident that 56 % of the youth reported that their families could not provide adequately for them in meeting their basic, identity or recreational needs.

Table 10: Guardian's employment (income per month)

Guardian's employment (per month.)	Frequency	Percentage
R 0, 00- R 1500, 00	19	57
R 1500, 00- R 3000, 00	12	43
Total	31	100

N=31 Youth provided with multiple responses.

Households supported on an income less than R 1 500 per month. This income group included families where no member was in employment, was in temporary employment or dependent on state grants. Types of employment that guardians were engaged in were domestic workers, machinists, office helpers, vendors and/or gardeners.

Households supported on an income between R1 500, 00 and R3000, 00 per month. Parents in this income category worked as a telephone technician, in a printing press, taxi driver, secretary, nurse assistant, grounds-man and insurance broker. Parents were also self-employed (vendors) selling clothing or food and worked as supervisors in a flat or hotel.

Of the twelve types of employment that earned an income of over R 1 500, the actual maximum income that these jobs accumulated to was approximately R 3 000. This figure was equally low to support a family and run a household. This data confirms that all twenty-five children who were in conflict with the law tend to come from low- income families or households that lack adequate finances or are steeped in poverty. Rutter (1976) described poverty, unemployment and social disadvantage as factors that may predispose children towards deviancy and delinquency.

Furthermore a salient feature of these homes are that parents are involved in types of employment that often demanded that they spend a great amount of time away from the home. This may prevent parents from spending constructive interaction, quality time with their children or being involved in their lives.

Table 11: Family's knowledge of the arrest

Knowledge	Frequency	Percentage
Yes	20	80
No	5	20
Total	25	100

Table 11 indicates that twenty (80%) of the respondents' families are aware of their arrest whilst five (20%) are unaware of the child's whereabouts. At Excelsior parents are notified of child's arrest and admission to the centre. Appointments are secured to interview parents at the institution. This is to ensure that parents are consulted with, and is part of the decisions included on the recommendations submitted to court on the outcome of the youth's case.

As secure care is based on the principle of family preservation attempts were being made by social workers for the five youth to trace or contact their parents through district offices and investigating officers. If these efforts proved unsuccessful then attempts would be made by the institution itself to undertake the family finding. These interventions are based on the Ecological Perspective of social work and family re-unification which refers to the practice

of understanding and viewing each person (child) within the context of, and connected to their family and community and that all services should prioritise the need to have young people remain within the family context wherever possible (Interim Policy Recommendations, 1996.)

Table 12: Family's reaction to arrest.

Reaction	Frequency	Percentage
Very Upset	6	20
Not concerned	3	12
Very angry	9	36
Disappointment	2	8
Ashamed-if family found out	1	4
Worried	2	8
Happy about his arrest	1	4
Accepting	1	4
Total	25	100

The above table illustrates that nine youth (36%) reported that their parents would be very angry at their arrest. Six youth (24%) reported that their parent would be very upset. Three youth (12%) reported that their parents would not be concerned. Two youth each reported that their parents were disappointed or worried. One child each responded that he would be ashamed if his family found out of his arrest, happy about the arrest or accepting of the arrest. Developmental theory maintains that throughout the developmental stages from birth, early childhood and adolescence that children and young people develop a value system and that from early stages of their lives are able to discern right from wrong. Hence in line with developmental theory children who commit crimes do have a sense that their behaviour contravenes the laws and mores of society.

In general, the majority of the youth indicated a negative reaction or disapproval by the family towards the arrest. This indicates that although families come from low socio-economic background they do not necessarily approve of their children's criminal behaviour.

4.2.2 Reasons for committing Crimes

Four youth each had cited peer pressure and a need to secure food as reasons to commit crimes. Eight youth had listed a desire for drugs as a reason for involvement in crime. Five youth mentioned a lack of finances and one youth cited a need to purchase clothes. Four youth denied involvement in the case and therefore did not provide any reasons. Two youth refused to answer the question even though the researcher probed them. The reaction that the researcher had concluded was one of embarrassment by the two respondents. The reaction displayed by the youth is indicative of the inherent bias in the study, where the researcher herself is the social worker at the facility and is familiar to the respondents. This familiarity may have been an influential factor in the youth acknowledging the crime or discussing further details around the case.

Despite poverty being an overriding theme in this study, the highest response cited for involvement in criminal activity related to drug and substance abuse. Youth have been identified as one of the high- risk groups in substance abuse (Drug Master Plan, 1997; White Paper for Welfare, 1997.) The Drug Master Plan (1997) emphasises an increase in the general level of drug intake and drug related problems in countries undergoing socio-economic change. It noted that this positively related to the prevalence of socio-economic impairments such as crime, impoverishment and unemployment. According to the statement given by the Drug Master Plan there seems to be a correlation between poverty and drugs. Emerging from the study and given the high levels of unemployment and poverty in the country, South African youth would have to grapple with the reality of the challenge of substance abuse.

Peer pressure was also cited as reasons for committing crimes. Coleman (1990) highlighted that adolescents experienced internal pressures such as physiological and emotional and external pressure emanating from peers, parents, teachers and society. Head (1997) and Maier (1965) identify peer relations as central in finalising ego identity and that adolescents may go through a period of compulsive peer group involvement. Hence if the peer group was negative and asserted a negative influence, this may impact negatively on adolescent identity and personality.

Table 13: More Important -Family or Peers

Peer or Family	Frequency	Percentage
Peer	0	0
Family	25	100
Total	25	100

Table 13 indicates that all (100%) of the children interviewed identified their family as being more important in their lives than their friends or peers. The children expressed a great deal of emotion and attachment to their families. Although youth may be vulnerable to peer pressure they consider their families as central to their lives. Bowlby in Haralambos (1985:410) states, “that the child has certain basic needs, the most being emotional security, which can be provided most effectively by a close intimate relationship with its mother.” Attachment to the mother is regarded as a secure base for the child, which promotes feelings of security and trust. The more secure the child’s attachment history is, the greater are the social competence and confidence levels in the adolescent to engage in social interaction. Hence in accordance to Attachment Theory the youth in this study valued the bond they shared with their parents as more important than they did with their peers

CHAPTER FIVE

Conclusion

5.1 Key Findings

The key findings of the study were as follows:

1. Young people who come into conflict with the law in the Durban Region and who may await trial at Excelsior, come from circumstances where their lives are steeped in chronic poverty and where their families live below the Poverty Datum Line (PDL) of R1 600,00 (76%.) (Tables 7, 9, 10.) In most circumstances, due to the extent of the impoverishment, the families are unable to provide basic and other crucial needs that adolescents require. This may impact negatively on the youth's identity and life-style.
2. Areas where offending (or high risk) youth come from are low socio-economic and are urban informal in nature. (Table 4.) These areas are characterised by poverty, unemployment and the rapid spread of HIV/AIDS, which appear to impact negatively on youth growing up under these conditions.
3. Young people who are particularly vulnerable to being in conflict with the law come from female-headed households (Table 7.) Female headed households or women headed households are led either by the mother, grandmother, stepmother and/or aunt. The male figure in this household is non-existent or contributes minimally. Women-headed households are extremely impoverished in nature (Table 9) and struggle to meet the basic need for adolescent development.
4. The absence of the father figure has further marginalized the male child growing up in women headed households (Table 7.) With the inability of having his physical, identity and socialisation needs being met, the male child has become vulnerable to influence outside the home such as negative peer and adult influence, gangsterism, substance abuse and criminal or syndicate activity.
5. The type of parents' employment also proved a significant factor on the children's lives. (Table 10.) The types of employment that parents engaged in the study necessitated that parents spend long periods (hours, days or weeks) away from the home. This prevented the parent from being connected or involved in the lives of their children in respect of care, emotional support, supervision and monitoring and behaviour management.
6. The emerging trend of child headed households as a result of the HIV/AIDS pandemic in South Africa has placed children at risk to adopt a criminal life style to survive.

5.2 Recommendations

1. The researcher recognises that Kwa-Zulu Natal is identified as one of the three provinces with the highest rate of poverty in South Africa (Aliber, 2001.) The researcher recommends that service providers such as social workers, community workers, community development workers and child and youth care workers strengthen programmes and services to families in impoverished communities. In addition to assistance with financial aid (grants), services should also include ongoing counselling, monitoring and support to the families. The researcher further recommends that poverty alleviation programmes, sustainable development initiatives rendered by departments and NGOs in KwaZulu-Natal and development institutions such as INK, should extend to include all families in impoverished communities particularly those identified in the study. Macro social work practise combined with clinical skills is recommended as an essential approach in working with families.
2. With respect to findings three and four, relating to women-headed households and the absence of the father figure in the lives of children, the researcher recommends that specific attention should be given to this form of household. A database of women headed households should be maintained so that service providers could identify and intervene with these families. Women and children are regarded, as vulnerable groups and services rendered to them should be given priority. Supportive services should be rendered to both the mother and children in these homes. Programmes rendered to these children should include adolescent development, youth empowerment schemes (YES), crime awareness, and social and life skills focussing on sexuality, substance abuse, peer relationships utilising individual and group counselling methods. In order to strengthen services, the principles of family preservation approach should be used whereby services could also be offered on evenings and weekends to meet target groups.
3. With respect to the finding on male youth being vulnerable to influence outside the home such as negative peer and adult influence, gangsterism, substance abuse and criminal or syndicate activity, the researcher recommends that social workers and especially child and youth care workers form partnerships with existing youth groups in the community or at schools. A climate of positive peer groups, role models and support should be developed. In addition to youth empowerment and adolescent development programmes, youth should also be exposed to assertiveness, leadership and youth mentorship strategies.
4. The researcher recommends that a database be maintained on children who offend or re-offend. The researcher proposes that a system be initiated where once the child

enters the criminal justice system and who may await trial at Excelsior, that the matter be simultaneously included or referred to the caseload of the district social worker where the child resides. Joint services should be rendered by institutional and district/ family re-unification social worker to work with the child and their families.

5. The researcher further recommends that secure care centres that have personnel rich in skill, knowledge and expertise on adolescent development should play an instrumental role in community outreach, early intervention and preventative programmes and should partner with district offices in rendering programmes with children and youth in communities.
6. With respect to finding five, which highlights the impact of the parent-children separation as a result of parent's employment, the researcher recommends that these children be identified on caseloads and assisted with the separation. Children should be exposed to individual and group work services. Furthermore caseworkers should initiate discussions with extended family, friends or community members regarding children's care and supervision.
7. The researcher recommends that child-headed households should be closely monitored in the community. Children should be expeditiously removed to alternative care and offered appropriate supportive and aftercare services.

APPENDIX 1

Interview Schedule

SECTION A: PROFILE OF CHILD

1. Age: _____
2. Gender: _____
3. Race. _____
4. Schooling/grade _____
5. Address/ Geographical Area _____
6. First offence or Re offence_(Year) _____
7. Type of offence _____
8. Arrested alone or with co-accused _____
9. Date of admission to the facility _____

B) Family Dynamics/Structure

1. Are you living with your parents? Mention who (mother, father, grandmother) _____

2. If not, (a) then who are you living with? _____

(b) Why are you living separated from your parents? _____

3. How would you describe your relationship with your parent/guardian? _____

4. Do you think that your parent or guardian is interested in you/your well-being?
YES/NO _____

5. Needs List your needs? _____

6. Is your family able to provide for your needs adequately?
(a) YES/NO _____
(b) If not why is this so? _____

7. How many members does your household consist of? _____
Adults _____ Children _____

9. Describe the dwelling that you are living in?

Dwelling	
Shack	
2-bedroom house	
4-bedroom house	

10. Who are employed in your household? _____

11. What sort of employment are the above engaged in? _____

12. How would you describe the financial status of your family?

Financial Status	Response
Very poor	
Poor	
Average	
Well off	

13. Is your family aware of your arrest?

Aware	Response
Yes	
No	

14. What was/ would be your family's reaction to your arrest? _____

15. What are your reasons for committing crime/s? _____

16. Are you a member of a gang?

Gangster	Response
Yes	
No	

17. Who do you consider plays a more significant role in your life- your parents or your peers/friends? _____

18. Why is this so? _____

APPENDIX 2

9 April 2002

The Assistant Director
Excelsior Place of Safety
P O Box 671
Pinetown
3600

Attention: Mr N V Naidoo

Re: Request to undertake Research at Excelsior

1. I am pursuing a Masters in Childhood and Youth Development at the University of Natal.
2. This year I would be required to undertake the Research Project. The topic that I have selected is, '**An examination of the dynamics of the family systems on the lives of youth awaiting trial at the Excelsior Place of Safety Secure Care Centre.**'
3. The aim of the study is to explore factors or variables in family systems of children who into conflict with the law at Excelsior. The study also aims to gain insight and understanding into the principles of family preservation, family re-unification and family centred-ness.
4. It is envisaged that the study would therefore be beneficial to the Institution and feedback would be provided on completion of the study.
5. Permission is therefore requested to undertake the research at the facility. A sample of 25 youth would be interviewed for the purpose of the study. Confidentiality would be maintained at all times and subjects would have to consent to participate in the study.

Your co-operation is highly appreciated.

.....
Miss V Singh
Social Worker

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