

**PERCEPTIONS OF PARENTS, CAREGIVERS AND SOCIAL WORKERS ON  
RECIDIVISM IN CHILDREN WHO HAVE COMPLETED A DIVERSION  
PROGRAMME IN AMAJUBA DISTRICT OF KWAZULU-NATAL PROVINCE**

By

**BUSISIWE MAVIS SIBISI  
STUDENT NUMBER: 217077644**

This dissertation is submitted in fulfilment of the requirements of the degree of  
**Master of Social Sciences: Social Work**

In the  
**School of Applied Human Sciences  
(Discipline of Social Work)**

At the  
**University of KwaZulu-Natal  
Howard College Campus  
Durban  
Republic of South Africa**

Prepared under the supervision of  
**Professor F.N.M Mazibuko**

MARCH 2022

**DECLARATION**

I declare that this dissertation, titled “*Perceptions of parents, caregivers and social workers about recidivism of children who have completed a diversion programme at Amajuba District KwaZulu-Natal Province*”, is a reflection of my own effort and that all the sources that I have used or quoted have been indicated and acknowledged through references.

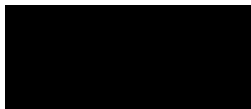
.....

**Sibisi Busisiwe Mavis**

.....

**Date**

This dissertation has been submitted with the approval of the research project supervisor.



.....

**Professor F.N.M. Mazibuko**

**Supervisor**

15 March 2022

.....

**Date**

## **ACKNOWLEDGEMENTS**

### **PROFESSIONAL ACKNOWLEDGEMENTS**

- To my supervisor, Professor Fikile N.M. Mazibuko, I thank you for your patience, consistency, support, and professional tutelage. You played a vital role in ensuring that I completed this project. You really displayed the notion of Ubuntu. May you continue playing this vital role in promoting education.
- I would like to express my gratitude to Dr Stanley for your selfless assistance. You took your time to encourage me, guiding and critiquing my research. Your desire to see me excel has been my inspiration through this entire research journey.
- My heartfelt appreciation goes to each of the participants who shared their personal experiences, thoughts and perceptions with me; your co-operation is invaluable.
- Thank you, Department of Social Development, for providing permission to conduct my research and financial assistance is hereby acknowledged.

### **PERSONAL ACKNOWLEDGEMENT**

- I would like to thank my Heavenly Father for giving me all the strength to attain this milestone.
- I am thankful to my late beloved parents; (Dube, Bayisa, Mtima) your support, willingness to help and belief in me gave me the confidence that I could do it. I could not have reached this far without your support. You always pushed me to do my best. Hard work and persistence are traits that you not only instilled in me but demonstrated every day.
- To my husband, Sifiso Reginald Sibisi, I will always cherish your patience and understanding of my quest for knowledge.
- My gratitude is extended to my children, Lindokuhle and Siyethemba, for their support, encouragement and belief in me during the research process. To my siblings, I appreciate the support you gave me during my studies.
- Special thanks go to my sister Busisiwe Maphanga who supported me from the beginning to the end of this research. May God bless you.
- To my peers Mr. Nzuza and Buyisiwe Nkosi, I thank you for the words of encouragement you rendered.

Crime is a serious cause for concern for every nation and more worrisome is the involvement of children in criminal activities. The South African government has an obligation to ensure that children found to be in conflict with the law benefit from diversion and other legal alternatives to the greatest extent possible. The Child Justice Act (Act No. 75 of 2008) provides for the diversion of such children, with experts recommending that parents and caregivers monitoring their compliance with these diversion orders. The study seeks to establish the views of parents and caregivers regarding the factors contributing to reoffending among children who have completed the diversion programme and how they perceive their role when children going through the diversion programme. The study further examines social workers' experience in working with the parents and caregivers of the young re-offenders, particularly the services and support offered to parents and caregivers.

This study employed qualitative research methodology, specifically interviews to solicit data from the participants. This methodology fostered an in-depth understanding of the phenomenon being explored. The interviewees were parents, caregivers of the children who reoffend after completing the diversion programme and social workers who had been working with the young re-offenders' families. In addition to primary data, secondary data were used to complement raw data collected from the field. The thematic analysis was used to analyse data. The theoretical paradigm supporting the study is interpretative and it was applied to encompass participants' varied views.

The study found that the parents and caregivers experience emotions such as shock, anger, frustration and disorientation at their children's arrest and the subsequent appearances before the courts. The parents and caregivers experience emotional strain as a result of the monitoring role they assume to ensure children's compliance with diversion orders. The study further revealed that the parents and caregivers need support services to help them cope with the child's arrest and the subsequent diversion.

Thus, the study recommends that parents and caregivers be included in the diversion programme to bring about a more positive impact. Aftercare and follow-up services have to be rendered to all the children who would have completed the diversion programme. The study further recommends the drawing of a policy that raises parenting skills for parents and caregivers of the children in constant conflict with the law.

## **ACRONYMS**

CCA	: Citation Content Analysis
CDYOS	: Country Durham Youth Offending Services
CJA	: Child Justice Act
CJCP	: Centre for Justice and Crime Prevention
CR	: Community Resolution
DSD	: Department of Social Development
IPE	: Institute for Economical Peace
KZN	: KwaZulu-Natal
NCAJ	: National Council on the Administration Justice
NICRO	: National Institute for Crime Prevention and Reintegration of Offenders
OoCD	: Out of Court Disposal
RJ	: Restorative Justice
SACSSP	: South African Council for Social Services Professionals
UNODC	: United Nations Office on Drug and Crime
YC	: Youth Caution
YCC	: Youth Conditional Caution
YJS	: Youth Justice System
YOS	: Youth Offending Services
SWOT	: Strengths, Weaknesses, Opportunities, Trends

## Table of Contents

DECLARATION .....	ii
ACKNOWLEDGEMENT .....	iii
ABSTRACT.....	<b>Error! Bookmark not defined.</b>
ACRONYMS .....	v
List of Tables and Figures.....	x
CHAPTER 1 .....	1
INTRODUCTION AND BACKGROUND OF THE STUDY.....	1
1.1 Introduction .....	1
1.2 Background to and rationale for the study.....	1
1.3 Research problem .....	3
1.4 Research aim and objectives .....	4
1.4.1 Aim .....	4
1.4.2 Objectives.....	4
1.4.3 Research questions .....	5
1.5 Theoretical Framework.....	5
1.6 Significance of the study .....	6
1.7 Study assumptions .....	6
1.8 Definition of concepts.....	7
(i) Children in conflict with the law.....	7
(iii) Recidivism .....	7
1.10 Thesis outline .....	8
1.10 Conclusion.....	9
CHAPTER 2 .....	10
LITERATURE REVIEW .....	10
2.1 Introduction .....	10
2.2 The state of children in conflict with the law in an international context.....	10
2.2.1 The children in conflict with the law in England and Wales .....	10
2.2.1.1 Intervention programmes.....	12
2.2.1.2 The role of parents and caregivers in the intervention programmes.....	14
2.2.2 Children in conflict with the law in the United States of America (USA).....	15
2.2.2.1 Intervention programmes.....	16
2.3 The state of children in conflict with the law in an African context.....	20
2.3.1 Children in conflict with the law in Nigeria.....	20
2.3.1.1 Intervention programmes.....	20

2.3.2 Children in conflict with the law in Kenya .....	23
2.3.2.1 Intervention programmes .....	24
2.3.3 Children in conflict with the law in South Africa.....	28
2.3.3.1 Intervention programmes.....	31
2.3.3.2 The role of parents and caregivers in the intervention programmes.....	36
2.3.3.3 The role of the social worker in the intervention programmes.....	39
2.4 Similarities and differences in the interventions .....	41
2.5 Theoretical framework .....	42
2.6 Conclusion.....	46
CHAPTER 3 .....	47
METHODOLOGY .....	47
3.1 Introduction .....	47
3.2 Research paradigm .....	47
3.3 Research design .....	48
3.4 Research approach.....	48
3.5 Data collection method.....	51
(i) In-depth interviews.....	51
(ii) Dyadic interviews.....	51
3.6 Data collection instruments.....	52
3.6.1 Researcher as key instrument.....	52
3.6.2 Interview schedule.....	53
3.7 Pilot study .....	53
3.8 The interview process .....	54
3.9 Method of data analysis.....	55
3.9.1 Phase one: Familiarising with the data.....	56
3.9.2 Phase two: Generating initial codes .....	56
3.9.3 Phase three : Searching for themes.....	56
3.9.4 Phase four : Reviewing themes and genetating a map for analysis .....	56
3.9.5 Phase five: Defining and naming the themes and identifying sub-themes .....	57
3.9.6 Phase six: Writing data analysis and linking the data to other research findings .....	57
3.10 Ethical considerations .....	57
3.11 Trustworthiness .....	58
3.12 Limitations of the study .....	59
3.12 Conclusion.....	59
CHAPTER 4 .....	60

PRESENTATION OF FINDINGS AND DATA ANALYSIS.....	60
4.1 Introduction .....	61
4.2 General description of the participants .....	62
4.3 Presentation and analysis of results from individual interview and data coding.....	63
4.4 An overview of individual interview on research question one and emerging themes.....	66
4.5 The Environmental, individual, and socio-economic factors .....	66
4.5.1 Substance abuse .....	67
4.5.2 Peer pressure .....	69
4.5.3 School dropout.....	70
4.7 Individual factors.....	72
4.7.1 Aggressive behaviour .....	72
4.6 Socio-economic factors.....	73
4.6.1 Single parenting .....	73
4.6.2 Unemployment and poverty.....	74
4.7 Common crimes committed by re-offenders .....	75
4.7.1 Housebreaking .....	75
4.7.2 Theft.....	76
4.7.3 Robbery.....	76
4.7.4 Housebreaking and theft .....	77
4.8 The perceptions of parents, caregivers and social workers regarding diversion programme for children in conflict with the law in Amajuba District.....	77
4.9 Contributions of parents, caregivers and social workers in supporting the reoffending child whilst on the programme .....	81
4.10 How have parents, caregivers and social workers interpreted their roles and responsibilities in the diversion programme and how do their interpretations relate to the legislative framework .....	82
4.11 Perception of social workers on their support services rendered to the parents, caregivers and children .....	85
4.12 Conclusion.....	87
CHAPTER 5 .....	88
SUMMARY OF FINDINGS, DISCUSSIONS, CONCLUSIONS & RECOMMENDATIONS .....	88
5.1 Introduction .....	88
5.2 Aim of the study.....	88
5.3 The objectives of this study were: .....	88
5.4 Theoretical integration .....	89
5.5 Summary of methodology .....	89
5.6 Summary of the key findings and conclusion .....	89

5.6.1 Objective 1: To understand the perceptions of parents, caregivers and social workers about factors which contribute to child recidivism in Amajuba District. ....	90
5.6.2 Environmental factors.....	90
5.6.2.1 Substance abuse .....	90
5.6.2.2 Peer pressure .....	91
5.6.2.3 School dropout.....	91
5.6.3 Individual factors.....	92
5.6.3.1 Aggressive behaviour .....	92
5.6.4 Socio-economic factors.....	93
5.6.4.1 Single parenting .....	93
5.6.4.2 Unemployment and poverty.....	94
5.6.5 Objective 2: To identify offences or crimes which are commonly committed by re-offenders .....	94
5.6.6 Objective 3: To understand the perceptions of parents, caregivers and social workers about the diversion programme for children in conflict with the law in Amajuba District .....	95
5.6.7 Objective 4: To know the contribution of the parents, caregivers and social workers in supporting the re-offending child whilst on the diversion programme .....	96
5.6.8 Objective 5: To understand the interpretation of parents, caregivers and social workers' role and responsibilities in the diversion programme in line with those outlined in the legislative framework.....	97
5.6.9 Objective 6: To learn more on the perceptions of social workers on support services rendered by social workers to parents, caregivers and children.....	98
5.7 Limitation of the study.....	100
5.8 Recommendations for future research.....	100
5.9 Conclusion.....	101
References .....	102
APPENDICES .....	118
Appendix 1: Ethical Clearance Certificate.....	118
Appendix 2: Gate-Keepers Letter.....	119
Appendix 3: Interview Guide .....	120

## List of Tables and Figures

<b>Number</b>	<b>Table</b>	<b>Chapter</b>	<b>Label</b>
1.	2.2.2.1.1	2	Types of diversion programme
2.	2.3.3.1	2	List of top 10 crimes committed by children and percentages
3.	3.4.1	3	Description of interview participants
4.	4.1.1	4	List of participants who partook in the study
5.	4.2.1	4	Description of interview participants
6.	4.3.1	4	Presentation of coded for each participants participated in the interviews
7.	4.5.1	4	The Emerged Themes
8.	4.9.1	4	Crime committed by re-offenders (Emerging Themes)
9.	5.6.1.1	5	The Emerging Themes

## **CHAPTER 1**

### **INTRODUCTION AND BACKGROUND OF THE STUDY**

#### **1.1 Introduction**

The study seeks to establish the views of parents and caregivers on the factors that contribute to reoffending among children who have completed the diversion programme and how they perceive their role when the children are attending diversion programmes. The study further examines the social workers' experience in working with the parents and caregivers of the young reoffenders, in terms of the services and support they render to these parents, caregivers and children. In a study conducted by Burker, Mulvey, Schubert, and Garbin (2014) on the challenge and opportunity of parental involvement in juvenile justice services, it emerged that a parent-child relationship, whether positive or negative, is a significant factor in the development of an adolescent. An adolescent attains independence, having moved from this primary relationship, and returns to it in varying ways throughout adulthood. Resultantly, parental involvement now plays a crucial role in promoting the child's positive outcomes in education, mental health, child welfare and juvenile justice.

This chapter presents the background to and rationale for the study; it outlines the research problem, research aims and objectives, theoretical framework, significance of the study, study assumptions, definition of concepts, structure of the dissertation and conclusion.

#### **1.2 Background to and rationale for the study**

Crime is a serious problem confronting South Africa, and according to Bezuidenhout (2013), juvenile offenders' crime is particularly on the increase. There were 3594 juvenile offenders serving prison sentences, and of these, 52% were awaiting trial, 48% had been already convicted and 12% were sex offenders (Bezuidenhout, 2013). In their study of the factors contributing towards recidivism among incarcerated youths in the Barberton Youth Development Centre, Mpumalanga Province, Mabuza and Roelofse (2013) found that the ineffectiveness of the rehabilitation programmes contributing to recidivism. They further indicate that statistically, a total of 286 recidivists were imprisoned for reoffending. The South African Briefing Paper on recidivism published in 2012 attributed the high number of re-

offending cases to overcrowding in South African prisons. In his address to Parliament in 1994, the President Nelson Mandela paved the way in terms of attending to the complex question of children in juvenile detention centres and prisons (Bezuidenhout, 2013). This saw the Child Justice Act (Act No 75 of 2008) being instituted to address the treatment of children.

South Africa has not provided many of its children, particularly Black children, with the opportunity to live and act like children, and also that some children, as a result of the circumstances in which they find themselves, have ended up conflicting with the law (Bezuidenhout, 2013). The Child Justice Act (Act No 75 of 2008) aims at establishing the principles of restorative justice system for children in conflict with the law. Bezuidenhout (2013) defined restorative justice as an approach that aims to involve the child offender, the victim, the families concerned and, where appropriate the community members affected by crime in terms of the said Act in order to encourage the reintegration of children. He further indicates that restorative justice seeks to collectively identify, and address harms caused by the child offender, his needs and obligations through accepting responsibility, making restitution, taking measures to prevent the recurrence of committing crime and promote reconciliation.

One of the major purposes of the Child Justice Act (Act No. 75 of 2008) is to divert children away from formal court procedures, when there is sufficient evidence to prosecute the child (Child Justice Act, Section 1). Section 2 of the Child Justice Act (Act No. 75 of 2008) specifically states that diversion aims to encourage accountability and meet child offenders' individual needs; reintegrate and reconcile them with the family, community and victim(s); provide the opportunity for the victims to express their views and benefits from compensation; prevent stigmatisation and the child receives a criminal record. Section 56 (2a) of the Child Justice Act (Act No. 75 of 2008) places the responsibility of providing and accrediting the diversion programmes in the hands of the Department of Social Development (DSD). Overall, diversion programmes are accredited and implemented under the auspices of the Department of Social Development. With specific reference to this study, Amajuba District is accredited for implementing the following programmes: Rhythm of Life, which is a life skills programme; Wake up Call, a substance abuse programme; In the Mirror - a programme for sexual offenders; Reverse Your Thinking - a restorative justice programme and Mind the Gap - an aftercare programme.

The researcher was motivated to conduct this study by the gap existing in the literature that articulates the reasons why children re-offend after attending and completing diversion

programmes. The researcher sought to determine if the parents or caregivers were conscious of the diversion programmes and what are they thought about them. Precisely, the study wants to establish the views of parents, caregivers and social workers on factors that contribute to reoffending among children who have attended the diversion programme and how they perceive their role when children are attending diversion programmes.

This study was instigated by the escalating number of children who reoffended after having completed the diversion programme. In the Amajuba District of KwaZulu-Natal Province, the number of children in conflict with the law stood at 889 for the period 2014-2016. The number of children referred for diversion programmes was 280 and those who completed the diversion programme were 265. However, 26 children reoffended. The types of crime committed by these children were as follows: assault, common assault, housebreaking, theft, robbery, grossly body harm (GBH) (Amajuba District Non-Financial Performance Information Records, 2014-2016).

### **1.3 Research problem**

A research problem, as defined by Polit and Beck (2014), articulates the circumstances and an argument that justify the need for a study. It is a topic, phenomenon, or challenge that the researcher is interested in exploring and which the researcher is somewhat unfamiliar with.

Mabuza and Roelofse (2013) highlighted that the researcher of Msogwaba Trust in Mbombela (Mpumalanga Province, South Africa) observed that criminal activities committed by children who have previously been convicted and have undergone prescribed correctional sentences are escalating outrageously. Mendel (2011) reported that 81% of the male children and 45% of the female children were rearrested within 36 months after their release. Furthermore, research conducted in America indicates that South Africa has the highest rate of detained children which is 69 per 100 000 after America with 336 of every 100 000 children (Anie E. Casey Foundation, 2011).

In the Republic of South Africa, the Department of Justice and Constitutional Development (2014) reported that 11 536 children were referred to a children's court at the preliminary phase of the child justice process between 2011 and 2014. However, from the total number of court cases finalised between 2009 and 2010 and between 2010 and 2011, 16 058 and 16 462 children respectively were diverted (National Prosecuting Authority, 2010; 2011). During the period 2012-2013, a total of 6 605 children, and during the 2013-2014 period, 6 352 children were

diverted (National Prosecuting Authority, 2013/2014 Annual Report). In line with South Africa's constitutional and legislative frameworks, these children were diverted from formal court processes to formal diversion programme.

The escalating number of repeat offenders seems to pose a persistent challenge. They are re-arrested and end up in the Child Justice Court, reform schools and even in correctional centres, depending on the nature and seriousness of the crime the child has committed. These statistics justify that the children committed crimes and were placed accordingly (Department of Justice and Constitutional Development Report, 2014). According to Schoeman (2013), recidivism rates in South Africa are approximately between 55% and 95%. A Council of Juvenile Correctional Administrators White Paper (2009) reported that the rate of juvenile reoffending stood at 66%, when recidivism is measured by re-arrests. This indicates that the diversion programmes and the sentencing of children in conflict with the law are available but what is unavailable is the specification of the diversion programme in relation to the crimes being committed. The views of the parents, caregivers and social workers regarding the implementation of an aftercare programme are not mentioned. That is what the researcher hopes to find out through undertaking this study.

## **1.4 Research aim and objectives**

### **1.4.1 Aim**

The aim of the study is to find out the perceptions of parents and caregivers about diversion programme and children who are re-offending after attending the diversion programme within Amajuba District of KwaZulu-Natal Province.

### **1.4.2 Objectives**

1. To understand the perceptions of parents, caregivers, and social workers about the factors which contribute to child recidivism in Amajuba District.
2. To identify offences or crimes which are commonly committed by re-offenders.
3. To understand the perceptions of parents, caregivers, and social workers about the diversion programme for children in conflict with the law in Amajuba District.
4. To know the contribution of the parents, caregivers, and social workers in supporting the reoffending child whilst on the diversion programme.

5. To understand the interpretation of parents, caregivers and social workers' role and responsibilities in the diversion programme in line with the legislative framework and
6. To learn more on the perceptions of social workers on support services rendered by social workers to parents, caregivers, and children.

### **1.4.3 Research questions**

1. What are the perceptions of parents, caregivers and social workers about the factors which contribute to child recidivism in Amajuba District?
2. What are the common crimes or offences committed by the re-offenders?
3. What are the perceptions of parents and caregivers about the diversion programme for children in conflict with the law in Amajuba District?
4. What are the contributions of parents, caregivers and social workers in supporting the re-offending child whilst on the diversion programme?
5. How have parents and caregivers interpreted their roles and responsibilities in the diversion programme and how their interpretations relate to the legislative frameworks?
6. What are the perceptions of social workers about their support services rendered to the parents, caregivers, and children?

### **1.5 Theoretical Framework**

The study used the ecological systems theory as it provides the appropriate theoretical lens of understanding lived experiences of children in conflict with the law. This approach identified the interdependence and interconnectedness between the child in conflict with the law and the environment. According to Guy-Evans (2020), the relevance of ecological systems theory in working with children in conflict with the law derived from the fact that child development as a complex system of relationships affected by multiple levels of the surrounding environment, from immediate settings of family and schools to broad cultural values, laws, and customs. In that sense, to study a child's development one must look not only at the child and his/her immediate environment, but also at the interaction of the larger environment as well.

Teater (2010), described ecological systems approach as focusing on the person-in-environment configuration and the continual interaction and transaction between persons, families, groups or communities, and their environments. Ecological systems approach in working with children and their families means that every event or phenomenon must be seen as part of a whole and that it can be properly understood concerning every other part of the larger system. In that sense, there is a dynamic connection between the individual, the family, and the environment in which they live in. The nature of human experience and interaction in the community is complex and it is, therefore, essential to adopt a holistic approach when working with children and their families (Boston & Broad, 2007). The ecological systems approach, therefore, deemed suitable for this study because of its amenability to the understanding of interconnected of children and their environment.

### **1.6 Significance of the study**

The study is beneficial to the Department of Social Development as it is able to identify the gaps in terms of service delivery. The study benefits the relevant role players, particularly social workers, police officers, prosecutors, parents and caregivers within Amajuba District in KwaZulu-Natal Province. The study hopefully impact positively on the diversion programme, resulting in the modification of the behaviour of the young offenders and the perceptions of the parents and caregivers on the programme. The study identifies possible competences and skills that are desired by the parents and caregivers in fulfilling their roles in the diversion programme. The study fosters in-depth understanding of the perceptions of professional social workers on the diversion programme and its impact on children's recidivism.

### **1.7 Study assumptions**

Neuman (2006) delineates a hypothesis as a tentative statement about a relationship between phenomena whose truthfulness researchers are uncertain about, or whether that truthfulness actually applies to the empirical world. The researcher then assumed that children reoffend because of lack of support from parents and caregivers in an environment that is conducive to re-offending.

## **1.8 Definition of concepts**

The following definitions form an integral part of this research as they are used frequently. The aim of clarifying these concepts is to prevent any misunderstanding thereof and to ascertain whether or not readers and researchers attach the same meanings to the concepts mentioned in the study (De Vos, Strydom, Fouche & Delpont, 2012).

### **(i) Children in conflict with the law**

The term children in conflict with the law refers to anyone under the age of eighteen, who comes into contact with the justice system as a result of being suspected or accused of having committed an offence. These children often commit petty theft or other minor offences like vagrancy, truancy, begging or alcohol use. Some of these offences are “status offences” and are not considered crime when committed by adults. In addition, some children engage in criminal behaviour because they would have been coerced to do so by adults. Prejudice related to race, ethnicity or social and economic status may result in a child getting into conflict with the law even when no crime has been committed, or result in the child being harshly treated by law enforcement officials (UNICEF, 2003).

### **(ii) Diversion**

According to Sloth and Gallinetti (2004), diversion is a process of referring children who are under the age of 18 years and who have committed offences in cases where there is enough evidence to prosecute them away from the formal criminal justice proceedings to the formal procedures as recognised by the Child Justice Act (Act No. 75 of 2008).

### **(iii) Recidivism**

Lockwood and Mangers (2009) indicated that recidivism is most commonly measured in terms of rearrests, referral to court, reconvictions or reconfinement. According to Ssebuggwano (2010), recidivism is called backslid or falling back into previous criminal behaviour. Mckean and Randsford (2004) describe recidivism as generally understood to be a relapsed into prior criminal behaviour and is measured by the former prisoner’s return to prison after having committed a new offence.

## **1.9 Thesis outline**

The outline of the thesis is presented below:

### **Chapter 1: Introduction**

As illustrated above, Chapter One is an introductory chapter which provides a background to the study, outlines study objectives, and explains the need for the study as well as the research questions the study sought to answer.

### **Chapter 2: Literature Review & Conceptual Framework**

Chapter Two is an overview of the literature review pertaining the state of children in conflict with the law at both international and national level. It focuses on studies that have been carried out in the field of intervention programmes in doing so the researcher was able to locate the gap this study seeks to fill. Further the chapter provides a conceptual underpinning / framework which helps the reader understands the lived experiences of children in conflict with the law.

### **Chapter 3: Research methodology**

A description of the research process that unfolded throughout the conduct of this study is offered in Chapter Three. The methodology used in the study, which included qualitative methodologies to allow for data collection and analysis, is described in this chapter. The study used a qualitative approach that was guided by an interpretivist perspective. The research setting, data collection instruments, data collection, and data analysis are all covered in this chapter. It also goes into great depth on how rigor and ethical concerns were addressed.

### **Chapter 4: Presentation of findings, Data analysis and Discussions**

The findings from the data gathered through in-depth interviews and dyadic interview are presented in this chapter, further data is analysed using Braun and Clarke's (2006) thematic method, and the results are discussed.

### **Chapter 5: Limitations, Recommendations and Conclusions**

The chapter provides the study limitations and summarizes the research findings according to key objectives and makes recommendations for further research based on the findings

## **1.10 Conclusion**

This chapter outlined the background to and rationale for the study. It further presented the research problem, aims and objectives of the study which provided the frame of reference for the study. It also outlined the theoretical framework and significance of the study. Thereafter, significant concepts were explained together with chapters constituting the dissertation. The next chapter reviews literature pertinent to the perceptions of parents and caregivers with regard to the diversion programme and re-offending from the South African and international perspectives.

## **CHAPTER 2**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

Juvenile crimes are among the most urgent social problems. Children's inability to cope with the challenges they face during their difficult developmental stage aggravates their propensity for committing crime (Lelekov & Kosheleva, 2008). Children in conflict with the law have been found to come from communities characterised by a high crime incidence, poor socio-economic conditions, inadequate parenting, child maltreatment, family disruption, poor parental supervision and parent criminality (Arthur, 2007). As primary socialising agents, parents play a critical role in guiding and monitoring children's adherence to socially acceptable norms. Parents' failure to fulfil these roles may lead to children becoming vulnerable to alternative influences which, in turn, could contribute to their involvement in anti-social behaviours (Abdulla & Goliath, 2015).

This chapter explores the state of children in conflict with the law, with a focus on the offences they commit, the percentage of children committing the crimes and the intervention programmes being implemented. The study specifically focuses on the role of parents, caregivers, and social workers in the intervention programmes. The study reviews the state of children in conflict with the law within the African and international contexts to illustrate the similarities and gaps in the interventions.

#### **2.2 The state of children in conflict with the law in an international context**

##### **2.2.1 The children in conflict with the law in England and Wales**

The function of the Youth Justice System in England and Wales is to prevent offending and reoffending by children under the age of eighteen years (those aged 10-17 years). The system addresses the needs of the children. In the year ending March 2016, the police in England and Wales arrested 88 600 children. In the same period, 18 000 children in England and Wales

were given youth cautions, representing a 17% decrease in comparison with the 21 700 reported in the year ending March 2015 (Youth Justice System, 2015/16).

The average age of children who have committed crime for the first time was 15 years. The majority (69%) of the children were aged between 15 and 17 years and those aged between 10 and 14 years constituted 31% of the children. The number of young females arrested was 14 900 (17% of the total). The number of females who committed crime for the first time was 21% in the year ending March 2016. The children who were from a Black, Asian and other minority groups accounted for 19% in the period ending March 2016, while White children accounted for 72% of the total number (Youth Justice System, 2015/16).

The Youth Justice System (2015/2016) indicated that 79 600 children were convicted or cautioned for proven offences in the year ending March 2016. The number of proven offences in 2016 had decreased by 9% compared with the year ending March 2015. The commonest offences committed by children were violence against the person at 26%, theft and handling at 14%, and criminal damage at 12%. The largest proportion of proven offences in the year ending March 2016 was violence against the person. There was an increase of percentage points for drug-related offences from 6% to 11%. The largest decrease was for motoring offences, which dropped by eight percentage points from 12%. The theft and handling offences decreased by four percentage points from 14%.

The data from the Ministry of Justice's Court Proceedings Database shows the outcome for children remanded into custody and given a custodial remand in the year ending March 2016; 65% of the children were given a non-custodial outcome following their remand. This percentage was made up of 27% that were acquitted and 38% that were given a non-custodial sentence. Thirty per cent (30%) were community sentences and 8% were other sentences. The percentage of children who were not given a custodial sentence following a custodial remand decreased slightly in the year ending March 2015, with 66% of the children having been given a non-custodial outcome following a custodial remand. The proportion of children on a custodial remand and who did not receive a custodial sentence was higher in the magistrates' courts (79%) than the Crown Court (40%).

The number of children arrested in 2019/20 were 19 000 (Youth Justice Statistics, 2019/20). The Youth Justice Legal Centre (2020/21) indicated that 46 000 children arrested in England

and Wales for the year ending March 2021. In addition to that, Youth Justice Statistics, 2020/21, there were 49 500 arrests of children aged (10-17) for notifiable offences.

In terms of reoffending, 36 000 children received a caution, a non-custodial conviction at a court or were released from custody in the year ending March 2015. Of these, 13 700 children committed proven re-offences within the one-year follow-up period. The rate of proven reoffending was 37.9%, showing a slight decrease of 0.1% point compared with the reoffending rate for the year ending March 2014 cohort. The cohort accounts for a 14% decrease, compared with the year ending March 2014. During the same period, the number of re-offenders decreased by 15% and the number of re-offences went down by 10% (Youth Justice System, 2015/16).

The re-offending children committed a total of 45 300 re-offences, representing an average of 3.3 offences each. The rate of reoffending for those released from custody was 68.7%. There was 1.5% increase between the years ending March 2014 and March 2015. The reoffending rate for the 10-14-year-olds was higher than that of the 15-17-year-olds, this represented 39.0% and 37.5% respectively (Youth Justice System, 2015/16). The reoffending rate was 37.7% in the 2019/20. The number remained increase than ten years ago. (Youth Justice Statistics, 2019/20). The reoffending rate for children for the year 2020/21 was 34.2% (Youth Justice Legal Centre, 2020 / 21). The reoffending rate fell to 34.2%. The 3,6 % decrease on the year March 2020/21 was because patterns of crime affected by corona virus (COVID 19) pandemic and government instruction to limit social contact (Youth Justice Statistics, 2020/21).

### **2.2.1.1 Intervention programmes**

The cyclical nature of young people entrenchment into the Child Justice System (CJS) was both a burden to the society of England and Wales and to the child in conflict with the law, generating both budgetary constraints and a higher risk of recidivism. Increased criminalisation of children was also associated with the increased risk of victimisation, including personal assault. Therefore, preventing the criminalisation of young people was of particular importance as it improved employment and subsequent life prospects (Bateman, 2015).

Bateman (2015) further stated that in order to prevent ‘widening the net’ and the unnecessary punishment of children in conflict with the law, early and informal interventions have to be adopted to improve response to minor delinquency. Diverting children in conflict with the law from formal sentencing prevented the potential development of lifelong offending behaviour.

However, the diversion of children in conflict with the law from the formal youth justice system by providing non-statutory alternative is not a new concept (McAra & McVie, 2010). A shift in the 1980s from the formal sanction of youth offenders to diversion saw a decline in youth crime rates, initiating a positive movement towards decriminalisation (Sage, Soppitt & Irving, 2014).

The introduction of the Youth Crime Action Plan (which focused on preventing first-time entrances into the Child Justice System, limiting the number of children in custody and reducing reoffending) gravitated towards the utilisation of preventative measures (Home Office, 2008). One apparent resolution adopted in response to minor crimes included the introduction of non-statutory Community Resolutions (CRs) used flexibly at police discretion, following the Legal Aid, Sentencing and Punishment of Offenders Act of 2012 (The Act of 2012). The Out-of-Court Disposal (OoCD) option used with under 18- year-old children who had committed a low-level offence included: Youth Caution (YC), Youth Conditional Caution (YCC). The Out-of-Court Disposal meant that the children had to be formally sanctioned, thus resulting in a police record (Youth Justice Board, 2015/16).

Nationally, in addition to the Out-of-Court Disposal “triage”, arrangements which have resulted in ‘No Further Action’ on police records and referral to appropriate services as well as diversionary and liaison scheme, were also developed as additional disposal options or accompaniments to the Out-of-Court Disposal resolution (Bateman, 2015). Several diversionary and triage models or initiatives exist at both local and national levels, with the aim of tackling the reasons for offending, including the utilisation of the Restorative Justice (RJ) approach (Creaney & Smith, 2014).

Haines, Case, Davies, and Charles (2018) indicated that several models of diversionary schemes or triage currently exist across England and Wales; such models include the Swansea Bureau, the Youth Justice Liaison and Diversion Scheme in Liverpool, and the Durham Model devised since 2007/2008 by the Country Durham Youth Offending Services (CDYOS). An evaluative review of existing triage schemes by the Home Office (2012) suggests that triage was valued highly across all case study areas for its diversionary approach and its implementation of early intervention strategies. The schemes worked particularly effectively when there is an established relationship between the Youth Offending Services (YOS) and the police, and when both services are working towards a shared goal. Furthermore, the triage schemes have resulted in cost savings, specifically the Country Durham Youth Offending

Services (CDYOS), a Durham model which has presented significant cost savings for the Youth Offending Services, the police and the Child Justice System (Ministry of Justice, 2012).

### **2.2.1.2 The role of parents and caregivers in the intervention programmes**

The Youth Justice System (YJS) in England and Wales has been of particular interest to other European jurisdictions for its longstanding policy emphasis premised on parental responsibility, as envisioned by in the Youth Crime Action Plan of 2008, Every Child Matters of 2004, and the Crime and Disorder Act of 1998 (Act of 1998). Whilst these policy manifestations and practical implementation of parental engagement have been argued to be positive, they have been found to be somewhat negative. Parents have been viewed as variously feckless, deficient and disinterested and the remedies have been focused not on engaging or supporting parents but on enforcing responsibility on compulsory re-education and punishment for non-compliance. In contrast, the Swansea Bureau has embodied a different approach to the view of parents. In line with the ‘children first’ philosophy, parents were seen as the natural carers of young people and the family as the first point of reference for childrearing. The Swansea Bureau promoted this approach in two ways; thus, by not usurping parental authority and by engaging parents in decision-making processes (Haines, Case, Davies, & Charles, 2015).

Haines et al. (2015), in their study - the Swansea Bureau: A model of diversion from the youth justice system. A strong belief was indicated among key local stakeholders that the formal Youth Justice System responds to young people in a manner that effectively usurps parents’ responsibility. The first time the parent was informed about their child’s (alleged) offending behaviour, they were also told that the Youth Justice System was in the process of dealing with the young offender (and possibly the parent too!). Once the official processing of the young person’s alleged offence had begun, it could not be stopped, and parents had very little say in that process. The Swansea Bureau processes stall formal youth justice processes to prevent usurping parents’ responsibility and authority and to allow their engagement in the decision-making process (Haines, Case, Davies, & Charles, 2015).

Following a child’s arrest, the formal justice process stops, and the young person is bailed to the Swansea Bureau Clinic for two weeks in the presence of their parents. This is the first time the parents would be informed about their child’s behaviour, and that no formal decision would

be made at the time of the arrest. The parents would be further informed that a South Wales Police Officer or Young Offender Service Officer would visit the home to discuss the child's behaviour and what ought to be done, subsequently. In two weeks' time the parents would be invited to a meeting, where they are given the opportunity to discuss and agree with a Police Officer and Young Offender Service Officer on what to be done regarding their child's behaviour (Haines, Case, Davies, & Charles, 2015).

Apparently, the Swansea Bureau procedures were specifically designed to circumvent the tendency by the Youth Justice System to usurp parental roles and involvement in the decision-making process that concerns their own children. Further, parental participation was voluntary, and no parents had refused to engage in a Swansea Bureau Clinic (Haines, Case, Davies, & Charles, 2015). The parents were encouraged to take a central position in responding to the behaviour of their children and take responsibility for their future action and behaviour. The role of a parent became a key element in the reduction of re-arrests or conviction. The Swansea Bureau promoted parental engagement, believing that parents are best placed to support, encourage, and guide their children. This occurred naturally without official prompting, formal requirement, and threats of sanctions. The parents would take the opportunity to be part of the solution rather than being part of the problem (Haines, Case, Davies, & Charles, 2015).

### **2.2.2 Children in conflict with the law in the United States of America (USA)**

The Office of Juvenile Justice and Delinquency Prevention National Report Series published in January 2018 indicated that in 2017, juvenile courts in the United States of America handled 818 900 cases that involved children charged with violation of criminal law. A total of 809 700 children aged below eighteen years were arrested. The focus was on the four categories of offences which were often committed by children, and these included property offence cases, public order offence cases, person offence cases and drug law violation cases. Property offence cases constituted 32%, person offence cases were at 29%, public offence cases accounted for 25% and drug offence cases were at 13%. The estimates were based on data from 2 500 courts with jurisdiction over 86% percent of the United States of America's juvenile population in 2017.

In terms of differences based on gender, in 2017, the law enforcement agencies arrested 234 990 females younger than eighteen years of age and 547 715 males of the same age. Although

males accounted for 71% of the overall juvenile arrests in 2017, the female share was confined to certain offences, including larceny-theft (37%), liquor law violation (41%), simple assault (37%) and disorderly conduct (36%). The arrests of female offenders accounted for 20% of juvenile violent crimes and 26% of aggravated assault (Office of Juvenile Justice and Delinquency Prevention National Report Series, 2018).

The arrests of juveniles disproportionately involved the Blacks. The racial composition of the United States of America's juvenile population of ages ranging from ten to seventeen years was 75% Whites, 16% Blacks, 6% Asian/Pacific Islander and 2% for American Indians. More than half (52%) of all juvenile arrests for violent crimes involved Black youths, 45% involved White youths, 1% involved American Indians and 1% involved Asian youths. For property crime index arrests, the proportion was 56% White youths, 40% Black youths, 2% Asian youths and 25% American Indian youths (Office of Juvenile Justice and Delinquency Prevention National Report Series, 2018).

The number of children who reoffended within the first year constituted 49%. The repeat offenders rearrested for felony contributed 44%. Male recidivism rates were at 70% and those of the females comprised 43% in the twenty-four months after they had been arrested. In terms of race demographic, African American rearrested every year constituted 16% (Gaille, 2017).

There has been a decline in juvenile crime rates, the juvenile arrests declined 70% by 2016 (OJJDP Statistical Briefing Book, 2018). Despite this decline, large numbers of children enter the juvenile justice system each year owing to nonviolent and minor offences (Puzzanchera, 2014). This contact results from exclusionary policies such as expulsions, suspensions and arrests in their school (Farn, 2018). In addition to that, Youth Justice, (2021) indicated that in 2019, 696,620 children were arrested in the United States of America. It further revealed that 1,909 children were arrested each day in the United States of America.

### **2.2.2.1 Intervention programmes**

Diversion is an alternative to traditional case processing for the overburdened court system. The diversion programmes hold offenders accountable for their actions while allowing them to avoid negative consequences associated with the official juvenile justice system contact. The formal juvenile justice system has a potential to increase the likelihood of recidivism among children, particularly low risk offenders (Petrosino, 2013). Most children do not have subsequent justice system contact; hence, the diversion programme is a particularly appropriate

and proportional response for first-time, status, or other non-violent offenders. These children could be appropriately matched to the services being provided in the community, thereby reserving more intensive and costlier out-of-home services for children who need them, and/or those who are a threat to public safety (Farrell, Betsinger, & Hammond, 2018). Descriptions for different types of diversion programmes are provided in Table 2.1 below:

**Table 2.1 Types of diversion programmes**

<b>Programme type</b>	<b>Description</b>
<b>Police-led</b>	
Caution and Warning Programmes	The child receives a warning or formal caution instead of further justice system processing. Caution programmes occur pre-charge and are led by the police. Traditionally, caution programmes involved children, their parents and a police officer who described consequences of delinquent behaviour (Wilson, 2018).
Civil Citation Programmes	The programmes allow children to avoid arrest records by accepting citation for misdemeanour offences (Mears, 2016). As a condition of accepting citations and avoiding arrest, young persons may be required to complete community service hours, participate in intervention services, for example, counselling, restitution, apology letters (Farrell, Betsinger, & Hammond, 2018).
<b>Service coordination</b>	
Case Management	Case management or broker model programmes focus on coordinating and linking the young person to external services (Schwalbe, Gearing, McKenzie, Brewer, & Ibrahim, 2012). Case management programmes do not provide direct services

	themselves and rely on referral to external providers (Farrell, Betsinger, & Hammond, 2018).
Wraparound Services	Wraparound is a comprehensive, child and family-centred approach in which a team is built consisting of children, their family, their community, wraparound staff and service providers (National Wraparound Services, 2018). This team works collaboratively with the young person and family taking a leadership role, to identify needs, locate services and create an individualised plan (National Wraparound Services, 2018). The goal of wraparound services is to surround the family with a supportive team as they work together to meet the family's unique needs and goals (Farrell, Betsinger, & Hammond, 2018).
<b>Counselling/Skill-Building</b>	
Individual-Based Treatment	It includes individual, group counselling and crisis intervention (Farrell, Betsinger, & Hammond, 2018).
Family-Based Treatment	Family-based treatment includes counselling programmes such as Multisystemic Therapy and Functional Family Therapy (Farrell, Betsinger, & Hammond, 2018).
Mentoring	Mentoring programmes entail the pairing of a child and an adult, who may serve as a positive role model for the young person and provide a caring and supportive relationship (Farrell, Betsinger & Hammond, 2018).
Skill-Building Programmes	Skill-building programmes include employment training, truancy interventions, educational services and life skills training (Farrell, Betsinger & Hammond, 2018).
<b>Restorative justice</b>	

Victim-Offender Mediation	It entails an in-person meeting between the victim and offender(s) guided by a trained staff member or a volunteer (Bradshaw, Roseborough & Umbreit, 2006). These meetings offer an opportunity to humanise the process by allowing the victim to see the person who caused the harm and the offender to see and hear from the victim. Victim-offender mediation allows for a facilitated dialogue on how the offender can help to repair the harm done, including through an apology, restitution or community services (Umbreit, Coates & Vos, 2001).
Family Group Conferences	Family group conferences include a wider group of participants in addition to the victim and offender, including the family, friends and other important people in the victim's and offender's lives (Jeon, McGarrel, & Hipple, 2012). The conference allows for all participants to share their stories and how they were impacted by the crime and collaborate to foster ways through which the offender can make amends. Family group conferences are organised by conference coordinators who may be police officers or school officials. (McGarrel & Hipple, 2007).
Teen Court	It is an alternative to traditional court processing in which court proceedings are carried out by children volunteers who act as prosecutors, defenders, jury members, young adults included in the process and other roles. Teen court aims to utilise peer influence to positively alter children's behaviour (Choate & Manton, 2014). Teen court does not focus on establishing guilt as children often must admit guilt to participate (Bouchard & Wong, 2017). The primary goal is to reach a fair sentence for children in conflict with the law with the involvement of their peers. Teen courts impose sanctions, such as community services, future teen court jury service and apology letters (Gase, Schooley, DeFosset, Stoll, & Kuo, 2016). It can be diverse in nature, and a variety of

	<p>models exists, including the adult judge model, the children judge model and the peer jury model. They also differ in the types of sanctions imposed, the criteria for participation (offense type) and other characteristics (Cotter &amp; Evans, 2017).</p>
--	--

## **2.3 The state of children in conflict with the law in an African context**

### **2.3.1 Children in conflict with the law in Nigeria**

The Population Reference Bureau (2015) report indicated that Nigeria has a population of 182 million. Children constitute about 88 million of the population of Nigeria (State of the Nigerian Children (2015). The Mediterranean Journal of Sciences (2013) records indicated that the children in conflict with the law in Nigeria were 90%. The report further indicate the offences committed by the children in conflict with the law in Nigeria as follows, stealing (70%), housebreaking (10%), rape (5%), felony (1%), murder (1%), and armed robbery (1%).

#### **2.3.1.1 Intervention programmes**

The Child Rights Act (Act No. 26 of 2003) in Nigeria provided for four types of diversionary measures which were supervision, guidance, restitution and compensation of victims. Section 209 (2) of the Act stated that the offence involved should be of non-serious nature; there is a need for reconciliation and the family, school or other institution involved should react in an appropriate manner in circumstances it is deemed necessary in the best interest of the child in conflict with the law and the other parties involved.

##### ***2.3.1.1.1 Supervision and guidance***

Supervision and guidance should be administered by a parent, social worker, probation officer or teacher. The parent may be enjoined to ensure good behaviour on the part of the child in conflict with the law by setting tasks and duties to be undertaken at home and constantly monitor the child. The teacher could monitor compulsory school attendance to keep the child in conflict with the law from criminal tendencies, thus making them a responsible citizen. The

child in conflict with the law could report at the police station once a week for a specified period of time. The police officer monitors the behavioural changes of the child in conflict with the law (Ogunniran, 2013). These options were found viable in Nigeria as they were relatively cheap to implement because they make use of existing social structures, specifically the police and social welfare departments (Ogunniran, 2013).

#### **2.3.1.1.2 Restitution and compensation of victims**

Restitution relates to the return or restoration of moveable property that was stolen, dishonestly acquired or taken without permission. Compensation ensures that the child in conflict with the law does not enjoy the fruits of his or her crime as it would compel him or her to return such items. The impotence of these measures is that the victim is restored to the pre-criminality status quo and the child in conflict with the law escapes formal justice (Ogunniran, 2013).

#### **2.3.1.1.3 Non-custodial disposition measures**

These measures are provided for in the Child Rights Act (Act No 26 of 2003) and are consistent with the Tokyo Rules. They are meant to protect the child in conflict with the law not to face trial. The court may dismiss the charge against the child in conflict with the law or discharge the child on entering into a recognisance; the court may place that child under care order, guidance order and supervision order. These measures include the following: (1) discharging the child in conflict with the law and placing him/her under the supervision of the supervision officer, (11) committing the child in conflict with the law by means of corrective order to the care of the guardian and supervision of a relative or any other fit person. The parent or caregiver of the child in conflict with the law can be (1) ordered to pay fine, damages, compensation or costs (11) give security of the child's good behaviour or (111) enter into recognisance to take proper care and exercise proper control over him or her. The non-custodial disposition measures have other two provisions, that is group counselling and community service under supervision of the supervision officer.

##### **(i) Counselling or Group counselling**

The counsellor ought to have verbal counselling skills. The counsellor could use strategies like storytelling, which takes the children on an imaginary journey with the objective of creating a participatory environment. The counsellor must understand the nature, purpose and goal of

counselling. The fundamental goals include ensuring that the child releases his or her painful emotions, accepts his or her strengths/limitations and pursues developmental goals. The counsellor's goal is the consequence of his hypotheses of the child's behaviour. The counsellor must not hold on to the pre-determined agenda but should allow for flexibility to give priority to the child's goal. The option is relevant to Nigerian experience. From the nature of juvenile offending, status offence is prominent. Counselling sessions can be rendered to both the child in conflict with the law and the parent (Ogunniran, 2013).

**(ii) Community service under supervision**

A community service is sanctioned by the court, requiring the child in conflict with the law to undertake unpaid work for a certain number of hours for the good of the community. This measure views the community as a victim, hence requires reparation and restitution in the form of work. There are specific provisions regarding the prerequisite under which a community service order can be made. An essential element of the community service scheme is the opportunity it creates to promote a wide range of projects and a personalised or an individualised placement through which the children in conflict with the law get the opportunity to enhance their feelings of self-worth and self-respect. It fully exploits the potential and skills of the children in conflict with the law, with visible positive results being possibly achieved, thus realising the essence of rehabilitation (Ogunniran, 2013).

The order would in any type of service have a beneficial and salutary effect on the character of the child in conflict with the law. The community service officer and person against whom the order is made shall enter into a written agreement, specifying the number of hours of service to be rendered on a daily or weekly basis. The community service officer shall be appointed in each magisterial district of the State by the Attorney General of the State in consultation with the Commissioner responsible for Social Development (Ogunniran, 2013).

The child in conflict with the law can undertake community service in various departments of local government in the State, for instance in libraries, approved homes for the elderly. Due to the peculiarity of the vulnerability of the child in conflict with the law, the community service should, as close as possible, relate to the offence committed and the harm suffered by the community as a result of that offence. The visibly close connection between the community service and the offence makes it more likely that the child in conflict with the law and the community will both understand that such a child will be sorting out what he or she had done

wrong. It should not be simply punitive. The community service assignment needs to respect the child in conflict with the law. The service must be cognisant of the age and abilities of the child. Hence, it should not be carried out in such a way that demeans or endangers the individual's well-being (Ogunniran, 2013).

Diversion is an innovative provision that allows the earliest reintegration of the child in conflict with the law into the community to assume a constructive role. Against the backdrop of the nature of juvenile offending and the existing institutional framework, diversion is workable in Nigeria (Ogunniran, 2013).

### **2.3.2 Children in conflict with the law in Kenya**

The literature providing information on children in conflict with the law in Kenya has also been gleaned. This encompasses the offences committed by children in conflict with the law in Kenya and the percentages of children committing those crimes were gleaned from the Criminal Justice Report in Kenya (2016). The report indicates that the National Council on the Administration of Justice (NCAJ) commissioned an audit in 2015.

According to the Criminal Justice Report in Kenya (2016), the number of children in conflict with the law was recorded at 2570 in 2013 and 3455 in 2014. The offences committed by children in conflict with the law in Kenya were property offences, particularly theft or breaking charges amounted to 35% of the cases, followed by sexual offences amounted to 30%. The offences involving violence amounted to 9% and included serious assault with 4%, robbery with 2%, arson with 2%, and robbery with violence with 1%. Drug and alcohol offences amounted to 7% and one quarter of these were related to possession offences. The Report states that the number of children in conflict with the law as repeat offenders was recorded at 333 in 2013/2014.

Thuku (2017), revealed that 45% juveniles participate in criminal activities, that is, 20% theft, 15% pickpocketing, 12% robbery and 9% car-hijacking. In the report of probation orders (2018), 27,57 of young persons had committed general stealing, while 17, 65 committed assault causing actual bodily harm. Followed by possession of illicit brew and drugs amounted to 14,34%, malicious damage to property with 8,82% and creating disturbances with 17,72%. According to the Economic Survey Report in Kenya (2020), the number of children in conflict with the law was recorded at 6,030. The children in conflict with the law were categorised as

child delinquency amounted to 1,169, child offender with 1,211, child radicalisation with 37, child truancy with 3,454, drug and substance with 159.

The handling of children within the juvenile justice system in Kenya was explored by Okech (2016), who carried out a study on the effectiveness of treatment and the social re-integration of juveniles in Kenya, with a focus on practice and the latest developments. The author indicated that the handling of children within the juvenile justice system is characteristic of a society's perceived philosophical approach. In Kenya, this view has been framed by different situations, instruments and the practices shaped over time by colonial and successive government regimes. These philosophical standpoints are conceptual ideals that best explain the juvenile offender and the manner in which the State may respond within the parameters of a defined juvenile justice system. This conceptualisation rests upon society's view on childhood, adolescence, maturation and social development (Howell, 2009). The understanding that children are developmentally different from adults helps in shaping the philosophical perception of juvenile justice (Okech, 2016).

According to Howell (2009), there are three broad philosophical principles underpinning the administration of juvenile justice. These are diminished capacity or responsibility, proportionality and opportunity for reformation. Howell (2009) explains that the principle of diminished capacity focuses on the extent to which a juvenile has a capacity to bear blameworthiness or culpability for an offence. It considers whether the child has the ability to make full judgement in a circumstance that an adult would reason in a better way. The second principle springs from the notion that the child, even though, he or she may have the capacity to make judgement, cannot be required to take full accountability for the omission or commission and thus should not be subject to punishment that would have been meted out to an adult in a similar situation. In other words, the punishment should not be proportionate to the offence but should rather be cognisant of the child's developmental stages and their level of maturity. The last principle on opportunity to reform relates to the notion that adolescents in general are in transitory stages in life, thus they require safeguards and room to navigate through developmental stages into adulthood.

### **2.3.2.1 Intervention programmes**

Kenya has its methods of dealing with children in conflict with the law. The country has both custodial and non-custodial options available for dealing with children in conflict with the law.

Aside from a child found guilty of a capital offence (who must be held in custody at the President's pleasure), any other alternative to imprisonment may be granted. The applicable legislation in this regard includes, the Criminal Procedure Code, the Probation Offenders Act (Act of 2012 as amended), the Borstal Institution Act (Act of 2009 as amended), The Prison Act (Act of 2010) (For Committal to Youth Corrective Training Centre) and the Children's Act (Act of 2001). (Okech, 2016; Nkirote, 2016).

According to the Children's Act (Act of 2001), a child in conflict with the law may be dealt with:

- by discharging the child in conflict with the law conditionally or absolutely.
- by discharging the child in conflict with the law on his entering into a recognizance, with or without sureties.
- by making a probation order against the child in conflict with the law under the provisions of the Probation of Offenders Act (Act of 2012 as amended).
- by committing the child in conflict with the law to the care of a fit carer, whether a relative or not, or a charitable children's institution willing to undertake his care.
- if the child in conflict with the law is above ten years but under fifteen years of age, by ordering him to be sent to a rehabilitation school suitable to his needs and attainments.
- by ordering the child in conflict with the law to pay fine, compensation, or costs, or any or all of them.
- In the case of a child who has attained the age of sixteen years, dealing with him will be in accordance with any Act which provides for the establishment and regulation of Borstal institutions.
- by placing the child in conflict with the law under the care of a qualified counsellor.
- by ordering the child in conflict with the law to be placed in an educational institution or a vocational training programme.
- by ordering the child in conflict with the law to be placed in a probation hostel under the provisions of the Probation of Offenders Act (Act of 2012 as amended) and
- by making a Community Service Order.

No child in conflict with the law shall be subjected to corporal punishment.

Although Kenya's probation service has not fully adopted the application of structured or actuarial assessment instruments, the understanding of risk and needs assessment is well grounded. The service is at a trajectory point, using both qualitative strengths and needs

assessment informed by in-depth social inquiries and on (pilot) structured risk-need assessment tools for juvenile offenders. Even so, the qualitative strengths, weaknesses, opportunities, threats (SWOT) analysis method used still delves into the criminogenic needs of the juvenile offender, specifically the juvenile's anti-social patterns, social support for crime, criminal attitude, substance misuse, family dysfunction, education and pro-social activities. In addition, health (including mental health) and criminal history are examined (Okech, 2016).

One of the alternatives to institutionalisation that the courts often apply on children in conflict with the law is probation orders (Okech, 2016). The United Nations as early as 1951 described probation as “the conditional suspension of punishment while the offender is placed under supervision and is given individual guidance or treatment” (Okech, 2016:17). Rule 10.1 of the United Nations Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules, 1993) describe the purpose of supervision as being to reduce reoffending and to assist the offender's integration into society in a way that minimises the likelihood of a return to crime.

Historically, probation orders were established in Kenya in 1943 but became operational in 1946 and have been in use for the past 11 decades. Hamai, Viler, Harris, Hough and Zvekić (1995) conceive probation as a judicial function that entails supervision and therapy, and it is practised in communities where children in conflict with the law are helped to re-adjust and cease reoffending while at the same time being seen as a distinct discipline within the criminal justice system. Therefore, the essence of the probation order was to accord an offender who is deemed not to be dangerous to the community, statutory supervision by a probation officer, in an effort to assist him to change his criminal behaviour while at the same time offering protection to the community.

According to the General Assembly Resolution 45/110, the children in conflict with the law cannot be convicted as per the Children's Act (Act of 2001) and the Probation Offenders Act (Act of 2012 as amended). Supervision takes place between six months and three years as may be pronounced by the court upon the advice of the probation officer. Offenders are instructed to willingly commit themselves to set conditions, and failure to comply with such conditions may result in the order being revoked. The probation order may entail an order compelling an offending child to reside in a probation hostel for not more than one year. It is during this period that supervision and therapy are exercised to forestall reoffending, thus helping the offender to positively change his or her character (Aben, 2014).

Much of the supervision of probation order strives to improve self-control, interpersonal skills, and education (Okech, 2016). The officer ensures that the child in conflict with the law adheres to the court orders and helps the child solve his or her problems in line with the stipulated supervision plan developed with the child in question and significant others. Group counselling therapy and family conferencing are used during the supervision of the probation order (Probation Service Strategic Plan, 2008-2012).

The second alternative is supervision on community service order. A community service order is a sentence of the court handed down to offenders guilty of an offence punishable by imprisonment for a term not exceeding three years with or without the option of a fine (Community Service Order Act of 1998). It is an order of the court requiring the offender to perform unpaid public work for the benefit of the community for a period specified in the order. This sentence seeks to afford non-serious offenders a chance to reform under some form of community supervision executed by a probation officer and other auxiliary community-based supervisors and volunteer probation officers. It is a way of repaying the community for the committed offence through performing unpaid public work within the offenders' localities. Community service orders were established in Kenya in 1998 (Okech, 2016).

A child in conflict with the law can be placed on community service order for a period ranging between one day and three years, and the child must be sixteen years and above (Aben, 2014; Okech, 2016). The placement of the child must take cognisance of the offender's age, health status and their overall well-being, including schooling. According to Community Services Order Act (Act of 1998), the child in conflict with the law can work on public projects. All the necessary case work may be given to the offender as he or she continues to perform under community supervision. This entails the assessment for the development of individual supervision and treatment plan, social case work, empowerment, training, and work placement (Okech, 2016).

The Children's Act (Act of 2001) provides avenues through which charitable non-governmental organisations can participate in the administration of juvenile justice by establishing institutions for juvenile offenders' rehabilitation and welfare support. The Act refers to community involvement in the rehabilitation of juvenile offenders through volunteer programmes implemented by probation officers. According to a study conducted by Okech (2015) in Kenya, the Volunteer Probation Officers' programme was initiated in 2005 by the Department for Correctional Services in order to address the shortcomings identified in the

general supervision of the offender. In line with in the United Nations Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules,1993) and within the scope of the department's legal mandate, the Volunteer Probation Officers' programme was initiated with the objective of providing auxiliary support to mainstream probation officers but it specifically sought to: expand the departmental reach in the community in the criminal justice dispensation, intensify offender supervision, increase the capacity and speed within which probation officers can be able to provide court services and increase effectiveness in service delivery.

Okech (2015) further indicated that although there is still no written policy on the operations of the programme, the limited legal mandates as per the Probation of Offenders Act (Act of 2012 as amended) and the Community Service Orders Act (Act of 1998) provide instruments of engagement and work. The survival of the programme depends on the calibre of the ideal persons are selected from retired probation officers or civil servants, church leaders, social workers and community leaders. In addition, remote areas that provide challenges to the probation officers in terms of reach or effectiveness are considered. The Volunteer Probation Officers' programme involves: assisting line probation officers in the generation of information for social inquiry reports, providing auxiliary support in the supervision of offenders in the community, engaging the community to accept and provide for the offenders as a measure of resettlement or reintegration of offenders back into their communities, linking up the probation officer with the community, creating public awareness on issues related to delinquency, and serving as agents of delinquency prevention within their communities.

The literature reviewed is silent about the involvement or roles of parents and caregivers on the implementation of probation and community orders. The focus is on the factors influencing the behaviour of children in conflict with the law. Kenya's diversion programme for children in conflict with the law was piloted in 2001. However, resourcing, and structural barriers inhibited the full-scale implementation of the process. The diversion policy was promulgated in 2019.

### **2.3.3 Children in conflict with the law in South Africa**

Traditionally, South Africa regarded children as the nation's essential asset. In spite of, not being an extremely important resource to the nation, children are an agent of change. South Africa perceives children as pioneers of economic, social, political and cultural transformation and a driving force behind change (National Youth Police, 2009 – 2014). Many children in

South Africa have encountered challenges that have left them without choice other than to participate in criminal activities. The volatile socio-economic conditions in South Africa have caused the various challenges confronting the people and that has resulted in the perception that such challenges can be addressed by committing crime. Arguably, anti-social behaviour is fuelled by various factors, including lack of parental support and the destructive environment children are exposed to, which may turn him or her into an offender (Ntuli, 2017).

An annual report on the implementation of the Child Justice Act of 2008 (Act No. 75 of 2008) outlines the statistical data on the offences committed by children in conflict with the law and the percentage of children committing those crimes. The statistical data are drawn from the 2015/2016, 2016/2017, and 2017/2018 periods. Table 2.2 below reflects the top ten crimes committed by children in conflict with the law in South Africa.

**Table 2.2 List of top 10 crimes committed by children and percentages**

No	Offence	2015/2016		2016/2017		2017/2018	
		No of cases	%	No of cases	%	No of cases	%
1.	Assault with intent to cause grievous bodily harm	2457	13.2%	1549	12.8%	2019	15.1%
2.	Possession / use of drugs	2535	13.6%	1961	16.2%	1934	14.5%
3.	Theft	2663	14.3%	1351	11.2%	1353	10.1%
4.	Rape	1612	8.7%	1053	8.7%	1255	9.4%
5.	Housebreaking with the intent to steal and commit theft	1629	8.8%	1057	8.7%	1194	8.9%
6.	Assault	1475	7.9%	899	7.4%	989	7.4%
7.	Robbery	994	5.4%	606	5.0%	705	5.3%
8.	Malicious injury to property	730	3.9%	488	4.0%	525	3.9%

9.	Robbery with aggravating circumstances	476	2.6%	430	3.5%	471	3.5%
10.	Murder	462	2.5%	379	3.1%	416	3.1%

**Source:** Annual report on the implementation of the Child Justice Act of 2008 (Act No. 75 of 2008)

Table 2.2 above indicates that the top ten crimes committed by children have remained consistent over the 2015/16, 2016/17, 2017/18 reporting periods. However, the frequency in terms of the types of the offences and the percentages has been changing. In 2017/18, the top three crimes are assault with intent to cause grievous bodily harm (15.1%), possession or use of drugs (14.5%) and theft (10.1%) while in 2016/17, the charges of possession or use of drugs, assault with intent to cause grievous bodily harm and theft made it to the top three crimes committed by children.

It is unsettling to note that the number of children charged with rape increased by 202 in 2017/18 compared with previous reporting period 2016/17. The number of children charged with murder increased by 37 cases in 2017/18. The figures show that children are becoming violent, calling for an impactful intervention. The slight decrease in the number of children charged with possession or use of drugs brings relief to a certain extent in view of the devastating effects of substance abuse on children, families and communities at large.

South Africa is prone to crime, with theft and drug-related crimes being the major cause for concern in the country; over 360 000 and 260 000 crimes were reported in these categories respectively, followed by more than a quarter of a million house break-ins (Statistics South Africa, 2015; SAPS, 2014). The data compiled by the Institute for Economic and Peace (IEP, 2019) show that, when it comes to societal safety and security, South Africa ranks the fifteenth worst country globally, and it ranked the eighteenth most violent country with nearly 34 murders having been recorded per 100 000 people between 2015 and 2016 (Statistics South Africa, 2015). For example, there were 16 194 reported murder cases in 2014, with 3561 of them having occurred in KwaZulu-Natal. Furthermore, 62 267 reported sexual crime cases in 2014, of which 11 661 occurred in KwaZulu-Natal.

According to the Institute for Economic and Peace (IEP, 2019), South Africa grapples with internal conflict predominantly driven by poverty, inequality and the slow pace of reform by the government. These factors have instigated crime, violent industrial action and political

confrontations (Statistics South Africa, 2015; SAPS, 2014). Criminal behaviour seems to develop among children as they grow up in a complex and disorganised country. A child is part of the society in which he or she lives. The social structure should ensure a well-organised socialisation process. In South Africa, the traditional patterns and relationships that guide the transition of young people between family, school and work are collapsing nowadays (Ntuli, 2017).

Burton (2016) argues that the current conditions in South Africa are characterised by opportunities for the children to learn the violent behaviour that pervades their social environment. This implies that they are bereft of opportunities to acquire pro-social behaviours that enable them to accomplish positive educational and economic goals. According to Bezuidenhout (2013), criminogenic risk factors exist in the community, family, school and among peer groups. These factors do not function independently but affect one another. Furthermore, no single factor is dominant enough to influence children's propensity for engaging in violent or criminal behaviour (Bezuidenhout, 2013). Therefore, it is essential to understand the root of anti-social behaviour to ensure that children's needs are addressed.

Clark (2012) indicated that it is virtually impossible to effectively address a problem without understanding its exact causes; thus, South African's size and diversity contribute to the difficulty associated with identifying the precise causes of juvenile violence, and as most crimes are committed by children, there is a great need for the adoption of diversion programmes to circumvent imprisonment which has been regarded as incapable of handling young offenders.

Mlamla (2021), revealed that the Judicial Inspectorate Correctional Services (Jics) issued statistics stating that as of 31<sup>st</sup> May 2021, there were 55 children in remand detention, 3105 juvenile awaiting trial, 1545 juveniles sentenced. He further indicated that between 2019 and 2020 there were 2123 sentenced juvenile and 3782 remand juveniles. In 2018-19 financial year, there were 6302 juveniles incarcerated. This implies that if correctional centres created breeding grounds for rehabilitation, recidivism among juveniles could be reduced, potentially curb crime and juveniles could rejoin society as caring and productive people.

### **2.3.3.1 Intervention programmes**

Diversion initiatives do not seek to separate children from adults in the criminal justice system, but to prevent the negative effects of labelling and stigmatisation that are associated with the

formal process of dealing with children involved in offending behaviour. Diversion programmes aims at enabling children to understand and acknowledge their role in their criminal behaviour. Research demonstrates the profound effect of diversion programmes in reducing recidivism (Macallair & Males, 2004). Investigations into the perceptions of the parents, caregivers and social workers of the children that participated in the diversion programme are limited in the existing body of literature. This study focused on the perceptions of parents and caregivers on the factors contributing to recidivism among children who have completed the diversion programme.

The children who clash with the law have been found to be more likely to come from communities with a high incidence of crime and urban areas characterised by poor socio-economic conditions, such as, inadequate parenting, child maltreatment, family disruption, poor parental supervision and parent criminality (Arthur, 2007). Bezuidenhout, (2013) articulate that incomplete or broken family, dysfunctional family life, lack of parental supervision, erratic and harsh disciplinary methods, domestic violence, parental involvement in criminal behaviour and erosion of traditional values are risk factors that are propagating children's misbehaviour and delinquency. Therefore, a holistic analysis of these factors is imperative before the conceptualisation of the involvement of children in various criminal behaviours. As primary socialising agents, parents play a critical role in guiding and monitoring adolescents' adherence to socially acceptable norms. Parents' failure to fulfil this role may lead to children becoming vulnerable to alternative influences which, in turn, could contribute to their involvement in anti-social behaviours (Goliath, 2015).

Section 28 of the Constitution of the Republic of South Africa of 1996 and international instruments, that is, the United Nations Convention on the Rights of the Child, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) to mention but a few; children have to be provided with rights-based services in order to protect and prevent them from being exposed to situations that render them vulnerable. Hence, the arrested children have to be dealt with differently. The diversion programme has been identified as an appropriate mechanism meant to divert children from the criminal justice system thus providing them with corrective and educational opportunities (Minimum Norms and Standards for Diversion).

On assuming power in 1994, the new South African democratic government called on all sectors of society to revisit policies and approaches in demonstrating commitment to

transformation and change, notwithstanding the fact that diversion services catering to children in conflict with the law continued to be deprived of the necessary regulating framework (Wood, 2003). The post-1994 period has witnessed a substantial growth in the number of children being referred to the diversion programme, with various organisations and individuals coming on board to provide diversion services. At this point, concerns related to the quality and impact of diversion services have been raised as the existing perception was that children committed crime with impunity. To this end (lack of legislation, growing demand for diversion and quality concerns), minimum standards for the diversion were developed. Although the minimum standards were primarily meant to protect the rights of children through these services, the minimum standards were providing a framework against which the quality of services could be evaluated, thus promoting good practice and acceptable rigour in the design, delivery and monitoring of interventions (Policy Framework for the Accreditation of Diversion Services in South Africa, 2010).

With the promulgation of the Child Justice Act (Act No. 75 of 2008), South Africa, on the 1<sup>st</sup> of April 2010, entered a new era in terms of regulating the work of diversion service providers and the entire diversion programmes. The Act provides that a child may be referred to a service provider or programme accredited in terms of the law. Service providers include the Government, non-governmental organisation and educational bodies. The Act envisaged that accreditation would ensure that service providers meet minimum standards and facilitate meaningful outcomes in diversion programmes. In addition to the accreditation of diversion programmes, the Act provides for quality assurance and the monitoring and evaluation of these programmes, and the service offered by providers.

The Department of Social Development is mandated by the Probation Services Amendment Act of 1992, the Criminal Procedure Act of 1977, the Children's Act of 2005 and Child Justice Act of 2008 to provide diversion programmes for purposes of crime prevention, early intervention and alternative sentencing options (Minimum Norms and Standards for Diversion). The National Department of Social Development rendered diversion programmes to all provinces in terms of Section 56(2)(f) of the Child Justice Act of 2008 (Act No.75 of 2008), for four years from 2016 to 2019. The accredited diversion programmes are: In The Mirror – a sexual offender programme for children aged between 12 and 17 years, Mind The Gap –an aftercare programme for children aged between 12 and 17 years, Reverse Your Thinking –a restorative justice programme for children aged between 12 and 17 years, Rhythm

Of Life- a life skills programme for children aged between 12 and 17 years, Wake-Up Call – an anti-substance abuse programme for children aged between 12 and 17 years, Stop To Start –an anti-substance abuse programme for children aged between 10 and 12 years, Playing Through The Forest –a life skills programme for children aged between 10 and 12 years, I Am Me – Ages –a sexual offender programme for children aged between 10 and 12 years and Planting Hope –an aftercare programme for children aged between 10 and 12 years (Government Gazette, 2019).

The KwaZulu-Natal Department of Social Development renders the following programmes: In The Mirror –a sexual offender programme for children whose ages range from 12 to 17 years, Mind The Gap –an aftercare programme for children aged between 12 and 17 years, Reverse Your Thinking –a restorative justice programme for children aged between 12 and 17 years, Rhythm Of Life- a life skills programme for children aged between 12 and 17 years, Wake-Up Call –an anti-substance abuse programme for children whose ages range between 12 and 17 years. The accreditation status was granted in line with Section 56(2) (f) of the Child Justice Act (Act No. 75 of 2008), for four years from 31December 2016 to 31 December 2020 (Government Gazette, 2019). The Department of Social Development in Amajuba District, where the study was conducted, was accredited to run the five programmes outlined above (Government Gazette, 2019).

The Department of Social Development has enlisted the work of external organisations or individuals who provide specialised services in terms of the diversion programme. The department provides funding and accreditation to those organisations. The KwaZulu-Natal Department of Social Development accredited service providers such as NICRO and Khulisa Social Solutions. The accreditation status was granted in terms of Section 56(3)(a) of the Child Justice Act (Act No. 75 of 2008) for four years from 01 June 2016 to 30 June 2020. Unfortunately, the offices of Khulisa Social Solutions in Amajuba District got closed (Government Gazette, 2019).

The Child Justice Act (Act No. 75 of 2008) provides the legislative framework for dealing with three categories of children in conflict with the law, that is, children aged 10 years and below, children aged between 10 and 14 years and children aged between 14 and 18 years at the time of the commission of the crime (South Africa, 2010). The last category (14-18 years) is the focus of the present research.

Through its introduction of diversion, the Child Justice Act (Act No. 75 of 2008) makes provision for the children in conflict with the law to be held accountable and restore the damage caused by the crime they committed; thus, the Act addresses the children's offending behaviour through rehabilitative programmes (South Africa, 2010). Diversion, as defined in the Act, means diverting a child in conflict with the law from formal criminal justice system in lieu of prosecution, into programmes that are more restorative by nature and that hold the child accountable for his/her actions (Sloth & Gallinetti, 2011). All children in conflict with the law may be considered for diversion, provided that: they acknowledge responsibility; the crime is a schedule one or two offence; they have not been unduly influenced; there is a prima facie case against them; and, if available, the parent or caregiver consents to the diversion.

According to Section 57(1) and (2) of the Child Justice Act, (Act No. 75 of 2008), the supervision of the diversion order is the joint responsibility of the accredited diversion service provider, in this case, the Department of Social Development, the probation officer, the child in conflict with the law parent and the caregiver. During the 2015/16 period a total of 8,114 diversions were recorded, during the 2016/17 period, 7,673 diversions were recorded and in the 2017/18 period a total of 6,769 of diversions were recorded in South Africa. During the 2017/18 period 3,350 children in conflict with the law aged between 14 and 17 years were diverted (2017/18 Annual Report on the Implementation of the Child Justice Act (Act No. 75 of 2008)). This translated to over 3 000 parents and caregivers in South Africa becoming legally responsible for the monitoring of their children in conflict with the law, ensuring their compliance with diversion orders.

The concept of parental responsibility can be viewed in terms of Chapter 3, Section 18 (2) (a)(d)(c)(d) of the Children's Act (Act No. 38 of 2005), which stipulates that it is the responsibility of the parent to care for the child, to maintain contact with the child, to act as a guardian of the child and to contribute to the maintenance of the child. This parental responsibility is enshrined in the Child Justice Act (Act No. 75 of 2008), but it is further built on the basis of parents' responsibility to monitor their children's behaviour and to prevent them from being involved in crime (Abdulla & Goliath, 2015).

The child's developmental stages are characterised by a decrease in the child's level of self-disclosure about his or her daily activities and challenging parental authority in an attempt to increase the level of her autonomy (Keijsers and Laird, 2014). The children who are in conflict with the law often have a history of substance abuse and spending many hours out of home.

They are easily influenced by their friends and tend to conceal information about their daily activities (Kerr, Stattin & Burk, 2010). Parents and caregivers of diverted children, as described in Section 41 of the Child Justice Act (Act No. 75 of 2008), are required to increase their level of control and the monitoring of their children (South Africa, 2008). Research indicates that the parents and caregivers of children in conflict with the law, particularly the parents and caregivers of diverted children, find the monitoring of their children challenging. This study found the same results.

The children in conflict with the law tend to limit self-disclosure about their daily activities in all domains (Keijsers & Laird, 2014). Kerr, Stattin, and Burk (2010) stated that parental monitoring efforts do not predict changes in delinquency over time, as the involvement of children in conflict with the law in delinquent activities has resulted in their concealing information about their daily activities out of fear of punishment or parental disapproval. Delinquency refers to a scenario when children under the age of 18 years perpetrate illegal acts or engage in illegal behaviour (Siegel & Welsh, 2012). According to 2017/18 annual report on the implementation of the Child Justice Act (Act No. 75 of 2008), the types of offences committed by diverted children in conflict with the law are primarily assault with intent to cause grievous bodily harm, possession or use of drugs and theft. The researcher supports the findings in the report.

One of the possible reasons why the children in conflict with law could commit these crimes is ineffective parental monitoring which allows the children the freedom to perpetrate these offences. This implies that, although a decrease in parental monitoring is necessary for the development of the child's autonomy, the parents and caregivers of the diverted children need to increase their level of monitoring to ensure their children comply with diversion orders and to prevent future recidivism (Abdulla & Goliath, 2015).

### **2.3.3.2 The role of parents and caregivers in the intervention programmes**

The role of parents and caregivers in the diversion programmes in South Africa was investigated by Abdulla and Goliath (2015) who found that the majority of parents experienced emotions such as shock and anger on hearing about their adolescent children's clash with the law. Even parents who expected this from their children, since they knew their child was using drugs, felt angered by the child's arrest. This is consistent with Vrseija's (2010) description of

the Children-limited Delinquency Theory, stating that children delinquency is usually preceded by the children's arrest, because of their prior drug use. Some parents reported behavioural manifestations such as sleeplessness and feeling disoriented at hearing about their adolescent children's arrest.

The findings further revealed that parents and caregivers experience of monitoring their children's daily activities in order to ensure compliance with diversion orders was influenced by the following factors: their understanding of diversion, their perception of their role in diversion, and their feelings about their role in diversion. The parents who misunderstood diversion as a non-custodial sentence with specific conditions perceived the monitoring of their child as a huge responsibility, fearing that if the child did not attend the diversion programme he or she would be locked up. Other parents and caregivers had positive experiences of monitoring, considering that diversion afforded their children the opportunity to access the services of a helping professional, which the participant in the study wished for (Abdulla & Goliath, 2015).

As prescribed in the Child Justice Act (Act No. 75 of 2008), parents and caregivers are assigned the responsibility to ensure that their children comply with the diversion order and any conditions stipulated in it. Thus, the onus is on parents and caregivers to monitor their children's daily activities by particularly ensuring that their children attend diversion programme sessions, with parents and caregivers being required to attend the first and last sessions of the programme. The findings revealed that all the parents assumed the responsibility of transporting their children to attend the diversion programme. One parent, who regarded monitoring as a dual responsibility, stated that her only responsibility was to transport her child to the venue of the diversion programmes and it was his (the child's) responsibility to ensure compliance with the diversion order, and not hers (the parent). Therefore, some parents and caregivers attended the diversion programme not due to employment purposes but ensure that their child attended.

Broeking and Peterson-Badali (2010) obtained similar findings, reiterating that arrested and diverted children expected their parents to provide emotional and practical support during the justice proceedings. Abdulla and Goliath (2015) found that parents and caregivers felt that their role in the diversion programme was that their responsibility was to ensure their children's attendance of the diversion programme and that their children would not reoffend. A further

finding was that, although the parents accepted their role in monitoring their children's compliance with diversion orders, most of them felt burdened by the additional responsibility, which tended to disturb their daily work schedules. Consistent with the findings, Ashbourne and Daly (2010), recommend that parents are expected to reduce their level of monitoring during adolescence and provide practical support such as transport. All parents reported attending first and last sessions with their children; however, they all expressed frustration at having to fit the additional responsibility into their daily activities. The need for counselling and parental support services is motivated by the negative feelings experienced by parents in assuming their responsibility of monitoring their children's compliance with diversion orders.

In exploring the parents' experiences of monitoring their children's compliance with diversion orders, antecedent studies indicated that parents increased their level of monitoring after their children had been placed into the diversion programme and set rules or boundaries to encourage the children to account for their activities (Abdulla & Goliath, 2015). In another study conducted by Hargovan (2013), it emerged that the negative influence of friends contributed to the children's commission of crimes, which they committed with a group of friends. This resulted in parents restricting their children's contact with friends during their attendance of the diversion programme. A deeper exploration of the monitoring methods revealed that parents employed both direct and indirect methods of gaining knowledge about their children's daily activities.

Complementing these findings, Nixon and Halpenny (2010) found that direct methods of monitoring involved the parents soliciting information directly from the children by asking them questions, phoning them to check up on their whereabouts, communicating with them, transporting them to the venues of their activities and through constantly supervising them. Indirect methods would be employed when children limited their level of self-disclosure to prevent their parents from gaining knowledge about their activities. As postulated in the Social Domain Theory (Sorkhabi, 2010), some participating parents reported that their children would not disclose information about their activities despite parental solicitation. While the parents reflected on their children's secretiveness, it was observed that they felt frustrated when children were secretive about their activities, as parents strove to gain information from other sources. In their study, Kerr et al. (2010) established that parental knowledge of the adolescent child's activities depended more on the child's self-disclosure than on parental solicitation. The parents who participated in that study reported that children would at times divulge information

about their activities out of their own volition; however, most reported that their children hardly shared the information voluntarily (Abdulla & Goliath, 2015).

The participating parents reported that they needed the support of their spouses who should also take up the responsibilities of monitoring children's compliance with diversion orders. The parents enlisted family members to support them through their children's journey through the child justice system. The parents' need for family support, particularly from their spouses, in coping with their parental role has been emphasised in Mulford and Redding (2007). Family support has been found to buffer the adverse effects of role overload on parents and practical support helps them cope with the stressors related to parenting (De Gamo, Patras & Eap, 2008). Coupled with family support, the parents that participated in the study indicated the need for support from child justice officials, in terms of practical support on matters such as transport, information and counselling. This is consistent with the findings of Broeking and Peterson-Badali (2010), who aver that parents require information and support to navigate their way through the complexities of the child justice system in order to support their children.

The parents expressed the view that they needed information about the child justice process to be communicated to them in a sensitive manner and for transport to be availed for their children to easily attend the diversion programme. A parent suggested the provision of State-funded transport. The findings revealed that parents expressed the need to speak to a counsellor and other parents in a counselling and supportive setting to help them cope with their role of monitoring as well as supporting their adolescent children (Miller & Sambell, 2002). Some participants reportedly travelled more than seven kilometres to the venue of the diversion programme and to access counselling and support services as everything had happened as a shock to the family (Abdulla & Goliath, 2015).

### **2.3.3.3 The role of the social worker in the intervention programmes**

Probation officers, who are also social workers, provide probation services in this study because they are not specialising; they are appointed by the Minister of Social Development in terms of the Probation Services Amendment Act (Act No. 35 of 2002). Probation officers are social workers who specialise in crime prevention, the treatment of offenders, and the care and treatment of victims of crime.

Significant amendments of the Probation Services Act (Act No. 35 of 2002) include: introduction of assessment, support, referral and mediation services in respect of victims of

crime. The victims of crime are the most affected by crime; hence, they need as much support necessary to enable them to deal with the effects of crime, the provision of restorative justice programmes and services as part of appropriate sentencing and diversion options. Restorative justice programmes are critical in facilitating the healing process for the affected parties, providing for the reception, assessment and referral of an accused person and the rendering of early intervention services and programmes, investigate the circumstances of an accused person and the provision of a pre-trial report on the desirability, or otherwise, of prosecution and the investigation of circumstances of convicted persons, providing for the mandatory assessment of every arrested child who remains in custody before his/her first appearance in court, providing for the establishment of a probation advisory committee to advise on matters relating to probation services (Skelton & Tsehla, 2008).

Furthermore, the Probation Services Amendment Act (Act No. 35 of 2002) provides for the establishment and implementation of diversion programmes whose aim is to assist in combating crime, rendering assistance to both victims and offenders. Probation officers work with families and communities (Dlamalala, 2018). The Probation Services Amendment Act Number 35 of 2002 is not the only legislation prescribing the role of a probation officer in dealing with children in conflict with the law. The Child Justice Act (Act No. 75 of 2008) also reinforces the role of a probation officer with emphasis on assessment. The main role of a probation officer, in terms of the Child Justice Act, is to assess children accused of having committed a crime (Dlamalala, 2018).

The reviewed literature has gaps in terms of intervention programme rendered to the parents and caregivers of children in conflict with the law or those reoffending after having completed a diversion programme. Sauls (2018) noted that the overall support services provided to the family during and after the diversion programme are limited. He further mentioned that aftercare support for the families is non-existent. Resultantly, the child has been taught new skills but has to continue functioning in unchanging, familial situations. Roesternburg (2017) stated that community-based juvenile offender programmes in South Africa, including the institution of a family, run on minimal funding and are often under-staffed or deprived of professionally trained counselling staff. Hargovan (2013) highlighted that research indicates that good (outcome) evaluation practice is lacking in South African programmes. Kleinhans (2013) stated that after the implementation of the Child Justice Act (Act No. 75 of 2008), there

was no platform for facilitators in the diversion programme to express their opinions regarding these programmes.

## **2.4 Similarities and differences in the interventions**

The intervention programmes have similarities and differences. In all the countries a child was defined as a person under the age of 18 years. However, the minimum age of criminal capacity varied among the countries, considering the approved Beijing Rules that stipulate that a child should be held criminally liable at a reasonable age, such age must not be too low and must consider a holistic maturity of the child (The Beijing Rules). The offences committed by children in conflict with law in the above countries are property offences, which include theft, housebreaking, housebreaking and theft, robbery; personal crime, which include assault, assault with intent to cause grievous bodily harm, rape and status crime which include drug related crime (IEP. 2019) In the discussed countries there are operational diversion programmes, though in some of these countries there was no legal framework underpinning these diversion programmes (Okech, 2015). The diversion programmes in all the countries focus on rehabilitation of children in conflict with the law and they are less punitive (Child Protection Hub, 2018). Police are empowered to warn offenders of the consequences of breaking the law. The aim is to discourage young people from offending without taking them through the formal criminal justice system. Cautions are used for minor offences such as petty theft (Roy & Wong, 2004). Family involvement is encouraged by diversion practices in all the countries discussed as this contributes to the success of the intervention.

The United States of America uses police officers to manage the diversion programme. In Nigeria the child in conflict with the law is taken into custody only for questioning, without being entitled to legal representation. The child's parent or caregiver is not informed about their right to be present during the interrogation. There has been no evidence of adherence to the provisions of the Child's Rights Act (Act No. 26 of 2003) regarding the interrogation of the child in conflict with the law and this violates the child's constitutional right to a fair hearing (Adulraheem-Mustapha, 2016). South Africa provides a specialised children's police unit comprising police officers trained to prevent child offences and handle the interviews of a child in custody. There is no evidence of such a police unit in Nigerian police cells (Adulraheem-Mustapha, 2016). England and Wales make use of the Swansea Bureau, an innovative initiative

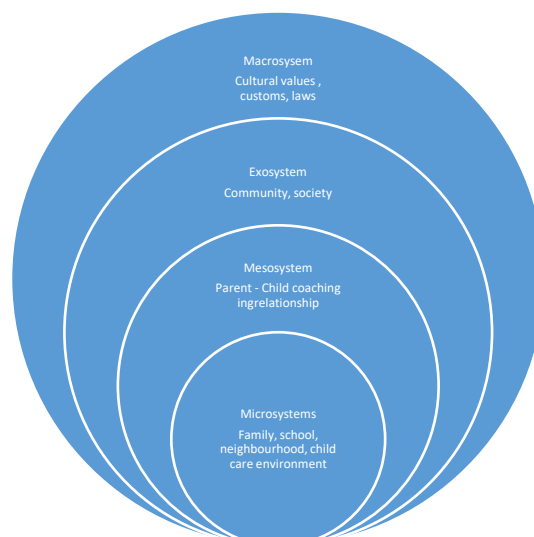
designed to divert young people from the formal processes of the Youth Justice System. It extends beyond simple diversion, which is grounded in minimal or non-intervention as it tackles the underlying causes of child crime through mechanisms that normalise child offending thus promoting prosocial behaviour, children’s rights, children’s participation and the engagement of both the parents, caregivers and the local community (Haines, et al., 2015).

## 2.5 Theoretical framework

### 2.5.1 Ecological Systems Theory

The researcher adopted Urie Bronfenbrenner’s (1994) Ecological Systems Theory to guide the study. Born in 1917 in Russia, Urie Bronfenbrenner came to the United States of America when he was six years old with his father working as a neurologist. Bronfenbrenner (1956) wrote about the experiences he had there, talking and walking with his father; this made a long-lasting impression on society. He clearly remembered his father worrying about the self-fulfilling prophecy of his patients being labelled “morons” (the word in vogue at that time) inculcating the belief that nothing could be done to allow them to live a productive life. He also remembered that he started thinking about the interdependence between an organism and its environment (Bronfenbrenner, 1956).

**Figure 2.5.1 Ecological Systems Theory**



After graduating in Psychology and Music from Cornell University, he completed his Master’s and doctorate degrees at Harvard University, and at the University of Michigan, Bronfenbrenner joined the Faculty of Child Development and Family Relations at Cornell,

where he worked virtually his entire career. He wrote widely on various subjects, including contemporary approaches to child rearing in the Soviet Union, early childhood education in the United States and other Western societies, ways of helping poor families - educate their children and adolescents, family policy and the problem of taking a “deficit approach” to the situation of families in poverty. He was one of the scholars who played a major role in the development of the Head Start Programme (Tudge, 2013).

He was also involved in the development of the ecology of human development (during the 1970s and 1980s), which was subsequently termed the Ecological Systems Theory (in the late 1980s and early 1990s) and ended up being called the Bio-ecological Theory of Human Development, (from the mid-1990s) (Rosa & Tudge, 2013). His theoretical approach was in no way divorced from his writings on other topics; rather, his thinking about children’s development and ways of supporting families was informed by his theory. Consistently, he incorporated an ecological approach into his study of children and families; just as in Biology, ecology refers to the relationship between organisms and the environments in which they live, so Bronfenbrenner understood that child or family development should be studied within its natural context (Taylor & Francis, 2017).

The Ecological Systems Theory understands a child’s development within the context of the nexus of relationships that form his or her environment. Bronfenbrenner’s Ecological Systems Theory defines the complex “layers” that constitute the environment, each influencing a child’s development. The interaction between factors within the child’s maturing biology, his immediate family or community environment, and the societal landscape fuel or steer their development. To study the child’s development, one must look not only at the child and their immediate environment, but also at the child’s interaction with the larger environment as well (Paquette & Ryan, 2000). This study contends that the reoffending child must be nurtured, brought up and allowed to develop into a responsible and productive being within their environment.

Bronfenbrenner categorised a person’s environment into five different systems, that is: the microsystem, mesosystem, exosystem, macrosystem and chronosystem. The microsystem is the most important layer as it is closest to the child and contains the structures with which the child has direct contact. This layer encompasses the relationships and interactions between the child and their immediate surroundings (Berk, 2000). The structures that constitute the microsystem include the family, the school, the neighbourhood, or childcare environment. At

this level, the child's relationships have a two-dimensional impact, thus, on the child and on the child's environment. For example, a parent may influence their child's belief and behaviour; however, the child may also influence the behaviour and belief of the parent. Bronfenbrenner calls these influences bidirectional. The interaction between structures within a layer and the interaction of the structures between layers form the basis of this theory. The bio-directional influences have the strongest and most far-reaching impact on the child. However, interactions occurring at outer levels can still impact the inner structures (Paquette & Ryan, 2000). As the study seeks to understand the fundamental reasons influencing children to reoffend after attending a diversion programme, it is imperative to first understand the child's development and his or her relationship with the immediate environment; hence, the researcher adopted Bronfenbrenner's Ecological Ecosystems Theory.

The second layer is the mesosystem, which has a structural relationship with the microsystem (Berk, 2000). Bronfenbrenner (1994) used the term mesosystem to refer to the relationships between two or more microsystems. At this level, the child appreciates that different types of environments require different types of behaviour, thus affording the child to learn new roles and new ways of acting and interacting (Taylor & Francis, 2017). The study explores the relationship between the teacher and the parent, as well as the church and the neighbourhood, and how this ensures the child's overall growth. The third layer is the exosystem. The exosystem, in Bronfenbrenner's typology of context, defines the larger social system in which the child does not function directly. The structures in this layer impact on the child's development by interacting with some structures in the microsystem (Berk, 2000). Parents' workplace schedules or community-based family resources are examples. The child may not be directly involved at this level, but he or she does feel the positive or negative force involved in the interaction with his or her own system (Paquette & Ryan, 2000). Educating a child is premised on the cooperation and involvement of teachers, parents, families and the community; this is consistent with the African proverb, that is, "it takes a village to raise a child" (Tlale, 2013 pg. 53).

The fourth aspect of the Ecological Systems Theory is the macrosystem, which Bronfenbrenner considered the outermost layer in the child's environment. The layer comprises cultural values, customs and laws (Berk, 2000). The effects of the larger principle, as defined by the macrosystem, have a cascading influence that reverberates throughout the interactions between

all the layers. For example, if it is the belief of the culture that parents should be solely for raising their children, that culture is less likely to provide resources to help parents. This, in turn, affects the structures within which the parents function. The parents' ability or inability to perform their responsibilities with regard to raising their children within the context of the child microsystem is likewise affected (Paquette & Ryan, 2000). This system helps the study to understand the child in conflict with the law in totality and the relationship within his or her environment.

The chronosystem is the fifth and final layer in Bronfenbrenner's Ecological Systems Theory. It encompasses the dimension of time as it relates to the child's environment. The elements that constitute this system can either be external, such as the timing of a parents' death, or internal, such as the psychological changes that occur as the child matures. As a child gets older, he or she may react differently to environmental changes and may be more able to determine how these changes influence him or her (Paquette & Ryan, 2000). Bronfenbrenner's Ecological Systems Theory focuses on the quality and context of the child's environment. It states that as the child develops, his or her interaction with the environment becomes more complex. This complexity arises as the child matures physically and cognitively structures. The Ecological Systems Theory stresses that that nature continues on a given path, thus the world that surrounds the child helps or hinders his or her continued development (Paquette & Ryan, 2000).

There are different theories of human development. They involve the study of child development because the most significant changes take place from infancy through adolescence. The theories of Sigmund Freud's (1856-1939), psychodynamic theory (2008), including concepts such as oedipus complex and five stages of psycho-sexual development. Freudian thinking is deeply imbedded in Western culture and constantly influences the view of human nature. Eric Erickson's (1902-1994) psycho-social theory (1950) gave rise to the term 'identity crisis. Erickson (1950) was one of the first to propose that the 'stages' of human development span our entire lives, not just childhood. His ideas influenced the study of personality development, in adolescence and adulthood. Piaget's (1896-1980) cognitive and affective development theory (Wadsworth, 2004) created a revolution in human development theory. He proposed the existence of four major stages, or 'periods', during which children and adolescents master the ability to use symbols and to reason in abstract ways. Lev Vygotsky's (1896-1934) cognitive-meditation theory (1978). Vygotsky believed that learning came first

and caused development. He theorised that learning is a social process in which teachers, adults, and other children form a supportive 'scaffolding' on which each child can gradually master new skills. Vygotsky's views all factors as being of equal significance for the individual (Christensen, 2016). At the core of Bronfenbrenner's ecological model is the child's biological and psychological makeup, based on individual and genetic developmental history. This makeup continues to be affected and modified by the child's immediate physical and social environment (microsystem) as well as interactions among the systems within the environment (mesosystems). The broader social, political and economic conditions (exosystem) influence the structure and availability of microsystems and the manner in which they affect the child. Social, political and economic conditions are themselves influenced by the general beliefs and attitudes (macrosystems) shared by members of the society (Bukatko & Daehler, 1998).

In its simplest terms, systems theory is the idea that one thing affects another. The basic idea behind systems theory is that one thing affects another event and existence does not occur in a vacuum but in relation to changing circumstances. Systems are dynamic and paradoxically retain their own integrity while adapting to the inevitable changes going on around them. Our individual and collective behaviour is influenced by everything from our genes to the political environment. It is not possible to fully understand our development and behaviour without taking into account all of these elements. And indeed, this is what social work theories insist we do if we are to make effective interventions. Lying behind these models is the idea that everything is connected, everything can affect everything else. Complex systems are made up of many parts. It is not possible to understand the whole without recognising how the component parts interact, affect and change each other. As the parts interact, they create the character and function of the whole (Bukatko & Daehler, 1998).

## **2.6 Conclusion**

This chapter reviewed the state of children in conflict with the law at both international and national levels. It also indicated the offences committed by children in conflict with the law, together with the percentages of children committing those crimes. The chapter further discussed the intervention programmes, the roles of parents, caregivers and social workers in the intervention programmes. Urie Bronfenbrenner's (1994) Ecosystems Theory was discussed to explain how everything in a child and the child's environment affect how a child grows and develops.

## CHAPTER 3

### METHODOLOGY

#### 3.1 Introduction

This chapter describes the methodology used when conducting this study. It describes the various critical components of research such as paradigm, design, approach, and the sampling method used in selecting study participants. Further, the researcher describes the data collection method and instrument. The researcher described the data collection procedure to elicit the views of a study sample comprising parents, caregivers, and social workers regarding recidivism in children that completed a diversion programme in Amajuba District. Lastly, the chapter describes the data presentation and analysis techniques and processes, trustworthiness of the study, and ethical considerations.

#### 3.2 Research paradigm

Barker (2003) defines a research paradigm as a model or pattern containing a set of legitimated assumptions and a design for collecting and interpreting data. There are four dominant paradigms in social research namely, positivist, interpretivist, constructivist, and critical theory (Mhlanga 2014). This study is located within the ambit of the interpretive paradigm. Maree (2007) states that interpretivist describes how people make sense of their particular action. Burton, Brundrett and Jones (2008) characterise the interpretive paradigm as involving insight, deeper knowledge and the understanding of human behaviour and relationship. The interpretive paradigm was relevant for this study as it sought to understand the perceptions of parents, caregivers, and social workers on recidivism in children that completed a diversion programme.

Interpretivists believe that there is not one reality or truth but a set of realities (Maree, 2007). According to Cohen, Manion and Morrison (2011), interpretivists make effort to get into a person and to understand from within to appreciate a person's world view. Hence, the interpretivist paradigm presented the opportunity to get more information about the perceptions of parents, caregivers, and social workers regarding recidivism in children that completed a diversion programme.

### **3.3 Research design**

A research design can be understood as a blueprint that guides the data collection and analysis processes; thus, it bridges the gap between the research questions and the implementation of the research questions and execution of the research study (Ntshangase, 2016). A research design includes the techniques to be used in conducting the study and these include sampling procedure, data collection and data analysis methods (Ntshangase, 2016). Use of these techniques depends on the purpose of the study, which is understanding the perception of parents, caregivers, and social workers regarding recidivism in children that completed a diversion programme in Amajuba District. The study further examines the experiences of social workers in working with the parents and caregivers of repeat offenders.

According to Terre Blanche, Durrheim and Painter (2006), research has four stages that enable the research questions translate to and the actual execution of the research. The first stage involves defining the research question; the second is the designing of the research; the third stage is data collection; the fourth involves data analysis and the fifth and final stage is the writing of a research report. These stages are evident in this study as reflected in the series of chapters. Chapter 1 provides a detailed description of the research question. Chapter 2 is literature review. Chapter 3 explains the design of this research and its implementation. Chapter 4 presents the findings of the study. Chapter 5 provides the conclusion and recommendations.

This study followed an interactive approach; hence, that enabled the researcher to go back and forth through the stages of the research to ensure that the study answers the main research question (Terre Blanche et al., 2006). A qualitative method was chosen because of its interpretive nature. This method enabled the researcher to identify and use themes emanating from the data to analyse and write the findings (Terre Blanche et al., 2006). This method enhanced the quality of the research findings in that it brought new insights into the instigators of recidivism in children that completed a diversion programme. Therefore, in adopting this design, the researcher openly analysed the perceptions of the parents, caregivers and social workers of the reoffending children.

### **3.4 Research approach**

This study adopted a qualitative approach. Rubin and Babbie (2013) stated that qualitative research deals with subjective data as perceived by the participants. The qualitative approach

was adopted in this study because it allowed a deeper understanding of the perceptions of parents, caregivers and social workers regarding recidivism in children who had completed a diversion programme. Qualitative research emphasises depth more than breadth (Ulin, Robinson & Tolley, 2004).

By virtue of being a qualitative and interpretive research, the researcher assumed the role of a primary instrument in the execution of the dual task of collecting and analysing data (Shumba, 2014). Prior to entering the research site, the researcher developed several critical skills that were considered necessary for a successful data collection exercise. These included the ability to listen to the participant, make observations, pose relevant questions (probes), and interpreting issues. Careful and active listening motivates the interviewee to open-up (Durrheim, 2006). This was particularly rewarding since the interviewed parents, caregivers, and social workers opened-up following the interviewer's use of these important skills to probe and extract rich and thick data. Elaborating on the significance of good questioning skills, Rubin and Rubin (2005) identified three types of questions that produce in-depth, detailed, and rich data. These are main questions, follow-up questions, and probes. Consistent with this principle, research questions were formulated in a way that enhanced a thorough examination of the research problem. For example, the question; "What are the perceptions of parents, caregivers and social workers about the diversion programme for children in conflict with the law in Amajuba District?" The question generated in-depth responses from the participants.

### **3.5 Selection of participants**

The phrase selection of participants is common in qualitative research and its equivalence in quantitative research is sampling (Polkinghorne, 2005). According to Durrheim (2006), sampling involves making decisions regarding which people, events, behaviour and/or social process to be observed. The main aim of sampling is to ensure representativeness (Durrheim, 2006). However, representativeness is not a priority in qualitative research, given that the focus of qualitative research is to describe, understand, and clarify human experiences (Polkinghorne, 2005). There are no rules for sample size in qualitative inquiry. Sample size depends on what the researcher wants to know, purpose of the inquiry, what is at stake, what will be useful, what will have credibility and what can be done with the available time and resources (Patton, 2002). Within the ambit of non-probability sampling, the researcher used purposive sampling. Purposive sampling is commonly used in qualitative research when the researcher has a specific reason for involving particular participants for the study (Babbie & Mouton, 2011).

Alternatively known as judgmental sampling, purposive sampling helps researchers to focus on subjects that characterise the population of interest (Steyn, 2013).

Purposive sampling is when the researcher uses his/her own judgement and handpicks participants from a target population for inclusion in the study based on pre-set criteria for inclusion. In this context, the researcher seeks out and selects those participants who are informed and information-rich and possess first-hand experience of culture, social processes or phenomenon the researcher wants to investigate and who will be best suited to answer the interview question (Ntuli, 2017). Anderson (2010) emphasises that work experience must be considered in selecting participants in this case social workers because they will be able to give a better understanding of what is being investigated and that would add value to the study. Omair (2014) further stated that if the participants are not suitably selected, the outcome of the study will be affected.

For this study, a purposive sampling was the best selection strategy. Permission was sought to access case files of children in conflict with the law from the Service Offices of the Department of Social Development (DSD), Amajuba District, KwaZulu-Natal Province. After the researcher was granted permission to case files, potential participants were contacted and a meeting was scheduled. The goal of the meeting was to share the aim of the study, invite the prospective participants to participate in the study, and discuss matters related to informed consent. During the selection process the researcher worked with office managers, supervisors, and social workers of the Service Offices to select information rich participants. This is important because the process of selecting participants in qualitative inquiry must be a well thought out process, which must never be left to chance. Failure to select participants that are information rich or what Polkinghorne (2005) describes as encultured participants has dire consequences that include collecting data that is either irrelevant or inadequate.

The inclusion criteria stipulated that study participants were supposed to be parents or caregivers of children who reoffended after attending a diversion programme. Social worker participants were DSD employees, registered with South African Council for Social Service Professions, had more than three years' experience, accredited to conduct diversion programme and those who had worked with the families of participating children. The sample consisted of nine parents, two caregivers and two social workers. The researcher selected cases where all stages of intervention were completed, where assessment was conducted, programme sessions

completed, and where graduations and follow-up sessions were conducted (Amajuba District Non-Performance Information Records, 2014 – 2016).

### **3.5 Data collection method**

There are three primary methods that form the bedrock of qualitative data collection namely observation, in-depth interview, and focus group discussion (Ulin, Robinson, & Tolley, 2005). In this study, data were collected using in-depth one-on-one or dyadic interviews (Polkinghorne, 2005). Individual interviews were more suitable than focus group discussions because children's matters are sensitive. The researcher used the in-depth interview method to solicit the perceptions of parents and caregivers. Further, the researcher used key informant interviews as an interviewing method to elicit the views of social workers.

#### **(i) In-depth interviews**

An in-depth interview is a qualitative research technique that involves conducting intensive individual interviews with a small number of respondents to explore their perspective on a particular idea, programme, or situations (Boyce & Neale, 2006). Eleven participants participated in the interviews. They were nine parents and two caregivers. The sample comprised parents and caregivers of children who reoffended after attending a diversion programme. Rubin and Rubin (2005) refer to the in-depth interview method as responsive interviewing, while Hesse-Biber and Leavy (2006) refer to the same as qualitative interviews. Responsive interviewing model is anchored on the interpretive constructivist philosophy whose goal is in tandem with that of the current which is to foster an in-depth understanding of the phenomenon being investigated and not to measure its breadth (Rubin & Rubin, 2005). The researcher used the semi-structured interview as it was considered the best way of getting participants to open-up and share their experiences regarding their contributions in supporting their children whilst attending the diversion programme.

#### **(ii) Dyadic interviews**

According to Morgan (2020), a dyadic interview involves a pair of participants who may either share a pre-existing relationship (e.g. co-workers) or be strangers (e.g. participants in the same programme). When only two participants are involved in a study, that should be treated as

dyadic interview because the interaction is more like a conversation between two people rather than a group discussion (Morgan, 2020). Key informants are knowledgeable individuals who contribute important perspectives on a research phenomenon (Cossham & Johanson, 2018). Two key informants that participated in the study were social workers.

Initially, the researcher intended to conduct a focus group discussion with seven social workers who had worked with the children and their families. Three of the social workers in the administrative area in question relocated and subsequently withdrew from the study. One of the social workers the researcher targeted was working in the same office with the researcher and that was seen as something that could compromise the study since the researcher is in a position of authority. As a figure of authority, interviewing a subordinate would culminate in conflict of interest. Hence, the researcher decided not to include the social worker in question. A single social worker did not show up on the day of the interview. The researcher decided to continue with the two remaining social workers because of the first-hand knowledge that they had about the study.

All the interviews were conducted in IsiZulu, a vernacular language understood by the researcher and study participants. An interview guide was used (see Appendix 03) to make interviewing easier between the researcher and the participants.

### **3.6 Data collection instruments**

In this section, focus is on the instruments that were used to collect data. These are researcher as key instrument and interview schedule.

#### **3.6.1 Researcher as key instrument**

The researcher plays a critical role in qualitative research. Given the role that the researcher plays in qualitative research, it is plausible to describe them as a key instrument (Paton, 1990; Kvale, 1996). As the key instrument, the researcher conducted the interviews, using their skills. To extract rich and thick data, the researcher worked on improving interview skills. Further, the researcher defocused to get rid of personal bias. Mitigating researcher bias is an important element in qualitative research because the quality of findings is dependent on how the researcher handles the interviews and importantly, how they interpret the interview schedule. The researcher used interview schedules to ensure that the interviews yielded data that was consistent with the study objectives.

### **3.6.2 Interview schedule**

The researcher used two interview schedules when collecting data. These interview schedules were structured to include the main open-ended questions, follow-up questions, and probes. The main research questions were developed from the research problem and from general research questions in such a way that it separate interview questions that were developed for each part (Rubin & Rubin, 2005). Relevant literature from articles and webpage publications was explored to gather ideas about the study and what ought to be included in the interview schedule. Communication skills such as active listening, probing, paraphrasing and encouraging assisted the researcher to ask participants the appropriate question that allowed them to share more information about their experiences about the diversion programme and reoffending children. Sutton and Austin (2015) suggest that during data collection, the researcher should take notes by hand or video recording or audiotape and must transcribe them verbatim before data analysis. Before the interviews were audio recorded, each participant was asked for permission to use an audio recorder to capture the interviews. All the participants gave consent to audio recording. Further, the audio recordings were supplemented with field notes, which were written during interviews. Two interview schedules were used since there were two samples in this study. The interview schedule that was used during interviews with parents and caregivers was different from the one used during interviews with social workers.

### **3.7 Pilot study**

In preparation for the full-scale study, the researcher conducted a pilot study. This is a mini-version of the main study, alternatively referred to as a trial run that is conducted to ensure that the data collection instrument is capable of generating the relevant data (Welman & Kruger, 1999). In a way, the pilot study is conducted to validate the research instruments. The researcher selected four participants with similar characteristics to those who were expected to participate in the main study. Among the various benefits of conducting a pilot study are that the researcher is able to check if the questions were clear and user-friendly in terms of language used, and improved their interviewing skills. Thus, the researcher revised the questions that were not clear enough for participants to provide the relevant data and removed any ambiguities to ensure that the questions could generate answers to the study's key research questions.

### **3.8 The interview process**

A qualitative interview unfolds more or less like a discussion between two parties, and it is not solely driven by the interviewer's questions but rather, it is mutually developed during the interview session (Shumba, 2014). The interviews were conducted at a place (setting) and time convenient to the participants. The setting is important because in some cases, participants may be victimised by their peers for having participated in a study based on the setting in which the interview was conducted. Privacy and confidentiality were ensured. Privacy was important in establishing trust between the researcher and study participants. According to King, 1998 (cited in Shumba, 2014), an interviewer should strive to earn trust from the interviewee, and the degree of trust is likely to increase with the depth of the interview. On average, the interviews lasted for about 45 minutes to an hour.

Routinely, the researcher would briefly introduce the study and explain the aim of the interview, placing emphasis on various ethical considerations such as the confidentiality, anonymity, and the voluntary nature of the study. The participants were invited to ask questions regarding the study, which created an opportunity for elaboration and enhanced understanding (Shumba, 2014). The researcher informed the participants that they were not compelled to answer all the questions in the event that they felt uneasy to respond to some of them and that they could stop the interview if they felt like doing so. As an interviewer, the researcher maintained her prerogative of introducing topics, defining and controlling the interview situations.

DeJonckhee and Vaughn (2019) indicate that semi-structured interviews assist the participants to share meaningful information on the factors contributing to reoffending among children who would have completed a diversion programme and how the parents and caregivers contribute in supporting their children when attending the diversion programme. Further, semi-structured interviews allow the researcher to draw significant information which detailed their knowledge of how the participants identify the existing gap on the implementation of diversion programme (Al Kilani & Kobziev (2016). However, Yamagata-Lynch (2010) states out that those interviews are tools (instruments) that help the researcher to identify how participants view and understand their own experiences, particularly during data collection.

Lastly, the participants were so eager to participate and provide information. The researcher did not experience challenges in conducting data collection except that some appointments

were not honoured as scheduled due to employment purposes. The researcher was prepared for challenges that they might have happened during data collection.

### **3.9 Method of data analysis**

Data analysis involves drawing inferences from raw data (Patton, 2002). Ulin et al. (2004) state that qualitative analysis begins with data immersion, which is a process involving the perusal of transcripts until the researcher gets “soaked” in the data. This immersion results in the researcher becoming intimately familiar with content (Terre Blanche et al., 2006). In qualitative research, data analysis is an on-going process that unfolds informally even prior to the formal stage of data analysis (Shumba, 2014). Araki (2017) emphasises that during the process of data analysis, possible themes and subthemes are emerging and developing while the process assists in understanding the raw information by clustering, searching, and arranging the qualitative data for making a connection between the themes and subthemes, which eventually yield the outcome of the study after all the information is refined.

In this study, data analysis began with listening to audio recordings and the transcription of the interview recordings. The recordings were not transcribed verbatim as they excluded sociolinguistic aspects such as intonation, repetitions, pauses, and other conversational aspects. Yet verbatim transcriptions are considered highly loyal and objective (Shumba, 2014). Some of the participants’ statements were rephrased and condensed to correctly represent the participants’ views, not only in a correct, written and more readable form, but also in a way that captured only those aspects that were of interest to the study (Lubombo, 2014). This study is interested in understanding the perception of parents, caregivers and social workers regarding children who reoffended after attending a diversion programme. Only material deemed important and reflective of the above were transcribed, and the transcripts produced were as close to audio recordings as possible. Written transcripts were generated from the audio recordings (Shumba, 2014).

The researcher initially transformed the large amount of transcribed interview texts into a systematic summary of key results to form categories and themes that would bring meanings to a raw data (Nzuza, 2020). During the process of analysing data, codes may appear repeatedly in emerging patterns, which may give rise to categories (Theron, 2015). Castleberry and Nolen (2018) further emphasize that once the data has been resembled through coding, the researcher is then able to extract excerpts from the data and view them about and in concert with each

other. This allows the researcher to begin to identify thematic patterns across the data. Themes capture the essence of the phenomenon under investigation and the purpose of the study. Belleto (2018) focuses on the interpretation of data about how those emerging themes address the research questions and consequently add value to the study. The researcher used thematic analysis to manage these data as advocated by Braun and Clarke (2006). The following six phases provide the framework utilised in conducting data analysis.

### **3.9.1 Phase one: Familiarising with the data**

The researcher listened carefully to the audio recorded data, reading and re-reading data, making notes of important information about the data. The researcher transcribed all the participants' interviews that were recorded during data collection. She kept on going back to the original data for more clarification. This process enabled the researcher to capture all the important points relating to the research questions and objectives.

### **3.9.2 Phase two: Generating initial codes**

This phase focuses on reducing the data and producing initial codes. The researcher coded interesting features of the data systematically across the entire data set, collating data that was relevant to each code. The researcher coded data into meaningful and manageable text from the transcripts.

### **3.9.3 Phase three : Searching for themes**

In this phase, the researcher collated codes into potential themes, gathering all data relevant to each potential theme. The researcher sorted the codes to identify the themes that were manifested from the data. Further, the researcher drafted all the codes and themes that were initially collated and meaningful to developing the themes to be used in the final analysis. The researcher sorted all the different codes into themes and coming up with main themes and subthemes. The researcher learned the importance of each theme in analysing data.

### **3.9.4 Phase four : Reviewing themes and generating a map for analysis**

This is the phase where checking takes place, to establish if the themes and data set generate a thematic map of the analysis. The researcher refined the draft themes identified in phase three using a two-level analysis of the code. It was a tiring exercise, which required the researcher to read through the entire data again and again to ensure that the themes match with the data.

On the other hand, it was an opportunity to check if all important information and additional data were coded accordingly.

### **3.9.5 Phase five: Defining and naming the themes and identifying sub-themes**

The researcher focused on defining each theme, identifying the essence of the theme and determining aspects of the data and research question the theme fits in.

### **3.9.6 Phase six: Writing data analysis and linking the data to other research findings**

This is the final phase of data analysis. It focuses on analysing data and writing a narrative about the data that goes beyond describing the data. This process required an extensive literature review to compare and link the research findings to the available literature.

### **3.10 Ethical considerations**

Ethical issues refer to a set of behaviours where a researcher takes cognisance of the effect of the research on the participants, and act in such a way that preserves their dignity as human beings (Cohen et al., 2007). Ethics are necessary in that the participants feel respected, appreciated, and recognised as respectable human beings. Ethical clearance for this study was obtained from the University of KwaZulu–Natal (Protocol reference number : HSS/0124/019M) and the permission to undertake the research was obtained from the Department of Social Development. The researcher obtained signed consent forms from each participant. Informed consent forms served as proof that the participants formally agreed to participate in the study.

The participants were assured of anonymity and confidentiality through the use of pseudonyms (Creswell, 2009). They were made aware of their right to withdraw from the study at any stage, should they wish to do so, and they were assured that no negative consequences would emanate from making such a decision. Further, participants were made aware of the fact that all the completed interview schedules would be analysed, processed and managed by the researcher and would be kept in a safe place for five years according to University policy. The rationale behind is to ensure that if data is needed in future to validate the findings of the study, it can be readily available. The interviews were audio-recorded after permission to use an audio-recorder was secured. Participants could at anytime ask to review the recorded data. The audio-recorder would be kept in a safe place in a lockable cabinet.

### **3.11 Trustworthiness**

According to Babbie and Mouton (2005), trustworthiness is concerned with how the researcher and other researchers feel convinced that the research findings are worthwhile. The study sought to understand recidivism in children who had completed a diversion programme through exploring the perceptions of parents, caregivers, and social workers. The study ensured trustworthiness through the use of qualitative research methods, knowledgeable participants, and the relevant literature as credible sources of information. This made the study credible, dependable, confirmable and transferable as explained below.

#### **(i) Credibility**

Credibility is concerned with whether the study actually measures or tests what it intends to investigate (Bryman, 2012). In this study, the researcher carefully selected participants who would serve the purpose of the study. The researcher ensured that participants' views were respected and reflected in both the analysis of data and presentation of findings. Credibility was achieved through the triangulation of data from participants to establish if this could produce discrepancies in the findings (Bryman, 2012).

#### **(ii) Dependability**

Dependability refers to the degree to which the reader can be convinced that the findings are indeed authentic (Shumba, 2014). The researcher ensured reliability of the findings by providing detailed descriptions of the various steps taken in undertaking the study and giving justifications for the decisions taken during the execution of the study. Moon, Brewer, Januchowski-Hartley, Adams and Blackman (2016) agree that dependability refers to the consistency and reliability of the research findings and the degree to which research procedures are documented, allowing someone outside the research to follow, audit and critic the research process.

#### **(iii) Confirmability**

Confirmability refers to the degree to which study findings directly result from the study and not the biases of the researcher (Babbie & Mouton, 2004). However, the researcher must acknowledge his or her position in the research; thus, the distinction between personal values and those of study participants is maintained and this promotes self-reflexivity (Rubin &

Rubin, 2005). The researcher achieved confirmability through research records and these served to provide an audit trail that enables the examination of both the research process and its outcome by tracing the step-by-step course the researcher followed (Wahyuni, 2012).

#### **(iv) Transferability**

According to Babbie and Mouton (2004), transferability refers to the extent to which the findings can be applied to other contexts or with other participants. In qualitative research, transferability manifests in the degree of similarity between sending and receiving contexts (Shumba, 2014). The researcher collected adequately detailed data and accurately reported on it. This allows the reader to judge the transferability of the findings, which is also known as extensibility (Ulin et al., 2004). The researcher purposively selected participants from Amajuba District, thereby increasing the likelihood of the findings being representative of the current understanding of recidivism in children after having completed a diversion programme. Attention should be paid to contextual factors when the findings from this study are to be transferred to other contexts.

### **3.12 Limitations of the study**

Interpretation of data from English to IsiZulu and vice versa would result in some words or sentences losing meaning during the transcription process. The researcher overcame this barrier by roping in a professional translator. The researcher also faced issues of attendance, participation and time because some participants were unavailable due to the fact that they were at work. Nonetheless, the researcher had to conduct interview sessions during weekends.

### **3.13 Conclusion**

In this chapter, the research method and processes used in this study were described and discussed. The various components of methodology were described. The chapter focused on describing the process of collecting and analysing data. Qualitative interviews were conducted using an interview schedule as data collection instruments. Thematic analysis was a technique

used to analyse and manage data in this research. The researcher also reflected trustworthiness and ethical considerations The findings of the study are discussed in the next chapter.

## **CHAPTER 4**

### **PRESENTATION OF FINDINGS AND DATA ANALYSIS**

## 4.1 Introduction

Having discussed the research design and methodology, this chapter presents the descriptive analysis of the collected data. The instrument used to collect data was the qualitative interview schedule. The research was conducted to determine the perceptions of parents, caregivers and social workers on recidivism in children who have completed a diversion programme in Amajuba District situated in KwaZulu-Natal Province. The interviews were conducted with the participants in their different locations. The interviews were conducted with three groups of participants, the parents and the caregivers of the children who have reoffended after completing the diversion programme as well as the social workers who worked with the families of the reoffending children.

The participants willingly availed themselves for the interviews. Table 4.1 below shows the list of participants who partook in the study, including their codes and the dates of the interviews.

**Table 4.1: List of participants who partook in the study**

No	Name of Service Office	Participants	Code	Date Interviewed
1.	<b>Parents of re-offenders</b>			
	Service Office 1	Parent 1 Parent 2	Participant 1 Participant 2	24.08.2019
	Service Office 2	Parent 3 Parent 4 Parent 5	Participant 3 Participant 4 Participant 5	26.08.2019 27.08.2019 05.09.2019
	Service Office 3	Parent 6 Parent 7	Participant 6 Participant 7	08.10.2019 10.10.2019
	Service Office 4	Parent 8 Parent 9	Participant 8 Participant 9	11.10.2019 11.10.2019
2.	<b>Caregivers of re-offenders</b>			
	Service Office 1	Caregiver 10	Participant 10	24.08.2019
	Service Office 3	Caregiver 11	Participant 11	10.10.2019
3.	<b>Key informants</b>			
	02 Service offices	Social Workers	Participant 12	27.10.2019

**Source: Compiled by the researcher (2020)**

The social workers who participated as key informants were named Participant 12 and had more than three years' experience. The participants were registered with the South African Council for Social Services Professions (SACSSP), employed by the Department of Social Development, accredited to conduct the diversion programme and had been working with the families of the reoffending children within Amajuba District.

This qualitative research employed the interview and key informant's discussion to provide answers to the following questions:

- (i) What are the perceptions of parents, caregivers, and social workers about the factors which contribute to child recidivism in Amajuba District?
- (ii) What are the common crimes or offences committed by the re-offenders?
- (iii) What are the perceptions of parents, caregivers and social workers about the diversion programme for children in conflict with the law in Amajuba District?
- (v) What are the contributions of the parents, caregivers and social workers in supporting the reoffending child whilst on the diversion programme?
- (vi) How have parents interpreted their roles and responsibilities in the diversion programme, and how do their interpretations relate to the legislative framework?
- (vii) What are the perceptions of social workers on their support services rendered to the parents, caregivers, and children?

To answer these questions, the researcher developed an interview schedule with open-ended question. The interview schedule was used to conduct eleven individual in-depth interviews and a dyadic interview with the two key informants. The feedback from the respondents constituted the responses used to address the research questions. The data presentation was based on the findings and recurring themes from the perspectives of all the respondents.

#### **4.2 General description of the participants**

The twelve participants who took part in the interviews are captured in Table 4.2 below.

**Table 4.2: Description of interview participants**

No	Name of a service office	Number of Proposed Interviewees	Number Interviewed
1	Service Office 1	09	03
2	Service Office 2	08	03
3	Service Office 3	08	03
4	Service Office 4	01	02
5	Service Offices and a Facility	07	02
	<b>Total</b>	<b>33</b>	<b>13</b>

**Source: Compiled by the researcher (2020)**

Initially, the researcher intended to conduct a focus group discussion with seven social workers who had worked with the children and their families. Three of the social workers in the administrative area in question relocated and subsequently withdrew from the study. One of the social workers the researcher targeted was working in the same office with the researcher and that was seen as something that could compromise the study since the researcher is in a position of authority. As a figure of authority, interviewing a subordinate would culminate in conflict of interest. Hence, the researcher decided not to include the social worker in question. A single social worker did not show up on the day of the interview. The researcher decided to continue with the two remaining social workers because of the first – hand knowledge that they had about the study. The participants were purposively selected, and the recorded interview transcripts were transcribed to make data analysis easier.

#### **4.3 Presentation and analysis of results from individual interview and data coding**

The interviews involved nine parents, two caregivers and two social workers as key informants. All the respondents were coded and Table 4.3. below represents the code for each of the participants who participated in the interviews. For the purpose of anonymity, the names of the respondents have been used as participants. The data presentation in this chapter was resonated with the research questions to enhance clarity. The study presented and analysed all the findings from the fieldwork.

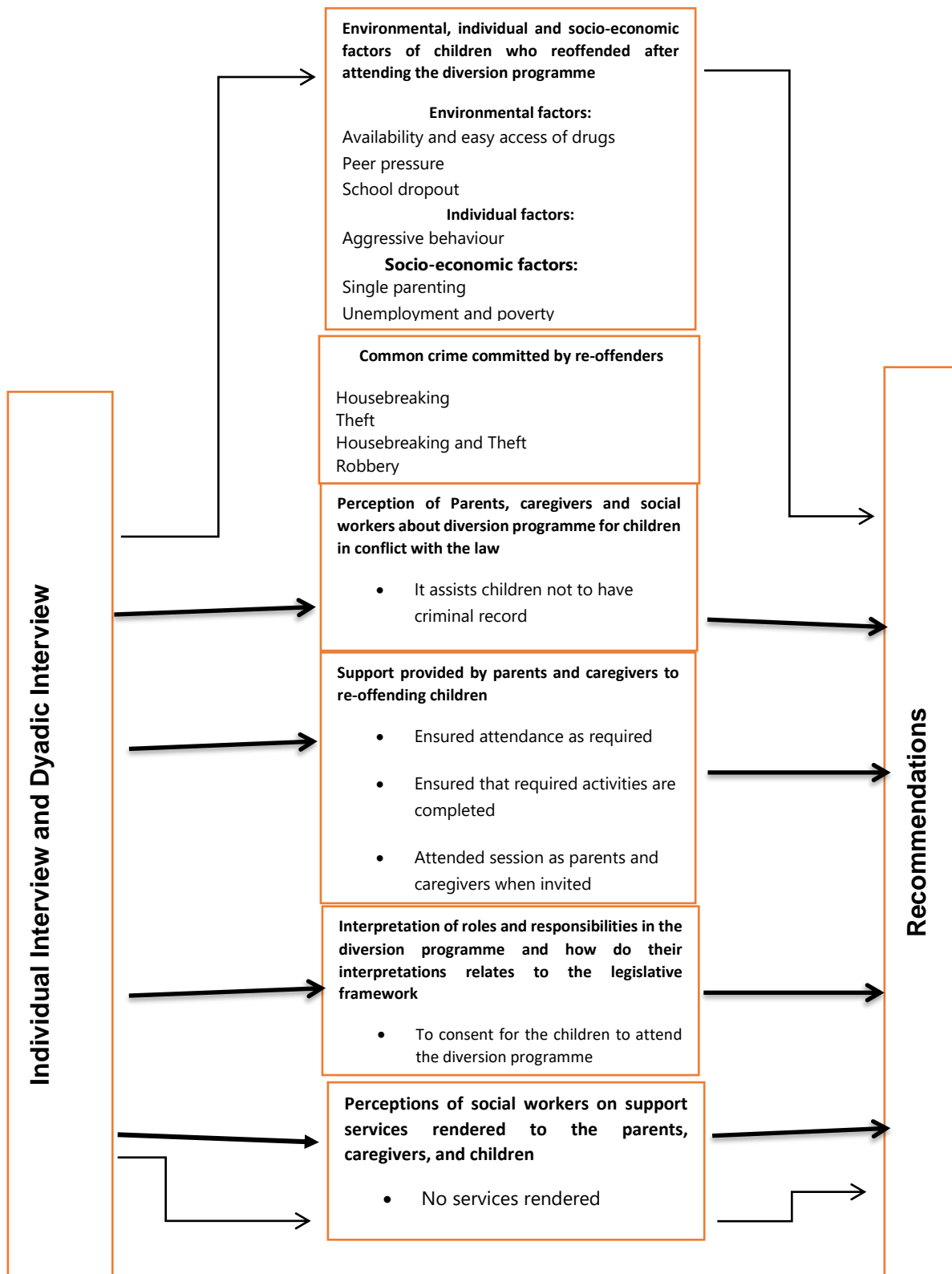
**Table 4.3: Presentation of codes for each participant participated in the interviews**

No	Name of Service Office	Participants	Code
1.	<b>Parents of re-offenders</b>		
	Service Office 1	Parent 1 Parent 2	Participant 1 Participant 2
	Service Office 2	Parent 3 Parent 4 Parent 5	Participant 3 Participant 4 Participant 5
	Service Office 3	Parent 6 Parent 7	Participant 6 Participant 7
	Service Office 4	Parent 8 Parent 9	Participant 8 Participant 9
2.	<b>Caregivers of re-offenders</b>		
	Service Office 1	Caregiver 10	Participant 10
	Service Office 3	Caregiver 11	Participant 11
3.	<b>Key informants</b>		
	02 Service Offices	Social Workers = 02	Participant 12

**Source: Compiled by the researcher 2020**

Table 4.3 above shows the participants who took part in this study. It indicates the organisation under which each participant was examined, together with their positions. Codes were used for the purpose of anonymity, considering the delicate nature of issues of children and criminality. The findings of the study are summarily presented in figure 4.1 below, which serves as a model for data presentation.

**Figure 4.1: Model of data presentation on the perceptions of parents, caregivers and social workers on recidivism in children who have completed a diversion programme**



#### 4.4 An overview of individual interview on research question one and emerging themes

The interviews were conducted in different locations in order to understand the perceptions of participants on factors that contribute to recidivism among children in Amajuba District. The participants were given an equal opportunity to respond to the research question as captured on the interview guide. The themes that emerged from the interviews with the 12 participants are presented in Table 4.4 below. The table also shows the frequency of identifiable themes that emerged during the interview with all the participants.

**Table 4.4: The Emerged themes**

No	Super – ordinate Theme	Sub-theme	Frequency of occurrence of themes
1	Environmental factors	Substance abuse Peer pressure School drop out	59 20 13
2.	Individual factor	Aggressive behaviour	13
3.	Socio-economic factors	Single parenting Unemployment and poverty	12 10

**Source: Compiled by the researcher 2020**

#### 4.5 The Environmental, individual, and socio-economic factors

The environmental factors that were reported by the participants were substance abuse, peer pressure and school dropout. The parents and caregivers reported that re-offending children displayed aggressive behaviour, which was an individual factor. The children reportedly displayed aggressive behaviour towards the participants, both at home and at school. The socio-economic factors identified by the participants were single parenting, unemployment and poverty. The environmental, individual and socio-economic factors that emerged from the

interviews conducted with the 12 participants are presented thematically in the following subsections.

#### **4.5.1 Substance abuse**

The participating parents and caregivers mentioned the substances abused by the re-offending children. Substance abuse, as an environmental factor, was considered the dominant factor, with the theme occurring 59 times. The participants felt that substance abuse galvanised children into acting irrationally, committing crime, thus contributing to child recidivism. With regard to substance abuse, Participant 5 commented:

*“My child was smoking dagga and taking drugs. He committed such offences as housebreaking as well as housebreaking and theft. He has a total of eight counts. At some stage, the court asked him to report the person that was using him because it was clear that he was being used by an adult. My child refused to disclose the adult. When I asked him, he said he was afraid of being killed by the person. The day he passed away was a Wednesday. We were at a court, attending one of his cases, and the other case would be on the following Friday. During the court recess, he disappeared. When the court officer called him after the recess, he was nowhere to be found. The court allowed me to go and on my way to a taxi rank, I heard people talking about a child who had been chased by the police, carrying a carpet. He had thrown himself into Ncandu River” (P5).*

Prichard and Payne (2005) indicated that the earlier the age of use, the more frequent the use and the more potent the drug, the higher the risk of engaging in misbehaviour. Alcohol and drugs have been found to act in a more potent way on juveniles than adults. Other participants responded as follows:

*“My child smokes dagga and takes drugs. I was aware that his friends take drugs because they told me. I was aware that he drinks alcohol. I suspected that he does take drugs and his behaviour confirms that he takes drugs” (Participant 1).*

*“My son became wayward in 2012 when he was twelve years old. He started carrying a knife and smoking dagga at school” (Participant 2).*

*“In winter this year, my son sold all my summer clothes to raise money for drugs”*  
(Participant 2).

*“My child’s problem is substance abuse”* (Participant 3).

*“I know for the fact that he is smoking dagga, but as to what else he is smoking, I do not know”* (Participant 4).

*“He continued to display with behavioural problems as he was taking drugs. Presently he is awaiting trial at Waterval Prison”* (Participant 7).

Participant 3 felt that children who abuse substances display with deviant and aggressive behaviour and are more likely to fail in school; thus, children who fail in school are more likely to drink and engage in deviant behaviour (Siege, 2011). Furthermore, substance abuse strains the child’s relationship with family members.

*“My child is very short-tempered. At some stage he attempted to hit me back”*  
(Participant 4).

*“My child becomes violent when he wants to smoke. He demands money to buy drugs. I do not have the money since I am not working”* (Participant 7).

*“He loves his friends. He is always with his friends, smoking drugs”* (Participant 6).

Drug use has been linked to escalation in crime rates and occurrences of misbehaviour. As the level of drug use increases, so does the crime rate. Drug abuse appears to have a more direct influence on teen crime patterns; for example, alcohol-abusing children are on record for engaging in acts of senseless violence (Tlhoale, 2003). Research conducted in North Carolina indicates that substance use is a strong predictor of recidivism (Cottle, Lee and Heilbrun, 2001). The following extract dovetails with this finding:

*“My child was smoking dagga and taking drugs. He committed such offences as housebreaking as well as housebreaking and theft. He has a total of eight counts. At some stage, the court asked him to report the person that was using him because it was clear*

*that he was being used by an adult. My child refused to disclose the adult. When I asked him, he said he was afraid of being killed by the person. The day he passed away was a Wednesday. We were at court attending one of his cases, and the other case would be on the following Friday. During court recess he disappeared. When the court officer called him after the court recess, he was nowhere to be found. The court allowed me to go and on my way to a taxi rank, I heard people talking about a child who had been chased by the police, carrying a carpet. He had thrown himself into Ncandu River” (Participant 5).*

*“I have seen cigarettes in his clothes. Though I am a strict mother, my son has continued to display with behaviour problems, and he was taking drugs. Presently, he is awaiting trial at Waterval Prison” (Participant 7).*

#### **4.5.2 Peer pressure**

The theme was discussed under environmental factors that contribute to child recidivism. The theme, which ranked the second, was repeated 20 times. According to United Nations Office of Drug and Crime (UNODC) (2004), during adolescence stage, peer groups replace the family as a support unit and children strive to maintain acceptance and status in the peer group. Thus, a child hardly escapes substance abuse while still identifying with peer groups that engage in substance abuse. The participants responded as follows:

*“One day, my son’s maternal grandmother phoned me telling me that my child had not gone to school. I looked for him and found him at his friend’s place, smoking” (Participant 1).*

*“He is smoking, and he is naughty. When they smoke, he also smokes to just to fit in. He cannot think for himself. He cannot tell his peers that smoking does not work for him” (Participant 4).*

Adolescents tend to seek approval from their peers in order to receive acceptance (UNODC, 2004). They even inadvertently commit crime for fear of being labelled sufferers by some of their friends and community (Ntshangase, 2016). Research on the development of the adolescent brain demonstrates that the second decade of human life is characterised by rapid change, particularly in the areas of the brain which are associated with response inhibition, the calibration of risk and rewards and the regulation of emotions (Steinberg, 2005).

Changes in arousal and motivation brought in by pubertal maturation precede the development of regulatory competence in a manner that creates disjointedness between the adolescent's emotional experience and his or her ability to regulate arousal and motivation. This disjuncture replicates "starting an engine without yet having a skilled driver behind the wheel" (Steinberg, 2005:70). Adolescents engage in riskier behaviours than adults in spite of understanding the risks involved (Boyer, 2006; Steinberg, 2005). It appears that adolescents do not only consider risks cognitively (by weighing up the potential risks and reward of a particular act), but also socially and emotionally (Steinberg, 2005).

The influence of peers can, for example, heavily impact on young people's risk-taking behaviour (Gatti, Tremblay & Vitaro, 2009). These factors interact, as sensation seeking does not only encourage attraction to exciting experiences but leads adolescents to seek friends with similar interests, and in turn, the friends further encourage risk-taking behaviour (Romer & Hennessy, 2007). According to Bartollas (2003), criminal behaviour mostly occurs in groups and an individual's misbehaviour is influenced by the misbehaviour of their peers. Research indicates that where juveniles are strongly attached to their peers, spending long periods with them, there are extensive patterns of misbehaviour and their association with their peers who engage in serious misbehaviour has a strong, negative effect on their own misbehaviour (Bartollas, 2003). The more a child's peer group is involved in misbehaviour such as truancy, drug abuse, and gang-related behaviour, the higher the chances that the child engages in misbehaviour (Siegel & Senna, 2000).

#### **4.5.3 School dropout**

This factor emerged as the third most pronounced theme during the interview with the participants' as it was repeated 13 times. Dropping out of school was described by the participants as an unwise decision, regardless of what their adolescent children thought or said. According to Esch, Bocquet, Pull, Couffignal, Lehnert, and Graas (2014), students who are involved in drugs and alcohol abuse are more likely to drop out of school than those who do not. Bad influence on children is the major reason for dropping out of school. Early or unlimited exposure to alcohol or drugs can distract children from pursuing academic goals and initiate them into antisocial activities instead. Such sentiments came up in participants' responses; thus:

*"One day, my son's maternal grandmother phoned me telling me that my child had not gone to school. I looked for him and found him at his friend's place, smoking. I phoned my*

*brother and the police who came and told them to wear their school uniforms and we then took them to school. My child was, doing Grade 8 at Hilltop High School, where he last attended school” (Participant 1).*

*“My son became wayward in 2012 when he was twelve years old. He started carrying a knife and smoking dagga at school. The principal tried to frighten them by taking them to the police station where they were released that afternoon. He continued with his bad behaviour, engaging in pick-pocketing at KwaMdakane Area until he got arrested” (Participant 2).*

*“When he was doing Grade 9, he dropped out of school and got back to drugs” (Participant 3).*

*“He was attending school at Mzamo High School, doing Grade 8. He was expelled from school because of substance abuse and bad behaviour. When I tried to take him back to school, the principal refused to readmit him, arguing that he and his friends were distracting the functioning of the school and disturbing other children” (Participant 6).*

*“The problem started when he was at high school. He dropped out of school when he was doing Grade 9. I observed changes in his behaviour. I even saw cigarettes in his pockets” (Participant 7).*

*“He was bright at school and had passion for drawing. Nonetheless, he decided to drop out of school. He was cheating with friends and smoking dagga” (Participant 9).*

Anderson and Stavrou (cited in Bezuidenhout, 2013) aver that dropping out of school reduces the chances of children in conflict with the law developing social skills such as meeting deadlines, following instructions and relating constructively with peers. The school is among the most important socialising agents in society. The children in conflict with the law, who also do not have consistent access to a school, run the risk of becoming involved in antisocial behaviours. However, having access to a school does not always imply a positive influence, as poor academic performance can lead to a negative attitude towards school, and this may influence and enhance antisocial behaviour in children (Bezuidenhout, 2013).

Section 5.2.6 (ii) of the Amended National Policy Framework on Child Justice, 2018 stipulates that the Department of Basic Education should assist the Department of Social Development with

the monitoring of compulsory school attendance orders, which can be imposed by the Child Justice Court either as a diversion option or a non-custodial sanction.

## **4.7 Individual factors**

### **4.7.1 Aggressive behaviour**

This theme was mentioned and discussed under individual factors contributing to child recidivism. It was the only theme mentioned under individual factors. It was repeated 13 times and ranked fourth in the thematic rankings. The participants considered aggressive behaviour as contributing to child recidivism. In the interviews conducted with the 12 participants, it emerged that parents were worried about their children's behaviour. They displayed aggressive behaviour even towards them as parents. The following comments were made:

*“He has a propensity for being aggressive. He had beaten his younger brother with a feast. I have heard that he severely beats his own child and the mother of his child, but the mother of his child denies that he beats her though I do have the evidence”* (Participant 1).

*“My child is very short-tempered. At some stage, he attempted to hit me back”* (P4).

*“He became violent, beating other people”* (Participant 9).

*“My child was violent when he wanted to smoke. He demanded money to buy drugs. I did not have the money as I was not working”* (Participant 7).

UNODC (2004) put emphasis that individual factors such as low self-esteem, poor self-control, negative attitude, inadequate social coping skills, depression and anxiety can influence one's decision to commit crime. Burre (2003) views personality as a philosophy that explains human behaviour largely imbedded in society. The children with a negative attitude towards their surroundings and their circumstances are likely to resort to crime. Children who display negative attitudes hardly care about the implications and consequences of their action. They act irrationally and easily commit crime because they lost hope of positive life (Ntshangase, 2016).

## 4.6 Socio-economic factors

### 4.6.1 Single parenting

The study identified single parenting as contributing to child recidivism. The theme was discussed under socio-economic factors and the participants mentioned it 12 times. Participant 1 reported that the mother of his child is deceased. Participants 2, 3, 4, 5, 7, 8 and 11 reported that the fathers of their children were deceased. Participant 9 reported that the whereabouts of the father of her child are unknown, and Participant 10 reported that the whereabouts of the child he is looking after are unknown. Pelsler (2008) maintains that a study conducted by the Centre for Justice and Crime Prevention (CJCP) in 2005 on young offenders revealed that most offenders (53%) indicated that they had not received emotional support from their fathers, who were either absent or present but did not care much about their children. Such unfortunate tendencies are likely to exert pressure on children, resulting in them becoming offenders. The participants expressed this sentiment in the transcript below:

*“His mother passed on when he was young. When he was doing Grade 4 I was already working with his maternal aunt, taking care of him”* (Participant 1).

*“His father passed on when he was seven years old”* (Participant 2).

*“He does not know his father because he denied paternity though he is now deceased”* (Participant 5).

*“I raised him alone. His father passed on when he was eight months’ old”* (P7).

*“His father is alive but his whereabouts are unknown. Sometimes he would say he needed to go to his father for custom and I do not know how because his whereabouts are unknown”* (Participant 9).

*“His mother’s whereabouts are unknown, but his father is in Johannesburg. His uncle came with him when he was three months old”* (Participant 10).

*“The child is my sister’s child. He was staying with his paternal family. My sister got married. His father and paternal grandparents later passed away and that is how he came to stay with us”* (Participant 11).

The family is the first environment in which an individual interacts with others. The family is important as it socialises the child from birth, teaching the rules of behaviour acceptable in

society, taking appropriate steps to keep children within those rules (Maree, 2008). The absence of these functions exposes children to the risk of conflicting directly with the law (Van Raemdonck and Khan, 2017). An increase in the number of single parent families negatively influences crime rates. Children living in single-parent homes are twice as likely to be impoverished as those in homes with both parents. Such children are especially at risk of engaging in juvenile misbehaviour, a predictor of escalating crime rate (Tlhoale, 2003).

#### **4.6.2 Unemployment and poverty**

This theme was mentioned and discussed under socio-economic factors that contribute to child recidivism. It was repeated 10 times by the participants. Evidently, issues of unemployment and poverty are a cause for concern and are related to crime and juvenile re-offending. The economic circumstances under which some South African juveniles live compel them to resort to crime as a remedy or a coping mechanism to ameliorate their plight. The participants commented, thus:

*“I used to engage in casual employment”* (Participant 1).

*“I did not have any support system; hence, I could not pay rent, water and electricity bills. I could hardly afford food, clothes and other things. To supplement my meagre income, I sell perfumes. When my boss says she needs somebody to clean his house, I often do the cleaning, depending on my shift”* (Participant 3).

*“I am not working”* (Participant 5).

*“He yearns to have things he cannot afford. He sometimes asked me to buy those things for him only to find that I hardly afford too. Then, he commits crime and that hurts”* (Participant 8).

The above comments suggest correlation between financial hardship and offending behaviour. Bezuidenhout (2013) avers that community disorganisation, economic inequality and deprivation, unemployment rates and the availability of alcohol and drugs may contribute to antisocial behaviour. Participant 8 commented that the reason for committing crime was financial incapacitation. For some children, crime was the only means of survival. Therefore, such circumstances contributed greatly to re-offending behaviour among some children.

Poverty exposes people to social conditions that influence their interaction with others and their behaviours. These social conditions to which children are exposed make it difficult for them to cope with life challenges. The children do not receive the necessary emotional support from parents, thus exacerbating the challenges they face throughout development stages. Children’s relationships with their parents determine their vulnerability to crime, and this risk increases when children are exposed to a poor community (Kleinhans, 2013).

#### 4.7 Common crimes committed by re-offenders

Beyond the factors contributing to child recidivism, the research further examined the common crimes committed by re-offenders. The interviews conducted with the 12 participants revealed four themes regarding the common crimes committed by re-offenders. The four themes which recurred among the participants were: housebreaking, theft, housebreaking and theft, as well as robbery. The emerging themes and their frequency of occurrence among the 12 participants are presented in Table 4.9.1 below:

**Table 4.5 Common crimes committed by re-offenders (Emerging Themes)**

No	Themes	Frequency
1	Housebreaking	08
2	Theft	04
3	Robbery	04
4	Housebreaking and theft	03

**Source: Compiled by the researcher (2020)**

##### 4.7.1 Housebreaking

This theme emerged from the interviews conducted with the twelve participants and it was repeated 08 times. The crimes committed by the re-offenders are non-violent misdemeanour offences. Participant 5 reported that her son did not commit other crimes except housebreaking and housebreaking and theft. He was reportedly being used by an adult. The participant commented:

*“My child was smoking dagga and taking drugs. He committed such offences as housebreaking as well as housebreaking and theft. He has a total of eight counts. At some stage the court told him to disclose the person that was using him because it*

*was clear that he was being used by an adult. My child refused to disclose the person. When I asked him, he said he was afraid of being killed by that person. The day he passed away it was a Wednesday. We were at the court attending one of his cases. The other case was going to be on the following Friday. During a court recess, he disappeared. When the court officer called him, he was nowhere to be found. The court allowed me to go and on my way to a taxi rank I heard people talking about a child who had been chased by the police, carrying carpet. He had thrown himself into Ncandu River” (P5).*

#### **4.7.2 Theft**

The theme was mentioned four times. Theft involves unlawfully and intentionally appropriating the movable, corporal property of another with the intention to permanently deprive the owner of his or her possession(s) (Snyman, 2008).

*“The third offence was that he stole a jack of the car. This is how he was put into prison” (Participant 2)*

#### **4.7.3 Robbery**

The theme was repeated four times during the interviews with the 12 participants. Some participants responded in the following ways:

*“The second offence was robbery of a cell-phone” (Participant 2).*

*“It was robbery involving a firearm. He was with his friends and there was an adult who had a firearm” (Participant 11).*

Participant 12 reported that most children committed the same crime, that is, housebreaking and theft. She added that the children who abused substances committed offenses which included housebreaking, theft, and robbery. Their serious offenses are assault with intention to cause grievous bodily harm and murder.

The parents further reported that children committed such crimes because they wanted money to buy drugs.

*“The third offence was stock theft. Children sometimes steal stock from community members in order to have money to keep themselves happy”* (Participant 1).

*“In winter this year, he sold all my summer clothes to raise money for drugs”* (Participant 2).

#### **4.7.4 Housebreaking and theft**

The theme was repeated three times. Housebreaking with intent constituted unlawful and intentional breaking into and entering of a building or structure with the intention of committing a crime (Snyman, 2013). Participant 1 reported that his son committed housebreaking and theft. This was his second offence committed at a partial care facility. The participant said:

*“The offence was the house breaking at the centre where they stole refrigerator, gas cylinder and groceries for children”.*

Participant 3 and Participant 5 reported that all their sons committed housebreaking and theft. Participant 5's son had committed eight counts of the case, but he is now deceased. Participant 12 reiterated that the children who abused substances committed the same offences which are housebreaking, theft and robbery. While some children committed housebreaking and theft, others committed serious offences such as assault with intention to inflict grievous bodily harm and murder. Participant 4 commented about his son, thus:

*“He has committed murder and the case is under investigation”.*

#### **4.8 The perceptions of parents, caregivers and social workers regarding diversion programme for children in conflict with the law in Amajuba District**

The theme appeared seven times during the interview conducted with 12 participants who reported that they understood that the diversion programme helped children to refrain from

criminal record as the social workers explained to them. The participants made the following comments:

*“It assists children to grow older without a criminal record”* (Participant 1).

*“I understand that the programme was designed to help children refrain from acquiring a criminal record”* (Participant 8).

*“As the social worker explained, I understand that the programme prevents children from having a criminal record”* (Participant 9).

*“The programme diverted my cousin from having a criminal record. He was then able to differentiate between wrong and right”* (Participant 10).

The researcher further engaged with the participants about them being part of the programme and what they learned from the programme. They said the following:

*“I was part of the programme, and I took my son to the programme. I attended some of the sessions to which I was invited. I learnt that it assists children to shun having criminal records”* (Participant 1).

*“My child was at Sinethemba Secure Care Centre. I used to visit him every month. I attended one of the sessions”* (Participant 2).

*“Honestly, I did not attend all the sessions due to other commitments. I attended one session. I got to know about the programme through my son. He used to come with papers, saying he was working on some homework. He would share with us what he learned during those sessions. I was invited but unable to attend”* (Participant 3).

*“My child committed another crime whilst attending the programme. I attended the session as a parent”* (Participant 5).

*“I was part of the programme and I attended some of the sessions. I did not complete the sessions due to ill-health. His sister stood in for me. The programme was good and relevant and I noticed that my child had a potential to change. He behaved himself for a month. His problem is substance abuse. If he can quit that practice he will be fine”* (Participant 7).

*“I was not part of the programme due to employment commitments. The programme was good and it helped my child for a period of one month”* (Participant 9).

The role parents should play in the diversion programme is paramount as it influences effective diversion outcomes. Children can easily recidivate if parents lack insight into what an intervention expects of the participants. Parents often contribute to their children's criminal behaviour and when they do not meaningfully participate in programmes, interventions have little meaning. When parents do not participate in the interventions, they do not have a thorough understanding of what these interventions entail (Steyn, 2012).

Participant 12 commented that:

*“The parents and caregivers hardly understand the programme. They look at it as something that the social worker must do to help their child evade being arrested. We said so because we talk about the diversion programme for the first time to the parents and caregivers when their children are arrested. Often, parents or caregivers will be shocked or confused when their child is arrested and the social worker intervenes with the diversion programme. The parent or caregiver does not ask any questions; he or she is interested in knowing whether his or her child has been arrested or not”.*

Participant 12 further noted that even the schools feel like the social worker is shielding the child from being expelled from school. Participant 12 opined that awareness on diversion programme be developed and conducted. This awareness seeks to educate the community, schools and children about the programme, why it is being implemented, who is eligible for inclusion in the programme, the roles of the participants in the programme and the cases to be considered. Participant 12 felt that parents and caregivers ought to be forced to be part of the diversion programme and that a binding order must be issued to them as well.

The diversion programme aims to encourage accountability and meet the individual needs of child offenders, reintegrate and reconcile the offenders with family, community and victims, provide opportunity for victims to express their views and benefit from compensation, prevent stigmatisation and preventing the child from acquiring a criminal record (Child Justice Act, Act No 75 of 2008, Section 2). The diversion programme uses a variety of strategies which include life skills training, community service, family and victim involvement and other outdoor activities (Steyn, 2012). Divertees are expected to attend all the sessions and participate in all the required activities before completing and graduating from the programme. Divertees are aware of the legal consequences of not complying with the diversion order; thus, they try

to comply with it and avoid getting a criminal record, although there are those who do not comply with the programme in some instances. Participants 4, 8 and 9 made the following comments:

Participant 4 reported that her son committed crime whilst in the programme and the matter was allowed to proceed at Child Justice Court, thus:

*“I just do not know because the problem is with my child. He did not want to participate in the programme. The matter was referred back to court and the prosecutor gave him a second chance. He did not reform; he continued with his behaviour and re-offended (Participant 8)*

*“My son ran away when the social worker came for the programme. The social worker reported that to the prosecutor in court. The prosecutor called us to court, talked to us about the programme and told my son to attend the programme. My son did not listen because he continued committing crime” (Participant 9).*

Muntingh (2001) found that most divertees complied with the diversion programme because they were afraid of prison and want to avoid getting a criminal record. Divertees were encouraged to attend the programme owing to the fact that their cases would be withdrawn; however, their attendance was expected to meet the objectives of diversion intervention, including promoting reintegration and reducing the potential for re-offending.

Evidently, the interviews indicated that some parents did not support their children. It emerged that children did not have open communication with their family members, resulting in anxiety that made children to find a sense of belonging among their peers who often encourage them to commit crime. This was usually the case with substance abusers. Since the family is the basic unit of support, children who lack parental support usually exhibit behavioural issues which infringe on their ability to perform well at school. Steyn (2012) perceives lack of parental support as one of the obstacles impeding diversion strategies, which may result in children re-offending.

Parental involvement in the diversion programme is vital for purposes of monitoring attendance and providing the support required by the child. The Child Justice Act (Act No 75 of 2008) provides that parents have to consent to the diversion programme. Their responsibility is not confined to consenting to diversion but extends to the actual involvement in the programme once their child has been referred to the diversion programme.

#### **4.9 Contributions of parents, caregivers and social workers in supporting the re-offending child whilst on the programme**

Family support is a necessity on which the success of diversion programme depends. The children in conflict with the law need support, love and acceptance by their parents, caregivers and other family members. A family is the child's basic unit of growth, love and acceptance for any stage of life. Although adolescents move from reliance on their families and identify more with their peers, they still need to feel a sense of belonging propagated by being in a family environment (UNODC, 2004). The findings show that such support was crucial to reoffending children as it fosters learning and change of behaviour. A participant said:

*“After he had committed his last offence, I deliberately allowed the police to detain him at the police station. The police asked me to sign for him as he was a minor but I refused because I had signed for him before. I wanted him to learn a lesson. I eventually went to sign for him on the following day”* (Participant 1).

*“I only have peace when he is in prison. I feel bad because he is my child but I have peace. I enjoy my sleep because I know that he is safe in prison; he has food and a place to sleep”* (Participant 2).

*“Presently, he is awaiting trial at Utrecht Prison. I did not attend his trial; neither did I visit him in prison. His sister did; I am tired of him”* (Participant 3).

*“My son slept at the police station. I knew that the police were not allowed to detain them; I did that deliberately because I was pissed off”* (Participant 4).

*“He is serving his sentence at Waterval Prison. He will be released and continue from where he left. He loves his friends and drugs* (Participant 6).

*“My son has to be forced to attend the diversion programme. He does not want anything that has to do with writing. I wish the programme could be more practical and done in a strict environment* (Participant 8).

The interviews held with the participants revealed the following: some children did not have open communication with their parents and caregivers, which results in anxiety that compelled children to feel a sense of belonging to their peers who often encourage them to commit crime. The family is a basic unit of support and a child who lacks parental support usually displays

behavioural problems, which end up infringing on their ability to realise their educational goals. Steyn (2012) notes that lack of parental support is one of the issues hampering diversion strategies and this may lead children to re-offend. Mabuza and Roelofse (2013) echo the view that a lack of family support and other supportive social groups could contribute to recidivism.

Some participants expressed the following comments:

*“Some parents and caregivers become angry, shocked and saddened by their children’s behaviour. So, they leave everything in the hands of the social worker. They expect the social worker to perform miracles and change their children’s behaviour. Other parents pay the damages to the crime victims for the case to be withdrawn. The support that parents should provide is ensuring that the children attend the diversion programme and Section 55 (2)(h) of the Child Justice Act stipulates that diversion programme should, if possible, involve the parent, guardian or the appropriate adult”* (Participant 12).

*“The court instructed us to pay for the phone and the goat that were stolen. We then paid the damages and that was it”* (Participant 2).

#### **4.10 How have parents, caregivers and social workers interpreted their roles and responsibilities in the diversion programme and how do their interpretations relate to the legislative framework**

The theme was reported eight times during the interviews with the 12 participants. The parents reported that they thought they understood their roles because the social worker explained what was expected of them as parents and caregivers during the first session of the diversion programme. Ten participants reported that they consented to their children participating in the diversion programme. Participant 6 reported that he did not remember the social worker talking about the diversion programme, but the records indicated that he had been referred for diversion programme.

Section 52 (1) of the Child Justice Act Number 75 of 2008 provides that diversion be considered if the child acknowledges responsibility for the crime, has not been unduly influenced to acknowledge responsibility, the child and his or her parent and caregiver consent to diversion and if the prosecutor indicates that the matter may be diverted. The child, parent and caregiver have to sign a consent form that allows the child to attend and participate in

group diversion sessions. Ten (10) participants reported that they complied with the Child Justice Act (Act No. 75 of 2008).

As prescribed by the Child Justice Act (Act No. 75 of 2008), parents are responsible for ensuring that their adolescent children comply with the diversion order and any conditions stipulated in that order. Thus, the onus is on parents and caregivers to monitor their adolescents' daily activities, particularly ensuring that they attend the diversion programme sessions. Precisely, parents and caregivers are required to attend the sessions of the diversion programme when invited. The participants made the following comments:

*"I took my son to the programme and I was part of the programme. I attended some sessions when I was invited. I learnt that diversion assists children to avoid criminal records"* (Participant 1).

*"My child was at Sinethemba Secure Care Centre. I used to visit him every month. I attended the session once"* (Participant 2).

*"My child committed another crime whilst attending the programme. I attended the session as a parent"* (Participant 5).

*"I was part of the programme and I attended some of the sessions. I did not complete the sessions due to ill-health. His sister stood in for me. The programme was good and relevant and I saw that my child had the potential to change. He behaved himself for a month. His problem was substance abuse. If he quits that practice, he will be fine"* (Participant 7).

*"Yes, I attended some of the sessions to which I was invited. Children are taught to differentiate between wrong and right and the dangers of committing crime"* (Participant 10).

*"I ensured that he attended the programme and I had to attend one of the sessions when I was invited as a caregiver. The programme assists children who exhibit misbehaviour. The child learned to choose friends, to be home before 20:00 hours and focus on his school work. They taught us to be part of our children's lives, talking to them, knowing their whereabouts, and monitoring their school work"* (Participant 11).

Most of the parents and caregivers felt that they had to support their children and they demonstrated their supportiveness by attending diversion sessions and transporting their children to the programme venues to ensure compliance.

Though some parents accepted their role in terms of monitoring their children's compliance with diversion orders, they felt burdened by the additional responsibility as it tended to affect their daily work schedules, hence they only attended the sessions when invited.

*"Honestly, I did not attend all the sessions due to work commitments. I attended one session and I know about the programme through him. He used to come with papers, saying he was doing homework. He shared with us what he had learned during the sessions. Though I was invited, I was unable to attend"* (Participant 3).

*"I was not part of the programme due to employment commitments"* (Participant 9).

Section 57 (2) of the Child Justice Act (Act No. 75 of 2008) stipulates that if the child fails to comply with the diversion order, the matter may be referred back to court in writing. Participants 8 and 9 reported that their children did not comply with the order and their matters were referred back to court. They said:

*"My son refused to attend the programme and on the day of the programme he would run away"* (Participant 8).

*"On seeing the social worker coming, my son would ride his horse towards the mountain"* (Participant 9).

In both the cases the parents expressed the feelings of frustration about their children not complying with the diversion order. Participant 12 indicated that:

*"The social worker reported that for the diversion programme to be effective, all the parties must be available. The presence of parents and caregiver is very crucial. Some parents attend the inquiry and are told about the monitoring of orders, but when the programme starts, some of them would have already left. The child starts the programme alone. The people at home do not understand the importance of the orders and what needs to be done to monitor them. As much as some parents left due to employment commitments, others have absolutely no reasons. The parents and caregivers focus on the opening of the case and what is going to happen to the child and not on the programme itself"* (Participant 12).

The act of committing crime is caused by interplay of different factors, thus triggering deviant behaviour on the part of individuals. Addressing crime needs a holistic approach that tackles all the factors. Van der Merwe (2007) noted that many children go through painful personal experiences such as poverty, abuse, lack of love, et cetera. Moreover, in some cases divertees were found to have major problems which the facilitator and could not help with because of lack of information.

Parents are generally viewed as the most important adults in the lives of children since they significantly impact on their children's beliefs, attitudes, behaviours and goals (Beam, Chen & Greenberger, 2002). Parents must be involved in the mentoring experience of their children; concerns have to be clarified with regard to the safety of their children and matters related to parental authority. Their buy-in and commitment often reinforces the positive influence of mentors and counteracts feelings of being supplanted by alternative adult support rendered to the children (Rhodes et al., 2000).

#### **4.11 Perception of social workers on their support services rendered to the parents, caregivers and children**

The interviews revealed the support services rendered by social workers to the parents, caregivers and children. Participants 1, 2, 3, 4, 5, 6, 7, 8 and 9 revealed the need for aftercare services for their children to circumvent re-offending. The interviews revealed that the aspect of aftercare services came up repeatedly for nine times. The above-named participants reported that there were no services rendered to them before and after their children had re-offended. They requested the social worker to visit them and see how they were coping.

*"I request that the social workers visit my family during and after the programme to see how we behave"* (Participant 1).

*"Honestly, I did not receive any support from the social workers for six years"* (Participant 2).

*"At some stage I got sick. I always cry because of his behaviour. I do not know what to do and what he wants. Another thing is that I had to move from one place to another because I could not stand it anymore. I nearly died. I was referred to the*

*psychologist. My sister, who is my only support system, booked me at a private psychologist. I attended six sessions. It helped me a lot” (Participant 3).*

*“The programme is like an operation. When you are in hospital for operation, physicians do not keep you there until you heal. They discharge you and monitor you at home. You consult them for check-up and for infection. So, I think if aftercare services are rendered too, it will help. The social worker visits us to see if we implement what we have learned from the programme before and after reoffending, seeing how are we coping. Presently, my child is awaiting trial for a murder case” (Participant 4).*

*“My child committed other crimes whilst undergoing the diversion programme. No further services were rendered to the family except meeting with the social worker at the court. This occurred until my child passed away” (Participant 5).*

*“I was expecting the social worker to visit our family and the child to see what he was doing when he was at home. I was expecting the social worker to also visit the school and the teacher to understand how the child performs at school. My child is now at Waterval Prison” (Participant 6).*

Participant 12 indicated that the Department of Social Development has an accredited aftercare programme called ‘Mind the Gap’. It is an aftercare programme. The programme is specifically designed to cater for the children who have completed the diversion programme. The participant acknowledged that they do not do justice to the implementation of the programme due to shortage of staff.

Participant 12 further acknowledged that the Department of Social Development does not have programmes or support services specifically meant for the parents and caregivers of offenders and re-offenders. According to Miller and Sambell (2002), the parents ought to speak to a counsellor and other parents in counselling and support settings to help them cope with their roles of monitoring and supporting their children.

#### **4.12 Conclusion**

This chapter presented the research findings and analysis. Perception of parents, caregivers and social workers about factors that contribute to child recidivism and common crimes committed by the re-offenders were identified in this chapter. The perceptions of parents, caregivers and social workers regarding the diversion programme for children in conflict with the law were detailed in this chapter. The contribution of parents, caregivers and social workers in supporting the re-offending children was discussed. It was revealed in this chapter that there were challenges in relation to the interpretation by parents and caregivers of their roles and responsibilities in the diversion programme as outlined in the Child Justice Act (Act No 75 of 2008). The perception of social workers on their support services rendered to the parents, caregivers and children were explored in this chapter. This chapter presented suggestion of participants about their perception on recidivism in children who have completed a diversion programme in Amajuba District of KwaZulu-Natal Province. The next chapter will discuss conclusions and recommendations.

## CHAPTER 5

### SUMMARY OF FINDINGS, DISCUSSIONS, CONCLUSIONS & RECOMMENDATIONS

#### 5.1 Introduction

This final chapter revisits the research objectives and therefore determines whether the research objectives were met or not. Firstly, this chapter presents the theoretical integration. Secondly, it summarises the study's main aim and objectives. Lastly, this chapter presents a summary of the key findings and conclusion. It then proffers recommendations for social work practice and future research.

#### 5.2 Aim of the study

The aim of the study was to find out the perceptions of parents, caregivers and social workers about the diversion programme and children's propensity for re-offending after attending the diversion programme within Amajuba District in KwaZulu-Natal Province.

#### 5.3 The objectives of this study were:

1. To understand the perceptions of parents, caregivers and social workers about factors which contribute to child recidivism in Amajuba District;
2. To identify offences or crimes which are commonly committed by re-offenders;
3. To understand the perceptions of parents, caregivers and social workers about the diversion programme for children in conflict with the law in Amajuba District;
4. To know the contribution of the parents, caregivers and social workers in supporting the re-offending child whilst on the diversion programme;
5. To understand the interpretation of parents, caregivers and social workers' role and responsibilities in the diversion programme in line with the legislative framework; and
6. To learn more on the perceptions of social workers on support services rendered by social workers to parents, caregivers, and children.

#### **5.4 Theoretical integration**

The researcher adopted Urie Bronfenbrenner's (1994) Ecosystems Theory to guide the study. The theory was adopted in order to understand the lived experiences of children in conflict with the law. The Ecosystems Theory looks at the child's development within the background of the systems of relationships that constitute his or her environment. The theory defines the complex layers constituting the environment, each impacting on a child's development.

#### **5.5 Summary of methodology**

This qualitative study adopted the interpretive approach. The study focused on Amajuba District located in KwaZulu-Natal Province. The interviews were conducted with three groups of participants numbering to 13 participants. The participants, who were purposely selected, included 09 parents and 02 caregivers of the children who had reoffended after completing the diversion programme and 02 social workers who have worked with the children and families. In addition to the in-depth individual interview, a dyadic interview was conducted with two social workers who worked with the families. The researcher selected the cases of children who reoffended after attending the diversion programme as the study was based on the perceptions of their parents, caregivers and social workers about the diversion programme and reoffending. For the purposes of anonymity and confidentiality, the names of the respondents were not used.

The instrument used to collect data was the qualitative interview schedule. The interviews were conducted with the participants in their different locations. The participants voluntarily availed themselves for the interviews. The feedback from the respondents was used to address the research questions. The data presentation was based on the findings and the reoccurring themes emanating from the perspectives of all the respondents. The recorded interview transcripts were transcribed to expedite data analysis.

#### **5.6 Summary of the key findings and conclusion**

The study findings are discussed under each objective. Each objective covers a number of sub-themes emanating from the findings presented in Chapter 4 of this dissertation. Through these findings, the objectives of the study were achieved, and the research questions were answered.

**5.6.1 Objective 1: To understand the perceptions of parents, caregivers and social workers about factors which contribute to child recidivism in Amajuba District**

The themes that emerged during the course of the interviews with the 12 participants are presented in Table 5.1 below. The table shows the frequency of the identifiable themes that emerged during the interviews with all the participants.

**5.1 The emerging themes**

No.	Super – ordinate Theme	Sub-theme	Frequency of occurrence of themes
1	Environmental factors	Substance abuse Peer pressure School dropout	59 20 13
2.	Individual factor	Aggressive behaviour	13
3.	Socio-economic factors	Single parenting Unemployment and poverty	12 10

**5.6.2 Environmental factors**

**5.6.2.1 Substance abuse**

Substance abuse is defined by Lightowel (2011) as a pattern of harmful use of any substance for mood-altering purposes. The findings of this study confirmed that substance abuse indeed is a major factor contributing to child recidivism. As an environmental factor, substance abuse dominated other factors, with the theme occurring 59 times. The participants felt that substance abuse stimulates children to act irrationally and to commit crime thus contributing to child recidivism. Evidently, children who abused substances perpetrated multiple violent acts and other criminal activities. Substance abuse encourages crime and violence as it disrupts normal brain function. Nyadaza and Coetzee (2017) found a correlation between substance abuse and criminality as evidenced by the 2015 statistics whereby there was a 2.4% increase in criminal

behaviour due to drugs. Furthermore, Cottle, Lee & Heilbrun (2011) emphasized that by reporting that research indicates that substance use is a strong predictor of recidivism.

#### **5.6.2.2 Peer pressure**

The findings indicate that peer pressure contributes to recidivism among children. The theme ranked second as it was repeated twenty times. Peer pressure directly and indirectly affects the child in conflict with the law. Children in conflict with the law are directly affected by peer pressure through coercion resulting in them taking risks. Due to fear of rejection, or desire for peer approval, children in conflict with the law are directly influenced by their peers. The peer group can be enormously powerful in transmitting cultural values and norms, thus influencing behaviour. The participants reported that their children were always with friends in order to fit in and to avoid being called by names.

#### **5.6.2.3 School dropout**

Furthermore, school dropout emerged as the third pronounced theme. It was repeated thirteen times during the interview. The researcher believed that the school environment plays a major role in the development of children's self-esteem as well as profoundly influencing their hopes and dreams. The study findings indicate that most children had a poor relationship with the school. However, their parents and caregivers were seemingly uninterested in their children's school progress and development. The participants shared the view that their children dropped out of school when they started high school, mostly at the age of 15 years. Out of 11 participants, only 2 reported that their children were still at school. There were three cases of children who dropped out of school while doing Grade 4. The participants further indicated that their children were still attending school when they first got involved in crime. When the participants were engaged on the manner in which they interacted with the school, they reported that they hardly had time to go to school to discuss the matter with the school management team due to employment commitments. Apparently, that was suggestive of very poor parenting. Parents and caregivers were not mindful of what happens to their children morally, spiritually and academically. They seemed to forget that these aspects basically shape who their children would be in future.

The children in conflict with the law, and did not have consistent access to a school, run the risk of becoming involved in anti-social behaviour. However, having access to a school does not necessarily imply a positive influence, as poor academic performance can also lead to a negative

attitude towards school, and this may influence and enhance anti-social behaviour in a child (Bezuidenhout, 2013).

Section 5.2.6 (ii) of the Amended National Policy Framework on Child Justice (2018) stipulates that the Department of Basic Education is responsible for assisting the Department of Social Development with orders to do with the monitoring of compulsory school attendance, which can be imposed by the Child Justice Court either as a diversion option or a non-custodial sanction. Participant 12 noted that when visiting the school for monitoring purposes, the school felt like the social worker was shielding the child that about to be expelled from school. Interviews with educators on the children's behaviour in schools would provide valuable insight. A more focused and in-depth follow-up process would yield better information to better children's school attendance.

### **5.6.3 Individual factors**

#### **5.6.3.1 Aggressive behaviour**

Another factor mentioned and discussed under individual factors that contribute to child recidivism is aggressive behaviour. It was the only theme mentioned under the individual factors. The theme was repeated 13 times and ranked the fourth in the thematic rankings. The participants considered aggressive behaviour as a factor contributing to recidivism. The study revealed that in the interview conducted with 12 participants, 09 of them reported that they were worried about their children's behaviour. They displayed with aggressive, disrespectful, non-cooperative behaviour at school and even towards their parents.

In their study of the impact of family violence, family functioning and parental partner dynamics on Korean juvenile delinquency, Kim and Kim (2008) found that child delinquency depends on the child's maladaptive traits such as anti-social personality. The views of the participants correspond with those of the authors regarding the fact that antisocial personality is linked to delinquency. It can be deduced that children in conflict with the law have different characteristics and personalities which are particular to them, for instance, stubbornness, arrogance, disrespectfulness, aggressiveness, non-cooperativeness, feeling withdrawn or extroverted, attention-seeking and being easily influenced. The children in conflict with the law can share most of these characteristics, yet at the same time, they can still be diverse. Literature identifies personality traits, such as a person's inability to control their behaviour as an important factor that

predicts the behaviour of children in conflict with the law (Maree, 2008). This trait encompasses impulsiveness, hyperactivity, restlessness, clumsiness, inconsiderateness, impetuosity, inability to plan ahead, short-time horizon, low self-control, sensation-seeking and inability to delay gratification (Maree, 2008).

#### **5.6.4 Socio-economic factors**

##### **5.6.4.1 Single parenting**

The study identified single parenting as one of the factors contributing to child recidivism. The theme was discussed under socio-economic factors and the participant mentioned it 12 times during the interviews. Participant 1 reported that the mother of his child was deceased. Participants 2, 3, 4, 5, 7, 8 and 11 reported that the fathers of the children were deceased. Participant 9 reported that the whereabouts of parents' children were unknown. Family environment has an important influence on the psychosocial development of the child.

The family is the first environment within which an individual interacts with other people. The family socialises children from birth, teaching them rules of behaviour acceptable in society, and taking the appropriate steps to keep children within those rules cannot be over-emphasised (Maree, 2008). The family's failure to perform these functions exposes children to the risk of insistently coming into direct conflict with the law (Van Raemdonck & Khan, 2017). An increase in the number of single-parent families corresponds with the rise in crime rates. Children living in single-parent homes are twice as likely to be impoverished as those in two-parent homes. Such children are especially at risk of engaging in juvenile misbehaviour, a predictor of an increasing crime rate (Tlhoale, 2003).

Pelser (2008) alluded to the findings of a study conducted by the Centre for Justice and Crime Prevention (CJCP) in 2005 on young offenders who revealed that most offenders (53%) indicated that they had not received emotional support from their fathers, who were either not around or even if they were, did not care much about their children. Such unfortunate tendencies are likely to exert pressure on children, which may exacerbate their inclination towards offending and re-offending.

#### **5.6.4.2 Unemployment and poverty**

This theme was mentioned and discussed under socio-economic factors that contribute to child recidivism. It was repeated 10 times during the interviews with the participants. The study revealed that parents and caregivers are trying their best to provide for their children. One of the parents offered to work double job to supplement her meagre income. On the other hand, it emerged that the children are being used by adults in the communities to commit crime for their personal gain. This finding corresponds with the findings of the study conducted by Martin, Martin, Dell, Davis and Guerrier (2008) on the profile of incarcerated juveniles; comparison of male and female offenders and the study found that juvenile delinquency is common in the neighbourhoods where residents have a low socio-economic status. Martin et al. (2008) contend that children in conflict with the law come from poverty-stricken areas, while Geldenhuys (2007) claims they come from poor and middle-class families. Thus, children are exposed to the negative influences prevalent in their environment. This affects their value system and, in turn, determines the type of decisions the children make.

Evidently, the issues of unemployment and poverty are a cause for concern and it is related to crime and juvenile re-offending. Juveniles in South Africa live under are economic constraints which compel them to resort to crime as a coping mechanism.

#### **5.6.5 Objective 2: To identify offences or crimes which are commonly committed by re-offenders**

The interviews conducted with the 12 participants reported four themes regarding crime committed by re-offenders. The four themes which repeatedly featured among the participants were: housebreaking, theft, housebreaking and theft as well as robbery. The emerging themes and the frequency of occurrence among the 12 participants were presented in Chapter 4 (see Table 4.13 in Chapter 4). This objective was also achieved because the study managed to identify the crimes which are commonly committed by re-offenders. It was noted that the re-offenders mostly committed the offences they previously committed as first offenders.

### **5.6.6 Objective 3: To understand the perceptions of parents, caregivers and social workers about the diversion programme for children in conflict with the law in Amajuba District**

This objective was also achieved because the researcher was able to ascertain the perceptions of participants regarding the diversion programme. The interviews conducted with all the 12 participants indicated that parents understood that the diversion programme helped children to circumvent criminal record. The researcher further engaged the participants on the role they play in the diversion programme and what they learn from the programme. The research found that the participants' involvement was lacking as some of them reported employment issues while others reported being sick on the day of the session and someone else would have to attend whilst others attended the first session only.

Participant 12 argued that parents and caregivers hardly understood the diversion programme. They viewed it as something that the social worker must do to help their child to evade being arrested. Participant 12 said that they talked about the diversion programme for the first time with the parents and caregivers when their children have been arrested. By that time the parent or caregiver gets shocked and confused when his or her child is arrested. This is where the social worker comes in, talking about the diversion programme. The parent or caregiver does not ask any question as he or she is only interested in ascertaining whether or not his or her child has been arrested.

This concurs with the finding by Peterson–Badali and Broeking (2010) that parents and caregivers are often disengaged at the time of their children's arrest. Their study found that the majority of the parents and caregivers experienced shock and anger on hearing about their children being in conflict with the law.

In his study on the challenges impeding diversion strategies as far as meeting the diversion objectives of the Child Justice Act (Act No. 75 of 2008), Steyn (2012) identified the role of parents in the diversion programme as a major challenge to effective diversion outcomes. He mentioned that the children can easily recidivate due to the lack of parental insight into what an intervention expects of the participants. Parents often contribute to the criminal behaviour of their children and when they do not meaningfully participate in diversion programmes, interventions end up having little meaning. When parents do not participate in the intervention, they lack a thorough understanding of what the intervention programme entails (Steyn, 2012).

However, the minimum norms and standards as stated in Section 55 of the Child Justice Act (Act No.75 of 2008), parents, appropriate adults or guardians should be involved in the diversion programme.

Participant 12 suggested that awareness be developed and conducted on diversion programme. This awareness sensitises the community, schools and children to know and understand the programme, why the programme is being implemented, who qualifies to be part of the programme, their roles in the programme and the cases to be considered. The opinion correlates with the suggestion by Roesternburg (2012) in his study on community-based juvenile offender programmes in South Africa. He suggested that parents and primary caregivers always be informed about all the processes of the programme and through family counselling are informed about their negative roles in sustaining criminal activity. By so doing, family members will be able to take responsibility for the reintegration of juveniles, a process for which they can be held accountable. An intervention programme should not only focus on the child in conflict with the law as a client but should involve the parent system. Zenelanga (2018) agrees and emphasises the inclusion of parents and caregivers in special programmes in order to raise awareness about the importance of parental care, interests and control towards children who are in conflict with the law.

#### **5.6.7 Objective 4: To know the contribution of the parents, caregivers and social workers in supporting the re-offending child whilst on the diversion programme**

The study found that parents and caregivers expressed awareness of their responsibility through transporting their children to attend the diversion programme. The participants reported that they attended the first session, some attended the session to which they were invited but others did not attend due to employment commitments but were ensure of their children's attendance. Participant 12 alluded to the fact that parents and caregivers were angry, shocked and saddened by the behaviour of their children and left everything in the hands of the social worker. They expected the social worker to miraculously change the behaviour of their children. The support they provided to their children bordered on ensuring that they attended the programme. Other parents and caregivers reportedly paid damages to the crime victim for the case to be withdrawn.

In their study on parents' experiences of monitoring their children's compliance with diversion orders, Abdulla and Goliath (2015) noted that most parents played an active role in supporting their children either through attending the diversion programme with their children or transporting their children to the programme. Abdulla and Goliath (2015) further note that most of the parents and caregivers implicitly acknowledged that they needed to be present for their children, supporting them throughout the diversion programme. However, the parents' role in monitoring children's compliance with diversion orders and the consequences of failing to fulfil their role were not explicitly spelt out by child justice officials. Similarly, Broeking and Peterson-Badali (2010) found that arrested and diverted children expected their parents to support them emotionally and practically during the child justice proceedings.

#### **5.6.8 Objective 5: To understand the interpretation of parents, caregivers and social workers' role and responsibilities in the diversion programme in line with those outlined in the legislative framework**

The interviews reported the theme eight times among the 12 participants. Ten participants reported that they had consented to their children participating in the diversion programme. Section 52 (1) of the Child Justice Act (Act No. 75 of 2008) states that diversion should be considered if the child acknowledges responsibility for the crime, has not been unduly influenced to acknowledge responsibility, the child and his or her parent and caregiver consent to diversion and if the prosecutor has indicated that the matter may be diverted. In terms of consenting to the diversion programme, the child, parent and caregiver had to sign a consent form that allowed the child to attend and participate in group sessions. Ten (10) participants reported having complied with the provisions of the Act, acknowledging that they are no longer complying with it as they stopped participating in the programme.

Most of the parents and caregivers felt the urge to support their children and indicated that they were supportive by transporting their children and ensuring that the children attended the programme to ensure compliance. Some parents accepted their role in monitoring their children's compliance with diversion orders and attended some of the sessions but felt burdened by the additional responsibility, which adversely affected their daily work schedules. As prescribed by the Child Justice Act Number 75 of 2008, parents are responsible for ensuring that their adolescent children comply with the diversion order and any additional conditions stipulated in the order. Therefore, the onus is on parents and caregivers to monitor their

adolescent children's daily activities and, in particular, to ensure that they attend the diversion programme sessions. This implies that the parents and caregivers ought to attend the sessions of the diversion programme when invited.

Section 57 (2) of the Child Justice Act Number 75 of 2008 stipulates that if the child fails to comply with the diversion order, the matter may be referred back to court in writing by the social worker running the diversion programme. Participants 8 and 9 reported that their children failed to comply with the diversion order and their matters were referred back to court. In both cases, the parents expressed frustration with their children's non-compliance with diversion orders. Participant 12 indicated that for the diversion programme to be effective, all the parties must be available. The presence of parents or the caregiver is very crucial. Usually, some parents attend the preliminary inquiry, be told about the monitoring of orders but when the programme starts, some of the parents would have already left and the child starts the programme alone. The people at home did not understand the importance of the orders and what needs to be done to monitor this order. As much as some parents left due to employment commitments, others have no reasons. By implication, the focus of the parents and caregivers is on the opened case and what is going to happen to the child on the programme is the social worker's responsibility.

#### **5.6.9 Objective 6: To learn more on the perceptions of social workers on support services rendered by social workers to parents, caregivers and children.**

The findings of this study revealed that social workers are not rendering support services to parents, caregivers and children before and after re-offending. The participants revealed the need for aftercare services for their children to prevent re-offending. The interviews revealed that the aftercare services were repeated 9 times, with participants requesting the social worker to visit the families and assess how the children are coping during and after the diversion programme. Participant 12 acknowledged the view that the Department of Social Development does not have the programme or support services specific for the parents and caregivers of the re-offenders.

According to Abdulla and Goliath (2015), the need for counselling and parental support services has been motivated by the negative feelings experienced by parents and caregivers in assuming their responsibility as monitors of their children's compliance with diversion orders. This is consistent with the findings of Broeking and Paterson-Badali (2010), who

stated that parents and caregivers require information and support to navigate their way through the complexities of the child justice system in order to support their children. Miller and Sambell (2002) revealed that parents need to speak to a counsellor and other parents in a counselling and supportive setting to help them cope with their role of monitoring and supporting their children.

Participant 12 further indicated that the Department of Social Development has an accredited aftercare programme called 'Mind the Gap', which is designed for the children who have attended the diversion programme. The participant acknowledged that they were not doing justice to the implementation of the programme. Participant 12 avoided stating the reason for not implementing the aftercare programme that caters for children who have completed the diversion programme. Follow-up and aftercare sessions are important components of diversion services to, among other things, transfer and apply diversion lessons to real-life situations. One cannot work intensively with a child and then cease contact. Lengthy time frames were called for and at least six months' follow-up was needed to prevent fall-back. One cannot invest in behavioural and attitudinal changes but fails to sustain such efforts. The absence of effective follow-ups was even seen as dangerous since the child could experience a deep sense of failure if he or she failed to implement the positive aspects brought about by the diversion programme (Steyn, 2012).

Dlamalala (2018) indicated that during the 2013/2014 period, the Department of Justice and Constitutional Development made a commendable contribution to society as it continuously followed up on children's progress after they had completed the programme. This recommendation is based on the notion that on completion of the programme, the child still needs support and motivation. The reality is that young people are faced with innumerable challenges and temptations in the communities. Therefore, the occasional presence of the social worker will encourage the child to become a better person in future.

In a study evaluating the diversion programme for young offenders aged between 12 and 17 years old in the Western Cape, Sauls (2018) revealed that the majority of the children, parents and caregivers stated that no aftercare services were being provided. The researcher recommended that assistant probation officers be placed in all districts. This allows the assistant probation officers to commit themselves to the provision of continuous support services to the child and families in the post-diversion period.

## **5.7 Limitation of the study**

The research was limited by the respondents' potential withdrawal from the study since the participation was voluntary. The focus group was supposed to have seven social workers as per initial proposal, but two social workers ended up being interviewed. The social workers from Secure Care Centre, Newcastle and Charlestown Service Offices had relocated. The social worker from Osizweni Service Office was reportedly not qualified to be part of the study as it was going to be a conflict of interest because the researcher is working in the same office and has access to her work. The social worker from Dannhauser Service Office did not manage to appear on the day of an interview. The researcher ended up having two social worker who became key informants. The researcher considered the issue of language barrier hindering the data collection instrument. Interpretation of data from English to IsiZulu and vice versa would result in some words or sentences losing meaning during the transcription process. The researcher overcame this barrier by roping in a professional translator from the Centre for Communication, Media and Society at Howard College. The researcher also faced issues of attendance, participation and time because some participants were unavailable due to the fact that they were at work. Nonetheless, the researcher had to conduct interview sessions during weekends.

## **5.8 Recommendations for future research**

- The study involved social workers who participated in the dyadic discussion. The sample size was relatively small; hence, there is a need to conduct similar research with a larger sample size.
- The sample of this study was drawn from cases of re-offenders in Amajuba District in KwaZulu-Natal. As the study site was limited in scope, further research needs to be undertaken in other areas to confirm or refute the findings.
- In view of the fact that the study did not include all the population groups comprising the Rainbow Nation (South Africa), it is recommended that a follow-up study be undertaken to provide a more comprehensive view of the phenomenon being studied.
- The parents and caregivers who participated in this study experienced emotional strain as a result of the role they assumed in relation to monitoring their children in conflict with the law with regard to compliance with diversion orders. A study focusing on the

development of an intervention programme encompassing the provision of counselling, support, information and guidance to parents and caregivers from the point of their children's arrest to the compilation of the diversion programme is recommended.

- It is recommended that a study be conducted to explore the experiences of parents and caregivers of the children in conflict with the law as they monitor their children during their attendance of the diversion programme.

## **5.9 Conclusion**

This study explored the perceptions of parents, caregivers and social workers on recidivism in children who have completed a diversion programme. The parents and caregivers were provided with an opportunity to verbally express their perceptions and the findings of the study revealed that the parents and caregivers experienced emotions such as shock, anger, frustration and disorientation at their children's arrest and the subsequent court appearances. The parents and caregivers also experienced emotional strain emanating from the additional role they assumed in relation to monitoring their children's compliance with diversion orders. The study further revealed that the parents and caregivers need support services to help them cope with their children's arrest and subsequent diversion. The study recommended that parents and caregivers should be included in the diversion programme for it to impact more positively on child recidivism. Aftercare and follow-up services have to be rendered to all the children who have completed the diversion programme. The study further recommended the drawing of a policy that seeks to raise professional skills for the parents and caregivers of children in conflict with the law.

## References

- Abdulla, Z. & Goliath, V. 2015. Parents' experiences of monitoring their adolescents' compliance with diversion orders. *Social Work*, 51(2):204-220.
- Abdulraheem-Mustapha, M. A. 2016. Child justice administration in the Nigerian Child Rights Act: Lessons from South Africa. *African Human Rights Law Journal*, 16(2):435-457.
- Anie. E. Casey Foundation. 2011. No place for kids: The case for reducing juvenile incarceration.
- Annie E. Casey Foundation. 2003. *Kids count Databook*. Baltimore, MD: Author.
- Arthur, R. 2007. *Family life and youth offending: home is where the hurt is*. London: Routledge.
- Arthur, R. 2010. *Young offenders and the law: How the law responds to youth offending*. Routledge.
- Ashbourne, L.M. & Daly, K.J. 2010. Parents and adolescents making time choices: "Choosing a relationship". *Journal of Family Issues*, 31(11):1419-1441.
- Babbie, E. & Mouton, J. 2004. *The practice of social research*. Cape Town: Oxford University Press.
- Babbie, E. & Mouton, J. 2005. *The practice of social research*. Oxford University Press. South Africa
- Babbie, E. 1992. *The practice of social research* (6th ed.). Belmont, CA: Wadsworth
- Babbie, E. 2007. *The practice of social research*. 11<sup>th</sup> ed. Belmont: Thomson Wadsworth.
- Baker, E.A., Homan, S., Schonhoff, S.R. & Kreuter, M. 1999. Principles of practice for academic/practice/community research partnerships. *American Journal of Preventive Medicine*, 16(3):86-93.
- Baker, T.L. 1999. *Doing Social Research*. Boston: McGraw Hill.
- Bartollas, C. 2003. *Juvenile Delinquency. 6th Edition*. New York: Ally & Bacon.
- Bateman, N. 2015. *The Roles of Empathy, Shame, and Guilt in Violence Decision-making*. (Doctoral dissertation). London: University of Cambridge.

- Bateman, T. 2015. The state of youth justice. An overview of trends and developments. *NAYJ Briefing*.
- Beam, M.R., Chen, C. & Greenberger, E. 2002. The nature of adolescents' relationships with their "very important" nonparental adults. *American Journal of Community Psychology*, 30(2):305-325.
- Berk, L.E. 2000. *Child Development*. 5<sup>th</sup> edition. Boston: Allyn and Bacon.
- Berk, R.A. 2000. Does humor in course tests reduce anxiety and improve performance? *College teaching*, 48(4):151-158.
- Bezuidenhout, C. 2013. *Child and youth misbehaviour in South Africa: A holistic approach*. (3rd ed.). Pretoria: Van Schaik.
- Bhattacharjee, A. 2012. *Social Science Research: Principles, Methods, and Practices (2<sup>nd</sup> Edition)*. Florida: University of South Florida.
- Biber, S.H., Hesse-Biber, S.N. & Leavy, P. 2006. *Emergent methods in social research*. London: Sage.
- Blanche, M.T. & Kelly, K. 1999. Interpretive methods. *Research in practice: Applied methods for the social sciences*, pp.123-146.
- Blanche, M.T., Blanche, M.J.T., Durrheim, K. & Painter, D. 2006. *Research in practice: Applied methods for the social sciences*. Johannesburg: Juta and Company Ltd.
- Blanche, T. M., Durrheim, K. & Painter, D. (eds.) 2006. *Research in Practice. Applied Methods for Social Sciences*, (2<sup>nd</sup> Edition). Cape Town: University of Cape Town Press.
- Boston, M & Broad, G (2007) *Community corner: A holistic approach to community empowerment in child and family services*. Sault Ste. Marie, ON: Algoma University College
- Boyce, C. & Neale, P. 2006. *Using mystery clients: A guide to using mystery clients for evaluation input*. Watertown, MA: Pathfinder International.
- Boyce, C., & Neale, P. 2006. Conducting in-depth interviews: A guide for designing and conducting in-depth interviews for evaluation input. *Pathfinder International Tool Series*. Monitoring and Evaluation-2
- Boyer, T. W. 2006. The development of risk-taking: A multi-perspective review. *Developmental review*, 26(3):291-345.

- Boyer, T. W. 2006. The development of risk-taking: a multi-perspective review. *Developmental Review*, 26, 291–345.
- Bradshaw, W., Roseborough, D. & Umbreit, M.S. 2006. The effect of victim-offender mediation on juvenile offender recidivism: A meta-analysis. *Conflict Resolution Quarterly*.
- Braun, V. & Clarke, V. 2006. Using thematic analysis in psychology. *Qualitative research in psychology*.
- Braun, V. and Clarke, V. 2006. Using thematic analysis in psychology. *Qualitative research in psychology*, 3(2):77-101.
- Broeking, J. & Peterson-Badali, M. 2010. The extent and nature of parents' involvement in Canadian youth justice proceedings. *Youth Justice*.
- Bronfenbrenner, M. 1956. A Contribution to the Aggregative Theory of Wages. *Journal of Political Economy*, 64(6):459-469.
- Bronfenbrenner, U. 1994. A new head start for Head Start. *New Horizons in Education*, (91):57-70.
- Bronfenbrenner, U. 1994. Nature-nature reconceptualised in developmental perspective: A bioecological model. *Psychological review*.
- Bryman, A. 2012. *Social Research Methods, 4th edition*. Oxford University Press: New York.
- Bryman, A. 2012. *Social Research Methods*. Oxford: Oxford University Press.
- Burke, J. D., Mulvey, E. P., Schubert, C. A., & Garbin, S. R. 2014. The challenge and opportunity of parental involvement in juvenile justice services. *Children and youth services review*, 39, 39-47.
- Burke, J.D., Mulvey, E.P., Schubert, C.A. & Garbin, S.R. 2014. The challenge and opportunity of parental involvement in juvenile justice services. *Children and youth services review*, 39, 39-47.
- Burton, S.L. & Pearsall, A. 2016. Music-based iPad app preferences of young children. *Research Studies in Music Education*, 38(1):75-91.
- Carteny, A. 2013. Regionalism and Regional Autonomy in Romania. *Hungarian Review*, 4(05):19-24.

- Case, S. and Haines, K 2015. Risk management and early intervention: a critical analysis in Goldson, B and Muchie, J (eds)
- Clark, J.N. 2012. Youth violence in South Africa: the case for a restorative justice response. *Contemporary Justice Review*, 15(1):77-95.
- Constitution of Kenya. 1998. Community Service Order Act (Act No. 10 of 1998). Government Printers. Nairobi
- Constitution of Kenya. 2001. Children's Act (Act of 2001): Government Printers, Nairobi
- Cottle, C. C., Lee, R. J., & Heilbrun, K. 2001. The prediction of criminal recidivism in juveniles: A meta-analysis. *Criminal Justice and Behaviour*, 28, 367–394.
- Creaney, S. & Smith, R. 2014. 'Youth justice back at the crossroads.'. *Safer communities*, 13 (2):83-87.
- Creaney, S. 2014. The benefits of participation for young offenders in Safe Communities.
- Creswell, J.W. & Zhang, W. 2009. The application of mixed methods designs to trauma research. *Journal of Traumatic Stress: Official publication of the international society for traumatic stress studies*, 22(6):612-621.
- Creswell, J.W. 2009. *Research design: Qualitative, quantitative and mixed methods*. 3<sup>rd</sup> edition. Thousands oaks. Sage Publication
- Creswell, J.W., Plano Clark, V.L., Gutmann, M.L. & Hanson, W.E. 2003. An expanded typology for classifying mixed methods research into designs. *Tashakkori, A. & Teddlie, C. Handbook of mixed methods in social and behavioral research*, pp.209-240. London: Sage Publications.
- Davis, D. & Steyn, M. 2012. Teaching social justice: Reframing some common pedagogical assumptions. *Perspectives in Education*, 30(4):29-38.
- De Vos, A.S., Strydom, H., Fouché, C.B. & Delpont, C.S.L. 2011. *Research at grass roots: for the social and human sciences*. Pretoria: Van Schaik.
- DeGarmo, D. S., Patras, J., & Eap, S. 2008. Social support for divorced fathers' parenting: Testing a stress-buffering model. *Family Relations*, 57, 35–48.

Department of Justice. Home Office. 2012. Policing and Justice Matters in England and Wales. Available at: [www.gov.uk/government/organisation/home office](http://www.gov.uk/government/organisation/home-office).

Dlamalala, C.N. 2018. *The role of a probation officer in diversion of children from the criminal justice system: a penological perspective* (Doctoral dissertation). University of South Africa.

Durrheim, K. & Wassenaar, D. 1999. Putting design into practice: Writing and evaluating research proposals. *Research in practice: Applied methods for the social sciences*, 54-71.

Durrheim, K. 2006. Research design. *Research in practice: Applied methods for the social sciences*, 2, 33-59.

Economic Survey Report in Kenya. 2020

Esch, P., Bocquet, V., Pull, C., Couffignal, S., Lehnert, T., Graas, M., Fond-Harmant, L. & Anseau, M. 2014. The downward spiral of mental disorders and educational attainment: a systematic review on early school leaving. *BMC psychiatry*, 14(1):1-13.

Farn, A. 2018. *Improving outcomes for justice-involved youth through structured decision-making and diversion*. Washington, DC: Center for Juvenile Justice Reform. Georgetown University McCourt School of Public Policy.

Farn, A. 2018. Keeping youth in schools and out of justice system. Promising practices and approaching. Washington D.C. Centre for juvenile justice reform. Georgetown University McCourt School of Public Policy.

Farrell, J., Betsinger, A. & Hammond, P. 2018. Best practices in youth diversion. The Institute for Innovation & Implementation. Available at: <https://theinstitute.umaryland.edu/media/ssw/institute/md-center-documents/Youth-Diversion-Literature-Review.pdf>.

Gaille, B. 2017. "47 Superb T. S. Eliot Quotes." <https://brandongaille.com/47-superb-t-s-eliotquotes/>

Gaille, M. 2017. Cabanis' physiological research-Meaning and scope in relationship with the political dimension of human life. *Gesnerus*.

Gallinetti, J., Redpath, J. & Sloth-Nielsen, J. 2004. Race, class and restorative justice in South Africa: Achilles' heel, glass ceiling or crowning glory? *South African Journal of Criminal Justice*, 17(1):17-40.

Gase, L.N., Schooley, T., DeFosset, A., Stoll, M.A. and Kuo, T. 2016. The impact of Teen Courts on youth outcomes: A systematic review. *Adolescent Research Review*, 1(1):51-67.

Gatti, U., Tremblay, R.E. & Vitaro, F.2009. Iatrogenic effect of juvenile justice. *Journal of Child Psychology and Psychiatry*, 50(8):991-998.

Geldenhuis, K. 2017. Dangerous criminals-legislative provisions for these types of criminals. *Servamus Community-based Safety and Security Magazine*, 110 (8):33-35.

Generalova, E. (2018) Diversion programme for children – Child Protection Hub. International

Goldthorpe, L. 2004. Every Child Matters: a legal perspective. *Child Abuse Review: Journal of the British Association for the Study and Prevention of Child Abuse and Neglect*, 13(2):115-136.

Goliath, P. 2016. Protecting victims of human trafficking-is South Africa doing enough? - persons and family law. *De Rebus*, 2016(562):22-23.

Guy-Evans, O. 2020. Bronfenbrenner's Ecological Systems Theory

Haines, K. & Case, S. 2015. *Positive youth justice: Children first, offenders second*. Bristol: Policy Press.

Haines, K. & Charles, A. 2019. Responding to Harm: The Challenge of Children's Perspectives. *Journal of Victimology and Victim Justice*, 2(1):90-108.

Hargovan, H. 2013. Child justice in practice-the diversion of young offenders. *SA Crime Quarterly*, 2013 (44):25-35.

Harries, P.W., Lockwood, B. & Mangers, L. 2009. *A CJCA: Defining and measuring recidivism*. USA: AJCA.

Harris, R. 1995. Probation round the World. *Origins and development [w:] K. Hamai, R. Ville, R. Harris, M. Hough, U. Zvekic (red.), Probation round the World a comparative study, London, New York.*

Hesse-Biber, S.N. & Leavy, P. 2006. *The practice of qualitative research*. London: Sage Publication.

Howell, A.J., 2009. Flourishing: Achievement-related correlates of students' well-being. *The Journal of Positive Psychology*, 4(1):1-13.

- Keijsers, L. & Laird, R.D. 2014. Mother–adolescent monitoring dynamics and the legitimacy of parental authority. *Journal of Adolescence*, 37(5):515-524.
- Kerr, E.N., Ellis, L., Dupuis, A., Rommens, J.M. & Durie, P.R. 2010. The behavioral phenotype of school-age children with shwachman diamond syndrome indicates neurocognitive dysfunction with loss of Shwachman-Bodian-Diamond syndrome gene function. *The Journal of pediatrics*, 156(3):433-438.
- Kerr, M.; Stattin, H. & Burk, W.J. 2010. A reinterpretation of parental monitoring in longitudinal perspective. *Journal of Research on Adolescence*, 20(1):39-64.
- Kim, H.& Kim, H. 2008. The impact of family violence, family functioning and parental partner Dynamics on Korea Juvenile Delinquency. *Child psychiatry and human development*, 39(4):439-453.
- Kim, H.S. & Kim, H.S. 2008. *Juvenile delinquency and youth crime*. New York:Nova Publishers.
- King, J.R. 1998. *Uncommon Caring: Learning from Men Who Teach Young Children*. *Early Childhood Education Series*. Williston: Teachers College
- Kleinhans, R. & Kearns, A. 2013. Neighbourhood restructuring and residential relocation: Towards a balanced perspective on relocation processes and outcomes. *Housing Studies*, 28(2):163-176.
- Kvale, S. 1996. The 1,000-page question. *Qualitative inquiry*, 2(3):275-284.
- Lauer, P.A. 2006. *An education research primer: How to understand, evaluate and use it*. San Francisco, CA Jossey-Bass
- Leedy, P.D. & Ormond, J.E., 2005. Review of the related literature. *Practical research: Planning and design*, 1(1):64-84.
- Leedy, P.D., & Ormond, J.E. 2005. *Practical research: Planning and design* (8<sup>TH</sup> ed) Upper Saddle River: NJ Prentice Hall.
- Lelekov, V.A. & Kosheleva, E.V. 2008. On the prevention of juvenile crime. *Russian Education & Society*, 50(9):68-83.
- Lincoln, Y.S. & Guba, E.G., 1985. *Naturalistic inquiry*. London: Sage.

- Lubombo, M. 2014. Towards an Ubuntu framework for mainstreaming participation of people living with HIV (PLHIV) in social change communication for HIV prevention in South Africa. (Unpublished PhD thesis). University of KwaZulu-Natal.
- Mabuza, A. & Roelofse, C. 2013. A study of contributory factors towards recidivism among incarcerated youth in the Barberton Youth Development Centre, South Africa. *Acta Criminologica: African Journal of Criminology & Victimology*, 26(1):49-70.
- Macallair, D. & Males, M. 2004. A failure of good intentions: An analysis of juvenile justice reform in San Francisco during the 1990s. *Review of Policy Research*, 21(1):63-78.
- Maree, A. 2008. *Criminogenic risk factors for youth offenders. In child and youth misbehaviour in South Africa: a holistic approach*. Pretoria: Van Shaik.
- Maree, K. & Van der Westhuizen, C.N. 2009. *Head start in designing research proposals in the social sciences*. Juta and Company Ltd.
- McAra, L. & McVie, S. 2007. Youth justice? The impact of system contact on patterns of desistance from offending. *European journal of criminology*, 4(3):315-345.
- McAra, L. & McVie, S. 2010. Youth crime and justice: Key messages from the Edinburgh Study of Youth Transitions and Crime. *Criminology & Criminal Justice*, 10(2):179-209.
- McKean, L. & Ransford, C. 2004. *Current strategies for reducing recidivism*. Chicago, IL: Center for Impact Research.
- Mears, D.P., Kuch, J.J., Lindsey, A.M., Siennick, S.E., Pesta, G.B., Greenwald, M.A. & Blomberg, T.G. 2016. Juvenile court and contemporary diversion: helpful, harmful, or both? *Criminology & Public Policy*, 15(3):953-981.
- Mediterranean Journal of Science. (2013)
- Mendel, R. A. 2011. *No Place for Kids: The Case for Reducing Juvenile Incarceration*. Baltimore: The Annie E Casey Foundation.
- Ministry of Justice. 2012 Compendium of Reoffending Statistics and Analysis. London: Ministry of Justice.
- Mulford, C.F. & Redding, R.E. 2008. Training the parents of juvenile offenders: State of the art and recommendations for service delivery. *Journal of Child and Family Studies*, 17(5):629-648.

Mulford, C.F. & Redding, R.E. 2008. Training the parents of juvenile offenders: State of the art and recommendations for service delivery. *Journal of Child and Family Studies*, 17(5):629-648.

Muntingh, L.M. 2003. *Children in conflict with the law: A compendium of child justice statistics: 1995-2001*. Cape Town: Nicro.

National Prosecuting Authority Annual Report. 2010/2011. Available at: <https://www.npa.gov.za>. Accessed 10 March 2020.

National Wraparound Services. 2018. Centre on Juvenile and Criminal Justice. Available at: <http://www.cjcj.org>. (Accessed 10 March 2020).

Neuman, W. L. 2006. *Social Research Methods: Qualitative and Quantitative Approaches 6th Edition*. USA: Pearson International Edition.

Neuman, W.L. 2006. *Social research methods: qualitative and quantitative approaches, 6<sup>th</sup> ed.* Boston: Pearson Education Inc.

Nieuwenhuis, J. 2007. Qualitative research designs and data gathering techniques. *First steps in research*, 7, pp.70-97. Pretoria: Van Schaik Publishers

Nigeria (2003). Child Rights Act (Act No 26 of 2003). Nigeria. Available at: <https://www.refworld.org/docid/5568201f4.htm>. (Accessed 10 March 2020).

Nixon, E. & Halpenny, A.M. 2010. Children's perspectives on parenting styles and discipline: a developmental approach. *Dublin: The National children's strategy research services. Office of the Minister of Children and Youth Affairs. Department of Health and Children.*

Nkirete, K.J. 2016. *An Analysis of The Adequacy of The Legal Framework in Protecting The Rights Of Child Offenders in Kenya* (Doctoral dissertation). University Of Nairobi.

Ntshangase, M.P. 2015. *A study of juvenile delinquency amongst adolescents in secondary schools in Gauteng* (Doctoral dissertation).

Ntshangase, N. 2016. An examination of the implementation of Khulisa Social Solutions' juvenile diversion programmes in KwaZulu-Natal. (Unpublished Master's Dissertation). Durban: University of KwaZulu-Natal.

Ntuli, P.N. 2017. *Exploring diversion programmes for youth in conflict with the law: case studies of the Youth Empowerment Scheme Programme at NICRO, Durban, South Africa* (Doctoral dissertation). University of KwaZulu-Natal.

Nyabadza, F. & Coetzee, L. 2017. A systems dynamic model for drug abuse and drug-related crime in the Western Cape province of South Africa. *Computational and mathematical methods in medicine*, 2017, 1-13.

Office of Juvenile Justice and Delinquency Prevention National Report Series. 2018.

Ogunniran, I. 2013. The lock and key phenomenon: reforming the penal policy for child offenders in Nigeria. *Justice Policy Journal*, 10(1):1-19.

Okech, D.O. 2015. Implications of life skills education on character development in children: A case of hill school. *Baraton Interdisciplinary Research Journal*, 2nd Annual Baraton International Interdisciplinary Research Conference Proceedings 2015 Emerging Issues in Globalization.

Okech, T.C. & Lelegwe, S.L. 2016. Analysis of universal health coverage and equity on health care in Kenya. *Global journal of health science*, 8(7): 218.

Paquette, D. & Ryan, J. 2001. Bronfenbrenner's ecological systems theory. [http://pt3.nl.edu/paquetteryanwebquest .pdf](http://pt3.nl.edu/paquetteryanwebquest.pdf). (Accessed September 16, 2020).

Patton, M.Q. 2002. *Qualitative evaluation and research methods*. Thousands Oaks, CA: Sage Publications, Incl.

Patton, M.Q. 2002. Teaching and training with metaphors. *American Journal of Evaluation*, 23(1):93-98.

Pelser, E. 2008. Learning to be lost: Youth crime in South Africa. *Discussion papers for the Human Sciences Research Council Youth Policy Initiative*, 1-4.

Performance Information. 2014-2016. Non-Financial Data records. Amajuba District

Peterson-Badali, M. & Broeking, J. 2010. Parents' involvement in the youth justice system: Rhetoric and reality. *Canadian Journal of Criminology and Criminal Justice*, 52(1):1-27.

Petrosino, A., Turpin-Petrosino, C., Hollis-Peel, M.E. & Lavenberg, J.G. 2013. 'Scared Straight' and other juvenile awareness programs for preventing juvenile delinquency. *Cochrane database of systematic reviews*, (4).

Polit, D. & Beck, C.T. 2014. Essentials of nursing research. *Appraising evidence for nursing practice*, 8.

Polkinghorne, D.E. 2005. Language and meaning: Data collection in qualitative research. *Journal of counselling psychology*, 52(2):137.

Probation Service Strategic Plan 2008-2012. The Probation Services. Available at <http://www.probation.ie>. (Accessed 10 March 2020).

Raymond, C.M., Lechner, A.M., Lockwood, M., Carter, O., Harris, R.M.B. & Gilfedder, L. 2015. Private land manager capacity to conserve threatened communities under climate change. *Journal of environmental management*, 159, 35-244.

Republic of South Africa. 1977. Criminal Procedure Act (Act No 51 of 1977): Government Printers. Pretoria

Republic of South Africa. 1991. Probation Services Amendment (Act No. 16 of 1991). Government Printers. Pretoria

Republic of South Africa. 1996. Constitution of the Republic of South Africa 1996 (Act 108 of 1996). Government Gazette. Government Printers: Cape Town

Republic of South Africa. 2008. Child Justice Act of 2008 (Act No 75 of 2008). Government Printers: Pretoria. Available at: <http://www.pmg.org.za/files/docs/100526policyframe>. (Accessed 10 March 2020).

Republic of South Africa. 2009. White Paper for Social Welfare (2009): Government Gazette, Pretoria

Republic of South Africa. 2018. Amended National Policy Framework on Child Justice (2018): Government Gazette 751(41796): Pretoria.

Republic of South Africa. 2019. Government Gazette. Government Printers: Pretoria. Available at: [www.gpwonline.co.za](http://www.gpwonline.co.za). (Accessed 10 March 2020).

Republic of South Africa: Department of Justice and Constitutional Development Annual Report (2014/2015). Available at: <https://www.justice.gov.za>. (Accessed 10 March 2020).

Rhodes, J.E., Grossman, J.B. & Resch, N.L. 2000. Agents of change: Pathways through which mentoring relationships influence adolescents' academic adjustment. *Child development*, 71(6):1662-1671.

Roestenburg, W. & Oliphant, E. 2012. Community-based juvenile offender programs in South Africa: Lessons learned. *Journal of Community Practice*, 20(1-2):32-51.

Romer, D. & Hennessy, M., 2007. A biosocial-affect model of adolescent sensation seeking: The role of affect evaluation and peer-group influence in adolescent drug use. *Prevention Science*, 8(2):89-101.

Rosa, E. M. & Tudge, J. 2013. "Urie Bronfenbrenner's Theory of Human Development: Its Evolution from Ecology to Bioecology." *Journal of Family Theory and Review*, 5 (4): 243–258.

Rubin, H.L., & Rubin, I.S. 2005. *Qualitative interviewing: the art of hearing data*. California: Sage.

Sambell, K., Miller, J. & Hodgson, S. 2002. Let's get the assessment to drive the learning. *Assessment: case studies, experience and practice from higher education*. London: Kogan Page, pp.137-143.

Sauls, H. 2018. An Evaluation of the Diversion Programme for Young Offenders Aged 12-17 years old in the Western Cape (Phase 1 and Phase 2). Western Cape Government

Schoeman, M. 2014. *Qualitative research in criminology. Only Study Guide for CYM 3708*. Pretoria: University of South Africa.

Schoeman, M. I. 2005. "A Classification of System and Interdisciplinary Action Plan for the Prevention and Management of Recidivism". (Doctoral Thesis, Unpublished). Pretoria: University of Pretoria.

Schwalbe, C.S., Gearing, R.E., MacKenzie, M.J., Brewer, K.B. & Ibrahim, R. 2012. A meta-analysis of experimental studies of diversion programs for juvenile offenders. *Clinical psychology review*, 32(1):26-33.

- Senna, J. & Siegel, L. 2000. *Juvenile delinquency: Theory, practice, and law*. Belmont, CA: Wadsworth.
- Siegel, L.J. & Senna, J.J. 2000. *Juvenile delinquency: theory, practice and law* (7<sup>th</sup> ed.). Sydney: Wadsworth.
- Siegel, L.J. & Welsh, B.C. 2014. *Juvenile delinquency: Theory, practice, and law*. Boston: Cengage Learning.
- Siegel, L.J. & Welsh, B.C. 2012. *Juvenile Delinquency: theory, practice and law*. United States of America: Wadsworth Cengage Learning.
- Skelton, A. & Tshehla, B. 2008. Child Justice in South Africa. *Institute for Security Studies Monographs*, 2008(150):72.
- Sloth-Nielsen, J. & Gallinetti, J. 2004. *Child Justice in South Africa – A guide to good practice*. Community Law Centre: University of Western Cape.
- Sloth-Nielsen, J. & Gallinetti, J. 2011 "Just say sorry" *Ubuntu, Africanisation and the Child Justice System in the Child Justice Act 75 of 2008*. *Electronic Law Journal/Potchefstroomse Elektroniese Regsblad*, 14(4).
- Sloth-Nielsen, J. & Gallinetti, J. 2011. "Just say sorry?" *Ubuntu, Africanisation and the child justice system in the Child Justice Act 75 of 2008*. *Potchefstroom Electronic Law Journal/Potchefstroomse Elektroniese Regsblad*, 14(4).
- Snyman, S. 2014. Assessment of the main factors impacting community members' attitudes towards tourism and protected areas in six southern African countries. *Koedoe: African Protected Area Conservation and Science*, 56(2):1-12.
- Soppitt, S. & Irving, A. 2014. Triage: line or nets? Early intervention and the youth justice system. *Safer Communities*.
- Sorkhabi, N. 2010. Sources of parent-adolescent conflict: Content and form of parenting. *Social Behavior and Personality: an international journal*, 38(6):761-782.
- South Africa. 2006. Children's Act (Act No 38 of 2005): Government Gazette, 492 (28944)
- South Africa. 2008. Child Justice Act (Act 75 of 2008). Government Printers. Pretoria. Available at: <http://www.pmg.org.za/files/docs/100526policyframe.pdf>.

South Africa. 2010. Child Justice Act (Act 75 of 2008). Department of Justice and Constitutional Development. Government Printers. Pretoria

South African Police Service. 2014. Crime Research and Statistics. Available at: <http://www.saps.gov.za/statistics/report/crimestats2012/provinces/westerncape.htm>. (Accessed 10 March 2020).

Souverein, F. A., Ward, C. L., Visser, I., & Burton, P. 2016. Serious, violent young offenders in South Africa: Are they life-course persistent offenders? *Journal of interpersonal violence*, 31(10):1859-1882.

Ssebuggwano, A. 2010. *Community service and recidivism: A study of of the legal and institutional framework in Kampala district*. (Master's Thesis). Uganda: Makerere University.

Statistics South Africa. 2015. Crime Statistic Simplified. Available at <https://www.crimestatssa.com/provinceselect.php>.

Steinberg, L. 2005. Cognitive and affective development in adolescence. *Trends in cognitive sciences*, 9(2):69-74.

Steyn, F., 2012. Challenges of diversion strategies in meeting the diversion objectives of the Child Justice Act (75 of 2008). *Acta Criminologica: African Journal of Criminology & Victimology*, 2012(sed-2):76-86.

Steyn, J. 2013. Investigative Criminology. CRIM 305. University of KwaZulu-Natal, Department of Criminology and Forensic Studies.

Tear, B. (2010). An introduction to applying social work theories and methods. Maidenhead, England: McGraw Hill/Open University Press

The Home Office. 2008. Youth Crime Action Plan. Home Office

The South African Government. 2009. National Youth Police, 2009 – 2014. Available at: <https://www.gov.za>. (Accessed 10 March 2020).

The United Kingdom. 1998. Crime and Disorder Act (Act of 1998). England and Wales

Thomas, E. & Magilvy, J.K. 2011. Qualitative rigor or research validity in qualitative research. *Journal for specialists in pediatric nursing*, 16 (2011):151–155.

- Tlale, L.D.N. 2013. *Understanding and giving support to children in conflict with the law: a socio-ecological perspective* (Doctoral dissertation). University of South Africa.
- Tlhoaele, D.J. 2003. *An investigation into service delivery in the Mafikeng local municipality: a case study of solid waste management* (Doctoral dissertation). North-West University.
- Tlhoaele, O.O. 2003. The effect of alcoholism in the family on young offenders. Master's dissertation. Pretoria: University of Pretoria.
- Thuku, H.N. 2017. Factors contributing to crime among juveniles: A case of Majengo, Nyeri County, Kenya.
- U.S Department of Justice. 2008. Office of Justice Programs. Office of Juvenile Justice and Delinquency Prevention. Youth Crime Action Plan.
- U.S Department of Justice. Office of Justice Programs. Office of Juvenile Justice and Delinquency Prevention. Juvenile Justice Project (2000). Washington. DC 20531.
- Ulin, P.R., Robinson, E.T. & Tolley, E.E. 2005. *Investigación aplicada en salud pública: métodos cualitativos*. Organización Panamericana de la Salud. UNICEF, 2003.
- Ulin, R.C. 2004. Globalization and alternative localities. *Anthropologica*, 153-164.
- UNICEF, 2003. The State of the Worlds Children
- United Nations Office of Drug and Crime. 2004. Conducting effective substance abuse prevention work among the youth in South Africa. The Cape Town Drug Counselling Centre. Available at: [http://www.unodc.org/pdf.southafrica/south\\_africa\\_guidelines\\_abuse\\_prevention.pdf](http://www.unodc.org/pdf.southafrica/south_africa_guidelines_abuse_prevention.pdf)/access date (17 October 2020)
- UNODC, 2004. United Nations Office of Drug and Crime
- Van der Merwe, H. & Chapman, A.R. 2008. *Truth and reconciliation in South Africa: Did the TRC deliver?* Philadelphia: University of Pennsylvania Press.
- Van der Merwe, H. 1996. The research process: Problem statement and research design. In J.G. Garbers (Ed.), *Effective research in the human sciences*. Pretoria: Van Schaik.
- Van Raemdonck, L. & Khan, M.S. 2017. Investigating the process of juvenile delinquency in Durban, South Africa: Insights from the Capability Approach.

- Van Raemdonck, L. and Seedat-Khan, M. 2017. Investigating the process of juvenile delinquency in Durban, South Africa: Insights from the Capability Approach. *Youth Voice Journal*, 7.
- Wahyuni, D. 2012. The research design maze: Understanding paradigms, cases, methods and methodologies.
- Wahyuni, D. 2012. The research design maze: Understanding paradigms, cases, methods and methodologies. *Journal of applied management accounting research*, 10(1):69-80.
- Wood, C. 2003. Diversion in South Africa: A review of policy and practice, Johannesburg: Institute for Security Studies.
- Wood, G.D. 2003. Staying Secure, Staying Poor: The "Faustian Bargain", *World Development* 31 (3):455-471.
- Youth Justice Board. 2015/16. Proposal to reduce the Youth Justice Board's expenditure in 2015/16: Consultation Paper. Youth Justice Board: London.
- Youth Justice Legal Centre. 2020/21. England and Wales.
- Youth Justice Statistics. 2019/20. England and Wales. Ministry of Justice
- Youth Justice Statistics. 2020/21. England and Wales. Ministry of Justice
- Youth Justice System. 2015/16. England and Wales. Youth Justice Board/Ministry of Justice Statistics Bulletin. Available at: [www.gov.uk/government/collections/youth-justice-statistics](http://www.gov.uk/government/collections/youth-justice-statistics). (Accessed 10 March 2020).
- Zenelaga, B. & Hamzallari, B. 2018. The Role of the Family in the Education of Children in Conflict with the Law: Empirical Evidence from Albanian Context. *European Journal of Education*, 1(3):116-124.

# APPENDICES

## Appendix 1: Ethical Clearance Certificate



APPENDIX 2

08 July 2019

Mrs Busisiwe Mavis Sibisi (217077644)  
School of Applied Human Sciences – Social Work  
Howard College Campus

Dear Mrs Sibisi,

Protocol reference number : HSS/0124/019M

Project title: Understanding recidivism in children who have completed a diversion programme in Amajuba District of KwaZulu-Natal : Perception of parents, caregivers and social workers

**Approval Notification – Full Committee Reviewed Protocol**

With regards to your response received on 25 June 2019 to our letter of 05 April 2019, the Humanities & Social Sciences Research Ethics Committee has considered the abovementioned application and the protocol has been granted **FULL APPROVAL**.

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment/modification prior to its implementation. In case you have further queries, please quote the above reference number. **PLEASE NOTE:** Research data should be securely stored in the discipline/department for a period of 5 years.

The ethical clearance certificate is only valid for a period of 1 year from the date of issue. Thereafter Recertification must be applied for on an annual basis.

I take this opportunity of wishing you everything of the best with your study.

Yours faithfully



Dr Rosemary Sibanda (Chair)

/ms

cc Supervisor: Professor FNM Mazibuko  
cc Academic Leader Research: Professor Ruth Teer-Tomaselli  
cc School Administrator: Ms Ayanda Ntuli

Humanities & Social Sciences Research Ethics Committee

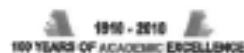
Dr Rosemary Sibanda (Chair)

Westville Campus, Govan Mbeki Building

Postal Address: Private Bag X54001, Durban 4000

Telephone: +27 (0) 31 290 3587/03604887 Facsimile: +27 (0) 31 290 4809 Email: [ethics@ukzn.ac.za](mailto:ethics@ukzn.ac.za) / [research@ukzn.ac.za](mailto:research@ukzn.ac.za) / [mbanda@ukzn.ac.za](mailto:mbanda@ukzn.ac.za)

Website: [www.ukzn.ac.za](http://www.ukzn.ac.za)



Founding Campuses: Edgewood – Howard College – Medical School – Pietermaritzburg – Westville

## Appendix 2: Gate-Keepers Letter



**social development**  
Department:  
Social Development  
PROVINCE OF KWAZULU-NATAL

---

FAX : 033-264 2075	<b>HUMAN RESOURCE DEVELOPMENT</b>
Telephone/Udingo/Telefoon: 033 264 2078	174 Mayors Walk Road
Enquiries/Imibuzo/Navrae : Mr. V.W. Gumede	Private Bag X9144
Email address : velaphi.gumede@kznsocdev.gov.za	Pietermaritzburg
Reference/ Inkombu/ Navrae: 56/5/3	3200

---

**Mrs. B M Sibisi**  
Osizweni Service Office  
Private Bag x 4012  
**OSIZWENI**  
2952

Contact No: 034 366 2616  
Email: Busisiwe.Sibisi@kznsocdev.gov.za

Dear Mrs. Sibisi

### **PERMISSION TO CONDUCT RESEARCH IN SERVICE OFFICES UNDER AMAJUBA DISTRICT**

This matter has reference.

Kindly be informed that permission has been granted by the Head of Department for you to approach social workers in three service offices and Care Centre under Amajuba District in the Department for the purpose of conducting research for you to fulfill the requirement of your study.

The permission authorizes you to: -

- (a) Approach and distribute your survey questionnaires to relevant personnel willing to participate in order to solicit information intended for your research; and
- (b) Interview management at their consent deemed relevant to your research project and maintain high level of confidentiality; and
- (c) Share your findings with the Department.

Wishing you success during your research project.



**DR ML'NGCONGO**  
**CHIEF DIRECTOR: HUMAN RESOURCE MANAGEMENT**  
DATE: 16/08/2018

## **Appendix 3: Interview Guide**

### **Title**

Perception of parents, caregivers and social workers on recidivism in children who have completed a diversion programme in Amajuba District of KwaZulu-Natal Province.

### **1. What are the perceptions of parents, caregivers, and social workers about the factors which contribute to child recidivism in Amajuba District?**

- Could you tell me about the offender's family composition e.g. parents, siblings, where are they, what are they doing.
- Could you tell me about offender's home circumstances e.g. where does he/she lives, with whom, for how long he/she lived there
- What are the offender's likes and dislikes and what he /she do during spare time?
- Does the offender go to school and at what grade?
- Does the offender go to church?

### **2. What are the common crimes or offences committed by the re-offenders?**

- How old were the offender when he first got into trouble with the law?
- How many times have the offender been in trouble with the law?
- What do you think the offender why the offender got into trouble with the law in the first place?
- How many times has he/she been in conflict with the law?
- What type of offences has he committed?

**3. What are the perception of parents and caregivers about the diversion programme for children in conflict with the law in Amajuba?**

- Tell me your understanding of diversion programme?
- What do you think why the offender was part of the programme?
- What was the outcome of the programme?
- What were the changes or were there any changes in the offender's behaviour?
- If yes for how long he has shown changes?

**4. What are the contributions of parents, caregivers and social workers in supporting the reoffending child whilst on diversion programme?**

- What support did you provide to the offender in his / her initial arrest?
- Was he/she complying with the conditions of the court order?
- Were you part of the parents and caregivers workshop provided in the programme?
- What did you do to show him that he has been given a second chance?
- What makes you think that the support you have given was enough?

**5. How have parents interpreted their roles and responsibilities in the diversion programme, and how do their interpretations relate to the legislative framework?**

- Did you consent to diversion programme?
- Do you monitor the good behaviour of the child as per the behaviour order?
- Do you monitor school attendance order?
- Do you monitor family time order?
- Do you monitor reporting order?

**6. What are the perceptions of social workers on their support services rendered to the parents, caregivers and children?**

- What support services given to parents and caregivers to strengthen the ability of family members to provide care and support to each other ?
- What knowledge was given to parents and caregivers to enable them to understand more about diversion programme?
- What are the social workers experiences in working with families of reoffenders?
- Do social workers consider level of monitoring diversion programme effective?
- Does the community of Amajuba District ready to accept the offenders back?